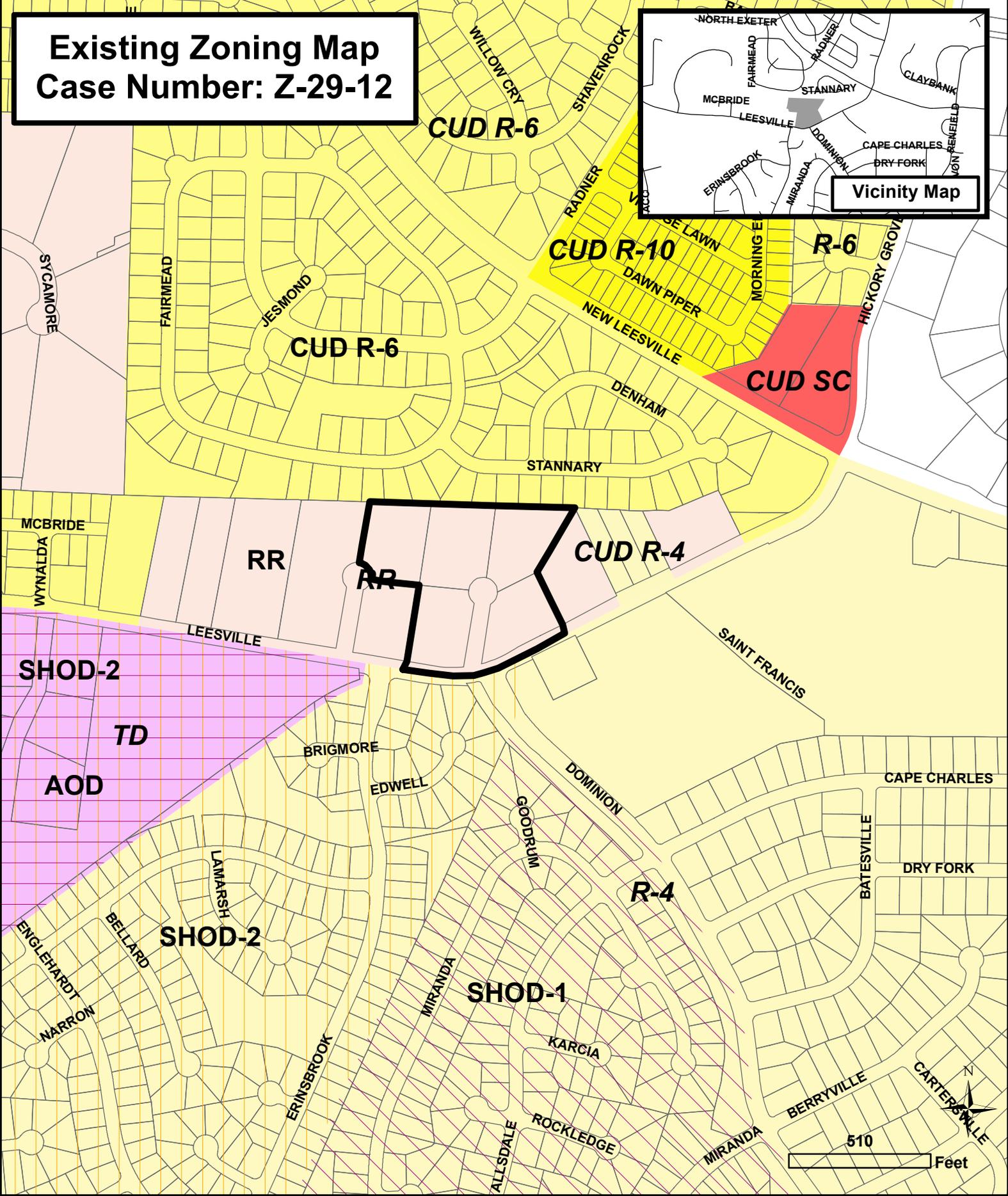
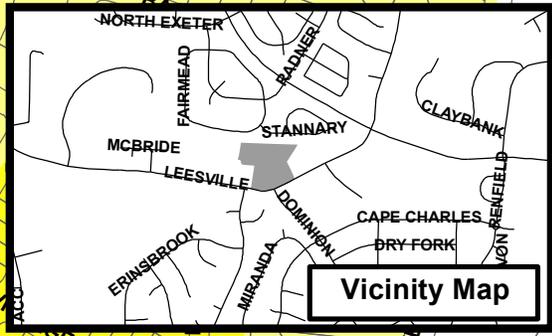


Existing Zoning Map

Case Number: Z-29-12



Request:

6.77 acres from RR to R-6 CUD

City of Raleigh Public Hearing
October 16, 2012
(January 14, 2013)



Certified Recommendation

Raleigh Planning Commission

CR# 11497

Case Information Z-29-12 Leesville Rd.

