

CITY OF RALEIGH

Z-18-08

**R-4
&
R-4
w/SHOD-1**

to

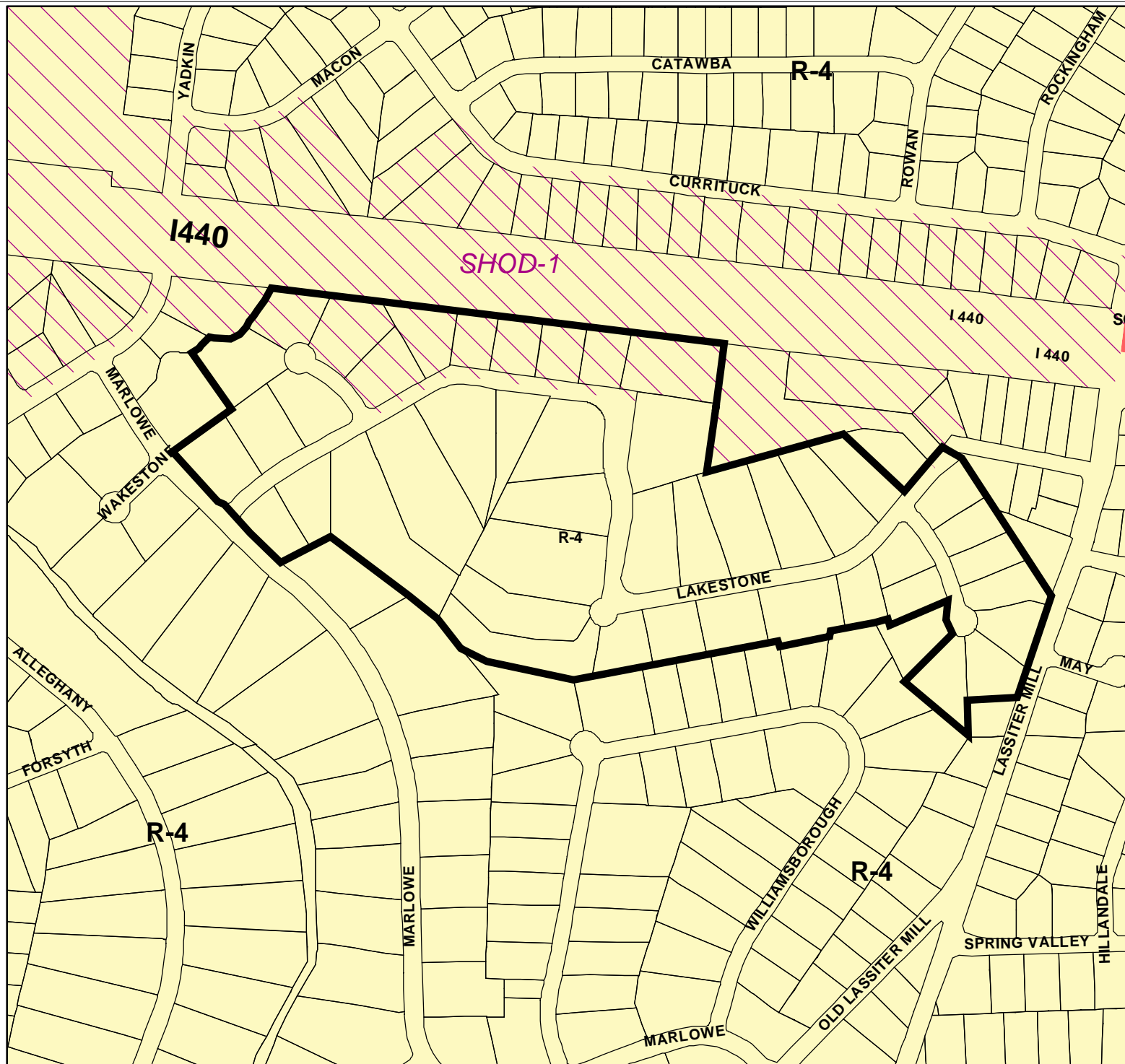
**R-2
&
R-2
w/SHOD-1**

49.39 acres

Public Hearing
April 15, 2008
(Aug 13, 2008)

490

Feet





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.

☒ The subject property and the surrounding properties were originally developed consistent with, and continue to be consistent with, an R-2 zoning classification, rather than the existing R-4 zoning classification. Therefore, the current R-4 zoning classification is not consistent with and is not appropriate for the subject parcels.

3. That the requested zoning change is or will be in accordance 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:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) 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.

Please check boxes
where appropriate

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.

Signature(s)
See attached list

Date:
11/19/2007

Please type or print name(s) clearly:

Newton B. Griffin
Newton B. Griffin

Betty S. Griffin
Betty S. Griffin

Edmond W. Caldwell, Jr.
Edmond W. Caldwell, Jr.

Julia T. Caldwell
Julia T. Caldwell

David B. Fountain
David B. Fountain

Lucy V. Fountain
Lucy V. Fountain

Roy Bruce Thompson, II.
Roy Bruce Thompson, II.

