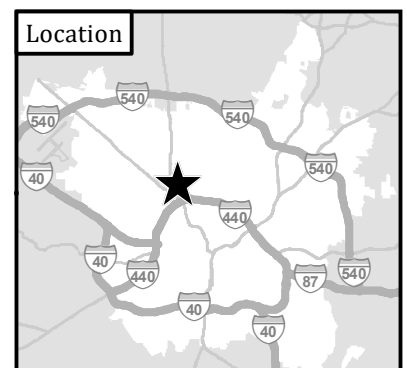


Property	4915 Lead Mine Rd
Size	0.97 acres
Existing Zoning	R-10-CU
Requested Zoning	RX-3-CU





Raleigh

MEMO

TO: Ruffin L. Hall, City Manager

FROM: Ken Bowers AICP, Director; Sara Ellis, Planner II

DEPARTMENT: City Planning

DATE: May 18, 2020

SUBJECT: City Council agenda item for June 02, 2020 – Z-28-19

On May 05, 2020, City Council authorized the public hearing for the following item:

Z-28-19 4915 Lead Mine Road, approximately .97 acres located at the western intersection of Lead Mine and Town and Country Road, at [4915 Lead Mine Road](#).

Current zoning: Residential-10 with Conditions (R-10-CU)

Requested zoning: Residential-Mixed Use-3 with Conditions (RX-3-CU).

Signed zoning conditions submitted April 29, 2020 which limit residential density to no more than fourteen (14) units per acre; and prohibit outdoor sports and entertainment facilities.

The request is **consistent** with the 2030 Comprehensive Plan.

The request is **consistent** with the Future Land Use Map.

The **Planning Commission** recommends **approval** in a vote of 8 to 0.

The **Northwest CAC** supports **approval** in a vote of 76 to 8 (April 28, 2020).

Attached are the Planning Commission Certified Recommendation (including Staff Report and Traffic Study Worksheet), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 12001

CASE INFORMATION: Z-28-19; 4915 LEAD MINE ROAD

Location	Southwestern corner of Lead Mine Road and Town and Country Road. More generally located about three-fourths of a mile north of Glenwood Avenue and Lead Mine Road. Address: 4915 Lead Mine Road PINs: 0796646090 iMaps , Google Maps , Directions from City Hall , Transit Directions
Current Zoning	R-10-CU
Requested Zoning	RX-3-CU
Area of Request	0.97 acres
Corporate Limits	The site is located within Raleigh's Corporate City Limits.
Property Owner	Max R. Whitesell, Jr 4915 Lead Mine Road, Raleigh, NC 27612
Applicant	Diane R. Becker, Attorney on behalf of Max R. Whitesell Jr. 4915 Lead Mine Road, Raleigh, NC 27612
Citizens Advisory Council (CAC)	Northwest CAC
PC Recommendation Deadline	July 27, 2020

SUMMARY OF PROPOSED CONDITIONS

1. Residential density is limited to 14 units per acre.
2. Outdoor sports and entertainment facilities are prohibited.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Moderate Density Residential
Urban Form	None
Consistent Policies	Policy LU 1.2 Future Land Use Map and Zoning Consistency Policy LU 2.2 Compact Development Policy LU 7.3 Single-family Lots on Major Streets Policy LU 8.10 Infill Development Policy H 1.8 Zoning for Housing

Inconsistent Policies

None

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

Neighborhood Meeting	CAC	Planning Commission	City Council
July 1, 2019 12 Attendees	Northwest CAC Y – 88, Abstain – 73, N - 0	April 28, 2020	05/05/2020 06/02/2020

PLANNING COMMISSION RECOMMENDATION

☒ The rezoning case is **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the rezoning request is reasonable and in the public interest.

☐ The rezoning case is **Consistent** with the relevant policies in the comprehensive Plan, but **Denial** of the rezoning request is reasonable and in the public interest.

☐ The rezoning is **Consistent** with the relevant policies in the Comprehensive Plan, and **Inconsistent** with Future Land Use Map, but **Approval** of the rezoning request is reasonable and in the public interest as described below. If approved, the Future Land Use Map will be amended as to the subject parcel only, from ___ to ___. The change(s) in conditions taken into account in amending the zoning ordinance to meet the development needs of the community is(are) described below.

☐ The rezoning is **Consistent** with the relevant policies in the Comprehensive Plan, but is **Inconsistent** with the Future Land Use Map, and **Denial** of the rezoning request is reasonable and in the public interest as described below.

☐ The rezoning is **Inconsistent** with the relevant policies in the Comprehensive Plan, and **Denial** of the rezoning request is reasonable and in the public interest.

☐ The rezoning case is **Inconsistent** with the relevant policies in the Comprehensive Plan, but **Approval** of the rezoning request is reasonable and in the public interest due to changed circumstances as explained below. Approval of the rezoning request constitutes an amendment to the Comprehensive Plan to the extent described below.

Reasonableness and Public Interest	The request is reasonable and within the public interest because it is consistent with the 2030 Comprehensive Plan and the Future Land Use Map, and will increase housing options in the area.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	N/A
Recommendation	Approval
Motion and Vote	Motion: Miller Second: Hicks In Favor: Bennett, Hicks, Jeffreys, Lampman, Miller, McIntosh, Tomasulo and Winters
Reason for Opposed Vote(s)	None

ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions

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 and Comprehensive Plan Amendment Analysis.

Planning Director

Date

Planning Commission Chair

Date

Staff Coordinator:

Sara Ellis: (919) 996-2234; Sara.Ellis@raleighnc.gov



ZONING STAFF REPORT – CASE Z-28-19

Conditional Use District

OVERVIEW

The request is to zone a 0.97-acre parcel from Residential-10 with conditions (R-10-CU) to Residential Mixed Use-3 with conditions (RX-3-CU). The site is located at 4915 Lead Mine Road, and more generally about three-fourths of a mile north of the intersection of Glenwood Avenue and Lead Mine Road. Associated zoning conditions would limit residential density to no more than 10 units per acre and prohibit outdoor sports and entertainment facilities. This site was rezoned previously in 1986 under Z-101-1986 and none of the conditions from this case would be retained should this request be approved.