<i>Location</i>	North of Leesville Road, north of its intersection with Dominion Blvd.
<i>Size</i>	6.77 acres
<i>Request</i>	Rezone property from Rural Residential to Residential-6 Conditional Use

Comprehensive Plan Consistency

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

A checked box signifies consistency with the applicable 2030 Comprehensive Plan policy:

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Low Density Residential
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/>	Policy LU 1.3 – Conditional Use District Consistency
	<input checked="" type="checkbox"/>	Policy LU 2.6 – Zoning and Infrastructure Impacts
	<input checked="" type="checkbox"/>	Policy LU 5.4 – Density Transitions
	<input checked="" type="checkbox"/>	Policy LU 5.6 – Buffering Requirements
	<input checked="" type="checkbox"/>	Policy T 1.6 - Transportation Impacts

Summary of Conditions

<i>Submitted Conditions</i>	<ul style="list-style-type: none"> • No more than 23 single family detached dwellings • Natural protective yard • Construction of fence • One access onto Leesville Rd.
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Issues and Impacts

<i>Outstanding Issues</i>	1. No outstanding issues at this time.	<i>Suggested Conditions</i>	1. N/A
<i>Impacts Identified</i>	1. None	<i>Proposed Mitigation</i>	1. N/A

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
5/16/12	10/16/12	Date:	Date: 11/13/12

Valid Statutory Protest Petition



Zoning Staff Report – Case Z-29-12

Conditional Use District

Request

<i>Location</i>	North of Leesville Road, north of its intersection with Dominion Blvd.
<i>Request</i>	Rezone property from Rural Residential to Residential-6 Conditional Use
<i>Area of Request</i>	6.77 acres
<i>Property Owner</i>	Alan W. Higgins
<i>PC Recommendation Deadline</i>	January 14, 2013

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Rural Residential	Residential-6 Conditional Use
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Residential	Residential
<i>Residential Density</i>	7 dwelling units	25 dwelling units max (conditions)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-6 CUD	R-4, SHOD-2	RR, R-4 CUD	RR
<i>Future Land Use</i>	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Low Density Residential
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy T 1.6 - Transportation Impacts

Contact Information

<i>Staff</i>	Stan Wingo, (919)516-2663
<i>Applicant</i>	Beth Trahos, (919)755-8760, beth.trahos@smithmoorelaw.com
<i>Citizens Advisory Council</i>	Northwest CAC

Case Overview

The subject property is located on the north side of Leesville Road, north of its intersection with Dominion Boulevard. The property is bordered on all sides by residential zoning, with all adjacent properties being developed as single family residential. The majority of surrounding properties are designated as Low Density Residential on the Future Land Use map, with Institutional designations located across Leesville Road to the southeast.

The rezoning request proposes amending the current zoning from Rural Residential to Residential-6 Conditional Use. The applicant has offered zoning conditions that limits development to a maximum of 25 single family residential dwelling units. This equates to approximately 3.5 dwelling units per acre.

Exhibit C & D Analysis

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

1.1 Future Land Use

The subject properties are designated as being appropriate for Low Density Residential on the Future Land Use Map. Areas designated as Low Density Residential typically include single family residential with density between 1 and 6 dwelling units per acre. Other housing types are also consistent as long as the gross overall density does not exceed 6 units per acre. The proposal to rezone to Residential-6 Conditional Use is consistent with the Future Land Use Map.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3 Conditional Use District Consistency All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

Proposal is consistent with this policy. All conditions offered by the applicant are consistent with the Comprehensive Plan.

Policy LU 2.6 – Zoning and Infrastructure Impacts Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Proposal is consistent with this policy. There are no additional impacts associated with this request.

Policy LU 5.4 – Density Transitions

Low to medium density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

Proposal is consistent with this policy. Applicant has offered additional transitional protective yards adjacent to bordering large lot Rural Residential properties.

Policy LU 5.6 – Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that void potential conflicts.

Proposal is consistent with this policy. Applicant has offered zoning conditions that provide a fence along adjacent property lines to the north.

Policy T 1.6 – Transportation Impacts

Identify and address transportation impacts before a development is implemented.

Proposal is consistent with this policy. There is very little additional impact associated with this request. However it should be noted that Transportation has requested the development be limited to one driveway on Leesville Road.