Heather M. Thompson
Heather M. Thompson

Michael L. Carter
Michael L. Carter

Jean Gordon Carter
Jean Gordon Carter

Jacqueline A English
JACQUELINE A ENGLISH

~~Walton K. Joyner~~ GREGORY English
Executor for Nancy P. Holloway

John D. Foust
John D. Foust

Betty S. Foust
Betty S. Foust

T. Murray Williams
T. Murray Williams

Mishew C. Williams
Mishew C. Williams

Richard D. Tilley
Richard D. Tilley

Fayeson C. Tilley
Fayeson C. Tilley

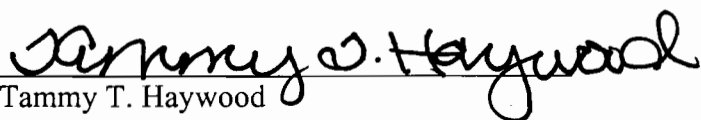
Glenn R. Howell
Glenn R. Howell

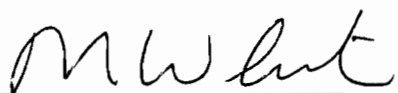
Ann C. Howell
Ann C. Howell

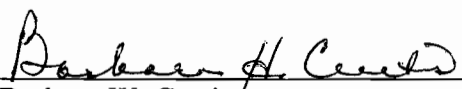
Jane F. Pope
Jane F. Pope

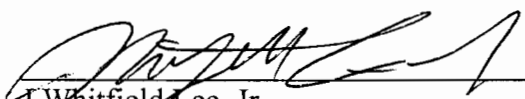
Garland Radford, Jr.
Garland Radford, Jr.


Lee N. Radford
Lee N. Radford



 Tammy T. Haywood

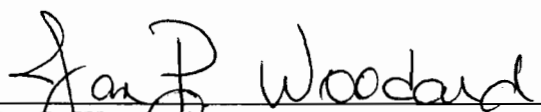

 Donald W. Curtis

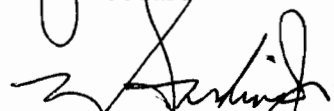

 Barbara W. Curtis

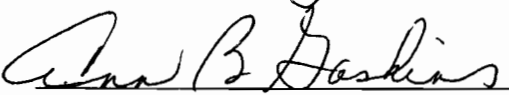

 J. Whitfield Lee, Jr.

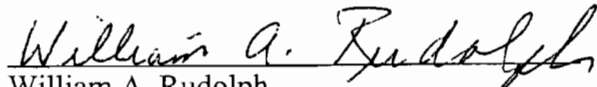

 Anne R. Lee

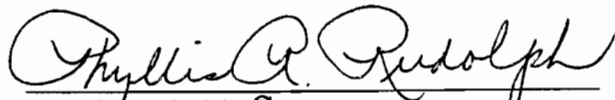


 Thad Woodard


 Jan P. Woodard

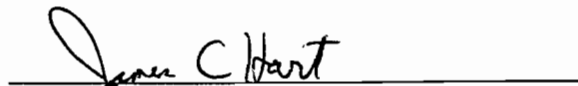

 E. D. Gaskins, Jr.



 Ann B. Gaskins

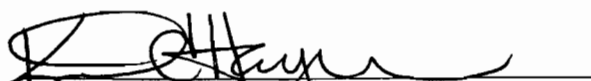

William A. Rudolph


Rudolph, Phyllis 


Mary Louise Biathrow


Dr. James C. Hart


Anne Harvey Hart


Kenneth C. Haywood

John M. Tyrrell
John M. Tyrrell

Wanda B. Tyrrell
Wanda B. Tyrrell

James F. Goodmon
James F. Goodmon

Barbara Ann Goodmon
Barbara Ann Goodmon

James S. Dulaney
James S. Dulaney

Lori L. Dulaney
Lori L. Dulaney

Margaret E. Jones Harvey
Margaret E. Jones Harvey

Timothy P. Lehan
Timothy P. Lehan

Leigh S. Lehan
Leigh S. Lehan

Charles B. Davis, III
Charles B. Davis, III

Clara Coghill Barnes
Clara Coghill Barnes

Rebecca B. Miller
Rebecca B. Miller

2-18-08

Robert E. Howard
Robert E. Howard

Janet L. Howard
Janet L. Howard

Patrick Steele
Patrick Steele

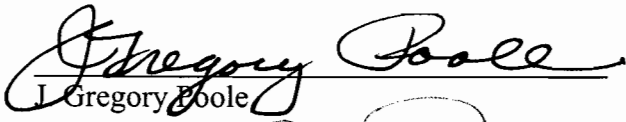
Mary P. Zaytoun Steele
Mary P. Zaytoun Steele

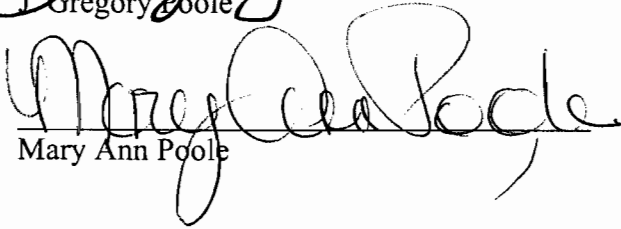
Peggy N. Manly
Peggy N. Manly

Ernie Simons
ERNIE SIMONS

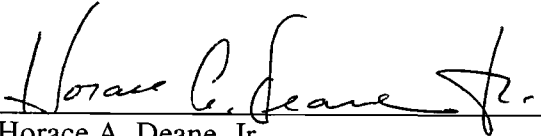
Anne M. Simons
ANNE SIMONS

2-18-08

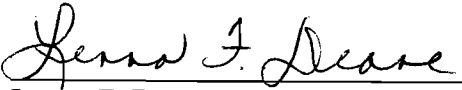

Gregory Poole


Mary Ann Poole

Z-18-08



Horace A. Deane, Jr.



Lerma F. Deane

Include Overlay District(s) if
Applicable. If existing Overlay
District is to remain, please state.

Exhibit B. continued

Office Use Only
Petition No.

