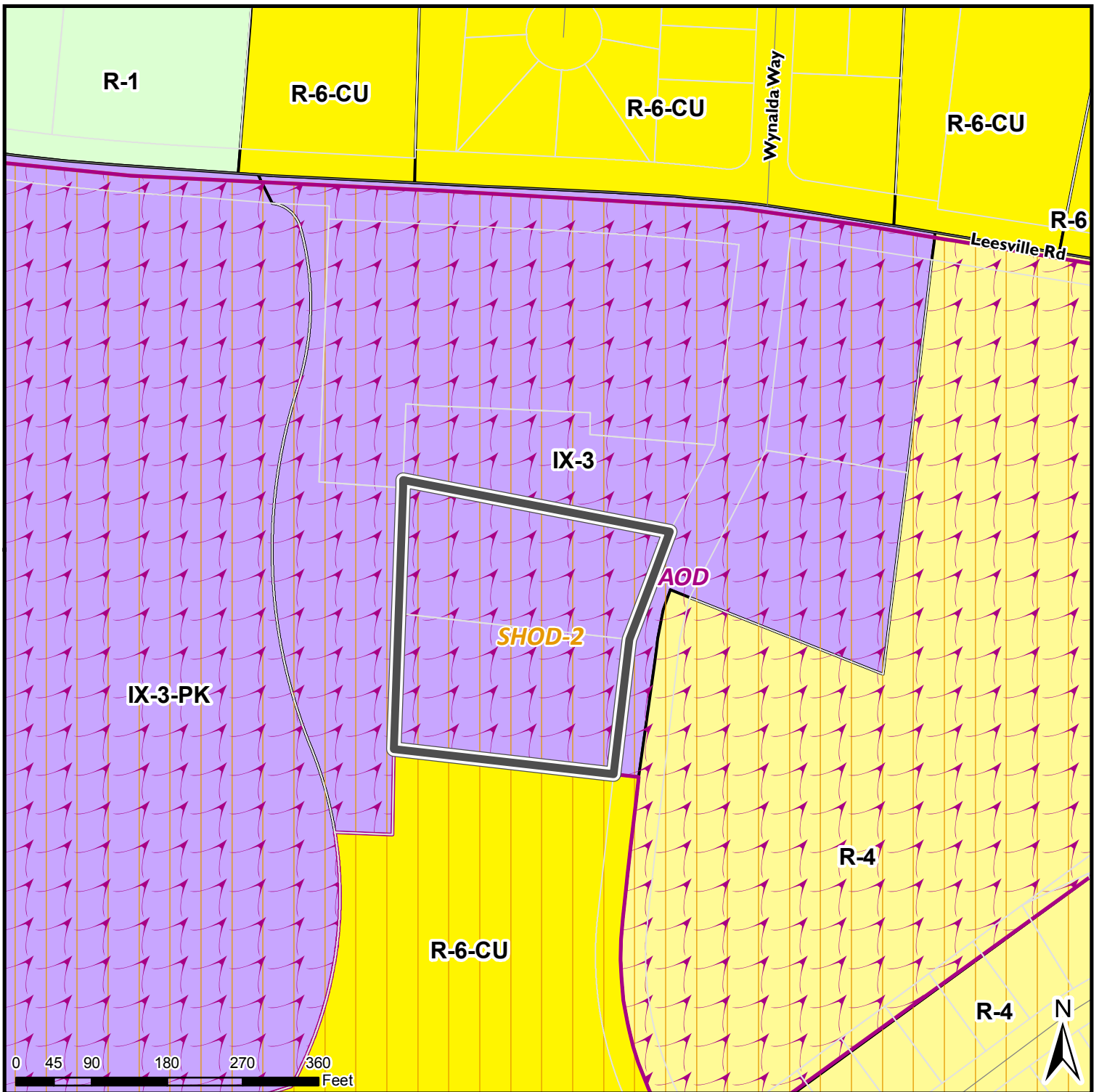


Existing Zoning Map

Z-25-16

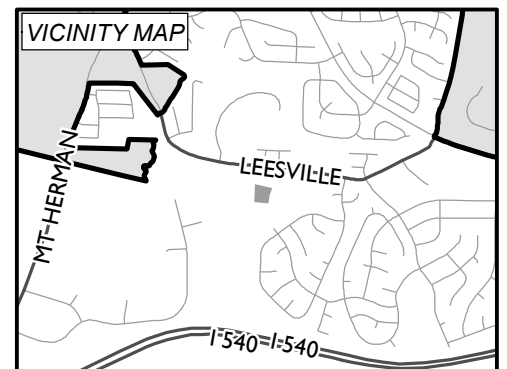


Submittal Date

8/16/2016

Request:

