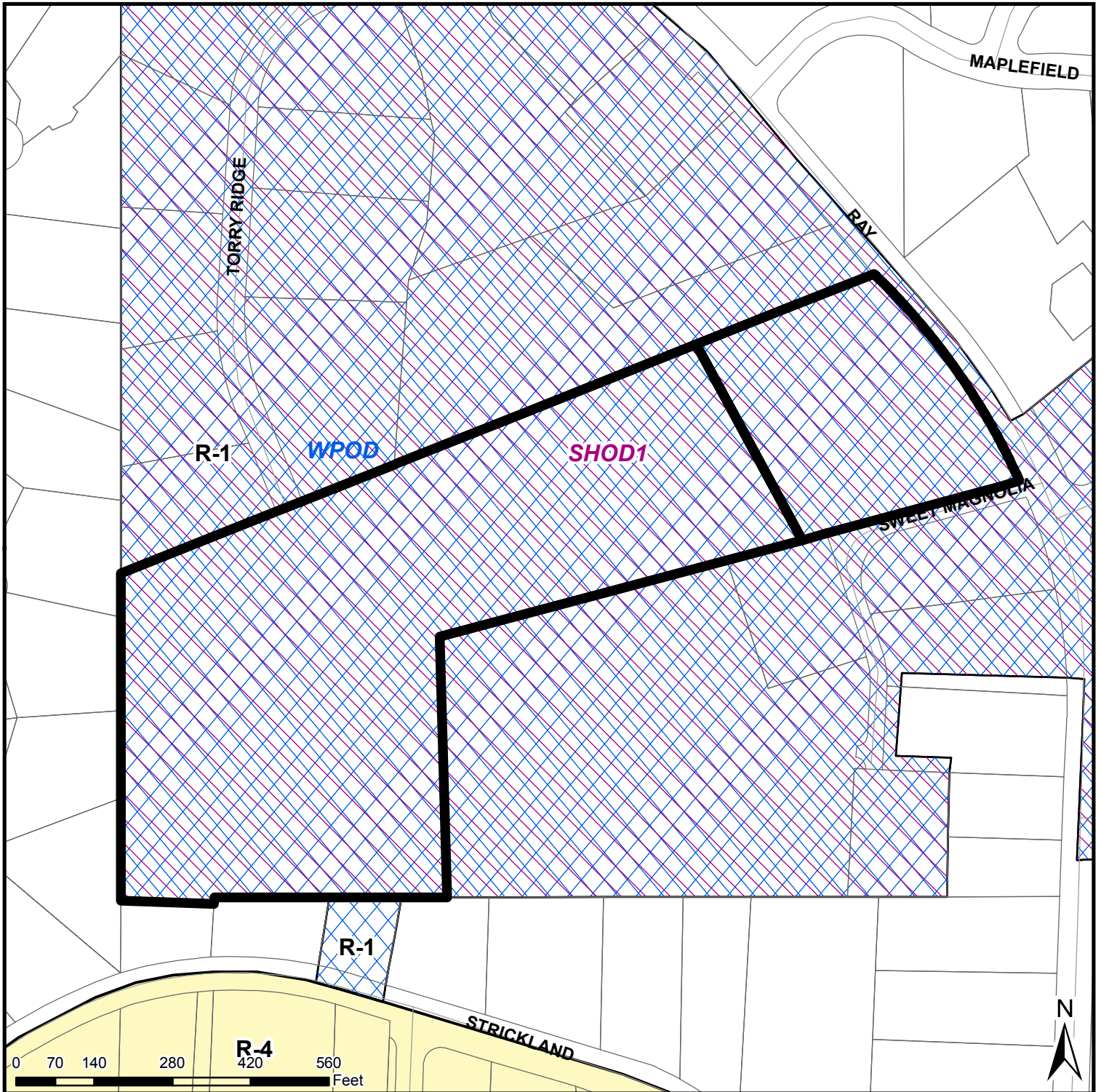


Existing Zoning Map

Z-28-2013

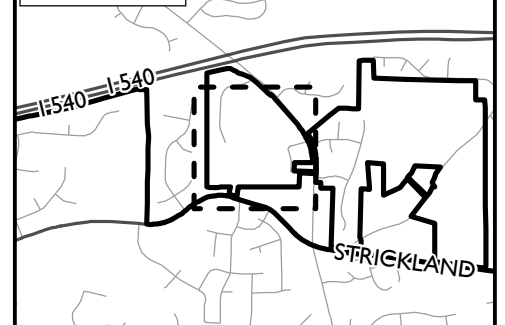


Submittal Date

8/29/2013

Request:
17.59 acres from R1 w/SHOD-1
and WPOD to R-2 CU w/WPOD

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11563

Case Information Z-28-13 Ray Road

<i>Location</i>	Ray Road, west side, north of its intersection with Strickland Road and south of its intersection with Maplefield. PIN: 0788667626,0788763825
<i>Request</i>	Rezone 2 adjacent properties from R-1 with SHOD-1 and FWPOD to R-2 CU with FWPOD
<i>Area of Request</i>	17.59 acres
<i>Property Owner</i>	Classic Neighborhood-FC Holdings, LLC 1111 North Post Oak Blvd. Houston, TX 77055 Attention: Heather Humphrey, CFO
<i>Applicant</i>	Jarroed Edens Edens Land Corp. 2144 Page Road Suite 204 Durham, NC 27703 919-706-0550 Jarrod.edens@edensland.com
<i>Citizens Advisory Council</i>	Northwest Jay M. Gudeman 919-789-9884 jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	February 18, 2014

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

FUTURE LAND USE	Rural Residential
CONSISTENT Policies	None identified
INCONSISTENT Policies	<ol style="list-style-type: none"> 1. EP 2.2 Environmentally Sensitive Development 2. EP 3.3 Water Supply Protection 3. PU 3.11 Protection of Water Supply 4. AP-FL 2 Falls Lake Secondary Watershed Density

Summary of Proposed Conditions

- | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. Maximum of 26 single family dwellings 2. Proposed pump station to be at least 50 feet from the northern property line 3. Provides for a 50' wide undisturbed natural buffer along northern property line |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
May 23, 2013		Committee of the Whole February 4, 2014 Refer to full Planning Commission with no recommendation	February 11, 2014 recommended denial

Valid Statutory Protest Petition