2-18-08

8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

(Important: Include PIN Numbers 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 in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
----------	---------------------	-----------------	-------------------

See attached list

3-A: 3B

2-18-08

GRADY, JAMES E & MOLLY A
1401 HATHAWAY RD
RALEIGH NC 27608-1937

NC PIN # 0794984277

KARAM, MICHAEL Q & MARY K
900 WAKESTONE CT
RALEIGH NC 27609-6352

NC PIN # 1705186885

SALEEBY, STEPHEN M & SHERI TRUSTEES
1213 MARLOWE RD
RALEIGH NC 27609-6347

NC PIN # 1705188466

WILLETT, HILDA POPE
WILLETT, HILDA POPE
901 WAKESTONE CT
RALEIGH NC 27609-6352

NC PIN # 1705188649

HALL, WARNER L & ELLEN R JR
4000 YADKIN DR
RALEIGH NC 27609-6333

NC PIN # 1705197174

HOWELL, WALTER BRIAN JR & MISTY P
4004 YADKIN DR
RALEIGH NC 27609-6333

NC PIN # 1705198274

MANNEN, JERRY A & BARBARA O
1304 MARLOWE RD
RALEIGH NC 27609-6350

NC PIN # 1705199004

ROBINSON, CHARLES HALL JR & NANCY W
1209 MARLOWE RD
RALEIGH NC 27609-6347

NC PIN # 1705280313

SPRINGER, CURTIS H III & MARGERY J
1205 MARLOWE RD
RALEIGH NC 27609-6347

NC PIN # 1705281396

MOYE, HOWARD D III & JILL R
PO BOX 20667
RALEIGH NC 27619-0667

NC PIN # 1705283008

JERNIGAN, LEONARD T JR & ELIZABETH
1206 MARLOWE RD
RALEIGH NC 27609-6348

NC PIN # 1705284438

MURRAY, JAMES C & EVELYN B
4008 YADKIN DR
RALEIGH NC 27609-6333

NC PIN # 1705290304

WILLIAMSON, JULIAN R
2305 WHITE OAK RD
RALEIGH NC 27608-1455

NC PIN # 1705290704

MORDECAI, WILLIAM G & PEGGY C JR
921 MACON PL
RALEIGH NC 27609-6326

NC PIN # 1705291729

ISELY, LARSON J & NANCY C
917 MACON PL
RALEIGH NC 27609-6326

NC PIN # 1705292767

PEARCE, MICHAEL G
913 MACON PL
RALEIGH NC 27609-6326

NC PIN # 1705293882

NORTHSTAR DEVELOPMENT GROUP INC
3948 BROWNING PL STE 201
RALEIGH NC 27609-6512

NC PIN # 1705277959

POOLE, J GREGORY III & SARAH L
3609 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6355

NC PIN # 1705279994

MARLOWE, D STEWART & JILL C
PO BOX 20667
RALEIGH NC 27619-0667

NC PIN # 1705286263

LILYQUIST, MARVIN R
755 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705296880

JOHNSON, MARY LOU TRUSTEE
751 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705297760

STUTTS, ERIC J & SHANA
749 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705299606

POOLE, J GREGORY JR & MARY ANN D
3620 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6356

NC PIN # 1705380068

WILLIAMS, J BLOUNT & DARGAN M
3612 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6356

NC PIN # 1705383057

JONES, DOUGLAS H & CYNTHIA C
3608 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6356

NC PIN # 1705384068

SLOAN, ORRIS TEMPLE III
SLOAN, REBECCA COX
3604 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6356

NC PIN # 1705385161

TYLER, E RUNYON III & LEAH G
3600 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6356

NC PIN # 1705386173

RAMSEUR, ROBERT J JR & AMANDA LONG
3520 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6354

NC PIN # 1705387185

TURNER, FRANK J
2528 WHITE OAK RD
RALEIGH NC 27609-7614

NC PIN # 1705389106

LAWRENCE, ANGELA S
745 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705390635

NORRIS, HUBERT D III & JENNIFER K
741 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705391634

SHARPE, SEAN R
737 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705392623

2-18-08
BARNHART, CHRISTOPHER G
CZARNETZKY, SUZANNE MARIE
733 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705393622

HAYES, WILLIAM E
729 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705394631

MILLER, JOHN N & BETTY U
725 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705395620

WILLIAMS, RONALD ETAL
WILLIAMS, CAROLYN SC/O VIRGINIA F W
C/O VIRGINIA F WILLIAMS
721 CURRITUCK DR

NC PIN # 1705396536

HAMLIN, WILLIAM F JR & CHRISTINE H
PO BOX 592
GARNER NC 27529-0592

NC PIN # 1705397030

BRIDGEMAN, DAVID ANDREW
717 CURRITUCK DR
RALEIGH NC 27609-6319

NC PIN # 1705397577

WARREN, ROBERT S JR & BEVERLY W
3504 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6354

NC PIN # 1705472965

CLARK, KENNETH F III & CARSON J
3727 LASSITER MILL RD
RALEIGH NC 27609-7042

NC PIN # 1705474859

HIGHSMITH, WILBUR E & DEBORAH M
3732 LASSITER MILL RD
RALEIGH NC 27609-7043

NC PIN # 1705476981

STONE, ARTHUR C & CAROLYN T
3512 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6354