1.96 acres from
IX-3 w/ AOD & SHOD-2
to R-4 w/ SHOD-2

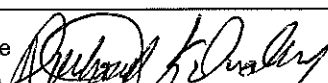


Rezoning Application

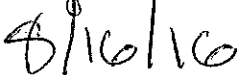


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST	
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification <u>IX-3 with AOD and SHOD-2</u> Proposed Zoning Classification Base District <u>R-4 with SHOD-2</u> Height _____ Frontage _____	OFFICE USE ONLY Transaction # 450164
If the property has been previously rezoned, provide the rezoning case number: Z-27B-2014	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:	

GENERAL INFORMATION	
Property Address 12101 and 12105 Leesville Road, Raleigh, NC	Date May 27, 2016
Property PIN 0778384976 and 0778394190	Deed Reference (book/page)
Nearest Intersection Leesville Road and Wynalda Way	Property Size (acres) 1 acre and .96 acres
Property Owner/Address 5400 ALPINE DR RALEIGH NC 27609-4604	Phone _____ Fax _____ Email anthonykdudley@gmail.com
Project Contact Person/Address Katherine B. Wilkerson Lynch & Eatman, L.L.P. P.O. Box 30515 Raleigh, NC 27622	Phone 919-571-8560 Fax 919-571-9983 Email kwilkerson@lyncheatman.com
Owner/Agent Signature 	Email _____

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

Signed in:

 2:39:24 PM

REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis

OFFICE USE ONLY

The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.

Transaction #

Rezoning Case #

STATEMENT OF CONSISTENCY

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

1. While this proposed rezoning is inconsistent with the idea of providing mixed use commercial or light industrial zoning as shown on the current map, the use is consistent with the low density residential use in the area and will be located next to a recently approved residential subdivision being developed directly to the south.

2. The proposal does comply with the Comprehensive Plan Theme of "Growing Successful Neighborhoods and Communities" and is located across the street from residential development and a future City park. It is also located in proximaty to Sycamore Creek Elementary School.

3.

4.

PUBLIC BENEFITS

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

1. This use is consistent with the surrounding residential uses and is a public benefit by preventing commercial or industrial uses that would be incompatible with the surrounding residential development and the future city park.

2.

3.

4.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a “mixed use center” or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form. The proposed rezoning does not accomodate a mixed-use development</p>
2.	<p>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. The proposed rezoning is for single-family residential development in keeping with the adjacent neighborhoods.</p>
3.	<p>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. Because this is a single family development, no connecting road is required</p>
4.	<p>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. Because this is a single family development, no connecting road is required</p>
5.	<p>New development should be comprised 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. Because this is a single family development, no connecting road is required</p>
6.	<p>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. This guideline does not apply to a single family residential use.</p>
7.	<p>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. This guideline does not apply to a single family residential use.</p>
8.	<p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection. This guideline does not apply to a single family residential use.</p>
9.	<p>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. This guideline does not apply to a single family residential use.</p>
10.	<p>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. This guideline does not apply to a single family residential use.</p>
11.	<p>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. This guideline does not apply to a single family residential use.</p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users. This guideline does not apply to a single family residential use.</p>
13.	<p>New public spaces should provide seating opportunities. This guideline does not apply to a single family residential use.</p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. This guideline does not apply to a single family residential use.</p>
15.	<p>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. This guideline does not apply to a single family residential use.</p>

16.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
17.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
18.	<p>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</p> <p>This guideline does not apply to a single family residential use.</p>
19.	<p>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.</p> <p>This development will comply with UDO requirements for building a single family house in compliance with environmental regulations.</p>
20.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
21.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
22.	<p>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement 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.</p> <p>This guideline does not apply to a single family residential use.</p>
23.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
24.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
25.	<p>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.</p> <p>This guideline does not apply to a single family residential use.</p>
26.	<p>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</p> <p>This guideline does not apply to a single family residential use.</p>

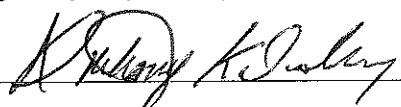
Conditional Use District Zoning Conditions

