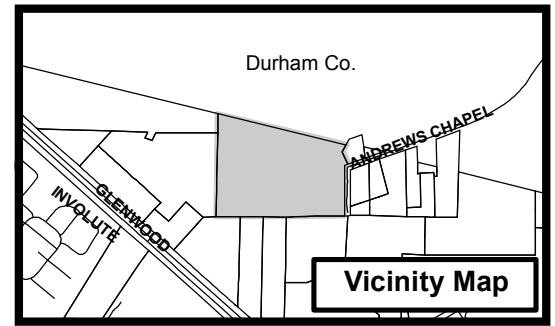
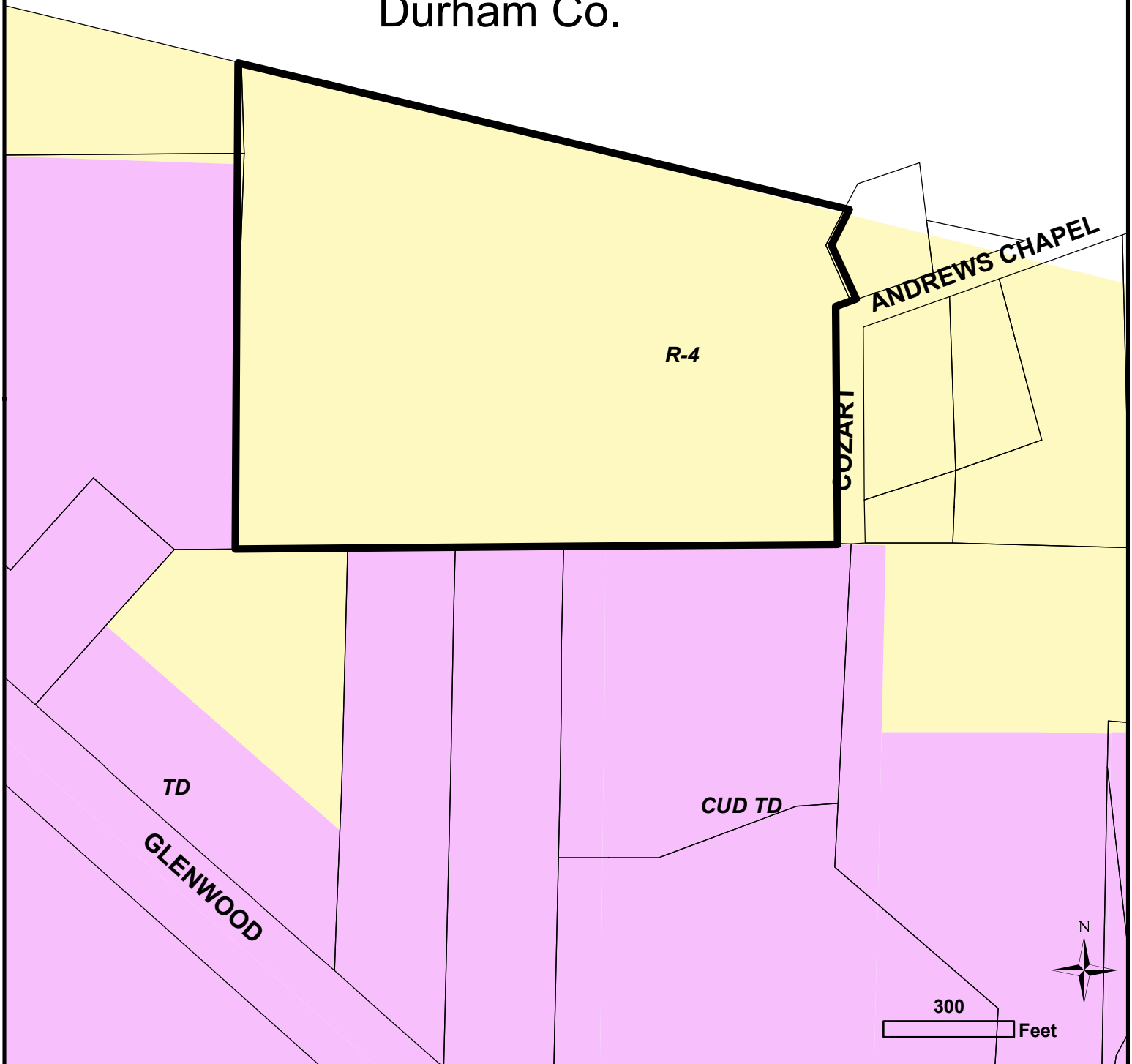


**Existing Zoning Map  
Case Number: Z-15-11**



Durham Co.



**Request:**

**27.51 ac from R-4 to R-15 CUD**

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



## Certified Recommendation

Raleigh Planning Commission

CR# 11464

### Case Information: Z-15-11 Andrews Chapel Road

<i>Location</i>	West side, east of Glenwood Avenue
<i>Size</i>	27.51 acres
<i>Request</i>	Rezone property from Residential-4 to Residential-15 CUD

### Issues and Impacts

<i>Outstanding Issues</i>	<ul style="list-style-type: none"> <li>Inconsistency with several Comprehensive Plan policies</li> <li>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.</li> <li>Inadequate infrastructure provision</li> <li>Provision of transit easement and Traffic Impact Analysis</li> <li>Greenway easement provision</li> </ul>	<i>Suggested Conditions</i>	<ul style="list-style-type: none"> <li>Conditions to provide an appropriate transition and/or buffer to adjacent single family residential.</li> </ul>
<i>Impacts Identified</i>	<ul style="list-style-type: none"> <li>Utility service not provided by City of Raleigh</li> <li>Potential increase in traffic</li> <li>Increased transit ridership</li> </ul>	<i>Proposed Mitigation</i>	<ul style="list-style-type: none"> <li>Traffic Impact Analysis</li> <li>Transit easement</li> </ul>