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

The subject properties are located along Leesville Road, north of its intersection with Dominion Boulevard. The properties are bordered on all sides by residential zoning, developed as single family residential. While most of the surrounding area is suburban residential in the form of large subdivision tracts, the subject properties, as well as the properties adjacent to the east and west are large lot rural residential lots. This small pocket of Rural Residential zoning has remained in place while higher density subdivisions have been developed in the surrounding area. Rezoning the subject properties to Residential-6 would be consistent and compatible with the surrounding area; both in terms of surrounding land uses and adjacent zoning.

The applicant has also offered zoning conditions that would limit development to single family detached dwellings, at a density to not exceed 25 total units. The proposal also includes transitional landscaping and buffers to surrounding properties. In doing so, the proposed rezoning request will have little impact on adjacent properties and will be developed in context with the surrounding area.

3. Public benefits of the proposed rezoning

The request as proposed is consistent with the recommended Future Land Use designation on the Future Land Use Map. The proposal also includes several zoning conditions that ensure compatibility with the surrounding area.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request.

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

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Leesville Road	Major Thoroughfare	4,700	9,000			
Street Conditions						
<u>Leesville Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	35'	Curb and Gutter on south side of the street	60'	5' sidewalks on south side of the street	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	NO	NO	NO	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	5	19	14			
PM PEAK	19	25	6			
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-29-12. The applicant may wish to add a condition stating that access to Leesville Road will be limited to no more than one vehicular driveway.					
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None. Applicant has included condition limiting access to one driveway onto Leesville Road.

5.2 Transit

No transit comments.

Impact Identified: This could generate a minor increase in requests for transit in this area.

5.3 Hydrology

<i>Floodplain</i>	none
<i>Drainage Basin</i>	Sycamore Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: No impacts identified. Subject to Part 10, Chapter 9 Stormwater Regulations.

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	6,770 gpd	6,250 gpd
<i>Waste Water</i>	6,770 gpd	6,250 gpd

The developer will be required to extend the necessary sanitary sewer mains needed since there are presently no sanitary sewer mains available to serve the properties. There is a sixteen (16") inch water main in Leesville Road; therefore the developer will be required to extend water mains as needed for the subsequent use of the properties. The subsequent development of the properties would use these proposed and existing mains for connection to the City's wastewater collection and water distribution systems. Down stream sanitary sewer improvements may be required, by the City, of the developer depending upon the actual use.

Impact Identified: The proposed rezoning will not impact the wastewater collection or water distribution systems of the City.

5.5 Parks and Recreation

The subject tract is not located adjacent to a greenway corridor. The recreation level of service will be served by the undeveloped park located to the west of this tract at Erinsbrook Drive.

Impact Identified: None

5.6 Urban Forestry

The Natural protective yard listed in condition 2 shall not be utilized as a Primary tree conservation area. There needs to be a sentence added in condition number 2 which states, "This natural protective yard will not be a primary tree conservation area."

Impact Identified: Condition included by applicant.

5.7 Designated Historic Resources

There are no historic districts or designated landmarks on this property.

Impact Identified: None

5.8 Community Development

The subject property is not within a designated redevelopment area.

Impact Identified: None

5.9 Impacts Summary

- None

5.10 Mitigation of Impacts

- Applicant has mitigated all potential impacts through zoning conditions.