NC PIN # 1705480155

MAJORS, HELEN P
3508 WILLIAMSBOROUGH CT
RALEIGH NC 27609-6354

NC PIN # 1705481057

STOUT, CHARLES WAYNE
3731 LASSITER MILL RD
RALEIGH NC 27609-7042

NC PIN # 1705484093

HUDSON, DONNA G
511 LAKESTONE DR
RALEIGH NC 27609-6337

NC PIN # 1705485706

CHANG, DAVID D & SAUNDRA H
3745 LASSITER MILL RD
RALEIGH NC 27609-7042

NC PIN # 1705486567

BOONE, DOROTHY S
3801 LASSITER MILL RD
RALEIGH NC 27609-7044

NC PIN # 1705486697

BOONE, ROBERT PAUL & SARA M
401 LAKESTONE DR
RALEIGH NC 27609-6360

NC PIN # 1705486715

WHG INC
201 S SALEM ST
APEX NC 27502-1824

NC PIN # 1705486958

MOORE, PATRICK R & KAY V
3736 LASSITER MILL RD
RALEIGH NC 27609-7043

NC PIN # 1705487001

KILBURN, MARY B
409 MAY CT
RALEIGH NC 27609-7049

NC PIN # 1705487142

SHERRON, CAROLYN HONEYCUTT TRUSTEE
408 MAY CT
RALEIGH NC 27609-7049

NC PIN # 1705487279

WARREN, GLENN A & ALISON S
401 LAKESTONE DR
RALEIGH NC 27609-6360

NC PIN # 1705487726

MUTTER, CABEL R
3748 LASSITER MILL RD
RALEIGH NC 27609-7043

NC PIN # 1705488423

LAKESTONE LLC
1411 W GARNER RD
GARNER NC 27529-3029

NC PIN # 1705490150

JONES, GENE A JR & BENJI TAYLOR
510 LAKESTONE DR
RALEIGH NC 27609-6338

NC PIN # 1705493030

WHG INC
201 S SALEM ST
APEX NC 27502-1824

NC PIN # 1705494022

WHG INC
201 S SALEM ST
APEX NC 27502-1824

NC PIN # 1705495011

WHG INC
201 S SALEM ST
APEX NC 27502-1824

NC PIN # 1705495070

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No. Z-18-08
Date Filed: 11/19/07
Filing Fee: pd 506.00 by CLK #22048

Please use this form only – form may be photocopied. Please type or print

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>See attached list - Z-A</u>		<u>919/832-3915</u>
2) Property Owner(s):	<u>See attached list Z-B</u>		
3) Contact Person(s):	<u>Kenneth C. Haywood</u>	<u>PO Drawer 1429</u>	<u>919/832-3915</u>
	<u>Boxley, Bolton,</u>	<u>Raleigh, NC 27602</u>	<u>khaywood@</u>
	<u>Garber & Haywood, LLP</u>		<u>bbqhlaw.com</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>See attached list</u>		
	General Street Location (nearest street intersections): <u>West side of intersection of</u> <u>Lassister Mill Rd and Lakestone and Marlow Road;</u>		
5) Area of Subject Property (acres):	<u>50.73</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>Residential -4; Special Highway Overlay District -1 on properties adjacent to I-440</u>		
7) Proposed Zoning District Classification:	<u>Residential -2; Special Highway Overlay District-1 on properties adjacent to I-440</u>		

Rezoning Petition

Form Revised November 1, 2006

Rudolph, William A &
Phyllis C.
3918 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705483764

Biathrow, Mary
Louise
3914 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705484623

Griffin, Newton B &
Betty S.
3910 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705484873

Caldwell, Edmond W
Jr & Julia T
3906 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705485434

Fountain, David B & Lucy V
3900 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705484197

Thompson, Roy Bruce
II & Heather M
3909 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705482452

Carter, Michael L &
Jean Gordon
3913 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705482505

Radford, Garland Jr
& Lee N
600 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705480789

Pope, Jane F
604 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705389772

Lee, J Whitfield Jr &
Anne R
608 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705388638

Gaskins, E D Jr & Ann B
612 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705386694

Woodard, Thad & Jan P
616 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705385640

Curtis, Donald W &
Barbara W
622 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705384517

English, Gregory &
Jacqueline A.
531 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705480482

Deane, Horace A Jr &
Lenna F
601 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705388397

Foust, John D & Betty S
609 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705386363

Williams, T Murray &
Minshew C
615 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705384289

Tilley, Richard D &
Fayeson C
619 Lakestone Dr
Raleigh, NC 27609-6311
PIN 1705383226

Poole, J Gregory J
Poole, Mary Ann
3623 Williamsborough Ct
Raleigh, NC 27609-6355
PIN 1705380215

Howell, Glenn R
Howell, Ann C
623 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705380355

Hart, Anne Harvey &
Hart, Dr. James C.
626 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705384970

Tyrrell, John M & Wanda B
700 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705392177

Haywood, Kenneth C & Tammy T
706 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705391129

Goodmon, James F &
Goodmon, Barbara Ann
719 Lakestone Dr
Raleigh, NC 27609-6341
PIN 1705288982

Dulaney, James S & Lori L
710 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705299281

Harvey, Margaret E
Jones
716 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705298253

Lehan, Timothy P & Leigh S
722 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705297205

Davis, Charles B III
728 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705295173

Barnes, Clara Coghill
4004 Brownstone Ct
Raleigh, NC 27609-6336
PIN 1705294224

Miller, Rebecca B
4008 Brownstone Ct
Raleigh, NC 27609-6336
PIN 1705292360

2-18-68

2-A

Simons, C Ernest Jr
Simons, Anne M
808 Lakestone Dr
Raleigh, NC 27609-6344
PIN 1705281993

Manly, Isaac V
725 Lakestone Dr
Raleigh, NC 27609-6341
PIN 1705286796

Steele, Patrick &
Mary P Zaytoun
809 Lakestone Dr
Raleigh, NC 27609-6343
PIN 1705283720