### 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 &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. That the applicant is no longer interested in pursuing this rezoning process with the City of Raleigh</li> <li>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</li> </ol>
<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	5/22/12	Date
Planning Director		Planning Commission Chairperson	

Staff Coordinator: Dhanya Sandeep [dhanya.sandeep@raleighnc.gov](mailto:dhanya.sandeep@raleighnc.gov)

### Attachment:

Applicant's Letter Requesting Denial  
Staff Report



# Zoning Staff Report – Z-15-11

## Conditional Use District

### Request

<i>Location</i>	West side, east of Glenwood Avenue
<i>Request</i>	Rezone property from Residential-4 to Residential-15 CUD
<i>Area of Request</i>	27.51 acres
<i>Property Owner</i>	Creekwood Highway 70 Alexander LLC
<i>PC Recommendation Deadline</i>	May 31, 2012

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4	Residential-15 CUD
<i>Additional Overlay</i>	None	None
<i>Land Use</i>	Undeveloped	Multi-family residential
<i>Residential Density</i>	110 DU	385 DU

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Durham zoning - RR	R-4, TD & TD CUD	R-4	R-4 & TD CUD
<i>Future Land Use</i>	NA	Office & res. mixed use	Moderate density residential	Moderate density res. and Office & res. mixed use
<i>Current Land Use</i>	Forestry farm, vacant	Vacant, commercial	Single-family homes	Forestry farm, vacant

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Moderate Density Residential
<i>Area Plan</i>	None apply
<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 3.3 Annexation Agreements Policy LU 3.4 Infrastructure Concurrency Policy LU 4.5 Connectivity Policy LU 5.6 Buffering Requirements Policy PU 1.1 Linking Growth and Infrastructure Policy PU 1.3 Infrastructure Standards for Development

## Contact Information

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

## Case Overview

The subject property is located to the west of Andrews Chapel Road, east of Glenwood Avenue, adjacent to the Durham/Wake County boundary line. Approximately 27.51 acres is being requested to be rezoned from Residential-4 to Residential-15 CUD. This general area is largely characterized by rural/low density residential uses and vacant land. The rezoning seeks to increase residential density on the site. The request is consistent with the Future Land Use map but is inconsistent with several policies of the Comprehensive Plan. The proposed conditions defer development of the property until utilities have been provided (with the exception of wells and septic tanks), and limit residential density to 14 DU/acre.

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

### Existing V. Proposed Density/Use Comparison Table

	<b>Existing R-4</b>	<b>Proposed R-15 CUD</b>
<i>Residential Density</i>	110 units	385 units
<i>Setbacks</i>	Front – 30' Side – 10' Corner Lot – 20' Rear – 30'	Front – 20' Side – 5'(agg 15') Corner Lot – 20' Rear – 20'
<i>Max. Building Height</i>	Not specified (Code std. max. 40 feet applies)	Not specified (Code std. max. 40 feet applies)
<i>Office Use</i>	Not specified	Not permitted
<i>Retail Use</i>	Not specified	Not permitted

## 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 consistent with the recommendations of the Future Land Use map. The site is designated for moderate density residential uses that permit up to 14 DU/acre. The proposed conditional use rezoning request seeks Residential-15 zoning, while limiting the

density to 14 DU/acre. Thus, the proposed request is consistent with its future land use map designation.

## **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 applicants have provided a condition that defers development until utility service has been provided. This is inconsistent with intent of Comprehensive Plan policies LU 3.3 *Annexation Agreements* and LU 3.4 *Infrastructure Concurrency*. 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 proposed request seeks to increase the allowable residential density on the site from 4 DU/acre to 14 DU/acre. This increased density is likely to have infrastructure impacts especially on transportation and public utilities. The site has direct access only through Andrews Chapel Road, which is primarily a residentially serving collector street.

Per the inter-local agreement, this site is designated to receive water and sewer and other services from Durham and is subject to future annexation by Durham. The city of Raleigh will not provide utilities to this property. If rezoned as requested, no development can occur on the property until utilities are extended. 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 ETJ, although it is 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 3.3 Annexation Agreements**

Support and honor current annexation agreements between the City of Raleigh and neighboring jurisdictions that essentially apportion the remaining unincorporated land within Wake County.

### **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. Under this agreement this site is designated to receive water and sewer and other services from Durham at time of annexation by Durham. Hence, supporting and honoring this inter-local agreement, the city of Raleigh will not provide utilities to this property.

**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 inconsistent with this policy. The proposed rezoning would permit higher density on a large site which is limited in access and lacks inter-connectivity to adjacent lots and development.

**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.

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

**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.

**1.3 Area Plan Guidance**

None apply.

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

The property is currently zoned Residential-4 and located in an area predominantly characterized by rural/ low density residential uses and vacant land. The properties to the immediate north and northeastern edges located in Durham and Wake County respectively are designated for low-medium density residential uses. The properties to the immediate east are zoned Residential-4 and has several single-family homes. The proposed rezoning seeks higher density residential uses for a property that abuts

properties with predominantly rural/low density residential character. As long as the single-family homes in this vicinity remain in use, the proposed request could lend compatibility issues. To address potential compatibility issues, the applicant should consider including additional conditions for buffering and transitioning along the low density residential edges to the east. Traffic impacts from limited access to the site should also be evaluated to ensure that the low density residential uses are not negatively impacted.