6. Appearance Commission

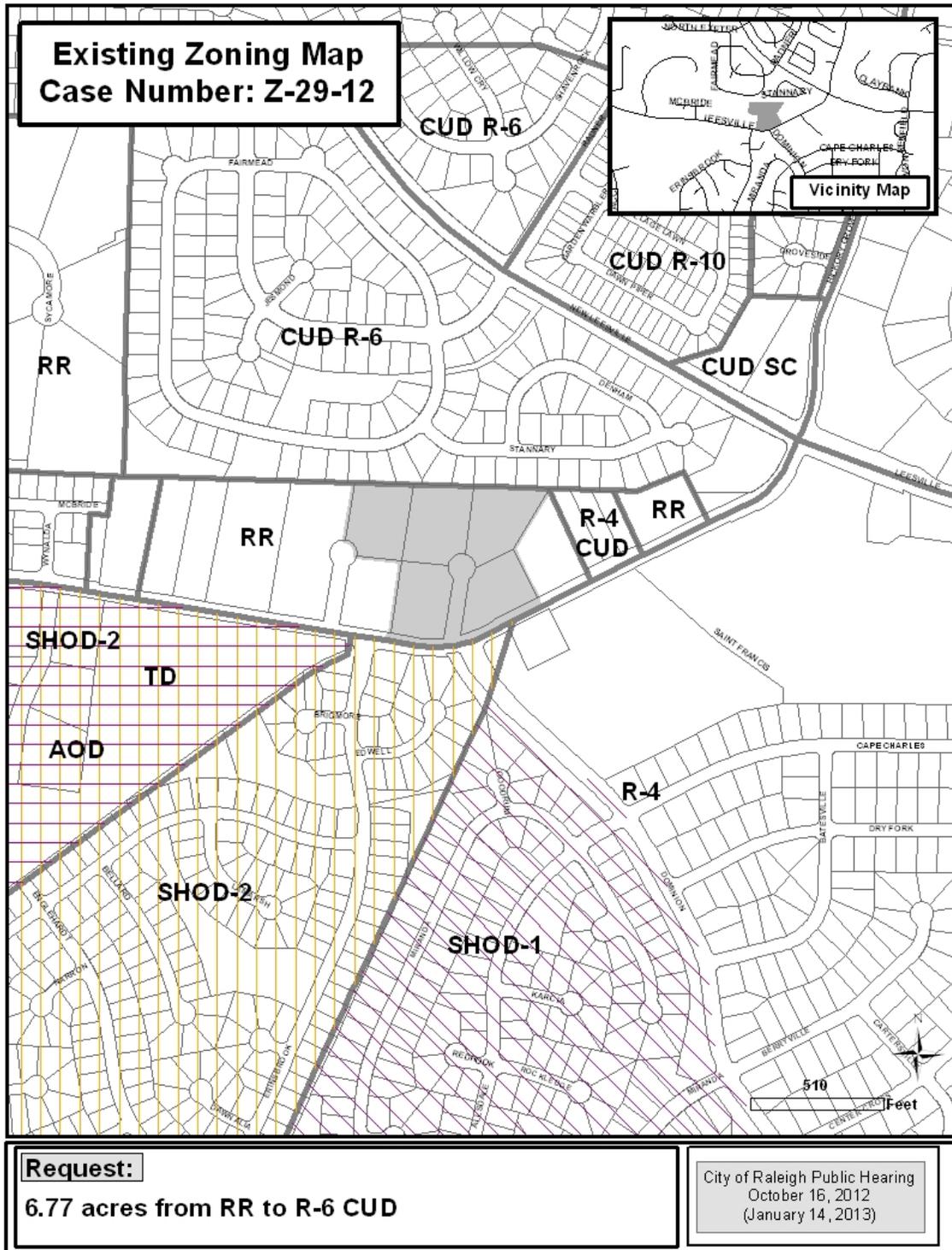
This request is not subject to review by the Appearance Commission.