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	<p>The Planning Commission recommends denial of this proposed rezoning.</p> <p>The Planning Commission also recommends that the City Council consider changes to the zoning conditions as have been discussed and recorded by the staff and Commission.</p>
<i>Findings & Reasons</i>	<p>Approval of the case could provide a precedent for requests to increase residential density in the Falls Lake Watershed. The City does not have any policies in place to support such requests.</p> <p>Although the engineered stormwater control proposed for this particular rezoning case may be more effective than the one-house-per-acre policy, the implications for widespread use of such engineered stormwater controls for the larger Falls Lake Watershed, Swift Creek Watershed, and future Little River Watershed are not known and require further study.</p> <p>A change in Raleigh's one-house-per-acre policy may encourage other jurisdictions with interests in the water-supply watersheds to change their policies as well.</p> <p>The case is not reasonable and in the public interest.</p>
<i>Motion and Vote</i>	<p>Motion: Buxton Second: Terando In Favor: Braun, Buxton, Fleming, Schuster, Swink and Terando Opposed: Lyle, Fluhrer and Whitsett</p>

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

Date

Date

2/11/14



Staff Coordinator: James Brantley james.brantley@raleighnc.gov

Zoning Staff Report – Case Z-28-13

Conditional Use District

Case Summary

Overview

The site is in the Falls Lake secondary watershed, in far northwest Raleigh, north of Strickland Road and west of Ray Road. The watershed area, north of Strickland Road, is characterized by large lot (1 acre+) subdivisions and vacant land. Half a mile north of the site, Interstate 540 runs east and west. The lands south of Strickland Road are not in the watershed and are built out mostly as single family housing at approximately R-4 density.

The land is currently vacant and wooded. Approximately 14 single family houses abut the property.