### **3. Public benefits of the proposed rezoning**

The applicant notes that 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 most appropriate for higher density uses. Rezoning the entire tract to R-15 CUD will make it more suitable for developing with higher densities providing more housing options for this growth area of the city.

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 such time when the City of Durham will plan to annex and extend services to this property, the rezoning will have no immediate public benefits. Additionally, as long as the predominant rural character of the area prevails, the proposed rezoning will lend compatibility issues with the adjacent low density uses to its east. The site is limited in access from Andrew Chapel Road which lacks connectivity to other arterial streets. While additional density over the long term is desirable in this area, it can be supported only after adequate infrastructure is put in place.

### **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, in keeping with the terms of the adopted inter-local agreement, is subject to be annexed and rezoned by the City of Durham. Additionally, the following detriments can be associated with this rezoning:

- Rezoning to provide higher density 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.
- The proposed rezoning would create compatibility issues with the predominantly rural/low density residential character of the area.

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

[Discuss to the extent that a relevant planning conclusion can be made on the basis of input from other departments or information contained within the application. For residential projects, note current WCPSS base school assignments for the property, as well as current membership/capacity ratio (this can be found on the shared drive). Can also note whether additional information (such as traffic impact study) may be needed.]

#### **5.1 Transportation**



<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>			
Andrews Chapel Road	Collector Street	N/A	N/A			
Cozart Road	Minor Residential Street	N/A	N/A			
<b>Street Conditions</b>						
<u>Andrews Chapel Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	20'	None	60'	None	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalk on one side	N/A
Meets City Standard?	YES	NO	NO	YES	NO	N/A
<u>Cozart Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	substandard gravel street	18'	None	56'	None	None
City Standard	2	26'	Back-to-back curb and gutter section	45'	minimum 5' sidewalks on one side	N/A
Meets City Standard?	NO	NO	NO	YES	NO	N/A
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	87	192	105			
PM PEAK	114	229	115			
<b>Suggested Conditions/ Impact Mitigation:</b>			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 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-14-11. The applicant may wish to describe how the site will be accessed and provide information on the planned internal street network on the subject property. Please contact Bowman Kelly at (919)516-2160 to arrange a scoping meeting for the TIA at your earliest convenience.			
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: The increase in residential density in this location could negatively impact traffic volumes. A Traffic Impact Analysis is recommended.

### 5.2 Transit

This area is currently not served by transit.

A 15' x 20' Transit easement is recommended.

### 5.3 Hydrology

<i>Floodplain</i>	FEMA Floodplain present on site.
<i>Drainage Basin</i>	Little Briar
<i>Stormwater</i>	Subject to Part 10, Chapter 9

<i>Management</i>	
<i>Overlay District</i>	none

Impact Identified: FEMA Floodway and Floodplain are present on the site. Neuse River Buffers are present on the site. Site is subject to Part 10, Chapter 4, Floodplain Regulations. Site is subject to Part 10, Chapter 9, Stormwater Control Regulations. A portion of this site is located within Durham County.

#### **5.4 Public Utilities**

	<b><i>Maximum Demand (current)</i></b>	<b><i>Maximum Demand (proposed)</i></b>
<i>Water</i>	55,020 gpd	216,641 gpd
<i>Waste Water</i>	55,020 gpd	216,641 gpd

An additional 161,621 gpd would be generated by the proposed rezoning request. 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.

Impact Identified: The City of Raleigh will not be providing Utility service to this site.

#### **5.5 Parks and Recreation**

A tributary of Brier Creek traverses the western portion of this tract. This tributary is included in the Capital Area Greenway Master Plan. The minimum greenway width of this corridor is 50' on each of side of the stream measured from the top of bank. There are no park search areas in the vicinity of the subject tract Brier Creek Community Center provides the recreation services for this area. The proposed rezoning will increase the recreation level of service for this site.

Impact Identified: The applicant is required to dedicate a greenway easement at the time of site plan or subdivision approval.

#### **5.6 Urban Forestry**

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.
- The applicant is required to dedicate a greenway easement at the time of site plan or subdivision approval.
- Potential increase in traffic.
- Potential increase in transit ridership.

#### **5.10 Mitigation of Impacts**

- Traffic Impact Analysis
- Transit Easement
- Greenway easement

### **6. Appearance Commission**

This case is not subject to Appearance Commission review.