Zoning Case Number	OFFICE USE ONLY Transaction #
Date Submitted	
Existing Zoning IX3 w/AOD + SHDD2 Proposed Zoning R-4CU w/SHDD -2	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. Any recorded subdivision map of the property shall include a notation that the property lies within the Raleigh Durham International Airport "composite 65 DNL noise contour" projected in the RDU Airport's long range facility plan.
2. Prior to recordation of a subdivision map of the property, the owner of the property shall record an Aviation Easement, which shall grant in favor of the Raleigh Durham International Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the property not within the Airport Overlay District and used for residential purposes.
3. Any new residential dwelling on the property shall be constructed with material and in a manner sufficient to assure a 25dB reduction of A-weighted aircraft sound levels reaching the interior of the dwelling resulting in interior sound levels not exceeding 42 dB. A written certification by an architectural acoustician accredited by the Acoustical Society of America, or state licensed engineer or architect shall be deemed to satisfy this condition.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

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

Owner/Agent Signature  Print Name Anthony K. Dudley

LYNCH & EATMAN, L.L.P.

LAWYERS
SUITE 100, GLENLAKE SIX
4130 PARKLAKE AVENUE
RALEIGH, NORTH CAROLINA 27612
919/571-3332
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MARIA M. LYNCH *
JEROME R. EATMAN, JR.
KATHERINE B. WILKERSON
ISAAC J. BRADLEY**
ALEXANDER B. URQUHART

*Board Certified Specialist in Estate
Planning and Probate Law
**Certified Public Accountant

MAILING ADDRESS:
POST OFFICE BOX 30515
RALEIGH, NC 27622-0515

WRITER'S DIRECT DIAL:
919/571-8560
kwilkerson@lyncheatman.com

March 31, 2016

0778394190
Dudley, Anthony K.
5400 Alpine Drive
Raleigh, NC 27609-4604

Re: Rezoning of 12101 and 12105 Leesville Road, Raleigh, NC

Dear Sir or Madam:

We represent Anthony Dudley, the owner of the above referenced properties. He is petitioning to rezone the properties from IX-3 with Airport Overlay District and Special Highway Overlay District – 2 to R-4. This will change the property from Industrial Mixed Use zoning with the overlay districts to Residential – 4 zoning without the overlay districts which allows single family houses. Mr. Dudley plans to build his personal home on the property.

As a part of this process, we are holding a meeting for the adjacent neighbors to allow Mr. Dudley to explain his plans and to answer any questions. This meeting will take place on April 14, 2016 at 6:00 p.m. at the Harrington Pointe clubhouse located at 6210 O'Connor Street, Raleigh, NC 27617.

If you have any questions or comments before or after the meeting, please feel free to contact me.

Very truly yours,

Katherine B. Wilkerson

KBW:pbf

0778394190
DUDLEY, ANTHONY K
5400 ALPINE DR
RALEIGH NC 27609-4604

0778294186
DEAN, BENJAMIN A MCCONNELL, JOHN P
PO BOX 20066
RALEIGH NC 27619-0066

0778382107
ANGUS BARN PROPERTIES LLC THE
9401 GLENWOOD AVE
RALEIGH NC 27617-7514

0778384976
DUDLEY, ANTHONY K
5400 ALPINE DR
RALEIGH NC 27609-4604

0778392068
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

0778394379
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

0778395233
HUCKS, ALBERT JR HEIRS
WHITNEY MCMAHAN
5301 DEERGRASS CT
RALEIGH NC 27613-6585

0778398142
PARKER, FORREST F III PARKER,
KIMBERLY N
12013 LEESVILLE RD
RALEIGH NC 27613-8311

0778491043
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

SUMMARY OF ISSUES

A neighborhood meeting was held on April 14, 2016 (date) to discuss a potential rezoning located at 12101 and 121015 Leesville Road, Raleigh (property address).

The neighborhood meeting was held at Harrington Pointe Clubhouse, at 6210 O'Connor Street, Raleigh, NC 27617 (location).

There were approximately zero (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The attendees were the owner, his lawyer, his real estate broker and the manager of the clubhouse. We had materials to give to any neighbor that came, but no neighbors attended.

Attendance List – Zoning Meeting for 12101 and 12105 Leesville Road – Thursday, April 14, 2016 at 6:00 pm.

1. Anthony K Dudley Anthony K Dudley
2. Jeanell Morton Jeanell Morton
3. ROBERT RHODES Ann Rhoads (RESIDENT)
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.