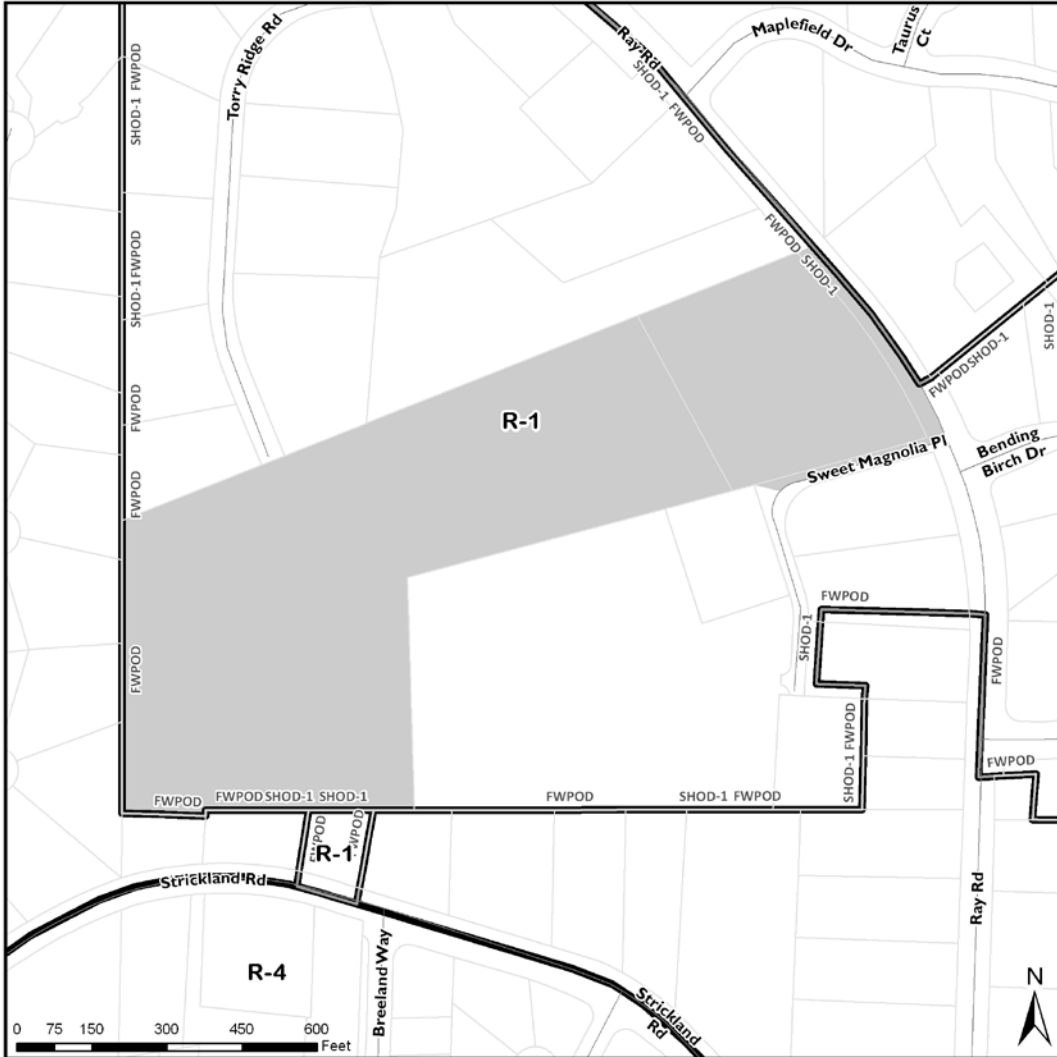
The property is designated “Rural Residential” on the Future Land Use Map. In the Falls Lake Watershed, this designation is intended to achieve watershed conservation and tree protection. Overall densities are to be kept below one dwelling per acre.

Outstanding Issues

<i>Outstanding Issues</i>		<i>Suggested Mitigation</i>	
	1. The proposed number of dwellings exceeds the one dwelling per acre goal for housing development in the Falls Lake watershed.		1. Restrict the number of dwellings to 17.

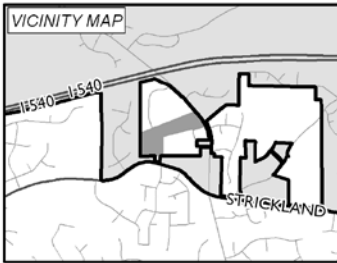
ZONING REQUEST

Existing Zoning Map Z-28-2013




Submittal Date
8/29/2013

Request:
17.59 acres from
R-1 w/SHOD-1 & FWPOD
to R-2-CU
w/ -FWPOD



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R1	R1	R1	Wake County R-40W and R1	Wake County R-40W
<i>Additional Overlay</i>	SHOD-1, FWPOD	SHOD-1, FWPOD	SHOD-1, FWPOD	SHOD-1, FWPOD	None
<i>Future Land Use</i>	Rural Residential	Rural Residential	Rural Residential (and Wake County jurisdiction)	Rural Residential (and Wake County jurisdiction)	Wake County jurisdiction
<i>Current Land Use</i>	Vacant	Large lot single family houses	Vacant, single family houses	Large lot single family houses	Large lot single family houses
<i>Urban Form (if applicable)</i>	N/A	N/A	N/A	N/A	N/A