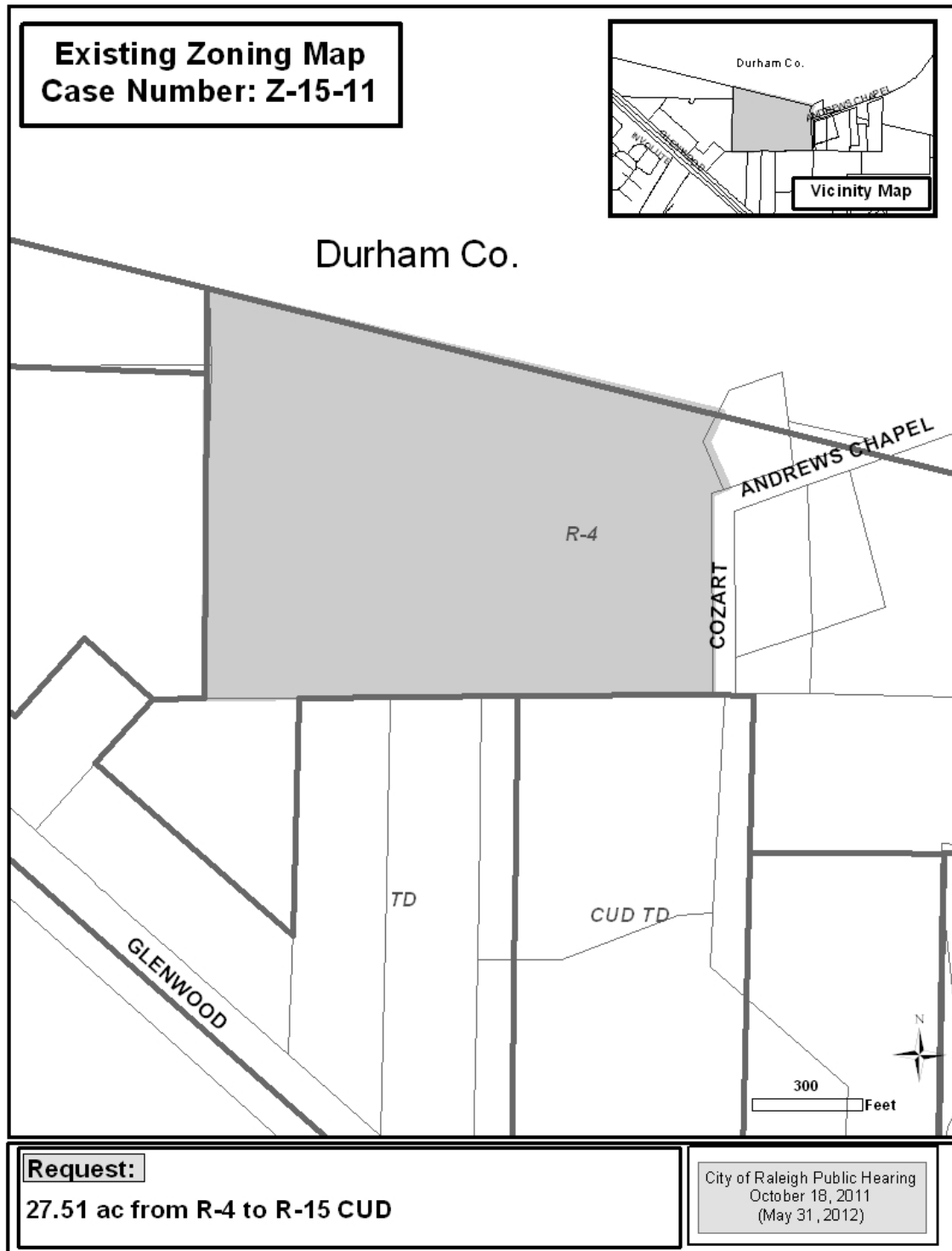
### **7. Conclusions**

The request is consistent with the Future Land Use map designation and but inconsistent with several other Comprehensive Plan policies. The site is designated to be annexed and rezoned by the City of Durham. Until such time when the City of Durham will plan 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. The site is limited in access from Andrew Chapel Road which lacks connectivity to other arterial streets. While additional density over the long term is desirable in this area, it can be supported only after adequate infrastructure is put in place.

