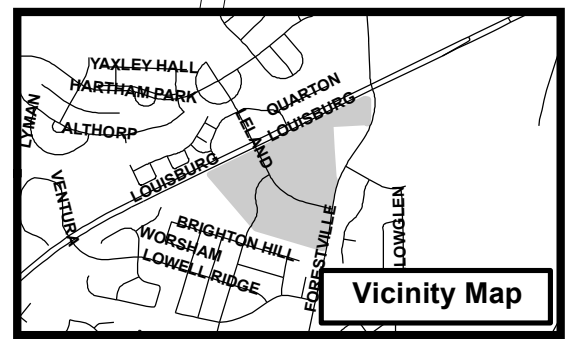


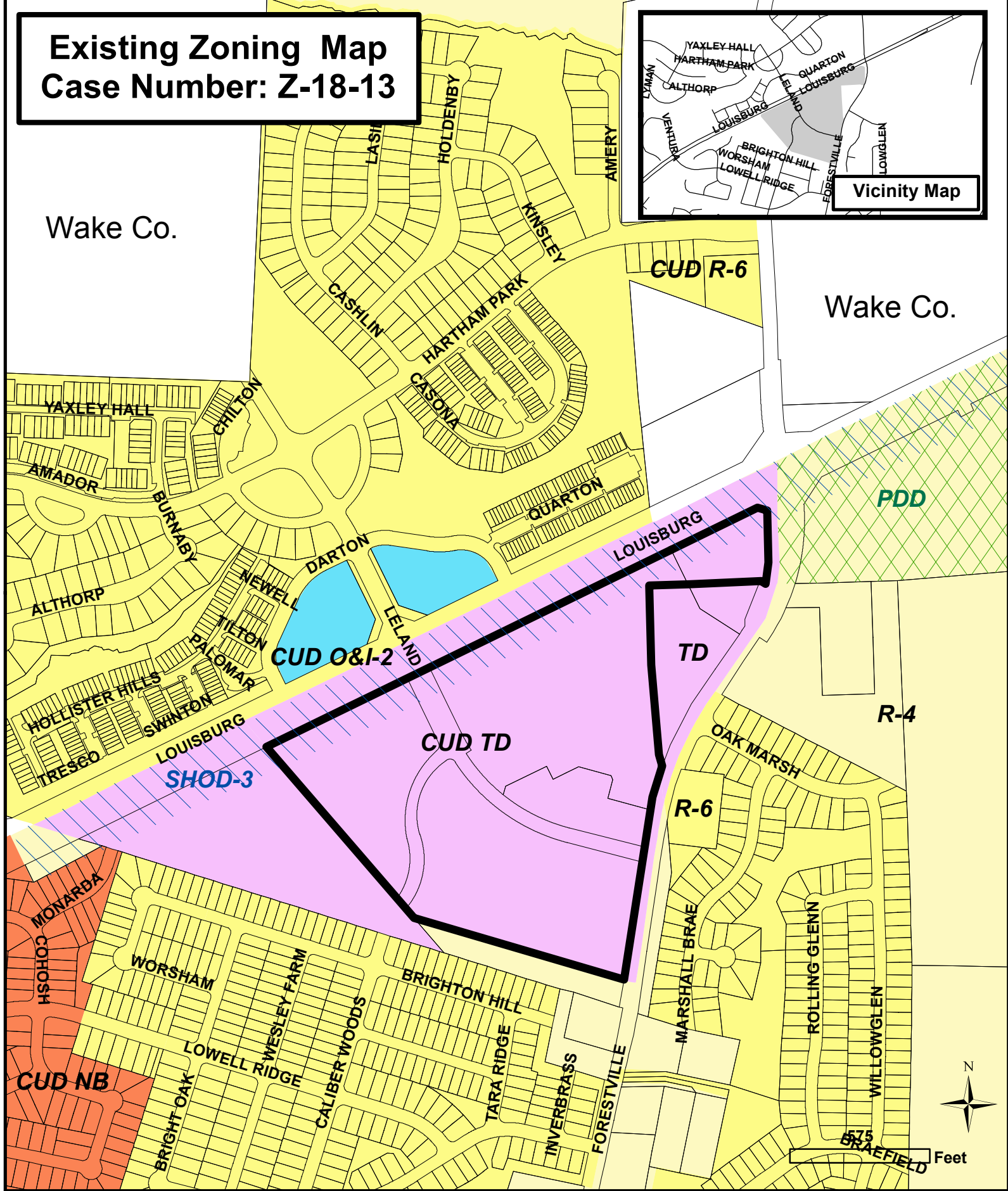
# Existing Zoning Map

## Case Number: Z-18-13

Wake Co.



Wake Co.



**Request:**

**37.52 ac to amend conditions to TD CUD w/ SHOD-3**

City of Raleigh Public Hearing  
April 16, 2013



## Certified Recommendation

Raleigh Planning Commission

CR# 11531

### Case Information Z-18-13 Louisburg Road and Forestville Road

|                                   |   |
|-----------------------------------|---|
| <i>Location</i>                   | Louisburg Road, south side, west of Forestville Road  |
| <i>Request</i>                    | Amend conditions for property zoned Thoroughfare District Conditional Use, with Special Highway Overlay District-3. |
| <i>Area of Request</i>            | +/- 37.52 acres   |
| <i>Property Owner</i>             | Widewaters Forestville Company, LLC   |
| <i>Applicant</i>                  | Michael Birch, 919-590-0388, mbirch@morningstarlawgroup.com   |
| <i>Citizens Advisory Council</i>  | Forestville CAC, Stacey Lundy, Community Specialist   |
| <i>PC Recommendation Deadline</i> | August 14, 2013   |

### Comprehensive Plan Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.

### Future Land Use Map Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the Future Land Use Map.

### Comprehensive Plan Guidance

|                                     |   |
|-------------------------------------|---|
| <b><i>FUTURE LAND USE</i></b>       | Neighborhood Mixed Use  |
| <b><i>CONSISTENT Policies</i></b>   | <ul style="list-style-type: none"><li>• Policy LU 1.3 – Conditional Use District Consistency</li><li>• Policy LU 2.6 – Zoning and Infrastructure Impacts</li><li>• Policy LU 4.5 – Connectivity</li><li>• Policy LU 5.2 – Managing Commercial Development Impacts</li><li>• Policy LU 5.4 – Density Transitions</li><li>• Policy LU 5.6 – Buffering Requirements</li><li>• Policy LU 7.4 – Scale and Design of New Commercial Uses</li><li>• Policy LU 7.6 – Pedestrian Friendly Development</li><li>• Policy T 1.6 – Transportation Impacts</li><li>• Policy UD 2.1 - Building Orientation</li><li>• Policy UD 2.3 - Activating the Street</li><li>• Policy UD 2.4 - Transitions in Building Intensity</li><li>• Policy UD 2.6 - Parking Location and Design</li><li>• Policy UD 7.3 – Urban Design Guidelines</li></ul> |
| <b><i>INCONSISTENT Policies</i></b> | <ul style="list-style-type: none"><li>• Policy EP 8.4 – Noise and Light Impacts</li></ul>   |