7. Conclusions

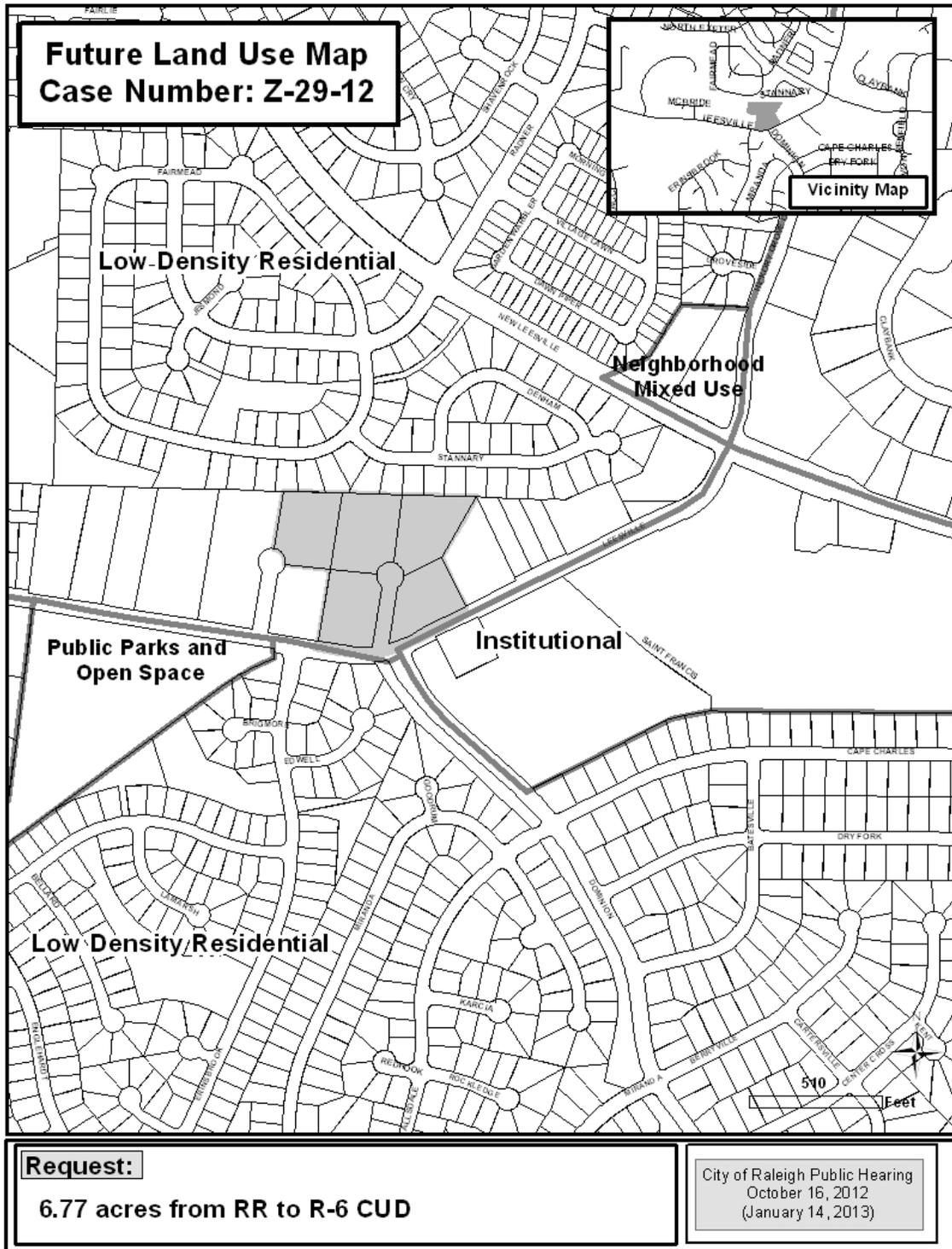
The proposed rezoning request is consistent with the Future Land Use Map as well as several applicable Comprehensive Plan policies. The subject property is designated as being appropriate for Low Density Residential on the Future Land Use Map. The request to rezone the subject properties to Residential-6 Conditional Use is consistent with the Comprehensive Plan.

The subject properties are bordered on all sides by residential zoning, developed as single family residential. While most of the surrounding area is suburban residential in the form of large subdivision tracts, the subject properties, as well as the properties adjacent to the east and west are large lot rural residential lots. To ensure a compatible pattern of development the applicant has included several zoning conditions limiting residential build out on the properties. Density is conditioned to less than 4 units per acre, while the applicant also includes natural protective yards and a fence. As proposed, the request is consistent and compatible with the surrounding area.

Existing Zoning Map



Future Land Use Map





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

ALAN HIGGINS

Date

6/13/2012

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) (for conditional use requests, petitioners must own petitioned property)	Alan W. Higgins	11800 Leesville Road Raleigh, NC 27613	
Property Owner(s)	Same as above		
Contact Person(s)	Beth Trahos	434 Fayetteville Street	919.755.8760
	Smith Moore Leatherwood LLP Attorney for Contract-Purchaser	Suite 2800 Raleigh, NC 27601	beth.trahos@smithmoorelaw.com

Property information

Property Description (Wake County PIN)	0778590777, 0778592755, 0778594785 0778594570, 0778592407
Nearest Major Intersection	Leesville Rd and Dominion Blvd
Area of Subject Property (in acres)	6.77±
Current Zoning Districts (include all overlay districts)	RR
Requested Zoning Districts (include all overlay districts)	R-6 CUD

2.29.12

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
Elmer Fender & Myong Silvers	11812 Leesville Road	Raleigh, NC 27613-8306	0778497797
Kathleen Newton	5308 Fairmead Circle	Raleigh, NC 27613-7803	0778498967
Ralph & Amy Gill	5312 Fairmead Circle	Raleigh, NC 27613-7803	0778499957
Anela & Richard Rayfield	5316 Fairmead Circle	Raleigh, NC 27613-7803	0778590945
Laura Ann Maready-Ray	5320 Fairmead Circle	Raleigh, NC 27613-7803	0778591915
Joseph F Tart, Jr	5324 Fairmead Circle	Raleigh, NC 27613-7803	0779501085
Charles & Jeanne Evans	11813 Stannary Place	Raleigh, NC 27613-7816	0778592945
Michael & Beth Dalton	11809 Stannary Place	Raleigh, NC 27613-7816	0778593953
Hampton & Valerie Carmine	11805 Stannary Place	Raleigh, NC 27613-7816	0778594935
Frank & Nicole Yonnetti	11801 Stannary Place	Raleigh, NC 27613-7816	0778595915
John & Rebecca Pang	11741 Stannary Place	Raleigh, NC 27613-7814	0778595995
Vernon & Melody Harris	8431 Central Drive	Raleigh, NC 27613	0778596974
Christopher & Lisa Fiander	11733 Stannary Place	Raleigh, NC 27613-7814	0778597955
Ashwhit Builders LLC	1672 NC HWY 96	Franklinton, NC 27525-7688	0778598777