Today, the property currently contains a single, detached dwelling with heavy forestation on the site and sloping topography that has a significant drop starting at the right of way and continuing downward into the site. On the northern side, the site fronts along Town and Country Road and on its eastern side along Lead Mine Road. The site's northern and western neighbors are the Windemere Apartments, a 16-acre apartment complex that was rezoned under the Z-78-1986 request with similar conditions to Z-101-1986. The Windemere Apartments are set back about 300' west of the rezoning site and buffered by heavy forestation. Subsequent to the 1986 rezoning actions, additional right-of-way for Town and Country Road was dedicated. Right-of-way of the earlier alignment of Town and Country Road is still held by City of Raleigh.

To the south of the site is a Planned Development (PD) that contains a mixture of residential uses and has an approximate 100' forested buffer between the rezoning site and the nearest apartment building. To the east of the site, across Lead Mine Road is generally R-4 zoning with the Greek Orthodox Church being the most direct neighbor and some single-family homes that also front along Lead Mine Road.

The Future Land Use Map (FLUM) designates the parcel, and much of the area to the west, south, and southeast of the site as Moderate Density Residential, which envisions residential uses at a density of six to 14 units per acre. The Greek Orthodox Church and two detached dwellings located south of the church and to the east of the site are designated Institutional.

The rezoning that applies to the subject parcel, Z-101-1986, applied conditions that required the realignment of Town and Country Road (previously Leesville Road) and required the property owner to pay half of the engineering costs for that realignment up to \$100,000. The realignment of Town and Country Road took place between 1999 and 2002 and implementation of that portion of the conditions is complete. Additionally, the current zoning conditions restrict uses on the site to those permitted in R-10 except for boarding homes, group care facilities and bed and breakfasts. Conditions from Z-101-68 limit building height to a maximum of 45 feet, require a 100' foot landscaped buffer be maintained along Town and Country Road and that no storage, parking, buildings or loading areas will be permitted

within the buffer; require the existing house and shed be removed prior the issuance of a building permit and that owner of the property shall contribute \$100 per housing unit constructed on the property to the City to be used for off-site improvements at the intersection of Town and Country and Lead Mine roads. The current request will remove these zoning conditions.

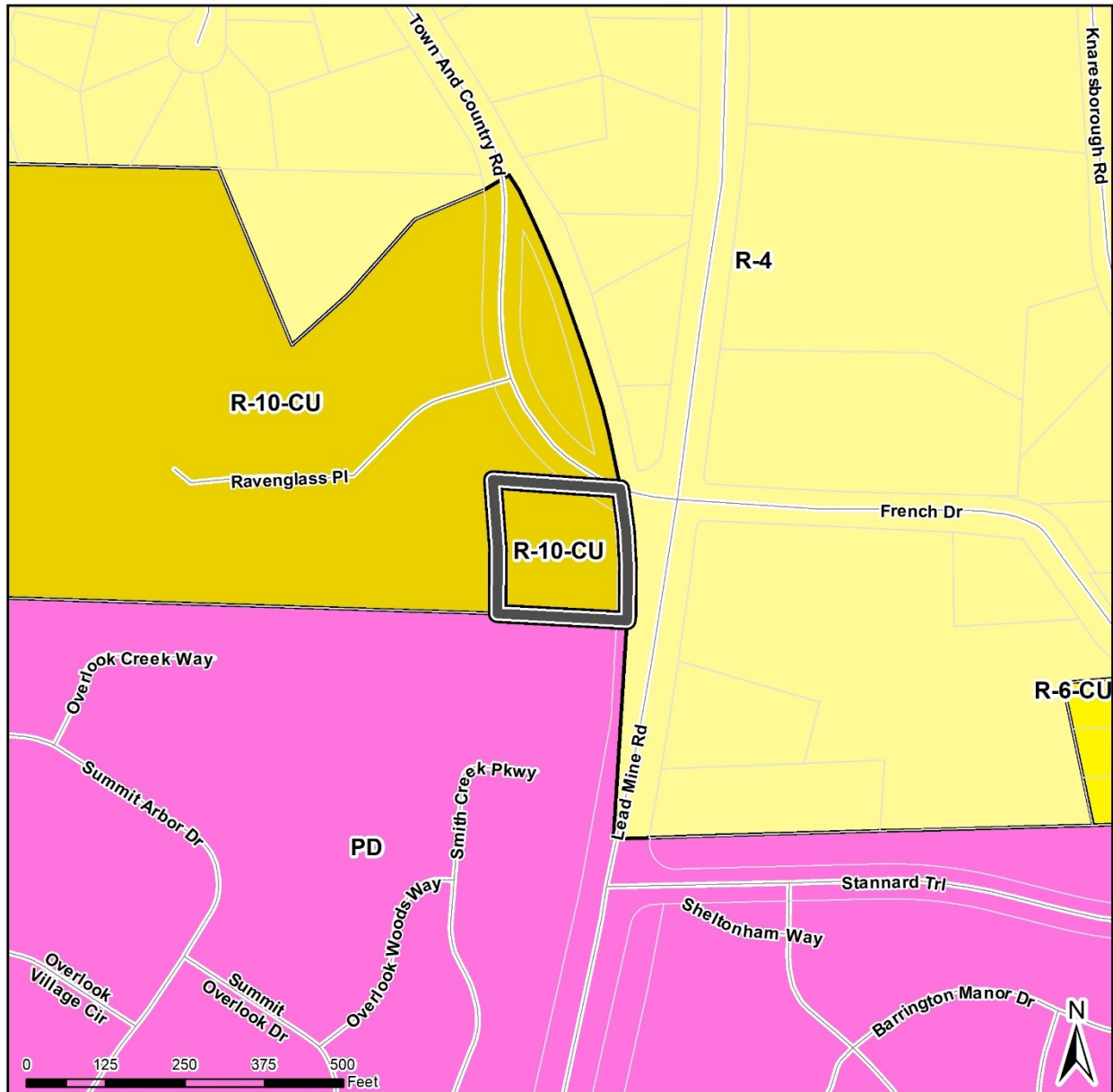
The request would make three primary changes to what is permitted on the site; it would allow a maximum building height of 50' (current conditions cap that at 45'); remove the 100' landscaped buffer required along Lead Mine Road (the build-to required by RX-3 is between 10 and 55 feet); allow the limited overnight lodging uses permitted under R-10 (those uses were previously prohibited by Z-101-1986); and increase the permitted residential density on the site from a maximum of 10 units per acre to a maximum of 14 units per acre.