### Summary of Proposed Conditions

The only conditions changed from those adopted with Z-36-03 are condition H, reimbursement for right-of-way, and condition L, which previously prohibited high and medium

profile signs. Only low profile signs were allowed. The current amended conditions permit medium and low profile signs. Other conditions include:

- A. Restricted uses
- B. Free-standing exterior lighting
- C. Building siting and height, sidewalks
- D. Further building siting, height and sidewalks
- E. Transitional protective yards
- F. Minimum width of landscaped yard
- G. Provision of transit easement
- I. Stormwater facilities
- J. Nonresidential square footage limitations
- K. Maximum number of dwelling units
- L. Types of signs permitted (see above).
- M. Unity of development criteria
- N. Dumpster locations
- O. Access points onto Louisburg Road
- P. Notification of subdivision and site plans to third parties

## Public Meetings

| <b><i>Neighborhood Meeting</i></b> | <b><i>Public Hearing</i></b> | <b><i>Committee</i></b> | <b><i>Planning Commission</i></b> |
|------------------------------------|------------------------------|-------------------------|-----------------------------------|
| 2/6/13                             | 4/16/13                      | Date: Action            | Date:                             |

☐ **Valid Statutory Protest Petition**

### Attachments

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

## Planning Commission Recommendation

|                                      |  |
|--------------------------------------|--|
| <b><i>Recommendation</i></b>         | The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved.  |
| <b><i>Findings &amp; Reasons</i></b> | <ul style="list-style-type: none"> <li>1. The proposed rezoning is consistent with the Future Land Use Map, and is also consistent with applicable Comprehensive Plan policies.</li> <li>2. The request is reasonable and in the public interest.</li> <li>3. The proposal is compatible with the surrounding area.</li> </ul> |
| <b><i>Motion and Vote</i></b>        | Motion: Butler<br>Second: Fleming<br>In Favor: Braun, Butler, Buxton, Harris Edmisten, Fleming, Fluhrer, Mattox, Schuster, Sterling-Lewis and Terando  |

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

Planning Director \_\_\_\_\_ Date \_\_\_\_\_
 
 4/23/13  
 Planning Commission Chairperson Date

Staff Coordinator: James Brantley [james.brantley@raleighnc.gov](mailto:james.brantley@raleighnc.gov)



## Zoning Staff Report – Case Z-18-13

### Conditional Use District

## Case Summary

### Overview

The site is in the northeastern corner of the Raleigh jurisdiction, adjacent to the jurisdiction of Rolesville. This is a suburban commercial center that is surrounded by relatively new low density neighborhoods. The Highland Creek neighborhood is to the north, the Brighton community is to the south and the Braefield neighborhood is to the east.

The area was brought into the City of Raleigh's jurisdiction in 2001. In 2003 it was the subject of a rezoning case (Z-36-03) which established the current Thoroughfare District Conditional Use zoning on four adjacent properties. The conditions laid the groundwork for the construction of a commercial center on the properties. Subsequently two of the commercial properties have substantially built out; one is undeveloped and one contains just one retail establishment and a parking lot. Both of these last two parcels have commercial development potential.

The current rezoning request seeks to remove condition H, reimbursement for right-of-way, which is illegal under the current Code, and change one of the numerous conditions attached to the 2003 rezoning case. The change would allow medium profile signs.

The original condition "L" from Z-36-03 states:

*"High and medium profile ground signs are prohibited; free-standing signs shall be low and/or medium profile ground signs, limited as to size and quantity as provided in the City Code."*

The proposed condition "L" states:

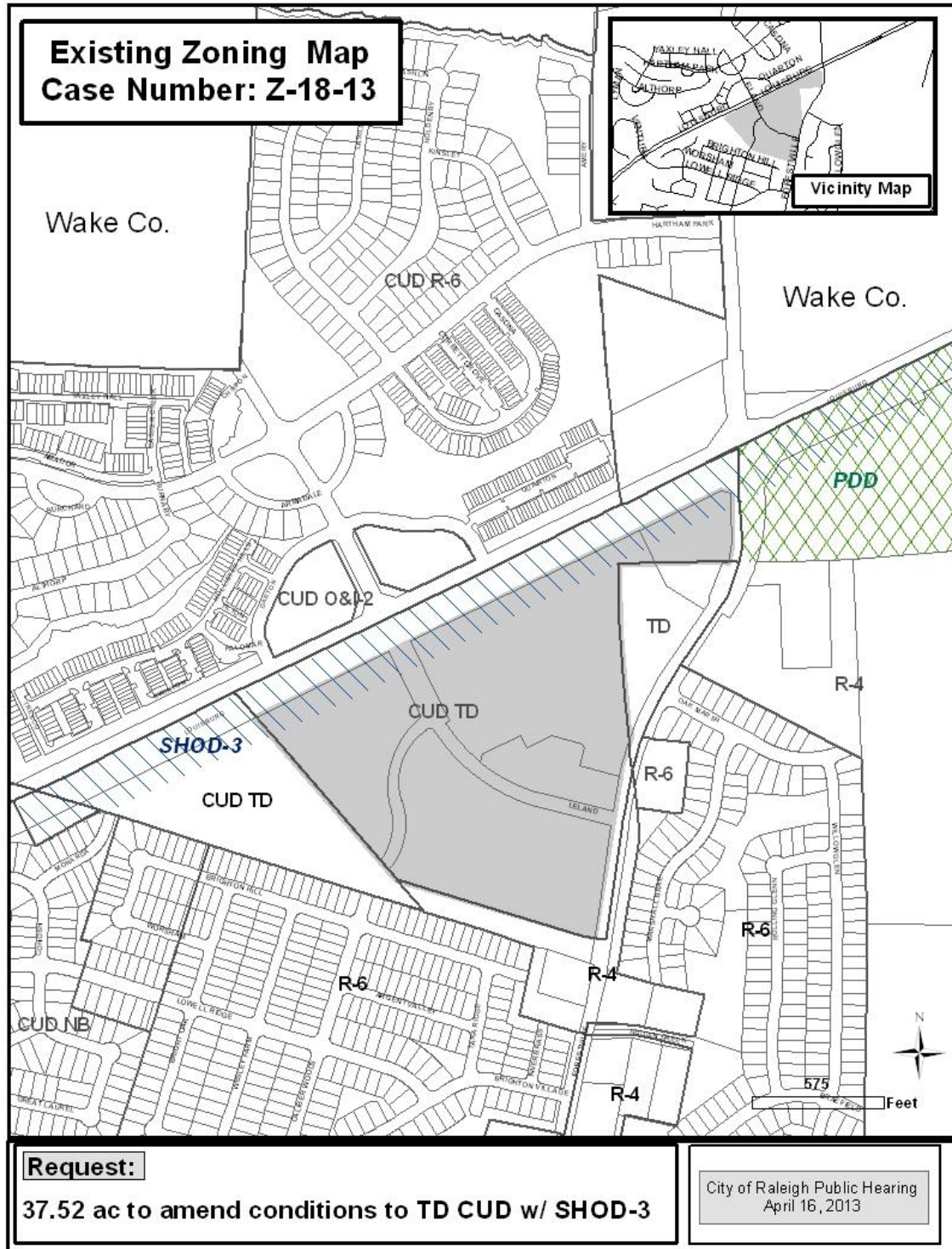
*"High profile ground signs are prohibited; free-standing signs shall be low and/or medium profile ground signs, limited as to size and quantity as provided in the City Code."*

Since the conditions have been submitted for revision, they could be updated to provide for full cutoff lighting. The conditions also reference a concept plan. Although concept plans were allowed to be submitted as part of rezoning applications when the current zoning was established on the properties in 2003, they are no longer accepted as part of rezoning applications.