Howard, Robert E & Janet L
821 Lakestone Dr
Raleigh, NC 27609-6343
PIN 1705282614

Rankin, William C., Jr.
Rankin, Melandie H.
524 Lakestone Dr
Raleigh, NC 27609-6338
PIN 1705481885

Rudolph, William A &
Phyllis C.
3918 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705483764

Biathrow, Mary
Louise
3914 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705484623

Griffin, Newton B &
Betty S.
3910 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705484873

Caldwell, Edmond W
Jr & Julia T
3906 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705485434

Hardison, Mary Lee
3902 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705485362

Fountain, David B & Lucy V
3900 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705484197

Hudson, Miriam M
Hudson, Sam F Jr
3901 Stratford Ct
Raleigh NC 27609-6351
PIN 1705483156

Kenney, Stephen R &
Katherine F
3905 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705482256

Thompson, Roy Bruce
II & Heather M
3909 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705482452

Carter, Michael L &
Jean Gordon
3913 Stratford Ct
Raleigh, NC 27609-6351
PIN 1705482505

Radford, Garland Jr
& Lee N
600 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705480789

Pope, Jane F
604 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705389772

Lee, J Whitfield Jr &
Anne R
608 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705388638

Gaskins, E D Jr & Ann B
612 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705386694

Woodard, Thad & Jan P
616 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705385640

Curtis, Donald W &
Barbara W
622 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705384517

English, Gregory &
Jacqueline A.
531 Lakestone Dr
Raleigh, NC 27609
PIN 1705480482

Deane, Horace A Jr &
Lenna F
601 Lakestone Dr
Raleigh NC 27609-6339
PIN 1705388397

Foust, John D & Betty S
609 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705386363

Williams, T Murray &
Minshew C
615 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705384289

Tilley, Richard D &
Fayeson C
619 Lakestone Dr
Raleigh, NC 27609-6311
PIN 1705383226

Poole, J Gregory J
Poole, Mary Ann
3623 Williamsborough Ct
Raleigh, NC 27609-6355
PIN 1705380215

Howell, Glenn R
Howell, Ann C
623 Lakestone Dr
Raleigh, NC 27609-6339
PIN 1705380355

Alderman, Allison M, Jr.
701 Lakestone Dr
Raleigh, NC 27609-6341
PIN 1705381512

Thorne, Nancy S
2512 Lewiswood Ln
Raleigh, NC 27608-1385
PIN 1705380793

Rivers, David Wayne
Rivers, Elizabeth Campbell
707 Lakestone Dr
Raleigh, NC 27609-6341
PIN 1705381841

Hart, Anne Harvey &
Hart, Dr. James C.
626 Lakestone Dr
Raleigh, NC 27609-6340
PIN 1705384970

Carolina Power & Light Co.
Attn: W H Keith CX1G
P O Box 14042
St. Petersburg FL 33733-4042
PIN 1705394174

Tyrrell, John M & Wanda B
700 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705392177

Haywood, Kenneth C & Tammy T
706 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705391129

Goodmon, James F &
Goodmon, Barbara Ann
719 Lakestone Dr
Raleigh, NC 27609-6341
PIN 1705288982

Dulaney, James S & Lori L
710 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705299281

Harvey, Margaret E
Jones
716 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705298253

Lehan, Timothy P & Leigh S
722 Lakestone Dr
Raleigh, NC 27609-6342
PIN 1705297205

Davis, Charles B III
728 Lakestone Dr
Raleigh NC 27609-6342
PIN 1705295173

Barnes, Clara Coghill
4004 Brownstone Ct
Raleigh, NC 27609-6336
PIN 1705294224

Miller, Rebecca B
4008 Brownstone Ct
Raleigh, NC 27609-6336
PIN 1705292360

Campbell, Herbert Stuart
Campbell, Karen P
4007 Brownstone Ct
Raleigh, NC 27609-6336
PIN 1705291105

Campbell, Thomas H &
Elizabeth S
800 Lakestone Dr
Raleigh, NC 27609-6344
PIN 1705293022

Simons, C Ernest Jr
Simons, Anne M
808 Lakestone Dr
Raleigh, NC 27609-6344
PIN 1705281993

Poole, Lonnie C III
816 Lakestone Dr
Raleigh, NC 27609-6344
PIN 1705280834

Manly, Isaac V
725 Lakestone Dr
Raleigh, NC 27609-6341
PIN 1705286796

Painter, Wendy P
PMB 388
6325 Falls of Neuse Rd. Ste 9
Raleigh, NC 27615-6809
PIN 1705285598

Steele, Patrick &
Mary P Zaytoun
809 Lakestone Dr
Raleigh, NC 27609-6343
PIN 1705283720

Howard, Robert E & Janet L
821 Lakestone Dr
Raleigh, NC 27609-6343
PIN 1705282614

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The rezoning request is consistent with the Comprehensive Plan and with the North Hills District Plan. The North Hills District Plan provides the predominant land use in the district to be residential, and the proposed rezoning would help maintain the residential character of the North Hills district and the immediate area. The North Hills District Plan calls for low density residential to be located between the beltline and Lassiter Mill Road, and the rezoning would further the goal of low density residential in the area as an R-2 zoning classification would ensure low density residential.

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

This property is located within the North Hills Focus Area on the residential side of a policy boundary line.

(continued)

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?

The proposed map amendment is consistent with the Comprehensive Plan and with the North Hills District Plan. The proposed map amendment would create no nonconformities.