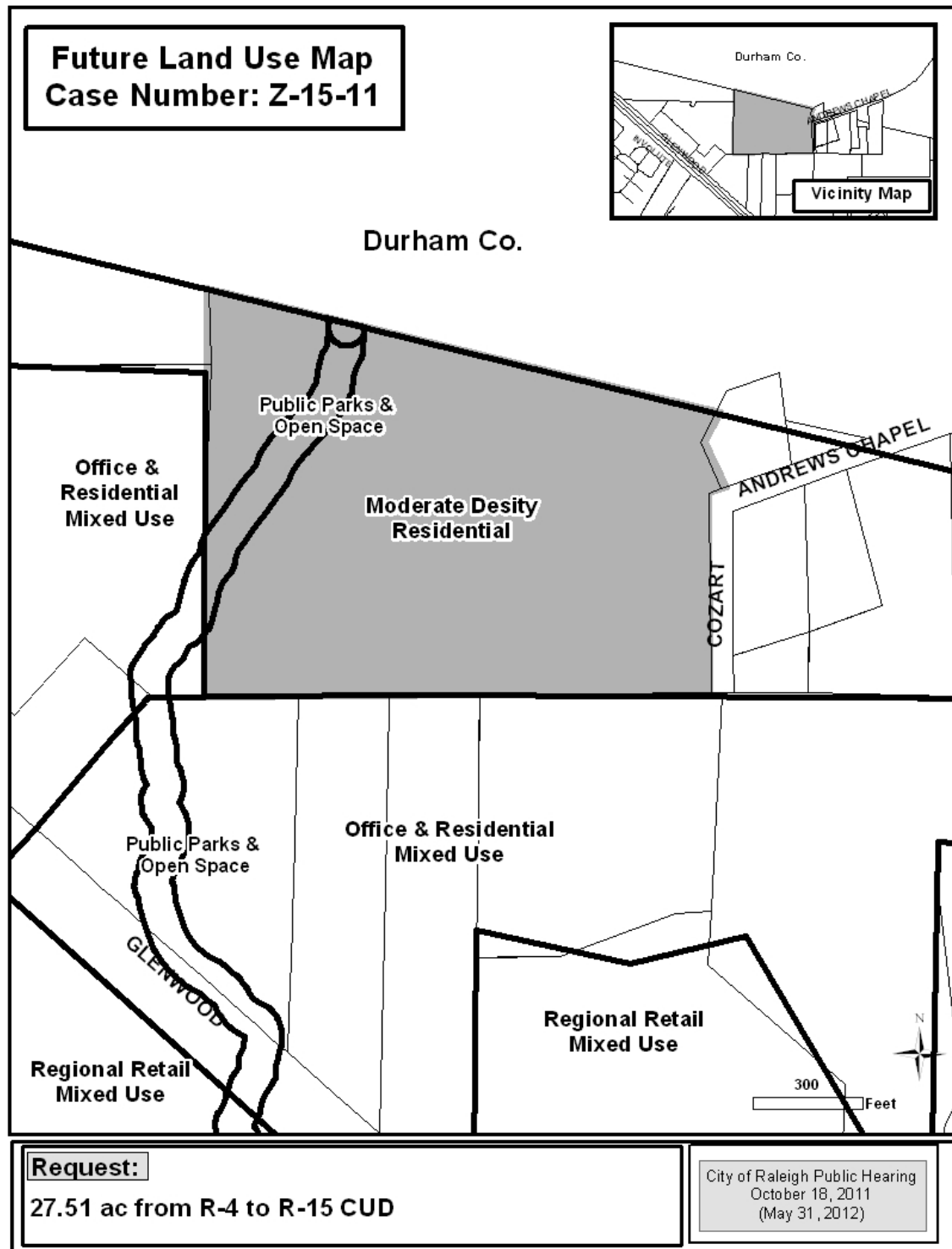
### **Outstanding Issues**

- Inconsistency with several 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 transit easement and Traffic Impact Analysis
- Provision of greenway easement