### Outstanding Issues

|                           |  |                             |  |
|---------------------------|--|-----------------------------|--|
| <i>Outstanding Issues</i> | 1. Comprehensive Plan policy EP-8.4, Noise and Light Impacts states:<br><br>Mitigate potential noise and light pollution impacts from new development on adjoining residential properties. | <i>Suggested Mitigation</i> | 1. Applicant should revise condition "B" to include the limitation of lighting to full-cutoff shielded design to be consistent with Policy EP 8.4. |
|---------------------------|--|-----------------------------|--|

## ZONING REQUEST



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

|                               | <b>Subject<br/>Property</b> | <b>North</b>   | <b>South</b>   | <b>East</b>  | <b>West</b>               |
|-------------------------------|-----------------------------|--|--|--|---------------------------|
| <i>Existing<br/>Zoning</i>    | TD CUD                      | O&I-2 CUD,<br>R-6 CUD  | TD CUD, R-4  | R-4, R-6   | TD CUD                    |
| <i>Additional<br/>Overlay</i> | SHOD-3                      | N/A  | N/A  | PDD, SHOD-3  | SHOD-3                    |
| <i>Future Land<br/>Use</i>    | Neighborhood<br>Mixed Use   | Office<br>&Residential<br>Mixed Use,<br>Private Open<br>Space, Low<br>Density<br>Residential | Neighborhood<br>Mixed Use,<br>Low Density<br>Residential   | Neighborhood<br>Mixed Use,<br>Low Density<br>Residential | Neighborhood<br>Mixed Use |
| <i>Current<br/>Land Use</i>   | Commercial,<br>vacant       | Low density<br>residential,<br>vacant  | Vacant, mini-<br>warehouses,<br>low density<br>residential | Low density<br>residential,<br>vacant                    | Mini-<br>warehouses       |

### 1.2 Current vs. Proposed Zoning Summary

|   | <b>Existing Zoning</b>   | <b>Proposed Zoning</b>              |
|---|--|-------------------------------------|
| <i>Residential Density:</i>                                       | 4.7 du/ac over all four parcels  | Unchanged                           |
| <i>Setbacks:</i><br><i>Front:</i><br><i>Side:</i><br><i>Rear:</i> | Varies by parcel and orientation<br>Varies by parcel and orientation<br>Varies by parcel and orientation | Unchanged<br>Unchanged<br>Unchanged |
| <i>Retail Intensity Permitted:</i>                                | 150,000 sq. feet with no single<br>retail use exceeding 60,000 sq.<br>feet                               | Unchanged                           |
| <i>Office Intensity Permitted:</i>                                | 38,200 sq. feet  | Unchanged                           |

The proposed rezoning is:

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

☐ **Incompatible.**

The proposal is compatible with the surrounding area except regarding  
1. full shut-off lighting and



**Future Land Use Map**  
Case Number: Z-18-13

Low Density Residential

Low Density Residential

Private Open Space

Low Density Residential

Office & Residential Mixed Use

Office & Residential Mixed Use

Neighborhood Mixed Use

Low Density Residential

Low Density Residential

Private Open Space

Private Open Space

Vicinity Map

75 Feet

**Request:**  
37.52 ac to amend conditions to TD CUD w/ SHOD-3

City of Raleigh Public Hearing  
April 16, 2013

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Future Land Use

Future Land Use designation: **Neighborhood Mixed Use**

The rezoning request is:

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

☐ **Inconsistent**

### 2.2 Policy Guidance

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

#### **Policy EP-8.4 Noise and Light Impacts**

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

Applicant should revise condition “B” to include the limitation of lighting to full-cutoff shielded design to be consistent with this policy.

### 2.3 Area Plan Policy Guidance

N/A

## 3. Public Benefit and Reasonableness Analysis

### 3.1 Public Benefits of the Proposed Rezoning

- Allowing medium profile signs will make the development more visible to passing motorists.

### 3.2 Detriments of the Proposed Rezoning

- By not requiring full cutoff shielded lighting, the development increases night-time light pollution.



## 4. Impact Analysis

### 4.1 Transportation

| <u>Primary Streets</u>            | <u>Classification</u> | <u>2009-2012<br/>NCDOT<br/>Traffic<br/>Volume<br/>(ADT)</u> | <u>2035<br/>Traffic<br/>Volume<br/>Forecast</u> |                     |                                    |                                  |
|-----------------------------------|-----------------------|---|---|---------------------|------------------------------------|----------------------------------|
| Louisburg Road                    | Principal Arterial    | 16,750  | 42,231  |                     |                                    |                                  |
| Ligon Mill Road                   | Minor Thoroughfare    | 11,666  | 13,821  |                     |                                    |                                  |
| Mitchell Mill Road                | Major Thoroughfare    | 14,000  | 33,167  |                     |                                    |                                  |
| Street Conditions                 |                       |   |   |                     |                                    |                                  |
| <u>Louisburg 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                     | 60'   | No  | 100'                | None                               | None                             |
| City Standard                     | 4/6                   | 48'   | Yes   | 130-300'            | Yes                                | None                             |
| Meets City Standard?              | Yes                   | Yes   | No  | No                  | No                                 | Yes                              |
| <u>Ligon Mill 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                     | 25'   | No  | 60'                 | No                                 | No                               |
| City Standard                     | 2                     | 53'   | Back-to-back curb and gutter section            | 80'                 | minimum 5' sidewalks on both sides | None                             |
| Meets City Standard?              | YES                   | No  | No  | No                  | No                                 | Yes                              |
| <u>Mitchell Mill 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                          | 4                     | 50'   | No  | 60'                 | No                                 | No                               |
| City Standard                     | 4                     | 48'   | Yes   | 90'                 | minimum 5' sidewalks on both sides | Bicycle Lanes - New Construction |
| Meets City Standard?              | YES                   | Yes   | No  | No                  | No                                 | No                               |
| Expected Traffic Generation [vph] | <u>Current Zoning</u> | <u>Proposed Zoning</u>                                      | <u>Differential</u>                             |                     |                                    |                                  |
| AM PFAK                           | NA                    | NA  | NA  |                     |                                    |                                  |

|   |  |   |    |  |
|---|--|---|----|--|
| PM PEAK   | NA   | NA  | NA |  |
| <b>Suggested Conditions/<br/>Impact Mitigation:</b> |  | Traffic Study Determination: A trip generation report has been waived for this case due to the nature of the zoning amendment request (amendment to Condition L to allow medium profile ground signs and prohibit high profile ground signs). |    |  |
| <b>Additional Information:</b>                      | The City has a planned Capital Improvement Project to widen Mitchell Mill Road to a four lane median divided section with curb and gutter, sidewalks, bicycle lanes and streetlights from Louisburg Road (US 401) to Watkins Road within the vicinity of this project. |   |    |  |

**Impact Identified:** None

#### 4.2 Transit

Transit is not yet available in this area. However the City of Raleigh Short Range Transit Plan and the Wake County 2040 Transit Plan both see this as a future transit corridor.