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	17, 1 DU/Ac.	26, 1.4 DU/Ac.
<i>Setbacks:</i>		
<i>Front:</i>	40 feet	30 feet
<i>Side:</i>	10 feet	10 feet
<i>Rear:</i>	30 feet	30 feet
<i>Retail Intensity Permitted:</i>	N/A	N/A
<i>Office Intensity Permitted:</i>	N/A	N/A

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	17.59 acres	17.59 acres
<i>Zoning</i>	R-1	R-2
<i>Max. Gross Building SF (if applicable)</i>	N/A	N/A
<i>Max. # of Residential Units</i>	17	26
<i>Max. Gross Office SF</i>	N/A	N/A
<i>Max. Gross Retail SF</i>	N/A	N/A
<i>Max. Gross Industrial SF</i>	N/A	N/A
<i>Potential F.A.R</i>	N/A	N/A

The proposed rezoning is:

Compatible with the property and surrounding area.

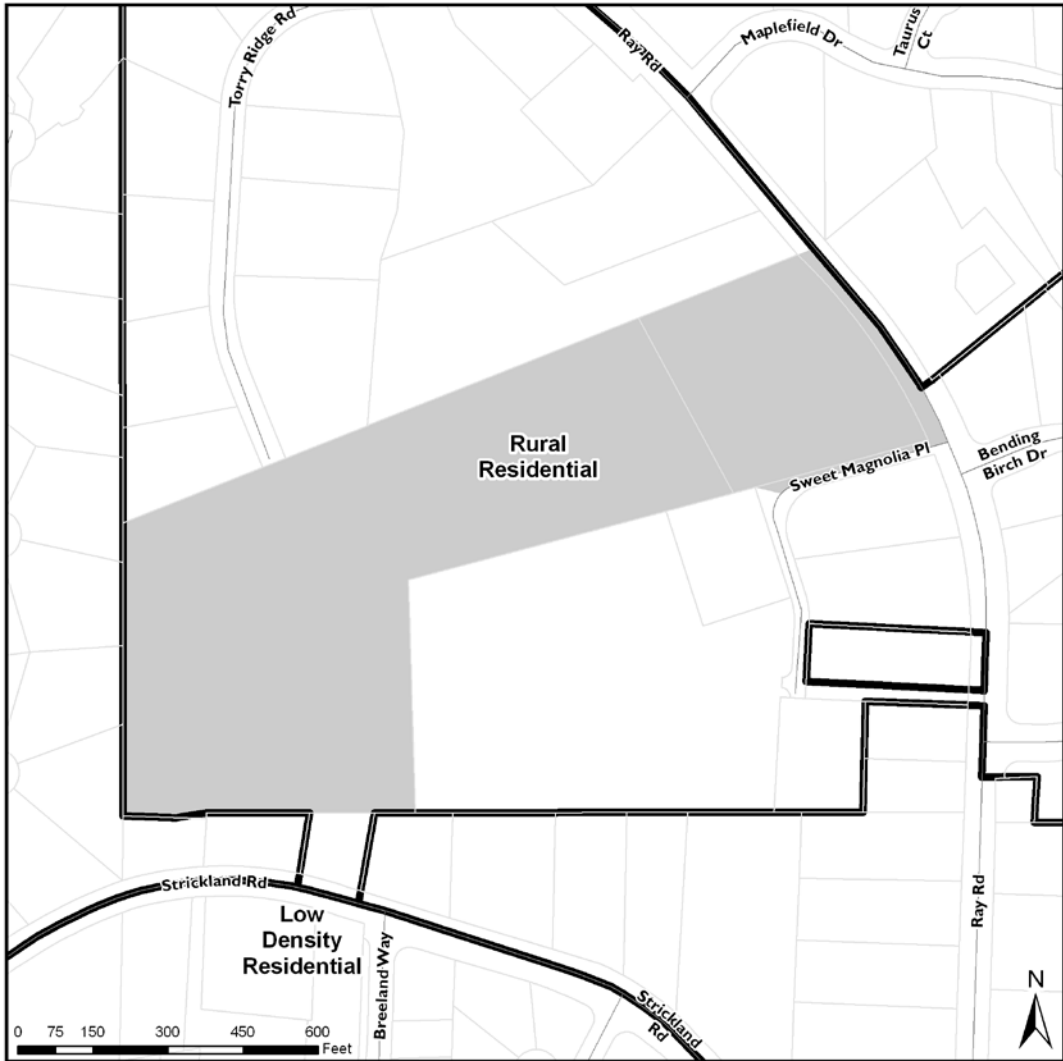
Incompatible.