OUTSTANDING ISSUES

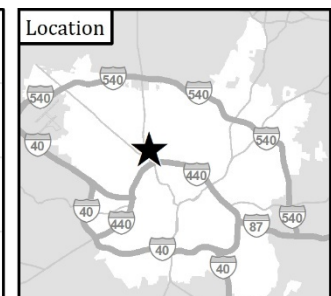
Outstanding Issues		Suggested Mitigation	
	1. None.		1. N/A

Existing Zoning

Z-28-2019



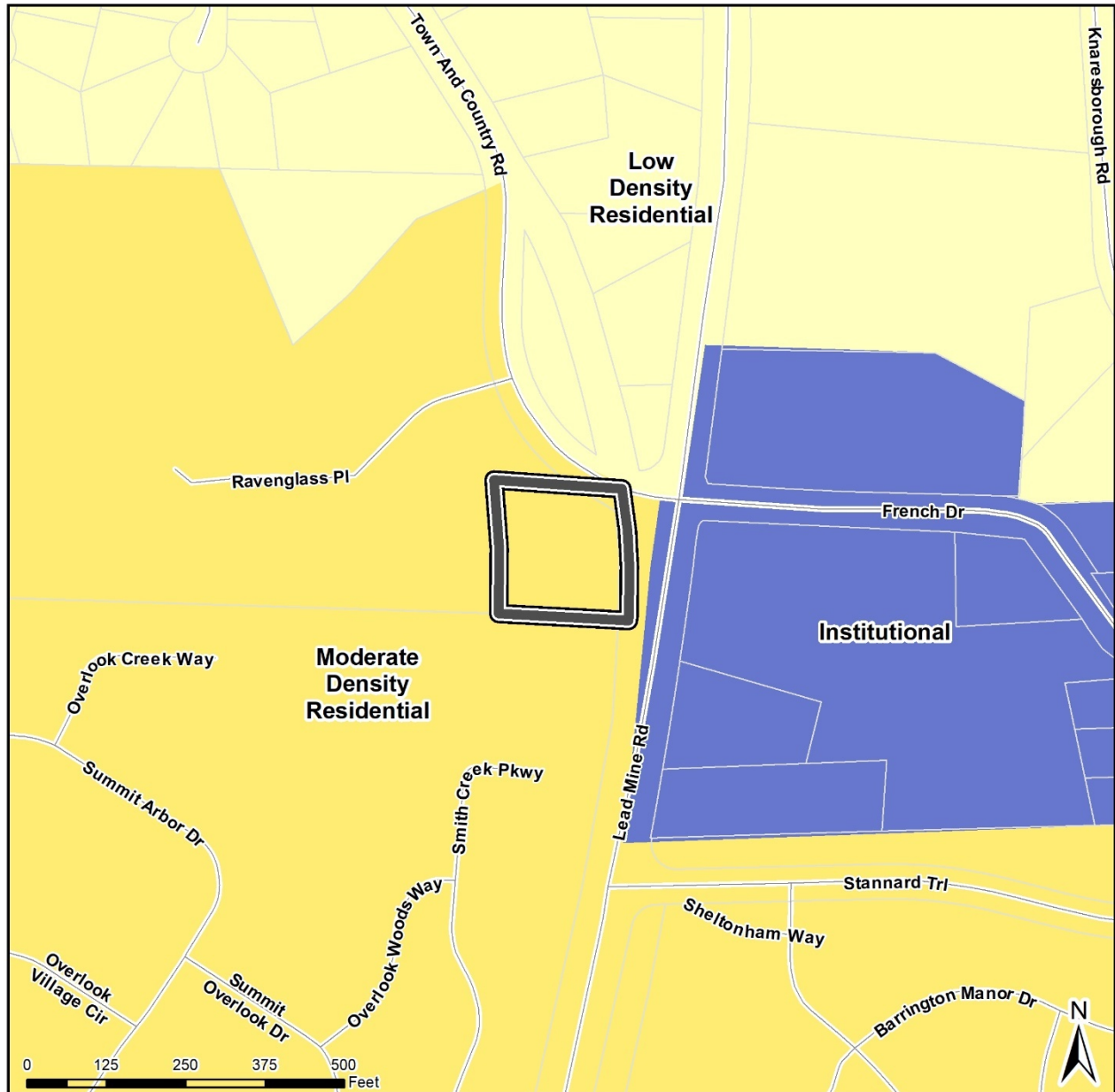
Property	4915 Lead Mine Rd
Size	0.97 acres
Existing Zoning	R-10-CU
Requested Zoning	RX-3-CU