A transit easement is provided for in condition "G."

#### 4.3 Hydrology

|                              |                               |
|------------------------------|-------------------------------|
| <i>Floodplain</i>            | No FEMA Floodplain present    |
| <i>Drainage Basin</i>        | Neuse and Tom's Creek         |
| <i>Stormwater Management</i> | Subject to Part 10, Chapter 9 |
| <i>Overlay District</i>      | None                          |

**Impact Identified:** None.

#### 4.4 Public Utilities

|                    | <i>Maximum Demand<br/>(current)</i> | <i>Maximum Demand<br/>(proposed)</i> | <i>Estimated<br/>Remaining Capacity</i> |
|--------------------|-------------------------------------|--------------------------------------|---|
| <i>Water</i>       | 534,125 gpd                         | 534,125 gpd                          |   |
| <i>Waste Water</i> | 534,125 gpd                         | 534,125 gpd                          |   |

**Impact Identified:** None.

#### 4.5 Parks and Recreation

| <i>Proximity to Greenway</i> | <i>Proximity to Park</i> | <i>Level of Service Impact</i> |
|------------------------------|--------------------------|--------------------------------|
| None                         | None                     | None                           |
|                              |                          |                                |

**Impact Identified:** None.

#### 4.6 Urban Forestry

**Impact Identified:** None.

***4.7 Designated Historic Resources***

N/A

***4.8 Community Development***

N/A

***4.9 Appearance Commission***

N/A

***4.10 Impacts Summary***

The change in zoning conditions will have very little impact on City services or surrounding properties. Since the conditions have been submitted for revision, provisions for full cutoff lighting could have been made.

***4.11 Mitigation of Impacts***

Conditions could be modified to provide for full cutoff lighting.

## **5. Conclusions**

The change in the conditions from the 2003 rezoning case is minimal. Medium profile signs will no longer be prohibited. There is the opportunity to update the conditions by providing for full cutoff lighting.



2-18-13

# Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - ☐ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - ☐ 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)  
Widewaters Forestville Company, LLC

Print Name

Date

By:

Joseph R. Scuderi, Manager

2/8/13

CITY OF RALEIGH  
CITY PLANNING DEPT

2013 FEB 11 PM 2:52

## EXHIBIT B. Request for Zoning Change

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

### Contact Information

|   | Name(s)                                | Address   | Telephone/Email                                  |
|---|--|---|--|
| Petitioner(s)<br>(for conditional use requests, petitioners must own petitioned property) | Widewaters Forestville Company, LLC    | 5786 Widewaters Parkway<br>DeWitt, NY13214                |  |
| Property Owner(s)   | Same As Above                          |   |  |
| Contact Person(s)   | Michael Birch<br>Morningstar Law Group | 630 Davis Drive,<br>Suite 200<br>Morrisville, NC<br>27560 | (919) 590-0388<br>mbirch@morningstarlawgroup.com |

### Property information

|  |   |
|--|---|
| Property Description (Wake County PIN)                     | 1748-50-9909 and 1748-50-3532, but excluding that 5.203 acre portion of these two parcels described in deed recorded in Deed Book 9484, Page 864, Wake County Registry (which is currently zoned Thoroughfare District General Use and was not subject to Z-36-03); 1748-50-3002; 1748-40-4115; and 1747-59-0655, but excluding that portion currently zoned Residential-4 General Use. |
| Nearest Major Intersection                                 | Louisburg Road and Forestville Road   |
| Area of Subject Property (in acres)                        | +/- 37.52 acres   |
| Current Zoning Districts (include all overlay districts)   | Thoroughfare District Conditional Use, with Special Highway Overlay District-3  |
| Requested Zoning Districts (include all overlay districts) | Thoroughfare District Conditional Use, with amended conditions, with Special Highway Overlay District-3   |





EXHIBIT B

|     |  |
|-----|--|
| 1.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748419095            |
| 2.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748510016            |
| 3.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748510037            |
| 4.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748510048            |
| 5.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748510068            |
| 6.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748510079            |
| 7.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748510180            |
| 8.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748511101            |
| 9.  | GILBERT, BRENDA A<br>8520 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748511143              |
| 10. | BARCHUK, CHARLES M & KRISTEN M<br>8522 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748511163 |
| 11. | OREILLY, THERESA<br>8524 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748511174               |
| 12. | SHANE, KELLY R<br>8526 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748511195                 |

|     |   |
|-----|---|
| 13. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748512106       |
| 14. | ROBINSON, JEFFREY ALAN<br>8530 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748512126    |
| 15. | VELEZ, BETTY<br>8532 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748512137              |
| 16. | PIERSON, BRADLEY<br>8534 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748512158          |
| 17. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748512290       |
| 18. | GAYLE, DOROTHY A<br>8008 MCGUIRE DR<br>RALEIGH NC 27616-5654<br>1748513211          |
| 19. | LEMAY, FRED R<br>8542 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748513221             |
| 20. | ONECOM PROPERTIES LLC<br>5813 CLARKS FORK DR<br>RALEIGH NC 27616-5758<br>1748513232 |
| 21. | LESKO, SHERRY D<br>8546 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748513253           |
| 22. | HOLMES, KATHERINE & ADAM<br>8548 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748513263  |
| 23. | TAYLOR, STEPHANIE L<br>8550 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748513284       |
| 24. | SPEIGHT, ROBIN L<br>8552 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748514205          |

|     |  |
|-----|--|
| 25. | TABOR, LAURA M<br>8556 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748514237                                   |
| 26. | NEEDAM, SHAWN L & MONICA D<br>8558 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748514258                       |
| 27. | SOUTHERLAND, DEANA M<br>8560 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748514279                             |
| 28. | GAVIRIA, MICHEL & RUBY R<br>8562 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748514289                         |
| 29. | STOTESBURY, CAROLYN M BOUGHTER, KRISTI<br>LEANNE<br>8564 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748515300 |
| 30. | MURPHY, JEWEL C<br>8566 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748515311                                  |
| 31. | ONECOM PROPERTIES LLC<br>5813 CLARKS FORK DR<br>RALEIGH NC 27616-5758<br>1748515321                        |
| 32. | MCGRANE, JACLYN P SPAULDING, JARRED T<br>8570 QUARTON DR<br>RALEIGH NC 27616-5597<br>1748515342            |
| 33. | TOWNHOMES AT HIGHLAND CREEK ASSN IN<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748512291       |
| 34. | RALEIGH LODGE #1318 LOYAL ORDER<br>PO BOX 100<br>ROLESVILLE NC 27571-0100<br>1748518512                    |
| 35. | DANIEL, RICHARD E JR DANIEL, K ALLEN<br>13104 OLD CREEDMOOR RD<br>RALEIGH NC 27613-7420<br>1748612519      |
| 36. | PERRY FARM LLC<br>404 EMERSON DR<br>RALEIGH NC 27609-4537<br>1748733146                                    |