Analysis of Incompatibility:

The proposed density on the site will be noticeably higher than that of lands to the west, north, east and part of the south.

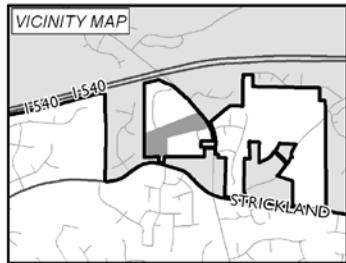
FUTURE LAND USE MAP

Future Land Use Map **Z-28-2013**




Submittal Date
8/29/2013

Request:
17.59 acres from
R-1 w/SHOD-1 & FWPOD
to R-2-CU
w/ -FWPOD



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The Future Land Use Map designates these properties for Rural Residential development, that is, one dwelling per acre. The proposal would allow 1.4 dwellings per acre.

2.2 Policy Guidance

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

1. EP 2.2 Environmentally Sensitive Development
2. EP 3.3 Water Supply Protection
3. PU 3.11 Protection of Water Supply

The above cited policies all are directed towards the goal of preserving Falls Lake water quality and leaving substantial parts of water supply watersheds wooded and, if possible, undisturbed. The City has historically kept very firm on not permitting more than 1 dwelling per acre in Rural Residential areas.

2.3 Area Plan Policy Guidance

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

1. AP-FL 2 Falls Lake Secondary Watershed Density

This policy states that the average density in the Falls Lake Secondary Watershed should be one dwelling per acre.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

None identified.

3.2 Detriments of the Proposed Rezoning

If adopted, the proposed rezoning would set a precedent for rezonings to densities higher than one dwelling per acre in the Falls Lake Secondary Watershed.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)				
Ray Road	Avenue, 2 Lane Undivided	5,300				
Strickland Road	Avenue, 4 Lane Divided	11,500				
Street Conditions						
Ray Road	Lanes	Street Width	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	2	36'	None	101'	None	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	Yes	No	Yes	No	No
Strickland Road	Lanes	Street Width	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	2	25'	None	75'	None	None
City Standard	4	73'	Yes	101'	minimum 6' sidewalks on both sides	7' lane on both sides
Meets City Standard?	No	No	No	No	No	No
Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential			
AM PEAK	11	30	19			
PM PEAK	3	30	27			
Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-28-13.					
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

4.2 Transit

There is currently no transit in this area. Neither the City of Raleigh Short Range Transit Plan nor the Wake County 2040 Transit Study recommend a transit route for this area.

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	None present
<i>Drainage Basin</i>	Falls Lake
<i>Stormwater Management</i>	Subject to Section 9.2
<i>Overlay District</i>	FWPOD

Impact Identified: Per several City policies, the proposal would have an adverse impact on the water quality in the Falls Lake Reservoir.

A determination of whether the stream features on the site require Neuse River Buffers should be obtained from NC DWQ. Site is subject to Section 9.2 (Stormwater Controls) of Raleigh Unified Development Ordinance. Subject site is located within the Watershed Protection Overlay District for Falls Lake and is subject to Section 9.5 (Watershed regulations) of the Raleigh Unified Development Ordinance.

4.4 Parks and Recreation

The subject rezoning case is not adjacent to any Capital Area Greenway corridors. The subject tract's recreation needs will be served by Strickland Road Park.

Impact Identified: None

4.5 Urban Forestry

Impact Identified: The proposed re-zoning and related conditions will not impact tree conservation areas required by Article 9.1. When the site is submitted for development, compliance with Article 9.1. will be required.

Note that under the UDO, when the site is developed, neither the buffer nor any resultant SHOD yards will qualify as primary tree conservation area. The 15% tree conservation area requirement for R2 will be applicable as well as the 40% forestation requirement for the FWPOD overlay.

4.6 Designated Historic Resources

N/A

4.7 Community Development

N/A

4.8 Appearance Commission

N/A

4.9 Impacts Summary

The proposed rezoning would have minimal impacts on City infrastructure and services

4.10 Mitigation of Impacts

None suggested.

5. Conclusions

The proposal is not consistent with the Future Land Use Map, which recommends Rural Residential (one dwelling per acre) for this environmentally sensitive area which lies within the Falls Lake Secondary Watershed. Falls Lake is the City of Raleigh's primary source of drinking water. The proposal would allow a density of up to 1.4 dwelling per acre. Rezoning to allow such densities would set a precedent for potential upzonings in the Watershed.