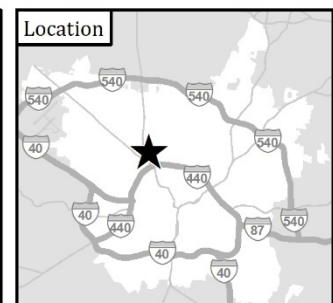
Map by Raleigh Department of City Planning (mansolf); 2/3/2020

Future Land Use

Z-28-2019



Property	4915 Lead Mine Rd
Size	0.97 acres
Existing Zoning	R-10-CU
Requested Zoning	RX-3-CU

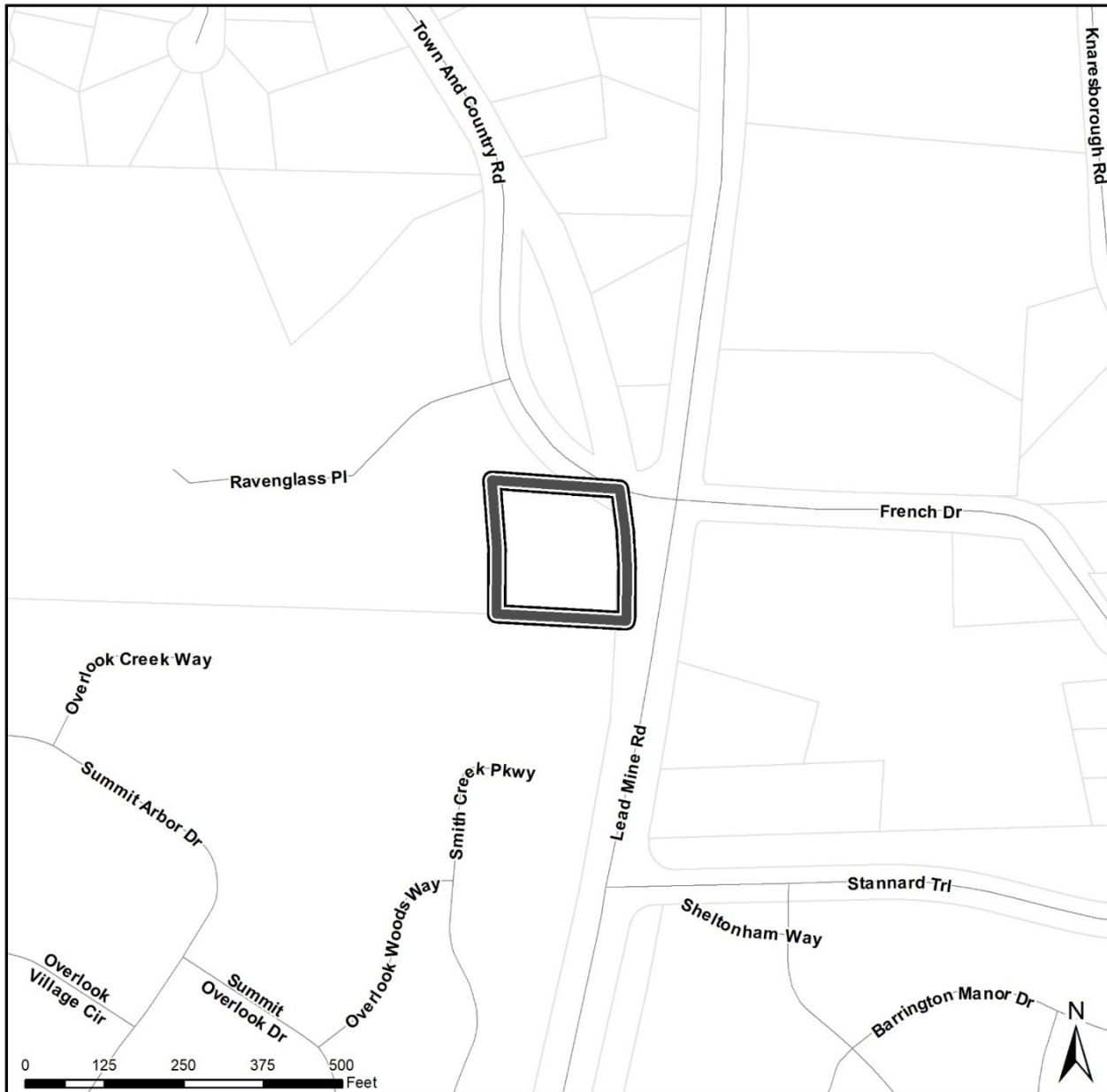


Map by Raleigh Department of City Planning (mansolfj): 2/3/2020

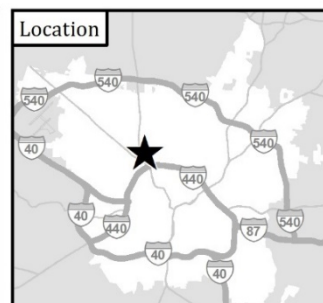
Z-28-19; 4915 Lead Mine Road

Urban Form

Z-28-2019



Property	4915 Lead Mine Rd
Size	0.97 acres
Existing Zoning	R-10-CU
Requested Zoning	RX-3-CU



Map by Raleigh Department of City Planning (mansolfj): 2/3/2020

Z-28-19; 4915 Lead Mine Road

COMPREHENSIVE PLAN

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?

Yes, the request is consistent with the vision and themes of *Expanding Housing Choices* and *Managing Our Growth* as it will increase the permitted residential density on the property from 10 to 14 units per acre. The permitted housing and building types will remain unchanged.

The request is also consistent with policies relating to compact development, single family lots on major streets, infill development and zoning for housing.

- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?

Yes, the request to rezone to Residential Mixed Use-3 with Conditions (RX-3-CU) is consistent with the Moderate Density Residential FLUM designation that envisions residential density not to exceed 14 units per acre. The request includes conditions limiting density to no more than 14 units per acre and prohibiting outdoor sports and entertainment facilities.