2.29.12

EXHIBIT B. Request for Zoning Change

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

Name	Street Address	City/State/Zip	Wake Co. PIN
Ashwhit Builders LLC	1672 NC HWY 96	Franklinton, NC 27525-7688	0778598705
Lyndin & Florence Bolton	11700 Leesville Road	Raleigh, NC 27613-8304	0778596686
Southern Bell, Bellsouth Corp Tax Dept	1155 Peachtree St NE #15H08	Atlanta, GA 30309-7629	0778596373
Bethany Hills Baptist Church	508 Sawmill Road	Raleigh, NC 27615-4842	0778599199
Dominion Park Master Property c/o Community Matters LLC	PO Box 90304	Raleigh, NC 27675-0304	0778663881
Carrell & Abigail Goodwin	1406 Adams Farm Pkwy, Apt D	Greensboro, NC 27407-5126	0778593143
Brian Kopec	6800 Edwell Court	Raleigh, NC 27617-8334	0778592168
Mary & Albert Cox	6804 Edwell Court	Raleigh, NC 27617-8334	0778591176
Justin & Sara Pace	9912 Erinsbrook Drive	Raleigh, NC 27617-8332	0778590283
Catherine Benedetto	9908 Erinsbrook Drive	Raleigh, NC 27617-8332	0778590144
Marcos & Marjorie Decuba	9913 Erinsbrook Drive	Raleigh, NC 27617-8333	0778499204
City of Raleigh	PO Box 590	Raleigh, NC 27602-0590	0778492038
James Ronald & Joann B Taylor	11804 Leesville Road	Raleigh, NC 27613-8306	0778499459

EXHIBIT C. Request for Zoning Change

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

pg 1 of 2

Conditional Use District requested: **R-6 CUD**

Narrative of conditions being requested:

1. No more than twenty-three (23) single-family, detached dwelling units shall be permitted on the subject property.
2. Upon development of the subject property, a ten foot (10') wide natural protective yard except such disturbance as may be required for the installation of a transitional protective yard and to connect to the sanitary sewer service located near the northernmost point of the Bolton lot described below, shall be provided along the common boundary line with the following properties: property now or formerly known by Wake County PIN number 0778 59 6686 and further described in Deed Book 6349, Page 439, Wake County Registry (Bolton); property now or formerly known by Wake County PIN 0778 49 9459 and further described in Deed Book 2539, Page 173, Wake County Registry (Taylor); property now or formerly known by Wake County PIN 0778 49 9957 and further described in Deed Book 12573, Page 445, Wake County Registry (Gill); property now or formerly known by Wake County PIN 0778 59 0945 and further described in Deed Book 11432, Page 2628, Wake County Registry (Rayfield); property now or formerly known by Wake County PIN 0778 59 1915 and further described in Deed Book 6514, Page 290, Wake County Registry (Maready-Ray); property now or formerly known by Wake County PIN 0778 59 2945 and further described in Deed Book 12226, Page 937, Wake County Registry (Evans); property now or formerly known by Wake County PIN 0778 59 3953 and further described in Deed Book 7387, Page 128 Wake County Registry (Dalton); property now or formerly known by Wake County PIN 0778 59 4935 and further described in Deed Book 7019, Page 290, Wake County Registry (Carmine); property now or formerly known by Wake County PIN 0778 59 5915 and further described in Deed Book 10725, Page 2089, Wake County Registry (Yonetti); property now or formerly known by Wake County PIN 0778 59 5995 and further described in Deed Book 10658, Page 195, Wake County Registry (Pang); and property now or formerly known by Wake County PIN 0778 59 6974 and further described in Deed Book 14785, Page 1725, Wake County Registry (Harris). The natural protective yard along the northern boundary line shall begin immediately south of the fence to be installed pursuant to Condition 3 below. This natural protective yard will not be a primary tree conservation area.

(Continued on next page.)

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) [Handwritten Signature] Print Name ALAN M HIGGINS Date 11/7/2012

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-6 CUD**

pg 2 of 2

Narrative of conditions being requested:

(Continued from pervious page.)