8/22/13
11:56am - SH



CITY OF RALEIGH
CITY PLANNING DEPT

Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)		Print Name	Heather Humphrey Chief Financial Officer	Date	7-18-13
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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)	Classic Neighborhood-FC Holdings, LLC	1111 North Post Oak Blvd.	Phone: (713) 316-3365 E-mail: hhumphrey@dwhomes.com
(for conditional use requests, petitioners must own petitioned property)	Attn.- Heather Humphrey, CFO	Houston, Tx. 77055	
Property Owner(s)	SAME AS ABOVE	SAME AS ABOVE	Same as above
Contact Person(s)	JARROD EDENS	2144 PAGE RD.	(919) 706-0550
	EDENS LAND CORP.	SUITE 204 DURHAM, N.C. 27703	jarrod.edens@edensland.com

Property information

Property	0788-66-7626, 0788-76-3825
Nearest M	RAY RD. AND STRICKLAND ROAD
Area of S	17.59 Ac.
Current Z	RR, SHOD-1/WATER PROTECTION OVERLAYS
Requeste	R-2 CU /w WPOD

EXHIBIT B. Request for Zoning Change

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

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
COLLEN K. HARRIS	9205 RAY ROAD	RALEIGH, NC 27613	0788669235
			0788762501
			0788764680
FREDERICK J. & RAISA HUENING	9113 ASPENSHIRE CT.	RALEIGH, NC 27613	
Kevin W. Stalnaker	3928 Maplefield Dr.	RALEIGH, NC 27613	0788722480
MARK D. & PATRICIA A. MURPHY	3924 MAPLEFIELD DR.		0788774395
RALPH J. & BONNIE A. MARSHBURN	9308 RAY ROAD	RALEIGH, NC 27613	0788775150
BRIAN S. & KRISTIN M. HOLDER	3932 BENDING BIRCH DR.	RALEIGH, NC 27613	0788767835
MICHAEL C. VASSALLO	9321 RAY ROAD	RALEIGH, NC 27613	0788678002
PHILLIP & JEANNE GIANFORTONE	10224 BUSHVELD LN	RALEIGH, NC 27613	0788663961
LAWRENCE J. & MARY M. SLOAN	4901 TORRY RIDGE ROAD	RALEIGH, NC 27613	0788661721
ALEX NICHOLSON, AMY KNIGHT, HARGROVE NICHOLSON	1604 PINE NEEDLE COURT	RALEIGH, NC 27614	0788657846
GOMER G. LEGG II	11713 STRICKLAND ROAD	RALEIGH, NC 27613	0788655859
LINDBERG & MATILDA SCOTT	12524 STRICKLAND ROAD	RALEIGH, NC 27613	0788654911
THEOGA CARRINGTON HEIRS	12608 STRICKLAND ROAD	RALEIGH, NC 27613	0788652943
BURKE J. CARRINGTON	12608 STRICKLAND ROAD	RALEIGH, NC 27613	0788650963
HERBERT & LINDA WASHINGTON	12605 SANDWOOD COURT	RALEIGH, NC 27613	0788557991
WILLIAM J. & PATRICIA A. KOWITE	12601 SANDWOOD COURT	RALEIGH, NC 27613	0788569004
FRANCIS L. WILSON	12600 SANDWOOD COURT	RALEIGH, NC 27613	0788568271
JAMES C. & BARBARA M. DUNAY	12601 LEATHERWOOD CT.	RALEIGH, NC 27613	0788568472
THE ROBERTA J. FARWELL TRUST	12600 LEATHERWOOD CT.	RALEIGH, NC 27613	0788568672

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested: R-2 CU

Narrative of conditions being requested:

1. RESIDENTIAL DEVELOPMENT ON THE SITE WILL BE LIMITED TO 26 SINGLE FAMILY HOMES.
2. THE PROPOSED PUMP STATION FACILITY SHALL BE A DISTANCE OF AT LEAST 50 FEET FROM THE NORTHERN PROPERTY LINE OF THE DEVELOPMENT.
3. A 50' WIDE UNDISTURBED NATURAL BUFFER STRIP WILL BE PROVIDED ALONG THE NORTHERN PROPERTY LINE ADJACENT TO THE PROPERTY IDENTIFIED AS WAKE COUNTY PIN 0788678002.

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	Heather Humphrey Chief Financial Officer	Date	7-18-13
<hr/>					
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EXHIBIT D. Request for Zoning Change

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

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 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 current Future Land use map of the Comprehensive Plan shows the properties to be planned for residential densities of 1 du/ac. or less. The proposed rezoning request of R-2 CUD would place a condition of a maximum of 26 units (approximately 1.53 du/ac). R-2 zoning districts do allow a Conservation Subdivision option. Section 1 of the Raleigh Comprehensive Plan, "Future Land Use" does support densities 1-6 units per acre when lot clustering and significant open space is retained as part of a Conservation Subdivision.