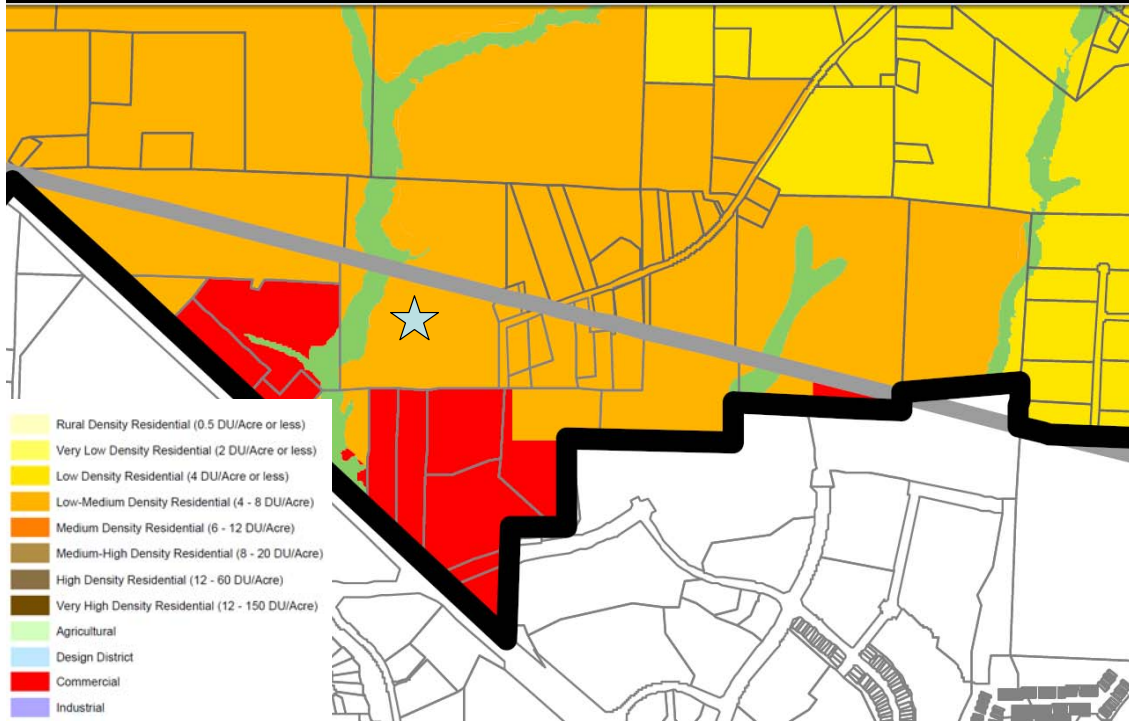
## Existing Zoning Map



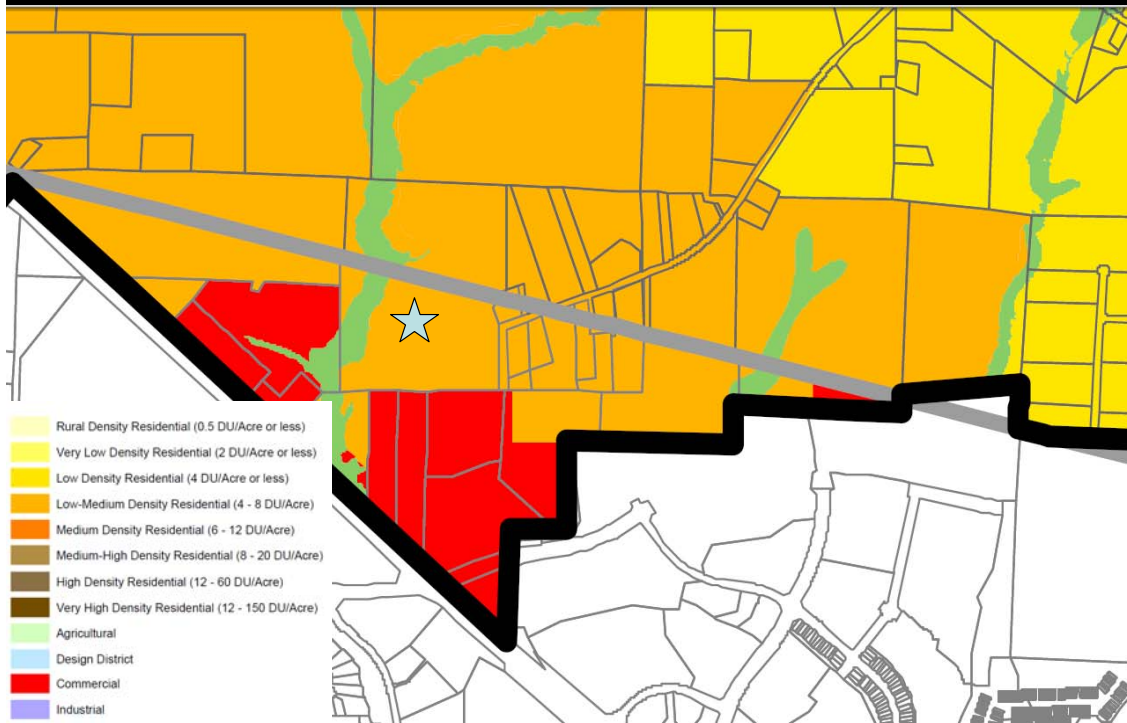
## Future Land Use Map



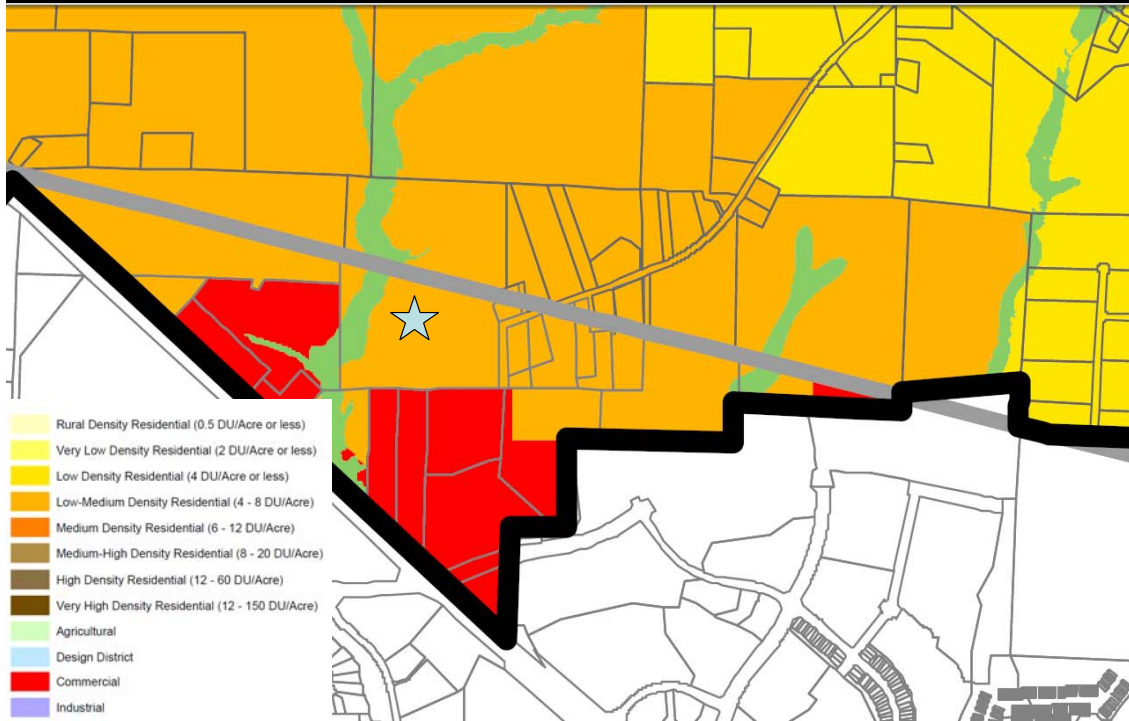
# Durham Land Use Plan



## Durham Land Use Plan



## Durham Land Use Plan







## Petition to Amend the Official Zoning Map

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

2-15-11  
pd by CLK# 1090  
# 106400  
CITY OF RALEIGH  
CITY PLANNING DEPT  
2011 JUN 13 PM 4:03

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

# 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: <u>Michael J. Tanti</u>	Print Name <u>Michael Tanti</u> <u>Creekwood Highway 70 Alexander LLC</u>	Date <u>June 17, 2011</u>

# EXHIBIT B. Request for Zoning Change

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

## Contact Information

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

## Property information

<b>Property Description (Wake County PIN)</b>	0769213367
<b>Nearest Major Intersection</b>	TW Alexander and Glenwood Ave.
<b>Area of Subject Property (in acres)</b>	27.51 Acres
<b>Current Zoning Districts (include all overlay districts)</b>	R-4
<b>Requested Zoning Districts (include all overlay districts)</b>	R-15 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.