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?

The use is specifically designated on the Future Land Use Map.

- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

Yes, sufficient community facilities and streets are available at City standards to serve the proposed increase in residential density and limited retail and office uses.

Future Land Use

Future Land Use designation: Moderate Density Residential

The rezoning request is

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

☐ **Inconsistent**

The request is consistent with the FLUM guidance for the area of Moderate Density Residential, which recommends RX as an appropriate corresponding zoning district with residential density limited to no more than 14 units per acre.

Urban Form

Urban Form designation: None

The rezoning request is

- ☐ **Consistent** with the Urban Form Map.
- ☐ **Inconsistent**
- ☒ **Other** (no Urban Form designation)

Compatibility

The proposed rezoning is

- ☒ **Compatible** with the property and surrounding area.
- ☐ **Incompatible.**

The property is heavily forested with topography that slopes downward from both Lead Mine and Town and Country roads into the site. The rezoning request would not change the permitted building types allowed on the site but would permit an increase in residential density of about four units total which is not out of character with similar surrounding developments. The request would also remove zoning conditions from Z-101-1986 that may limit the ability to develop the land, given the sloping topography.

Public Benefits of the Proposed Rezoning

- The request may increase the supply of housing in the area.
- The request will permit a smaller minimum lot size, which may allow for the development of more affordable units.

Detriments of the Proposed Rezoning

- No significant detriments have been identified.

Policy Guidance

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

Policy LU 1.2 Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

- The proposal is consistent with the Moderate Density Residential category on the Future Land Use Map (FLUM) as it would permit residential uses at a density of up to fourteen units per acre and a small amount of office or commercial on the bottom floor of the apartment building type.

Policy LU 2.2 Compact Development

New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

- The proposal would permit a more compact land use pattern by increasing the permitted residential density by about four units per acre and allowing a small amount of retail or office in the bottom floor of the apartment building type. The request will also permit smaller minimum lot sizes in the RX district.

Policy LU 7.3 Single-family Lots on Major Streets

No new single-family residential lots should have direct vehicular access from major streets, in an effort to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to major streets.

- The site is currently developed with a single detached dwelling that has driveway access to both Town and Country Drive and Lead Mine Road. The proposal may facilitate development of the apartment or townhouse building type on the site.

Policy LU 8.10 Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

- The site is developed with a detached dwelling, but due to the topographic constraints and current conditions the site is likely very difficult to develop. The topography slopes downward at least 10' from Lead Mine Road going into the site,

and in combination with the current zoning condition requiring a 100' landscaped setback from the road that would render over half the site undevelopable. The request is consistent with this policy as it would allow a single parcel in an area that is fairly developed to redevelop in a manner consistent with its surroundings.

Policy H 1.8 Zoning for Housing

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. In areas characterized by detached houses, accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.

- The request will allow for additional housing to be built on the site, while the permitted housing types will remain unchanged, the residential density will increase from a currently permitted 10 units per acre to a permitted 14 units per acre.

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

This request is not inconsistent with any relevant policies.

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	39	The transit score is slightly higher than the City's average, likely due to the located of the 23L Millbrook Connector bus stop about 100 feet north.
Walk Score	30	32	The walk score is about on par with the City's average. This may be due to the lack of sidewalks and commercial destinations in the area.

Source: Walk Score is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. The scores also correlate with shorter vehicle trips, which also produce less carbon. The city has a wide range of scores. Raleigh Municipal Building, for instance, has a Walk Score of 92, meaning the area is highly pedestrian-friendly and that many destinations are within a short walk. Some areas in the city have scores in single digits, indicating that few if any destinations are within walking distance, so nearly all trips are made by car.

Summary: The site has a higher than City average transit score and is served by the 23L Millbrook Connector, which has a stop across the street. The challenge this general area faces in terms of alternative transit options is likely due to the low-density residential development pattern and lack of sidewalks that make trips to commercial establishments such as a grocery store challenging to accomplish without a car.

Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

Source: U.S. Energy Information Administration, 2015 survey. Statistics for residential structures in the South.

Summary: The carbon and energy footprint will relatively unchanged, as permitted building types remain the same in the current R-10 and proposed RX-3 zoning districts.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	The request will allow a slight increase in the number of permitted residential units, from a currently allowed 9 to a permitted 13.
Does it include any subsidized units?	No	
Does it permit a variety of housing types?	Yes	The request will permit the attached, townhouse, and apartment building types.
If not a mixed-use district, does it permit smaller lots than the average?*	Yes	The request will allow detached homes on a 4,000 square foot minimum lot, or apartment buildings on a minimum 10,000 square foot lot.
Is it within walking distance of transit?	Yes	The site is served by the 23L Millbrook Connector, which has 30-minute peak

		service, the nearest bus stop is located about 200 feet north of the site.
--	--	--

**The average lot size for detached residential homes in Raleigh is 0.28 acres or approximately 12,195 square feet.*

Summary: The request will provide a small increase in the number of housing units in the area and allow smaller lot sizes. The area is served by the 23L Millbrook Connector, which is located about 200 feet from the site, but the lack of sidewalks and configuration of the road may prove a challenge for pedestrian access.

IMPACT ANALYSIS

Historic Resources

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks.

Impact Identified: None.

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Brookhaven Park (1.9 miles) and Shelly Lake Park (0.9 miles).
3. Nearest existing greenway trail access if provided by Mine Creek Greenway Trail (0.5 miles).
4. Current park access level of service in this area is graded a C letter grade.

Impact Identified: None.