|     |   |
|-----|---|
| 37. | HT FORESTVILLE LLC<br>135 S MAIN ST STE 105<br>GREENVILLE SC 29601-2755<br>1748713545   |
| 38. | BLINSON, ANTHONY E & JEANNA KING<br>2929 FORESTVILLE RD<br>RALEIGH NC 27616-8775<br>1748603845                                    |
| 39. | BLINSON, ANTHONY E & JEANNA K<br>2929 FORESTVILLE RD<br>RALEIGH NC 27616-8775<br>1748601626                                       |
| 40. | FREEMAN, ERIRON & TISHA L BRYANT<br>7703 OAK MARSH DR<br>RALEIGH NC 27616-8383<br>1748508492                                      |
| 41. | COLLUM, WILLIAM KRISTOPHER PRUITT, JESSICA<br>ELAINE<br>7707 OAK MARSH DR<br>RALEIGH NC 27616-8383<br>1748509349                  |
| 42. | MILLER, TYLER B<br>7711 OAK MARSH DR<br>RALEIGH NC 27616-8383<br>1748509396   |
| 43. | MORGAN, RICHARD JR & SHIRLEY<br>7702 OAK MARSH DR<br>RALEIGH NC 27616-8382<br>1748507295  |
| 44. | MATHIS, DARYL C & KHEDRA<br>7706 OAK MARSH DR<br>RALEIGH NC 27616-8382<br>1748508253  |
| 45. | MATTHEWS, TANZSWA A MATTHEWS,<br>DEMENTRIC L<br>7710 OAK MARSH DR<br>RALEIGH NC 27616-8382<br>1748509201                          |
| 46. | THAXTON, DONALD J JR THAXTON, CHARLOTTE<br>203 WILSON ST<br>FRANKLINTON NC 27525-1637<br>1747597962                               |
| 47. | BRAEFIELD OWNERS ASSN INC<br>C/O TALLIS MANAGEMENT GROUP<br>8305 FALLS OF NEUSE RD STE 200<br>RALEIGH NC 27615-3547<br>1747597812 |

|     |   |
|-----|---|
| 48. | HATZOLOH EMS INC<br>19 GROVE ST<br>MONSEY NY 10952-3002<br>1747596408                           |
| 49. | HIGHLAND CREEK MASTER ASSN INC<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748404834 |
| 50. | HIGHLAND CREEK MASTER ASSN INC<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748405838 |
| 51. | HIGHLAND CREEK MASTER ASSN INC<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748511627 |
| 52. | ROBERTS, SURRY P<br>120 WOODBURN RD<br>RALEIGH NC 27605-1617<br>1748402756                      |
| 53. | ROBERTS, SURRY P<br>120 WOODBURN RD<br>RALEIGH NC 27605-1617<br>1748406996                      |
| 54. | PULLEY, BARRY ODELL<br>3200 FORESTVILLE RD<br>RALEIGH NC 27616-8597<br>1747582999               |
| 55. | LEE, ERNEST L JR<br>4001 SHADY BOTTOM LN<br>WAKE FOREST NC 27587-5609<br>1747595088             |
| 56. | PULLEY, BARRY ODELL<br>3200 FORESTVILLE RD<br>RALEIGH NC 27616-8597<br>1747593161               |
| 57. | AWKARD, PRISCILLA D<br>7501 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747495422             |
| 58. | WEEKS, SOJI MARCEL<br>7505 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747495470              |
| 59. | BENNETT, JON E & NICOLE R<br>4600 ELLSMERE LN<br>RALEIGH NC 27604-4740<br>1747496309            |

|     |  |
|-----|--|
| 60. | RICHART, AMY E<br>871 SOUTHVIEW CIR<br>FAYETTEVILLE NC 28311-0359<br>1747496348  |
| 61. | NGANGA, DANIEL MUIGAI<br>7517 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747496387                                  |
| 62. | HOUSING AUTHORITY CITY OF RALEIGH<br>900 HAYNES ST<br>RALEIGH NC 27604-1462<br>1747497325                              |
| 63. | COX, BRANDON WAGENBLAST, CARLY ANNE<br>7525 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747497364                    |
| 64. | FLOYD, JACQUELYN S<br>7529 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747498303                                     |
| 65. | HEWITT, KEVIN RICARDO HEWITT, HRISTOPHER<br>STEPHENSON<br>7533 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747498342 |
| 66. | ALLEN, MICHELLE D<br>7537 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747498381                                      |
| 67. | LINCONA CERNA, MELVIN DIAZ, IRMA NOHEMI<br>7541 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747499229                |
| 68. | CLARK, GINA S<br>7545 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747499268  |
| 69. | HARGETT, BARCCO<br>7549 BRIGHTON HILL LN<br>RALEIGH NC 27616-8306<br>1747590207  |
| 70. | MCMYERS, NANCY E<br>7601 BRIGHTON HILL LN<br>RALEIGH NC 27616-8308<br>1747590246                                       |
| 71. | KILPATRICK, EUGENE III & LISA<br>7605 BRIGHTON HILL LN<br>RALEIGH NC 27616-8308<br>1747590284                          |



|     |   |
|-----|---|
| 72. | WILLIAMS, GLEN<br>7609 BRIGHTON HILL LN<br>RALEIGH NC 27616-8308<br>1747591223                        |
| 73. | BRIGHTON COMMUNITY ASSOCIATION INC<br>1100 NAVAHO DR STE GL3<br>RALEIGH NC 27609-7359<br>1747591271   |
| 74. | WIMBERLY, TRAVIS BROWN<br>8119 MARSHALL BRAE DR<br>RALEIGH NC 27616-3363<br>1747596148                |
| 75. | BLAND, DANNY RAY & KECIA THURMAN<br>8125 MARSHALL BRAE DR<br>RALEIGH NC 27616-3363<br>1747596255      |
| 76. | DUNN, MICHAEL & NATALIE<br>8129 MARSHALL BRAE DR<br>RALEIGH NC 27616-3363<br>1747596351               |
| 77. | QADIR LLC<br>1803 MARSHBURN CIR<br>KINSTON NC 28504-1914<br>1747596366                                |
| 78. | SANNER, SCOTT & BETHANY D<br>CMR 420 BOX 116<br>APO AE 09063-0002<br>1747596472                       |
| 79. | GOTTENBORG, STEPHANIE OCONNOR, DANIEL<br>8201 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747596487 |
| 80. | CLARK, RICHARD D<br>8205 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747596592                      |
| 81. | TERRY, CHRISTOPHEA A<br>8209 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747597508                  |
| 82. | EDWARDS, CANDICE V<br>8213 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747597613                    |
| 83. | JONES, PHILIP & PEGGY A<br>8217 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747597648               |