Name	Street Address	City/State/Zip	Wake Co. PIN
<b>SEE ATTACHED B-1.</b>			

## EXHIBIT B-1

Seventy West LLC  
PIN 0768-29-0724  
P. O. Box 12165  
Raleigh, NC 27605-2165

Seventy West LLC  
PIN 0768-29-2671  
P. O.Box 12165  
Raleigh, NC 27605-2165

AIS Forestry & Farming LLC  
PIN 0769-01-4688  
319 Chapanoke Rd Ste 102  
Raleigh, NC 27603-3433

Seetha Bashyam  
PIN 0769-10-6298  
1417 Elberon Pl  
Raleigh, NC 27609-4009

Creekwood Highway 70 Alexander LLC  
PIN 0769-11-1061  
4949 Westgrove Dr Ste 100  
Dallas, TX 75248-1949

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

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

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

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

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

Jullan C & Sandra E George  
PIN 0769-31-1202  
1032 Andrews Chapel Rd.  
Durham, NC 27703-8953

AIS Forestry & Farming LLC  
PIN 0769-02-8047  
319 Chapanoke Rd  
Raleigh, NC 27603

AIS Forestry & Farming LLC  
PIN 0769-03-9342  
319 Chapanoke Rd  
Raleigh, NC 27603

AIS Forestry & Farming LLC  
PIN 0769-33-2232  
319 Chapanoke Rd  
Raleigh, NC 27603

Bobby M. Clayton Jr. & Judy H. Clayton  
PIN 0769-31-4764  
3011 University Station Rd.  
Durham, NC 27705

John and Andrea Schell  
PIN 0769-31-2640  
1014 Andrews Chapel Rd.  
Durham, NC 27703

Creekwood Highway 70 Alexander LLC  
PIN 0769-21-4854  
4949 Westgrove Dr Ste 100  
Dallas TX 75248-1949

Z-15-11

# EXHIBIT C. Request for Zoning Change

CITY OF RALEIGH  
CITY PLANNING DEPT

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

2011 SEP 12 PM 12: 26

Conditional Use District requested: R-15 CUD

Narrative of conditions being requested:

1. Residential density shall not exceed fourteen (14) units per acre.
2. No development, other than that permitted by the R-4 District of the Code of 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 as any development prior thereto must utilize wells and septic tanks.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
By: <u>Michael Alexander</u>	<u>Creekwood Highway 70 Alexander LLC</u>	<u>Sept. 12, 2011</u>

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## EXHIBIT D. Request for Zoning Change

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

### **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](http://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 uses shown on the FLUM are moderate density residential permitting 7-14 dwelling units per acre. With conditions as set forth in Exhibit C, the proposed map amendment is consistent with the FLUM.*

- B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

*The property is not subject to any Area Plans or other City Council adopted plans, although it is governed by the Raleigh-Durham Annexation Agreement.*

- 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 Comprehensive Plan and specifically the following Comprehensive Plan policies:*

*LU2.2 Compact Development. Prospective redevelopment will promote compact land use which will support efficient use of transportation and public services.*

## EXHIBIT D. Request for Zoning Change

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

**LU 1.2 Interior Land Use Map and Zoning.** *The proposed map amendment conditioned at 14 dwelling units per acre is consistent with the FLUM recommending Moderate Density Residential.*

**LU 2.3 Cluster Development.** *The proposed rezoning would accommodate cluster development with open spaces.*

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

**LU 5.6 Buffering Requirements.** *New development will provide effective physical buffers to low intensity single-family housing.*

**LU 8.1 Housing Variety.** *New development will add to the housing variety in the area.*

**LU 41.8 Zoning for Housing.** *The map amendment will allow for new development for housing.*

**PH 5.4 Discharge Control Methods.** *New development will apply stormwater control methods which regulate discharge and are environmentally and aesthetically acceptable.*

**UD 2.1 Building Orientation.** *Buildings shall be erected along streets/drives to provide an active and engaging public realm.*

**UD 3.7 Parking Lot Placement.** *New parking lots will be located primarily to the sides or rears of buildings.*

**UD 4.1 Improving Pedestrian Safety.** *New development will improve pedestrian safety through landscaping and streetscape improvements.*

**UD 5.3 Improving Neighborhood Connectivity.** *An offer of cross access will improve connectivity.*

### **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):**

*Most of the surrounding property is undeveloped; however, there is some single family development on large lots along Andrews Chapel Road to the east of the subject property.*

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

*The surrounding property includes the following zoning and uses:*

*North – RR (Durham) forestry-farm, vacant*

*East – RR (Durham) single family 1-2 story; R-4 (Wake) single family 1-2 story*

*South – CUD TD vacant, and commercial 1 story, R-4 vacant*

*West - CUD TD vacant, R-4 forestry-farm*



**EXHIBIT D. Request for Zoning Change**

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

- 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 map amendment providing for continued residential uses is compatible with the surrounding residential area.*

**III. Benefits and detriments of the proposed map amendment.**

- A. For the landowner(s):

*The proposed map amendment is beneficial to the landowner in that it will allow development of a higher density than currently permitted.*

- B. For the immediate neighbors:

*The proposed map amendment is beneficial to the immediate neighbors in that it will provide an opportunity for a more appropriate land use for the property given the proximity to major thoroughfares, the Brier Creek retail and employment opportunities and the RDU Airport.*

- C. For the surrounding community:

*The proposed map amendment is beneficial to the surrounding community in that it will allow the property to be zoned in accordance with the Comprehensive Plan.*