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):

Single Family Residential. The properties are in an area of low density residential development on all sides. The majority of the adjacent parcels were developed in accordance with the current R-2 zoning guidelines in that the parcels have one dwelling unit per lot which consists of at least 20,000 square feet. On the northwest side of Lakestone Drive the properties abut the I-440 beltline and on the southeast side of Lakestone Drive the properties are adjacent to other low density residential developments. The majority of the residences were built in the late 1960's and early 1970's and consist of two story homes with deep front yard setbacks.

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

A SHOD 1 covers the subject properties adjacent to the Cliff Benson Beltline. The properties that are adjacent to the two lakes are in the Neuse River Riparian Buffer. The subject parcels and the majority of the adjacent parcels were developed in accordance with the current R-2 zoning guidelines in that the parcels have one dwelling unit per lot which consists of at least 20,000 square feet.

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 to R-2 would be compatible with the existing use of the subject properties and the parcels in the surrounding area as the majority of the parcels in the area comply with all requirements of an R-2 zoning district. The proposed rezoning would not alter the existing use of the properties and the existing character of the surrounding area, but would instead preserve and protect the existing uses and character of the parcels and the area. Accordingly, if the subject parcels were being zoned for the first time, the appropriate zoning classification would be R-2, rather than R-4.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

(continued)

Office Use Only	
Petition No.	Z-18-08
Date Filed:	

The property owners would benefit by the proposed rezoning to R-2 since the R-2 classification would preserve and protect the existing large lot low density character of the parcels and neighborhood. Without the proposed rezoning, the established character of the parcels and the neighborhood could be changed with many more lots that are smaller in size which would be to the detriment of the surrounding community by increasing traffic and would be contrary to the developer's plan of a large lot residential for the area. Lakestone has not experienced the demolition of existing buildings that are replaced with new buildings that are out of scale. However, it has begun to experience subdivision approvals that decrease the original lot size. The intent of the map amendment is to preserve the original subdivision of lots consistent with a minimum of 20,000 square feet. Property owners expectations in purchasing lots in the Lakestone subdivision were that the lots would continue to consist of a minimum of 20,000 square feet. This is evidenced by the number of petitioners to this request. The majority of property owners have signed this Petition.

The detriment of the proposed map amendment would be that many of the lots would not be able to be subdivided. However, this detriment is not a concern of the property owners as witnessed by the petitioners to this request.

B. For the immediate neighbors:

The immediate neighbors would benefit by the proposed rezoning to R-2 since the R-2 classification would preserve and protect the existing character of the parcels and neighborhood. Without the proposed rezoning, the established character of the parcels and the neighborhood could be changed to a higher density residential area, which would be to the detriment of the surrounding community and would be contrary to the goal of low density residential for the area.

C. For the surrounding community:

The surrounding community would benefit by the proposed rezoning to R-2 since the R-2 classification would preserve and protect the existing character of the parcels and neighborhood. Without the proposed rezoning, the established character of the parcels and the neighborhood could be changed to increasing the total number of lots creating more traffic for the community, which would be to the detriment of the surrounding community.

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

The surrounding properties benefit from having low density development. The rezoning of the subject properties would continue the existing benefit of low density development. This map amendment encompasses every conforming lot between Lassister Mill Road and Marlowe Road. This is distinct from one parcel in an area seeking a map amendment.

(continued)

Office Use Only	
Petition No.	2-18-08
Date Filed:	11/19/07

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

This request to rezone the subject parcels currently zoned R-4 to an R-2 zoning classification is reasonable and is necessary to preserve the existing character of the parcels and the surrounding established neighborhood. A reclassification of the subject parcels to R-2 is needed as an R-2 zoning classification is more consistent with the current use of the subject parcels and the surrounding parcels in the area. The subject parcels and the majority of the adjacent parcels were developed in accordance with the current R-2 zoning guidelines in that the parcels have one dwelling unit per lot which consists of at least 20,000 square feet.

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.

N/A

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

A reclassification of the subject parcels to R-2 is needed as an R-2 zoning classification is more consistent with the current use of the subject parcels and the surrounding parcels in the area.

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

Reduced impact of city services because there would be fewer parcels of land to be developed. Approval of this request would not create any burden on the City's current infrastructure system or require unforeseen services. The amendment will have a positive effect on the two lakes in the neighborhood. For those lots that are adjacent to the lakes there would be less stormwater runoff into the lakes. There would be no impact on increasing existing infrastructure, utilities, parks and schools since these services are already provided.

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

Z-18-08

The subject property and the surrounding properties were originally developed consistent with, and continue to be consistent with, an R-2 zoning classification, rather than the existing R-4 zoning classification. Therefore, the current R-4 zoning classification is not consistent with and is not appropriate for the subject parcels.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-18-08 General Use; Lakestone Drive**

General Location: This site is located on the south side of I-440, west of its intersection with Lassiter Mill Road and extending westerly to Marlowe Road.