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.

There are no Area Plans or adopted plans/policies for this site.

EXHIBIT D. Request for Zoning Change

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

- C. 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”).**

- **Policy LU 1.2 Future Land Use Map and Zoning Consistency**

The proposed map amendment conditioned at a maximum of 26 lots (approximately 1.53 du/ac) for R-2 zoning with the option of a Conservation Subdivision design would be consistent to the FLUM when compared to an R-1 zone using the same Conservation Subdivision design option, which allows up to 2 du/ac.

- **Policy LU 1.3 Conditional Use District Consistency**

The map amendment and its conditions as part of a Conditional Use District (CU) will be consistent with the Comprehensive Plan.

- **Policy LU 2.3 Cluster Development**

The map amendment would support smaller residential lots and open space/tree preservation thru cluster design concepts.

- **Policy LU 3.1 Zoning of Annexed Lands**

The map amendment to City of Raleigh UDO standards would support the annexation of land currently in the Raleigh ETJ the city limits.

- **Policy LU 8.5 Conservation of Single Family Neighborhoods**

The map amendment would protect the existing Single Family neighborhoods of the area by utilizing a very similar type of development.

- **Policy LU 8.9 Open Space in New Development**

The map amendment for this property will encourage open space preservation with the condition use proposed on overall density.

- **Policy LU 8.10 Infill Development**

The proposed map amendment would encourage infill development of vacant tracts of land in order to eliminate gaps in the urban fabric of the city.

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):**

The surrounding area land uses are single family residential on all sides of the subject property. The proposed development will be developed as single family residential uses.

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

The existing zoning patterns in the area include RR to the north and east, R-4, RR, R-40W (Wake Co.) to the south and R-40W (Wake Co.) to the west.

Residential densities are from 0.5 du/ac. to 4 du/ac. in the surrounding area and average near 2 du/ac. Furthermore, built commercial uses exist to the south at the intersection of Ray and Strickland Roads. The proposed development density will be consistent with the intensity of existing surrounding development. Building heights, setbacks, tree cover retained and buffer yards proposed will be of a similar scale of the surrounding developments.

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

- 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:**

Over the last 10-15 years, several residential subdivisions have been built in the area as well as the completion of I-540 to the north. This has transformed the area to more suburban in nature. The proposed zoning map amendment is suitable for the property as a single family residential development. It will retain the natural features and character of the site to match adjacent developments.

III. Benefits and detriments of the proposed map amendment.

- A. **For the landowner(s):**

The proposed zoning benefits the land owner, and the contract purchaser David Weekley Homes, by allowing the slightly higher density necessary to support the costs associated with the pump station required on site. There are no known detriments with this type of development for the proposed map amendment.

- B. **For the immediate neighbors:**

The immediate neighbors have the benefit of a high quality residential development adjacent to them which will maintain or improve land values. There are no known detriments of this type of development for the proposed map amendment.

- C. **For the surrounding community:**

The surrounding community has the benefit of a high quality residential development to be built in the area which will protect and improve land values. There are no known detriments for this type of development with the proposed map amendment since the area is of similar residential type uses.

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

The requested zoning district is similar to that which exists in the area and does not provide a significant benefit not available to surrounding properties.

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

Rezoning from RR to R-2 CUD with the option to develop the land as a Conservation Subdivision is consistent with low density single family residential land uses as defined in section 1 of the Raleigh Comprehensive Plan. The existing property is currently wooded and of rural/suburban character. The proposed map amendment would allow for these features to be retained as much as possible with the clustering of lots and open space.

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

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.**

The property has remained zoned RR with a Watershed overlay district since it came into the City's jurisdiction. Over the last 15 years, I-540 has been built and several new neighborhoods developed to create a more suburban setting. With annexation proposed, a more appropriate zoning of R-2 would permit cluster lot sizes in line with suburban design while retaining significant open space as part of a Conservation Subdivision.

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

The rezoning of the property from RR to R-2 CUD will add value to the surrounding neighborhoods by allowing for property's development at a density to support a proposed sewer pump station on-site as part of annexation into the city. Several upstream properties are in the City's ETJ but do not have access to sewer; however, will be able to tie into this projects pump station if developed.