|     |  |
|-----|--|
| 84. | VINSON, RYAN A & STEPHEN P LINDSAY<br>8221 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747597772 |
| 85. | ROGER HONBARRIER INVESTMENTS INC<br>6588 WAKEFALLS DR<br>WAKE FOREST NC 27587-6296<br>1747399852   |
| 86. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748303148                      |
| 87. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748306472                      |
| 88. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748306463                      |
| 89. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748306404                      |
| 90. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748308415                      |
| 91. | ROBBINS, RICHARD D II<br>4002 TILTON DR<br>RALEIGH NC 27616-6299<br>1748309783                     |
| 92. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748308417                      |
| 93. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748308408                      |
| 94. | HERIG, ANDREW A<br>4004 TILTON DR<br>RALEIGH NC 27616-6299<br>1748309765                           |
| 95. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748307590                      |

|      |  |
|------|--|
| 96.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748308457              |
| 97.  | CAREY, PATRICK L & EMILY O<br>8225 MARSHALL BRAE DR<br>RALEIGH NC 27616-3358<br>1747598726 |
| 98.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748308660              |
| 99.  | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748309642              |
| 100. | CENTEX HOMES<br>1225 CRESCENT GRN STE 250<br>CARY NC 27518-8119<br>1748309623              |

# EXHIBIT C. Request for Zoning Change

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

2-18-13  
pg 1 of 6

Narrative of conditions being requested:

A. All Thoroughfare District uses shall be permitted except as follows:

1. bar, nightclub, tavern, lounge
2. riding stable
3. mini-warehouse storage facility
4. emergency shelter type A and B
5. landfill (debris from on-site)
6. adult establishment
7. airfield, landing strip, and heliport
8. correction/penal facility (governmental)
9. manufacturing – custom, general, restricted and sp
10. hotel/motel

B. All free-standing exterior lighting located outside transitional protective yards shall not be more than thirty (30) feet in height, provided however, that all freestanding exterior lighting within the portion of the property described in Condition C shall be not more than twenty (20) feet in height.

C. The southernmost portion of the property which is adjacent to the 120-foot width R-4 strip and as shown upon the attached Concept Plan prepared by Chance & Associates, dated the 29th day of March, 2004 (hereinafter the "Concept Plan"), which is bounded by the east right of way line of Connector Street B, i.e. Caliber Woods Drive (a public street) and the south right of way line of that proposed public street referred to as Connector Street A and the west right of way line of Forestville Road, an area of not less than 9.33 acres, shall be restricted to office uses and/or residential uses to a density not to exceed R-14 (with the majority of this area to be developed for residential uses), together with streets, sidewalks, stormwater facilities and utilities and infrastructure necessary for the development of the Property.

Within the above-described area the maximum building height of buildings constructed within two hundred fifty (250') feet of common property lines of the Brighton Village Subdivision residential lots identified in Condition N shall not exceed two (2) occupied stories, i.e. a maximum of twenty-eight (28') feet in height. Within the remainder of the above-described property no building shall exceed three (3) occupied stories, i.e. thirty eight (38') feet in height.

- (i.) As indicated upon the Concept Plan Connector Street A shall be located within a right of way with a minimum width of sixty (60) feet with sidewalks (minimum width of six [6] feet), located on both sides of Connector Street A, with its location to be determined by the subdivision and/or site plan process subsequent to the rezoning of the Property.

The Secondary Pedestrian Way standards of Figure 14b. of the City's "Streets, Sidewalks and Driveway Access Handbook" as revised May, 2002, shall be applied to both sides of Connector Street A; however, if the 9.33± acre area south of Connector Street A between Connector Street B and Forestville Road is developed entirely for residential uses, the Transition Pedestrian Way Standards of Figure 14a shall apply along its frontage on Connector Street A.

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)  
Widewaters Forestville Company, LLC

Print Name

Date

2/18/13

By:

Joseph R. Seuderi, Manager

CITY OF RALEIGH  
CITY PLANNING DEPT  
2013 FEB 11 PM 2:53

2-18-13  
pg 2 of 6

## EXHIBIT C. Request for Zoning Change

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

- (ii.) As indicated upon the Concept Plan, public sidewalks (minimum width of six [6] feet) shall be located on both sides of Connector Street B, i.e. Caliber Woods Drive stubbed to the south line of the Property extending from said south line, to its intersection with Connector Street A as will be determined by the subdivision and/or site plan process subsequent to the rezoning.

The Transition Pedestrian Way Standards of Figure 14a of the City's "Streets, Sidewalks and Driveway Access Handbook" as revised May, 2002, shall be applied to at least eight (80%) percent of both sides of Connector Street B; however, if any portion of the area adjacent to Connector Street B is developed for non-residential uses, the Secondary Pedestrian Way Standards of Figure 14b shall apply along its frontage on Connector Street B.

- D. The site plan(s) for the property shall provide sidewalks to connect any adjacent public sidewalks where stubbed from adjacent public streets; furthermore, these sidewalks will be connected to sidewalks within the development in order to link residential, office, retail and other permitted uses within the development.

Site Plan(s) for the property shall further provide building orientations as follows:

At the intersection of Connector Street A with Forestville Road buildings which frame this entry shall be located not more than seventy-five (75') feet from the curbs forming the corners of this intersection [NOTE: Seventy-five feet (75') includes the fifty foot (50') buffer provided adjacent to Forestville Road as shown upon the Concept Plan]. Buildings located at the four corners forming the intersection of Connector Street A and Connector Street B shall be located not more than twenty-five (25') from the curbs forming the corners of this intersection. Additionally as regards the placement of other buildings adjacent to Connector Streets A and B the guidelines of Subsection 3.1 "Building Placement" of Section 3.0 "Site Design" of the Urban Design Guidelines shall apply.

The Key Elements of the Urban Design Guidelines and those elements specified upon Exhibit A are incorporated by reference into this Condition D and shall be incorporated into Site Plan(s) for the Property. Additionally, Site Plan(s) shall include other Urban Design Guideline elements when practicable.

- E. Any required transitional protective yards shall remain undisturbed until site plan(s) are approved, subject to any utility and infrastructure installation(s) approved by the City of Raleigh.
- F. A landscaped yard a minimum of fifty (50) feet in width shall be provided along the portion of the property adjacent to Forestville Road (S.R. 2049), subject to the installation of streets/drives, sidewalks and utilities serving the property from Forestville Road and subject to public facilities, if any, such as a bus-stop and shelter and access thereto.