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

*The rezoning would allow more density for the property than would be permitted upon surrounding properties without rezoning.*

# EXHIBIT D. Request for Zoning Change

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

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

*The proposed map amendment is reasonable and in the public interest as it will permit the development of higher density residential uses to support a growing population in compliance with the Comprehensive Plan.*

## 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.

*When the property was last zoned, the area was mostly an undeveloped, low density rural area. Raleigh has developed considerably since then, placing major roads, shopping areas and employment centers nearby.*

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

*The public has a need for more property to be zoned for higher residential density, especially when located in proximity to major thoroughfares, mass transit, and the airport.*

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

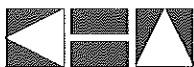
*The Conditions in Exhibit C prohibit development until public utilities are available.*

- 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 the NC enabling legislation by allowing more residential density which will facilitate the more efficient use of mass transit and other public services and will encourage the most appropriate use of the property.*

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

2-15-11



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 – 27.51 Acre Rezoning  
Raleigh, North Carolina

Dear Mr. Lamb:

Kimley-Horn and Associates, Inc. has reviewed the traffic generation potential for the proposed rezoning of 27.51 acres of the Tonti Tract located north of US 70 and TW Alexander Drive in Raleigh, North Carolina. The property is currently zoned R-4 and is proposed to be rezoned to R-15 with a condition limiting the density to 14 units/acre.

### ***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 110 single-family dwelling units (27.51 acres at 4 units/acre) and that the proposed zoning would allow up to 385 apartments (14 units/acre).

Table 1 ITE Trip Generation Comparison									
Land Use	Size	ADT		AM			PM		
		In	Out	Total	In	Out	Total	In	Out
Existing Zoning									
Single Family	110 d.u.	568	568	87	22	65	114	72	42
Proposed Zoning									
Apartments	385 d.u.	1,229	1,229	192	38	154	229	149	80
Difference (Proposed – Existing)		661	661	105	16	89	115	77	38

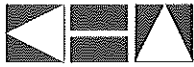


Table 1 shows that when compared to the existing zoning, the proposed rezoning has the potential to result in a net increase of 1,322 trips during a typical weekday (661 entering, 661 exiting), 105 trips during the AM peak hour (16 entering, 89 exiting), and 115 trips during the PM peak hour (77 entering, 38 exiting).

It should be noted that the proposed density of 14 units/acre is consistent with the City of Raleigh Comprehensive Plan, which calls for moderate density residential on this tract.

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

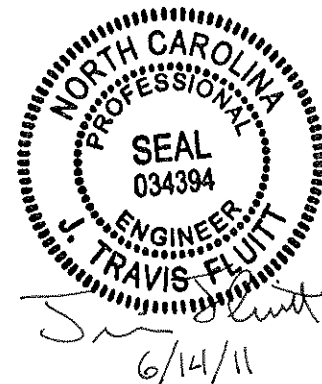
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Travis Fluitt".

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 27.51 acres located in the jurisdiction of the City of Raleigh with an address of 1020 Andrews Chapel Road, Durham, NC 27703 (Note: The remainder of this tract contains approximately 25.57 acres located in Durham County).

Dear Ms. Sandeep:

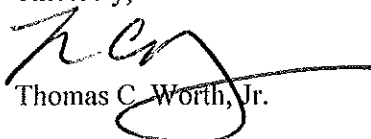
The Neighborhood Meeting was held on Wednesday, June 1, 2011 at 7:30 PM at the Brier Creek Community Center, Room C, 10810 Globe Road, Raleigh, NC 27617 to discuss the proposed rezoning of the subject property located at 1020 Andrews Chapel Road, Durham, NC 27703. In addition to the undersigned and Mr. Ben Williams of the Priest Craven Engineering Firm there were 5 (five) neighbors or neighbor representatives in attendance as confirmed upon the attendance list attached hereto and incorporated herein.

The attendees were informed of the proposed conditions involving rezoning from R-4 to R-15 CUD (limited by a proposed Condition to 14 dwelling units per acre) and the requirement that public utilities be available to the property prior to its development. The unusual history of this property and the properties adjacent thereto was well known to the attendees, specifically regarding the fact that this property will ultimately be annexed into the City of Durham at sometime in the future per agreement between the City of Raleigh and the City of Durham. This history was reviewed.

The substantive discussion centered upon presently proposed and potential road networks upon and in proximity to the property and also to possible scenarios for the provision of public utilities to this property. The requirement by a proposed Condition that public utilities be available to the property prior to its development was discussed.

In summary the discussions centered upon prospective road networks and prospective public utilities.

Sincerely,

  
Thomas C. Worth, Jr.

TCWjr/dsw  
Enclosure

2-15-11  
27.51 AC

# ATTENDANCE AT NEIGHBORHOOD MEETING

Box 27.51 Acres / 1020 Andrews Chapel  
Rural, Durham, NC 27703  
June 1, 2011

NAME	ADDRESS	PHONE #
Jim Worth	Street: Email:	
CARLTON ASHBY	Street: Email:	
Connie Ashby	Street: 6912 Penny Rd. Rd, 27606 Email: carltonashby@hotmail.com	
MIKE STEWART	Street: Email: STEWARTAC@aol.com	
Matt Stephens	Street: Email: mattstephens@bellsouth.net	
RANDY KING	Street: RANDY.KING@pulte.com Email:	
	Street: Email:	
	Street: Email:	
	Street: Email:	
	Street: Email:	
	Street: Email:	