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0	2,250	3,770
Waste Water	0	2,250	3,770

Impact Identified:

1. The proposed rezoning would add approximately 3,770 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy

3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developed

Stormwater

Floodplain	None
Drainage Basin	Crabtree
Stormwater Management	UDO 9.2
Overlay District	None

Impact Identified: Site subject to Stormwater regulations under UDO 9.2 for runoff and nitrogen. No floodplain exists onsite. Possible Neuse Buffers exist. No impacts identified

Transit

The GoRaleigh 23L stops on both sides of the intersection of Lead Mine Road and Town & Country Road. This route connects the Capital Boulevard corridor to the Crabtree Valley Mall area, using Millbrook Road and Lead Mine Road. It provides hourly service at off peak times and service every 30 minutes during peak times.

Impact Identified: None requiring mitigation.

Transportation

Site Location and Context

Location

The Z-28-2019 site is located in northwest Raleigh at the intersection of Lead Mine Road and Town & Country Road.

Area Plans

The Z-28-2019 site is not located within any existing area plans. It is approximately ¾ mile north of the Crabtree area plan.

Existing and Planned Infrastructure

Existing Streets

The subject property at the southwest corner of Lead Mine Road and Town & Country Road. Lead Mine Road is designated in the Raleigh Street Plan (Map T-1 in the Comprehensive Plan) as a four-lane divided avenue; it is maintained by NCDOT. The subject site is near the

transition from a five-lane cross section with curb and gutter south of the site, to a three-lane section without curb and gutter north of the site.

Town & Country Road is designated in the Raleigh Street Plan as a two-lane undivided avenue; it is maintained by the City of Raleigh. Town & Country Road predates most of the other streets in the area; it was a small part of a road running northwest from Raleigh. Most of this road is now known as Leesville Road. In 2018, traffic calming was installed on Town & Country Road.

Street Network

In accordance with UDO section 8.3.2, the maximum block perimeter for RX-3 zoning districts is 3,000 feet, and the maximum length for a dead-end street is 400 feet. The existing block perimeter is approximately 9,650 feet. Redevelopment of several large apartment complexes west and south of the site could reduce block perimeter in the future. The site is less than one acre. Since the adoption of TC-6-2019, RX-3 sites less than five acres are exempt from meeting block perimeter requirements.

Pedestrian Facilities

Sidewalks currently exists on the east side of Lead Mine Road, south of the site. There are no sidewalks on the west side, nor are there sidewalks on Town & Country Road.

Bicycle Facilities

There are no existing bikeways near the subject site. Both Lead Mine Road and Town & Country Road are designated for bicycle lanes in the long-term bikeway plan.

Greenways

The Mine Creek Trail connects Shelley Lake to the rest of the Capital Area Greenway System. It is approximately ½ mile east of the Z-28-2019 site. There is an existing unpaved access on Stannard Trail.

Other Projects in the Area

There are no City of Raleigh transportation projects programmed in the immediate vicinity of the Z-28-2019 site.

TIA Determination

Approval of case Z-28-19 may increase trip generation by 10 vehicles in the PM peak hour and 6 vehicles in the AM peak hour. Trips generated may increase by 96 vehicles per day. These increases are below thresholds in the Raleigh Street Design Manual for requiring a Traffic Impact Analysis.

Z-28-2019 Existing Land Use Single Family Residential	Daily	AM	PM
	9	1	1
Z-28-2019 Current Zoning Entitlements Residential	Daily	AM	PM
	66	4	5
Z-28-2019 Proposed Zoning Maximums Residential Mixed Use	Daily	AM	PM
	162	11	15
Z-28-2019 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	96	6	10

Impact Identified: None requiring mitigation.

Urban Forestry

Some tree coverage may be lost through this request, as the parcel is less than 2 acres in size a tree conservation area is not required by code. The conditions on the parcel today require a 100' landscaped buffer fronting along Town and Country Road, which will no longer be required should the request be approved.

Impact Identified: Some tree conservation area may be lost.

Impacts Summary

- Some tree conservation area may be lost as a result of removing the condition requiring a 100' landscaped buffer be located along Town and Country Road.

Mitigation of Impacts

- The applicant could add a condition that requires a portion of the site be set aside as tree conservation area.

CONCLUSION

The request is to rezone a single 0.97-acre parcel located at 4915 Lead Mine Road in northwest Raleigh from R-10-CU to RX-3-CU. This is a conditional use rezoning case, and the associated zoning conditions limit residential density to no more than 14 units per acre and prohibit outdoor sports and entertainment facilities.

The request is **consistent** with the Future Land Use Map and **consistent** with the 2030 Comprehensive Plan overall. The type of development proposed is appropriate for the site and surrounding area, as it would permit a small increase in residential uses and limited office or retail on the ground floor of the apartment building type in an area fronting along a major thoroughfare that is adequately buffered from existing residential neighbors.

The request is **consistent** with the Comprehensive Plan policies regarding compact development, zoning for housing, single family lots on major streets and infill development.

CASE TIMELINE

Date	Action	Notes
07/24/2019	Neighborhood Meeting Held	12 Attendees present
9/5/2019	General use rezoning application submitted.	
10/03/2019	Revised application submitted, but incomplete.	Application converted to conditional use, but the fee is outstanding.
02/20/2020	Application complete.	Fee to convert case to conditional use submitted.

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-10-CU	R-10-CU & R-4	Planned Development (PD)	R-4	R-10-CU
Additional Overlay	None	None	None	None	None
Future Land Use	Moderate Density Residential	Moderate & Low Density Residential	Moderate Density Residential	Institutional	Moderate Density Residential
Current Land Use	Detached Dwelling	Apartment & Detached Dwelling	Apartment	Parking Lot & House of Workshop	Apartment
Urban Form	None	None	None	None	None

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	R-10-CU	RX-3-CU
Total Acreage	.97	.97
Setbacks:	Apartment Building Type	Apartment Building Type
Front Street	10'	5'
Side Street	10'	5'
Rear Lot Line	20'	0' or 6'
Side Lot Line	0' or 6'	0' or 6'
Residential Density:	9.28 units/acre	13.40 units/acre
Max. # of Residential Units	9	13
Max. Gross Building SF	9,000	17,650
Max. Gross Office SF	--	4,000
Max. Gross Retail SF	--	4,000
Max. Gross Industrial SF	--	--

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

AGENDA ITEM (D): NEW BUSINESS

AGENDA ITEM (D) 1: Z-28-19 – 4915 Lead Mine Road

This case is located at the intersection of Town and Country Road and Lead Mine Road about three-fourths mile north of Glenwood Avenue and Lead Mine Road (District A).