3. A wooden fence no more than six feet (6') in height shall be installed meandering along the common boundary line with the following properties: property now or formerly known by Wake County PIN 0778 49 9957 and further described in Deed Book 12573, Page 445, Wake County Registry(Gill); property now or formerly known by Wake County PIN 0778 59 0945 and further described in Deed Book 11432, Page 2628, Wake County Registry (Rayfield); property now or formerly known by Wake County PIN 0778 59 1915 and further described in Deed Book 6514, Page 290, Wake County Registry (Maready-Ray); property now or formerly known by Wake County PIN 0778 59 2945 and further described in Deed Book 12226, Page 937, Wake County Registry (Evans); property now or formerly known by Wake County PIN 0778 59 3953 and further described in Deed Book 7387, Page 128 Wake County Registry (Dalton); property now or formerly known by Wake County PIN 0778 59 4935 and further described in Deed Book 7019, Page 290, Wake County Registry (Carmine); property now or formerly known by Wake County PIN 0778 59 5915 and further described in Deed Book 10725, Page 2089, Wake County Registry (Yonetti); property now or formerly known by Wake County PIN 0778 59 5995 and further described in Deed Book 10658, Page 195, Wake County Registry (Pang); and property now or formerly known by Wake County PIN 0778 59 6974 and further described in Deed Book 14785, Page 1725, Wake County Registry (Harris). Installation of the fence shall be completed prior to issuance of the first certificate of occupancy for a residential dwelling.

4. Vehicular access onto Leesville Road shall be limited to no more than one (1) access point

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

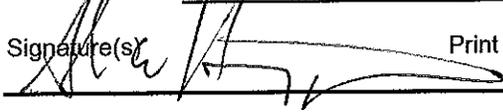
Signature(s)  Print Name Alex H Harris Date 11/7/2012

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 Future Land Use Map designates this property for "Low Density Residential." The Low Density Residential designation encourages residential density up to 6 units per acre. The proposed R-6 CUD zoning district is consistent with the Future Land Use Map.

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

The subject property is not located within an Area Plan, or other City Council adopted plans or policies.

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").

EXHIBIT D. Request for Zoning Change

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

The proposed map amendment is consistent with the Comprehensive Plan. The proposed zoning complies with the following Comprehensive Plan policies:

- **Policy LU 1.2 Future Land Use Map and Zoning Consistency**
The Future Land Use Map recommends “Low Density Residential,” residential land uses with a density of up to 6 units per acre, for the subject property.
- **Policy LU 2.2 Compact Development**
The proposed zoning will allow for a more compact land use pattern to support the efficient provision of public services and improve the performance of transportation networks.
- **Policy LU 3.2 Location of Growth**
The subject property is located within the city’s planning jurisdiction, in an area that in the past was rural and in the County’s jurisdiction, but has been urbanizing since the mid-1980s. Developing the subject property will serve the diverse housing needs of our growing community.
- **Policy LU 5.5 Transitional and Buffer Zone Districts**
Under the R-6 CUD zoning district, the property can provide a better transition from existing institutional uses like the Franciscan School and Bethany Hills Baptist Church, and existing residential development.
- **Policy LU 8.5 Conserving of Single-Family Neighborhoods**
The proposed zoning is compatible with the low density character of the Harrington Grove Subdivision directly north of the property. Harrington Grove is zoned R-6.
- **Policy LU 8.10 Infill Development**
The subject property currently contains one single-family residence. It creates a “gap” between residential development directly to its north, and south on the opposite side of Leesville Road. The proposed zoning complements the established character of the area and the physical development pattern.

EXHIBIT D. Request for Zoning Change

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

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):**

Low density residential subdivisions are north (Park at Harrington Grove) and south (Woodlawn and Dominion Park) across Leesville Road, from the property. Also, on the other side of Leesville Road, across from the property is Bethany Hills Baptist Church. Immediately east and adjacent to Bethany Hills is the Franciscan School and Saint Francis Catholic Church. Just to the west, and bordering Woodlawn subdivision is the proposed City of Raleigh Park (Erinsbrook Drive property).

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

The area surrounding the property is zoned R-6 to the north, R-4 to the south and Thoroughfare District (TD) further west. West and adjacent to the property is zoned RR, east of the property is RR and CUD R-4.

The wider area within which the property is located is in close proximity to the Brier Creek City Growth Center as shown on the Raleigh Comprehensive Plan Growth Framework map. South of Leesville Road is Special Highway Overlay District-1 (Dominion Park) and Special Highway Overlay District-2 (Woodlawn) due to these subdivisions bordering Interstate-540. Airport Overlay District is applied properties south of Leesville Road due to the area's proximity to Raleigh-Durham International Airport.