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 \_\_\_\_\_

Widewaters Forestville Company, LLC

Date

2/8/13

By: \_\_\_\_\_

Joseph R. Scuderi, Manager

2-18-13  
PS 3076

## EXHIBIT C. Request for Zoning Change

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

- G. Prior to development provision for one (1) transit easement twenty (20) feet in width and fifteen (15) feet in depth for a bus-stop and shelter shall be provided adjoining either the right of way of Louisburg Road (U.S. Highway No. 401) or the right of way of Forestville Road or the Connector Street A. The City's Transit Division shall timely review and approve the location of the transit easement as part of the site plan or subdivision approval process and prior to building permit issuance the transit instrument approved by the City Attorney or his designee shall be recorded in the Wake Registry.
- H. Reimbursement values for additional right-of-way for Louisburg Road (U.S. Highway No. 401) and Forestville Road shall remain at R-4.
- I. Open-Air Stormwater Facilities will be designed as site amenities and landscaped with appropriate vegetation to SHOD-4 standards, with or without fences. Stormwater facilities shall be designed to meet predevelopment stormwater runoff rates for the 2 year and 10 year storm events; therefore the peak stormwater runoff leaving the site for the 2-year and 10- year storm events shall be no greater for the postdevelopment conditions than for the pre-development conditions. The same methodologies used to calculate stormwater runoff must be used for both predevelopment and post-development conditions.
- J. Non-Residential Square Footage Limitations (Floor Area Gross):
- (i.) Retail - retail square footage shall not exceed a floor area gross of one hundred fifty thousand (150,000) square feet with no single retail use being greater than sixty thousand (60,000) square feet.
  - (ii.) Office - office square footage shall not exceed a floor area gross of thirty-eight thousand two hundred (38,200) square feet.

Prior to subdividing or any other division of land of the rezoned Property, there shall be recorded in the Wake Registry a Declaration for Retail and Office Uses, in form approved by the Office of the City Attorney, which Declaration shall initially establish and through future modifications (also approved by the Office of the City Attorney) thereafter track the allocation of retail and office square footage upon the Property.

- K. The maximum number of dwelling units within the Property shall not exceed 176 dwelling units, provided, however, that a maximum of fifteen (15) additional dwelling units may be constructed if the maximum office square footage cap of 38,200 square feet is reduced to 27,700 square feet (floor area gross).
- L. High profile ground signs are prohibited; free-standing signs shall be low and/or medium profile ground signs, limited as to size and quantity as provided in the City Code.
- M. In conjunction with initial subdivision approval for non-residential structures upon the Property unity of development criteria shall be established and approved by the Planning Department of the City.

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   |
| Widewaters Forestville Company, LLC |            | 2/8/13 |
| <hr/>                               |            |        |
| By:                                 |            |        |
| <hr/>                               |            |        |
| Joseph R. Scuderi, Manager          |            |        |



Z-18-13  
pg 4 of 6

## EXHIBIT C. Request for Zoning Change

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

- N. No dumpster facilities shall be located within Two Hundred (200') feet of the common property lines with the Brighton Village Subdivision residential lots identified by Wake County Tax PIN Nos. as follows: 1747394425, 1747495422, 1747495470, 1747496309, 1747496348, 1747496387, 1747497325, 1747497364, 1747498303, 1747498342, 1747498381, 1747499229, 1747499268, 1747590207, 1747590246, 1747590284, 1747591223, 1747591271, 1747593161, 1747582999. The service openings/doors of all dumpster facilities shall be oriented away from the Brighton Village Subdivision.
- O. There shall be a maximum of two (2) Access Points on U.S. Highway 401 North, subject to approval by NCDOT and the City of Raleigh Transportation Division.
- P. Copies of all subdivision and site plans for the development of the 9.33-acre, more or less, tract described in Condition C or of any portion thereof shall be provided by Certified U.S. Mail to Williams (PIN No. 1747495470) and West (PIN No. 1747591223) or their successors in title simultaneously with their filing for approval with the City of Raleigh.

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   |
| Widewaters Forestville Company, LLC |            | 2/8/13 |
| <hr/>                               |            |        |
| By:                                 |            |        |
| <hr/>                               |            |        |
| Joseph R. Scuderi, Manager          |            |        |

## EXHIBIT A

2-18-13  
pg 5 of 6

- Street A extends east off US-401 to Forestville Road and forms the Core Area of the development. Application of the site, street, and building design recommendations of the Urban Design Guidelines is appropriate within the Core with the exception of on-street parking within the first block off US-401.
- Street B extends south from Street A and serves as a transitional street to the adjacent residential neighborhood. While maintaining a strong pedestrian orientation through streetscape design and building placement; a development transition using architectural design, height, and massing should be incorporated as proximity to the neighborhood increases. Housing should also transition in density with the highest in the Core.
- The Urban Design Guidelines do not apply to the frontage of the property on US-401. This area should include thoroughfare yard landscape buffers.
- While Forestville Road is also a major thoroughfare with landscape buffers and minimized building orientation onto the street; application of the Urban Design Guidelines is appropriate in relation to streetscape design, sidewalks, and pedestrian crossings especially at street and driveway intersections leading into the development to provide connectivity to the residential areas east of the street. Buildings should frame the Forestville Road Entry onto street.
- A median is recommended at entry #2 and Street A access points onto Forestville Road as shown on the Concept Plan dated **3/29/04** to provide a safe pedestrian haven in crossing the thoroughfare. Additional right-of-way may be necessary at these locations to provide the median.

Z-18-13  
pg 6 of 6



# EXHIBIT D. Request for Zoning Change

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

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

## **Required items of discussion:**

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

## **Recommended items of discussion (where applicable):**

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

## **PETITIONER'S STATEMENT:**

### **I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](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 Property is designated Neighborhood Mixed Use on the Future Land Use Map. This classification applies to neighborhood shopping centers. The proposed rezoning permits a mix of residential, office and retail uses, and the Property is currently developed as a neighborhood shopping center that includes a mix of uses. The proposed rezoning is consistent with the Future Land Use Map designation of Neighborhood Mixed Use.

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

The Property is located within the Forestville Village Area Plan, and is considered Forestville Village West. The Property is within the "core" and "transition area" as shown on Map AP-FV-1. The Property is currently developed in accordance with the Forestville Village Area Plan policies, including the street extension recommendations, pedestrian amenity policies, and building orientation recommendations.

#### **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 Future Land Use Map, Forestville Village Area Plan and the Comprehensive Plan policies listed below:

# 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 “Future Land Use Map and Zoning Consistency”
- LU 1.3 “Conditional Use District Consistency”
- LU 2.6 “Zoning and Infrastructure Impacts”
- LU 4.5 “Connectivity”
- LU 10.6 “Retail Nodes”
- UD 5.1 “Contextual Design”
- UD 7.3 “Design Guidelines”

## 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):

North: Residential (townhouse); Principal Arterial (Louisburg Road)

East: Residential (large tracts; single-family detached homes); Major Thoroughfare (Forestville Road)

South: Residential (single-family detached homes)

West: Commercial (mini-warehouse)

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

North: R-6 CUD (Z-77-04); O&I-2 CUD (Z-21-08)

East: R-4 with PDD (Z-20-04); R-4 General Use; R-6 CUD (Z-37-01)

South: R-6 (Z-75A-99)

West: TD CUD (Z-9-03) with SHOD-3

### 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:

Based on the location of the Property at the intersection of a principal arterial and a major thoroughfare, the Property is suitable for a mix of residential, office and commercial uses. The proposed zoning map amendment maintains the current entitlement for a mix of uses. The surrounding area is largely residential, and the proposed zoning map amendment provides a mix of uses that serve residents in close proximity to these residential uses with appropriate transitions.