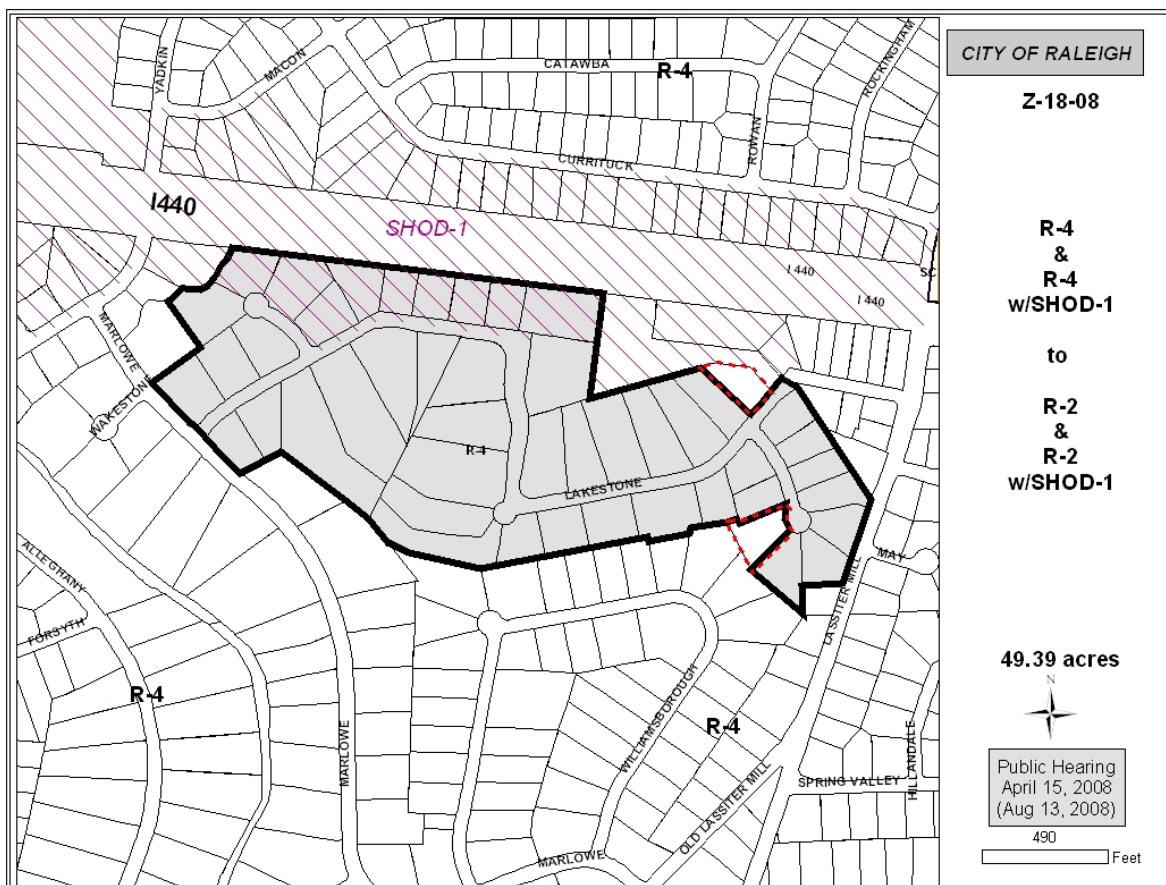
**Planning District
/ CAC:** North Hills / Six Forks

Request: Petition for Rezoning from Residential-4 and Residential-4 with Special Highway Overlay District-1 to Residential-2 and Residential-2 with Special Highway Overlay District-1.

**Comprehensive Plan
Consistency:** This proposal is consistent with the Comprehensive Plan.

**Valid Protest
Petition (VSPP):** NO

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved based on the Findings and Reasons stated below.



CASE FILE: Z-18-08 General Use

LOCATION: This site is located on the south side of I-440, west of its intersection with Lassiter Mill Road and extending westerly to Marlowe Road.

REQUEST: This request is to rezone approximately 49.39 acres, currently zoned Residential-4 and Residential-4 with Special Highway Overlay District-1. The proposal is to rezone the property to Residential-2 and Residential-2 with Special Highway Overlay District-1.

**COMPREHENSIVE
PLAN CONSISTENCY:** This proposal is consistent with the Comprehensive Plan.

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved based on the Findings and Reasons stated below.

FINDINGS AND REASONS:

- (1) The request is consistent with the Comprehensive Plan. The North Hills District Plan designates this area as appropriate for low density residential.
- (2) The Planning Commission also finds that this request is reasonable and in the public interest. The rezoning of these properties is consistent and compatible with the current large lot single family residential land use in place. The rezoning would not create nonconformities in regard to minimum lot size and will help to protect and preserve the current character of the neighborhood.
- (3) Although all property owners were not included as signed petitioners, the vast majority signed the request as petitioners. Of the 46 parcels within the request, 34 signed the petition. Two of the parcels within the subject area should be removed from the rezoning proposal due to property owner request. These properties being 524 Lakestone Drive- Wake County PIN 1705-48-1885 and 3905 Stratford Court- Wake County PIN 1705-48-2256. As these properties are located on the periphery of the subject area, the integrity of the rezoning request will be maintained.

To PC: 4/22/2008 Recommended Approval
Case History:

To CC: 5/6/2008

City Council Status:

Staff Coordinator: Stan Wingo

Motion:	Haq
Second:	Anderson
In Favor:	Anderson, Davis, Haq, Harris Edmisten, Mullins
Opposed:	Bartholomew, Chambliss, Smith
Excused:	

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 Staff Report attached.

Signatures: (Planning Dir.) (PC Chair)

date:

date: 4/25/08



Zoning Staff Report: Z-18-08 General Use

LOCATION: This site is located on the south side of I-440, west of its intersection with Lassiter Mill Road and extending westerly to Marlowe Road.

AREA OF REQUEST: 49.39 acres

PROPERTY OWNER: Multiple property owners

CONTACT PERSON: Kenneth Haywood

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** August 13, 2008

ZONING: Current Zoning

Residential-4

Current Overlay District

Special Highway Overlay
District-1

Proposed Zoning

Residential-2

Proposed Overlay District

Special Highway Overlay
District-1

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

197 dwelling units

Proposed Zoning

107 dwelling units

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Office uses not permitted.