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

The rezoning request will have some impact on public infrastructure services. Water and Sewer services will need to be brought into the site. A proposed Sewer pump station will be built on the site by the development. All other public services impacts will be minimal.

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

The proposed map amendment advances the fundamental purposes of the N.C. enabling legislation by allowing residential density that facilitates the more efficient use of public services and will encourage the most appropriate use of the property.

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

None.

Z-28-13



MEMORANDUM

TO: Neighborhood Meeting Attendees
FROM: Jarrod B. Edens, P.E. Edens Land Corp
DATE: May 29, 2013
RE: Neighborhood Meeting Summary

On May 23, 2013, a neighborhood meeting was held at the Brier Creek Community Center to discuss an upcoming rezoning request to be filed with the City of Raleigh. The rezoning will be for the following parcels on Ray Road totaling approximately 17.59 acres:

- 9213 Ray Road (PIN 0788-66-7626) - 13.84 acres
0 Ray Road (PIN 0788-76-3825) -3.75 acres

The meeting began at 7:35 pm. Approximately 9 individuals attended the meeting. The following is a summary of items discussed:

- Jarroed Edens of Edens Land Corp gave a brief presentation summarizing the planned development. Since he had given a previous presentation to the neighbors on April 24, he did not repeat much specific items mentioned during that presentation but briefly stated the key items of the proposed development:
- Location of the project
- Planned development (proposed R-2 zoning to allow Single Family residential lots).
- Sanitary sewer pump station on the property tie into the City of Raleigh waste treatment system.
- Annexation of property into the City of Raleigh.
Following the presentation, questions were asked by the audience:
- Is there any disclosure of the pump station to the buyers when you sell your house?
- No, not in any documents between the buyer and seller but the pump station would be part of any recorded plats for the overall development.
- Will the development affect the adjacent neighbors' well systems?
- We don't think it will.



- What is the typical lot size?
 - Approximately ¼ acre lots although the minimum size could be 10,000 s.f. as per the conservation subdivision option of the Raleigh UDO.
- What is the house price range?
 - The developer stated that they would be in the low \$400,000.
- Will there be a minimum house size?
 - The proposed house sizes would be about 3000 to 3400 s.f.
- Will there be details of house quality written as conditions of the rezoning, i.e.- material types, house sizes, architectural details?
 - No at the present moment but this can be under consideration. The development's covenants may have some of these items as part of those documents when it is written.
- The look of the lighting fixture for the pump station?
 - We would have the ability to select a nice fixture that Progress/Duke energy offers.
- Will the trees stay?
 - Other than for the location of houses, proposed roads, the wet ponds and the pump station, existing trees will be retained as much as possible.
- Will there be impacts on the existing streams/wetland with the road crossing?
 - Yes, but this will be kept to a minimum.
- Some neighbors indicated that they were not notified of this and the previous meetings.
 - If you were not notified or sent a letter, you were either outside of the minimum distance of notification by the city or you may have an incorrect address as listed by the County Real Estate registry system. You may want to verify this with city about your contact information. However, those who put their name and address contact information on the sign in sheet will be kept informed about future meetings during this rezoning process.

Summary of concerns by neighborhood:

1. Save trees/protect streams.
2. Want open space/buffers from adjacent properties.
3. No road connection to Torrey Ridge Drive from the development.
4. Still had further questions regarding the pump station design after showing photos of a pump station that was built about 10 years ago in another development. Worried about smells, noise, and location of proposed sewer pump station near existing homes in the neighborhood. Will need to follow up with more information and details.

The meeting ended at approximately 8:30 pm.

Please feel free to contact me at (919) 706-0550 or by email at jarrod.edens@edensland.com if you have any questions.

Wyndrest Subdivision- Neighborhood Meeting
 Lake Lynn Community Center
 Sign-In Sheet
 May 23, 2013

← Acreage owner to north

Name	Address	Phone Number	E-mail Address
Michael VASJALLO	9321 RAY RD RAL 27613	(919) 919-2781	POOLMAN RAL01 @ yahoo.com
Roberta Jarwell	12600 Leatherwood Ct 27613	919 515-2733	rjarwell1 @ mc. nc. com
Pat & Bill Kowitz	12601 Sandwood Ct 27613	919-847-3803	wkowitz @ yahoo.com
Larry Slown	4901 Torrey Ridge		larryslown @ nc. com
PHIL GIMMATTUM	4912 Torrey Ridge		RIGAN @ BellSouth.Nc
Jean Wilson	12600 Sandwood Ct 27613		
A King	4916 Torrey Ridge Rd	618 5591	KINGGRAY @ AOL.COM