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

### A. For the landowner(s):

The proposed map amendment benefits the landowner by providing it with the ability to construct larger signs that will better identify the existing shopping center and tenants.

### B. For the immediate neighbors:

The proposed map amendment benefits the immediate neighbors by permitting signage that will make the center more attractive to tenants that can serve the immediate neighbors.

### C. For the surrounding community:

The proposed map amendment benefits the surrounding community by improving the visibility and viability of the current development through providing more visible signage.

## EXHIBIT D. Request for Zoning Change

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

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

No, the rezoning of this property does not provide a significant benefit which is not available to surrounding properties. The condition limiting ground signs to low- and medium-profile signs is still more restrictive than what the city code would otherwise permit.

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

The map amendment proposes to alter a condition so as to permit medium profile ground signs. A recent road widening and improvement project, in addition to the existing grade along Louisburg Road, has obscured the view of any low profile ground sign. Additionally, the internal orientation of the existing development and the buffer along Louisburg Road further limits the visibility of the center itself and individual tenants. These characteristics support the proposed map amendment to permit medium profile ground signs as reasonable and in the public interest.

### V. Recommended items of discussion (where applicable).

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

Not applicable.

- 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.

Not applicable.

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

Not applicable.

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

Not applicable.

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

The rezoning advances the fundamental purposes of zoning set forth in the North Carolina General Statutes by regulating the use of land in accordance with a comprehensive plan, by lessening congestion in the streets by providing connectivity, and by regulating with reasonable consideration to the character of the district and the suitability of the land for particular uses by locating a mixed use development at the intersection of a primary arterial and a major thoroughfare.

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

The applicant does not have any other arguments at this time.

## Design Guidelines for Mixed Use Areas

### RALEIGH COMPREHENSIVE PLAN

#### **Policy UD 7.3**

##### **Design Guidelines**

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

#### **Elements of Mixed-Use Areas**

1. *All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office and residential within walking distance of each other. Mixed Uses should be arranged in a compact and pedestrian-friendly form.*

**Response:** The proposed rezoning is consistent with this guideline because it permits retail, office and residential uses within walking distance of each other and provides pedestrian connections between the uses. The property is currently developed consistent with this guideline.

#### **Mixed-Use Areas /Transition to Surrounding Neighborhoods**

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

**Response:** The proposed rezoning is consistent with this guideline by providing height and distance transitions to surrounding neighborhoods. The property is currently developed consistent with this guideline.

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

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

**Response:** The proposal is consistent with this guideline, as the conditions implement the Area Plan street network recommendations and the street network provides multiple vehicular and pedestrian connections to nearby neighborhoods.

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

**Response:** The proposal and current development is consistent with this guideline, because no cul-de-sacs exist and the conditions implement the street network recommendations in the Area Plan.

5. *New development should be compromised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.*

**Response:** The current development complies with this guideline except for along Louisburg Road, in recognition of its status as a primary arterial.

#### **Site Design/Building Placement**

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

**Response:** The proposal is consistent with this guideline, as buildings currently line an internal main street.

7. *Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.*

**Response:** The proposal and current development is consistent with this guideline, as buildings line an internal main street with pedestrian amenities throughout the development.

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

**Response:** The proposal and current development is consistent with this guideline, taking into account the buffer and setback from Louisburg Road. Buildings are currently located at street intersections.

#### **Site Design/Urban Open Space**

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

**Response:** The proposal and current development is consistent with this guideline, as public open spaces are located in visible places near building entrances and accessible via sidewalks.

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

**Response:** The proposal and current development is consistent with this guideline, and the urban open spaces are located adjacent to sidewalks and have multiple points of entry.



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

**Response:** The proposal and current development is consistent with this guideline, as the urban open spaces are bordered by active uses.

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

**Response:** The proposal and current development is consistent with this guideline, as the open spaces are enclosed by buildings on at least two sides.

#### **Site Design/Public Seating**

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

**Response:** The proposal and current development is consistent with this guideline, as benches are provided in the open spaces.

#### **Site Design/Automobile Parking and Parking Structures**

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

**Response:** The proposal and current development is consistent with this guideline, as the buildings create an internal main street with pedestrian amenities and on-street parking.

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

**Response:** The proposal and current development is consistent with this guideline along the internal main street.

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

**Response:** No parking structures are contemplated for development of the property.

#### **Site Design/Transit Stops**

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

**Response:** The proposal and current development is consistent with this guideline, as the higher building densities and more intense land uses are within walking distance of pedestrian amenities and potential transit options.

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

**Response:** The proposal and current development is consistent with this guideline, as the rezoning requires dedication of a transit easement, and internal pedestrian connectivity is provided.

#### **Site Design/Environmental Protection**

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

**Response:** This guideline is inapplicable because there appear to be no natural resources or sensitive landscape areas on the property.

#### **Street Design/General Street Design Principles**

20. *It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.*

**Response:** The proposal and current development is consistent with this guideline, as the developer has constructed streets consistent with the Area Plan recommendations, and has provided a commercial drive main street with pedestrian amenities.

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

**Response:** The proposal and current development is consistent with this guideline, as wide sidewalks are provided along the internal main street.

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

**Response:** The proposal and current development is consistent with this guideline, as street trees are provided throughout the development along sidewalks and streets.

#### **Street Design/Spatial Definition**

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

**Response:** The proposal and current development is consistent with this guideline, as buildings line the internal main street.

**Building Design/Facade Treatment**

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

**Response:** The proposal and current development is consistent with this guideline, as buildings functionally front along the internal main street.

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

**Response:** The proposal and current development is consistent with this guideline, as pedestrian interest is provided along the sidewalks, particularly along the internal main street.

**Building Design/Street Level Activity**

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

**Response:** The proposal and current development is consistent with this guideline.

## **EXHIBIT D**

### **SUMMARY OF DISCUSSION ITEMS**

On Wednesday, February 6, 2013, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. The following items were discussed:

1. Size of existing low profile sign
2. Dimensions medium profile sign
3. Location of sign
4. Sign on Forestville Road
5. Need for larger sign to identify center and tenants
6. Tenants and uses residents would like to see in center
7. Process and timing of rezoning
8. Development of residential pod

**EXHIBIT E**

**NEIGHBORHOOD MEETING ATTENDEES**

**(See attached)**

# Sign-In Sheet

2/6

| Name          | Address             | Contact      |
|---------------|---------------------|--------------|
| Peggy Jones   | 8217 Marshall Brae  | 919-373-1104 |
| Khedra Mathis | 7706 Oak Marsh Dr.  | 919-326-6156 |
| Doug Wilson   | 8176 Willoughen DR  | 919-341-3435 |
| Jeff Gonder   | 8159 Willoughen Dr  | 919-374-0832 |
| Kevin Bilij   | 8108 Willoughen Dr. | 919-449-4629 |
| Ronda Sanders | 8144 willoughen DR  | 919 332 5767 |
| Glen Williams | 7609 Doughton Hill  | 310-404-5006 |