Approximately .97 acres are requested by Diane Becker of Becker Law on behalf of Max Whitesell to be rezoned.

Planner Ellis presented the case.

Diane Becker representing the applicant gave a brief overview of the case.

There was no public comment.

Ms. Miller made a motion to recommend approval of the case. Ms. Hicks seconded the motion. The vote was unanimous, 8-0.

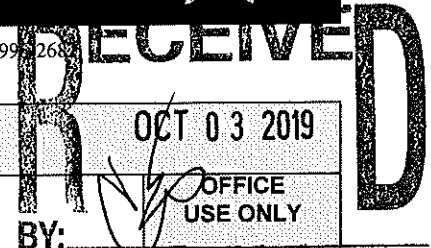
Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2680



REZONING REQUEST			
<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	
Existing Zoning Base District	R-10	Height	N/A
Frontage	N/A	Overlay(s)	N/A
Proposed Zoning Base District	RX	Height	3
Frontage	N/A	Overlay(s)	N/A
Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
If the property has been previously rezoned, provide the rezoning case number:			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
599679	REZN-0028-2019		

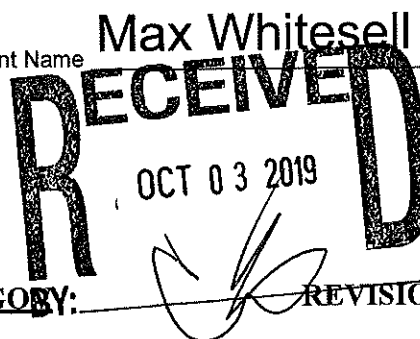
GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address 4915 Lead Mine Road, Raleigh NC 27612			
Property PIN 0796646090		Deed Reference (book/page) 11422/1739	
Nearest Intersection Town and Country Road			
Property Size (acres) .97	For Planned Development Applications Only:	Total Units 1	Total Square Footage 42253
		Total Parcels 1	Total Buildings 1
Property Owner/Address Max R. Whitesell, Jr. 4915 Lead Mine Road Raleigh, NC 27612		Phone 919-781-1445	Fax
		Email superiorspa@bellsouth.net	
Project Contact Person/Address Diane R. Becker (attorney) 6030 Creedmoor Road, Suite 200 Raleigh, NC 27612		Phone 919-788-9888	Fax 919-7889887
		Email diane@beckerlawpllc.com	
Owner/Registered Agent Signature <i>Max R. Whitesell, Jr.</i>		Email diane@beckerlawpllc.com	

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

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number	OFFICE USE ONLY Transaction # Rezoning Case #	
Date Submitted		
Existing Zoning R-10CU Proposed Zoning RX-3		
Narrative of Zoning Conditions Offered		
1. Maximum of 14 units per acre		
2. No Outdoor Sports and Entertainment Facilities		
3.		
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/Registered Agent Signature  Print Name Max Whitesell



REZONING APPLICATION ADDENDUM #1	
<p align="center">Comprehensive Plan Analysis</p>	<p align="center">OFFICE USE ONLY</p> <p align="center">Transaction #</p> <p align="center">Rezoning Case #</p>
<p>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.</p>	
<p align="center">STATEMENT OF CONSISTENCY</p>	
<p>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.</p>	
<p>This request is consistent with the future land use designation and urban form map as it will still allow 1. for residential development as well as a few limited other uses consistent with growth in the area.</p>	
<p>It is consistent, reasonable and in the public interest to give this property marketability to be 2. developed with modern buildings.</p>	
<p>It is reasonable as this rezoning will remove the overly burdensome restrictions (2 x 100 foot 3. setbacks) that make the property unmarketable.</p>	
<p>4.</p>	
<p align="center">PUBLIC BENEFITS</p>	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>Modern development on this property will benefit the public by providing additional housing 1. options in the corridor if homes or townhomes are built on it.</p>	
<p>Modern development on the property will also be more appealing than the current structure and nature of the 2. property as the current structure is outdated for the area and not consistent with the high profile, modern buildings on adjacent properties.</p>	
<p>Modern development on the property should support higher values on the subject property and 3. surrounding properties.</p>	
<p>Modern development of this property will be a better transition from the office/commercial growth 4. to the south to the medium density residential population along this corridor.</p>	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	OFFICE USE ONLY Transaction # Rezoning Case #
INVENTORY OF HISTORIC RESOURCES List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
n/a	
PROPOSED MITIGATION Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
n/a	

URBAN DESIGN GUIDELINES

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
 - b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"
- as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation

Click [here](#) to view the Urban Form Map.