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:**

Since coming into the City's jurisdiction some 25-years-ago, the area surrounding the property has developed in an urban, low-density pattern, in keeping with the City's adopted plan of development for the area. In addition to the residential development of the area, both a public elementary school and private K-8 school have been built as Raleigh grew into the area.

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, in that it allows the property to be developed residentially, at a density that is consistent with the City's adopted Comprehensive Plan's Future Land Use Map.

B. **For the immediate neighbors:**

Zoning of the subject property as proposed will allow for residential development at a density consistent with the residential density in the surrounding area. Similar neighborhood infrastructure will be established, adding to and enhancing the character of the neighborhood.

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. For the surrounding community:

The Comprehensive Plan suggests that “growth, changing demographics and an evolving economy require a greater diversity of housing choices in both infill locations and new neighborhoods.” The community will benefit from having the type of residential development at this location as envisioned by the Comprehensive Plan.

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

No. As demonstrated by the Z-73-02, the rezoning from RR to R-6 CUD for Leesville Ridge, just west of this property, rezoning should also be available to other properties in the surrounding area that are currently zoned RR.

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

Rezoning from RR to a zoning district consistent with low-density residential as shown on the City’s adopted Comprehensive Plan’s Future Land Use Map is the desired land use pattern for this area. The requested rezoning is reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

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

The property is comprised of five lots, one lot has a residence on it and the other four lots are vacant. As previously noted, the site came into the City’s planning jurisdiction in the mid-1980s, and as is customary was zoned Rural Residential (RR).

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 RR since coming into the City’s jurisdiction. Over the last 25 years, the City has adopted plans for the development of the surrounding area, and development has occurred in accordance with those plans.

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

The rezoning of the property from RR to R-6 CUD will add value to the surrounding neighborhoods by allowing for the property’s development at a density similar to the adjacent Park at Harrington Grove development.

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

The rezoning will have a minimal impact on public services. Zoning conditions limit the number of homes to a maximum of 25. Development of the property is consistent with

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

the City's plans for the provision of infrastructure, public facilities and services to the Leesville area.

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

The rezoning advances the fundamental purposes of zoning as set forth in the North Carolina enabling legislation by taking into consideration the character of the surrounding area, encouraging the most appropriate use of the property and the continued development of this area of the City, consistent with the recommendations found in the City of Raleigh's 2030 Comprehensive Plan.

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

The rezoning of the property from RR to R-6 CUD is the logical progression of urban development as large lot single family lots are redeveloped and vacant property is developed in the Leesville area of Raleigh.

Pre-submittal Rezoning Information Meeting Minutes

A Pre-submittal Rezoning Information Meeting was held on May 16, 2012 at Lake Lynn Community Center, 7921 Ray Road in Raleigh to discuss the potential rezoning of property located on Leesville Road near the intersection with Erinsbrook Drive. Ms. Trahos displayed a large aerial photo of the property and surrounding area during the meeting.

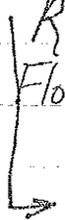
Ms. Trahos called the meeting to order about 7:10. She explained to the group that is the attorney for David Weekley Homes, the contract-purchaser of this property. She further explained that they were proposing to zone the property to Residential-6 CUD so that homes can be built similar to nearby properties. She explained that adjacent properties are already zoned R-6 and the proposal is consistent with the City's Comprehensive Plan.

Several questions were raised about the project. Ms. Trahos and Mr. Jeff Akin of David Weekley Homes answered the questions. Ms. Trahos responded that there would be no more than 25 homes permitted by the condition of the zoning. Questions were raised about buffers and fencing. Ms. Trahos responded that they would investigate the concerns of the neighbors in attendance at the meeting and report back to them. Questions were raised about the types of homes that would be built on the property. Mr. Akin confirmed that they would be single-family detached homes. A request was made to provide copies of the sign in sheet to the group after the meeting. The meeting adjourned about 8:00.

Attached please find a copy of the letter setting the neighborhood meeting and the sign-in sheet from the meeting.

Neighborhood Meeting 5/16/12

<u>Name</u>	<u>Address</u>	<u>Email or Phone:</u>
Val Carmine	11805 Stannary Place	vcarmine@nc.rr.com ⁹¹⁹⁻⁵⁰³⁻
Beth Dalton	11809 Stannary Place	Beth.Dalton@fmr.com ⁹¹⁹⁻⁶⁷⁶⁻¹⁴
Ronnie & Jo Ann Taylor	11804 Leesville Rd	919-848-1676
Flo Stein/Worth Botton	11700 Leesville Rd	(919) 918-2581



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