Proposed Zoning

Office uses not permitted.

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Retail uses not permitted.

Proposed Zoning

Retail uses not permitted.

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Tract ID Sign

Proposed Zoning

Tract ID Sign

ZONING HISTORY: This property has been zoned R-4 since being brought into the City's jurisdiction in 1958. The Special Highway Overlay District-1 (SHOD-1) was placed on the property in 1987 (Z-86-87).

**SURROUNDING
ZONING:**

NORTH: R-4, R-4 w/SHOD-1(Two pending rezoning cases along northeast corner of subject property. Z-42-07 is proposed to rezone the properties to R-2 w/ SHOD-1, and Z-43-07 is proposed to remove the SHOD-1 overlay)
SOUTH: R-4
EAST: R-4
WEST: R-4

LAND USE: Large lot residential-single family homes

**SURROUNDING
LAND USE:**

NORTH: I-440 Beltline
SOUTH: Single Family Residential
EAST: Single Family Residential
WEST: Single Family Residential

**DESIGNATED
HISTORIC**

RESOURCES: There are no designated historic properties located within this proposal.

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE:

In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City's adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	North Hills
Urban Form	Low Density Residential
Specific Area Plan	N/A
Guidelines	N/A

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

Both the existing R-4 zoning district and the proposed R-2 zoning district are consistent with the Comprehensive Plan. The subject property is located within the North Hills Planning District. It is in an area designated for low density residential.

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

Applicant states that the proposed zoning to R-2 would be compatible with the existing use of the subject properties and the parcels in the surrounding area as the majority of the parcels in the area comply with all requirements of an R-2 zoning district. The proposed rezoning would not alter the existing use of the properties or the existing character of the surrounding area, but would instead preserve and protect the existing uses and character of the parcels and the area. Accordingly, if the subject parcels were being zoned for the first time, the appropriate zoning classification would be R-2, rather than R-4.

Staff agrees with this assessment. The rezoning of these properties is consistent and compatible with the current large lot single family residential land use in place. The rezoning would not create nonconformities in regard to minimum lot size. Residential-4 zoning requires a 10,890 square foot minimum lot size, whereas Residential-2 requires a minimum lot size of 20,000 sq. ft. Current lot sizes for all properties included in this request exceed 20,000 square feet. The R-4 and R-2 districts require the same minimum front, side and rear yard setbacks.

3. Public benefits of the proposed rezoning

The applicant states that the benefit associated with this request is in the preservation of character and protection of the current large lot subdivision. The proposed map amendment would ensure large lot sizes; currently all properties within this request are more than 20,000 square feet.

Staff agrees that this proposal would be an effective method for neighborhood conservation. The request to rezone this area to Residential-2 would help to ensure the conservation of the current large lot character.

4. Detriments of the proposed rezoning

There are a number of property owners included within this request that did not sign the rezoning petition. Of the total 44 parcels involved in this rezoning proposal, 34 property owners signed as petitioners. The rezoning of their property may effect their ability to subdivide their property in the future.

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

TRANSPORTATION:

Lakestone Drive is classified as a residential street and is constructed to City standards as a two-lane curb and gutter section on varying right-of-way. City standards also call for Lakestone Drive to provide sidewalk on one side. Marlowe Road is classified as a collector street and is constructed to City standards as a two-lane curb and gutter section on 60 feet of right of way. City standards also call for sidewalk to be constructed on one side of Marlowe Road. Lassiter Mill Road is classified as a minor thoroughfare and currently exists as a 41-foot back to back curb and gutter section with sidewalks on both sides on approximately 60 feet of right-of-way. City standards call for Lassiter Mill to be constructed as a 53 foot back-to-back curb and gutter section on 80 feet of right-of-way with sidewalks on both sides. Neither NCDOT nor the City have any projects scheduled on any of these roadways in the vicinity of this case.

TRANSIT:

Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

HYDROLOGY:

FLOODPLAIN: adjacent to FEMA floodplain
DRAINAGE BASIN: Crabtree
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. Neuse Riparian Buffer Regulations may apply. No WSPOD.
COMPLAINTS: Several downstream drainage complaints are on file.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. 101,460 gpd	Approx. 63,413 gpd
Waste Water	Approx. 101,460 gpd	Approx. 63,413 gpd

The proposed zoning would not impact the City's wastewater collection and water distribution systems. There are currently existing public sanitary sewer and water mains which would serve the proposed zoning area adjacent to the property.

**PARKS AND
RECREATION:**

This rezoning will potentially result in fewer residents and lower demand upon park and recreation facilities. There are no greenway corridors adjacent to these parcels.

**WAKE COUNTY
PUBLIC SCHOOLS:**

The current rezoning proposal would not increase residential density, therefore would have no additional impact on area public schools.

School name	Current enrollment	Current Capacity	Future Enrollment
Root	463	149%	463
Daniels	1,162	117%	1,162
Broughton	2,174	124%	2,174

IMPACTS SUMMARY:

The rezoning of the properties within this request would not adversely affect public infrastructure or the public school system in this area. The rezoning of the neighborhood will reduce the number of possible subdivisions on the current large residential lots.

APPEARANCE

COMMISSION:

This request is not subject to Appearance Commission review.

CITIZEN'S

ADVISORY COUNCIL:

DISTRICT: Six Forks
CAC CONTACT PERSON: Ed Elliot 782-6832

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

Outstanding issues

A number of property owners involved with this request did not sign on as petitioners. Of the 44 total parcels involved with the rezoning request, 34 property owners signed on as petitioners. These property owners could be adversely affected as their ability to subdivide their properties will be limited with this rezoning proposal.