- | | |
|----|---|
| 1. | <p><i>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.</i></p> <p>Response:</p> |
| 2. | <p><i>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.</i></p> <p>Response:</p> |
| 3. | <p><i>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.</i></p> <p>Response:</p> |
| 4. | <p><i>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.</i></p> <p>Response:</p> |
| 5. | <p><i>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.</i></p> <p>Response:</p> |
| 6. | <p><i>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.</i></p> <p>Response:</p> |

7.	<p><i>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.</i></p> <p>Response:</p>
8.	<p><i>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.</i></p> <p>Response:</p>
9.	<p><i>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.</i></p> <p>Response:</p>
10.	<p><i>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.</i></p> <p>Response:</p>
11.	<p><i>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.</i></p> <p>Response:</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Response:</p>

13.	<i>New public spaces should provide seating opportunities.</i> Response:
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response:
15.	<i>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.</i> Response:
16.	<i>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.</i> Response:
17.	<i>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.</i> Response:
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Response:
19.	<i>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.</i> Response:

20.	<p><i>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.</i></p> <p>Response:</p>
21.	<p><i>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.</i></p> <p>Response:</p>
22.	<p><i>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.</i></p> <p>Response:</p>
23.	<p><i>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.</i></p> <p>Response:</p>
24.	<p><i>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.</i></p> <p>Response:</p>
25.	<p><i>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.</i></p> <p>Response:</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p>Response:</p>

REZONING APPLICATION SUBMITTAL REQUIREMENTS ("Rezoning Checklist")					
TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Rezoning application review fee (see Fee Schedule for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application; Include electronic version via cd or flash drive	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties within 500 feet of area to be rezoned (all applications)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Completed and signed zoning conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
10. Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
11. Completed Response to the Urban Design Guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
12. For applications filed by a third party, proof of actual notice to the property owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
14. Copy of ballot and mailing list (for properties requesting Accessory Dwelling Unit Overlay)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

MASTER PLAN SUBMITTAL REQUIREMENTS					
TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – Master Plan	YES	N/A	YES	NO	N/A
1. I have referenced the Master Plan Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input type="checkbox"/>	<input type="checkbox"/>			
2. Total number of units and square feet	<input type="checkbox"/>	<input type="checkbox"/>			
3. 12 sets of plans	<input type="checkbox"/>	<input type="checkbox"/>			
4. Completed application; Include electronic version via cd or flash drive	<input type="checkbox"/>	<input type="checkbox"/>			
5. Vicinity Map	<input type="checkbox"/>	<input type="checkbox"/>			
6. Existing Conditions Map	<input type="checkbox"/>	<input type="checkbox"/>			
7. Street and Block Layout Plan	<input type="checkbox"/>	<input type="checkbox"/>			
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input type="checkbox"/>			
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input type="checkbox"/>			
10. Development Plan (location of building types)	<input type="checkbox"/>	<input type="checkbox"/>			
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input type="checkbox"/>			
12. Parking Plan	<input type="checkbox"/>	<input type="checkbox"/>			
13. Open Space Plan	<input type="checkbox"/>	<input type="checkbox"/>			
14. Tree Conservation Plan (if site is 2 acres or more)	<input type="checkbox"/>	<input type="checkbox"/>			
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input type="checkbox"/>			
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input type="checkbox"/>			
17. Phasing Plan	<input type="checkbox"/>	<input type="checkbox"/>			
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input type="checkbox"/>			
19. Common Signage Plan	<input type="checkbox"/>	<input type="checkbox"/>			

BECKER LAW OFFICES, PC
6030 CREEDMOOR ROAD
SUITE 200
RALEIGH, NORTH CAROLINA 27612

DIANE R. BECKER
MARILYN E. MAYNARD

TELEPHONE (919) 788-9888
FACSIMILE (919) 788-9887

DIANE@BECKERLAWPLLC.COM

July 1, 2019

Re: 4915 Lead Mine Road, Raleigh, NC 27612

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on July 24, 2019. The meeting will be held at the Elks Lodge located at 5538 Lead Mine Rd, Raleigh, NC 27612 and will begin at 7:00pm.

The purpose of this meeting is to discuss a potential rezoning of the property located at 4915 Lead Mine Road, Raleigh NC on the corner of the intersection of Lead Mine Road and Town and Country Road, across from the Greek Orthodox Church. This site is currently zoned R-10-CU and is proposed to be rezoned to RX-3.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 500 feet of the area requested for rezoning.

For more information about rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planning Department at:

(919) 996-2682 rezoning@raleighnc.gov

If you have any concerns or questions I can be reached at 6030 Creedmoor Road, Suite 200, Raleigh, North Carolina 27612 or by phone at 919-788-9888.

Thank you.

Diane Becker
Becker Law Offices, PC



SUMMARY OF ISSUES

A neighborhood meeting was held on July 24, 2019 (date) to discuss a potential rezoning located at 4915 Lead Mine Road, Raleigh NC (property address).
The neighborhood meeting was held at Elks Lodge, 5538 Lead Mine Rd, Raleigh, NC 27612 (location).
There were approximately 12 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

what could be built on property

what impact would it have on traffic

how tall would a structure be on the property

[illegible]

Pre-Application Conference

(this form must be provided at the time of formal submittal)



DEVELOPMENT SERVICES DEPARTMENT

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | cfax 919-996-1831
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

PROCESS TYPE

- ☐ Board of Adjustment
- ☒ Comprehensive Plan Amendment
- ☐ Rezoning
- ☐ Site Review*
- ☐ Subdivision
- ☐ Subdivision (Exempt)
- ☐ Text Change

* Optional conference

GENERAL INFORMATION

Date Submitted 3-7-2019

Applicant(s) Name MAX R. Whitesell Jr.

Applicant's Mailing Address 4915 LEAD MINE RD RALEIGH NC 27612

Phone 919-781-1445 919-801-3594

Email superiorspa@bellsouth.net

Property PIN # 0796646090

Site Address / Location 4915 LEAD MINE RD RALEIGH NC 27612

Current Zoning R-10-CU

Additional Information (if needed) :

Attorney DIANE BECKER
919-788-9888 x103
Diane@beckerlawpllc.com

BECKER LAW OFFICES, PC
6030 CREEDMOOR ROAD
SUITE 200
RALEIGH, NC 27612

OFFICE USE ONLY

Transaction # : 592076

Date of Pre-Application Conference :

Staff Signature