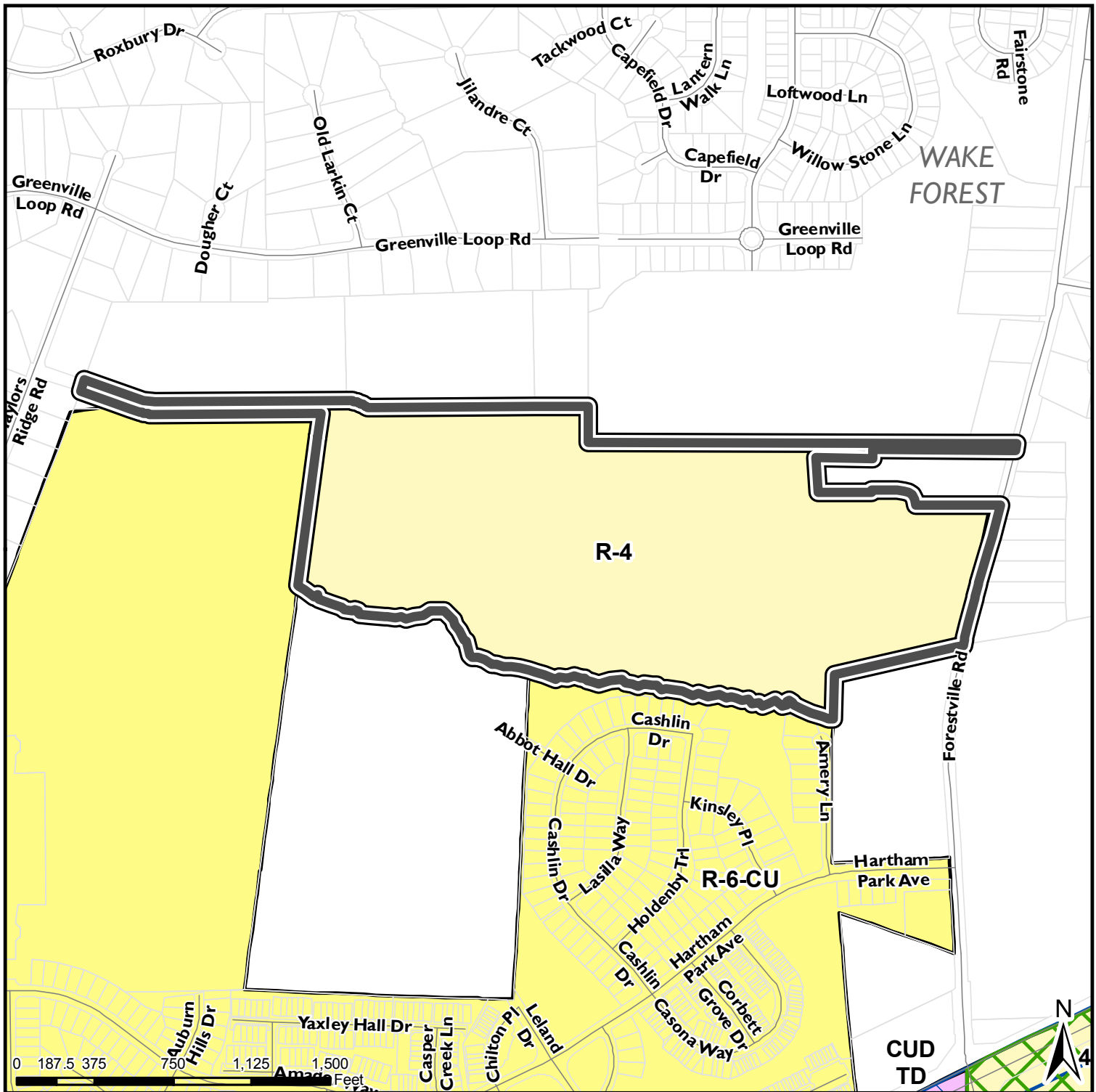


Existing Zoning Map

Z-29-2014



**Submittal
Date**

9/22/2014

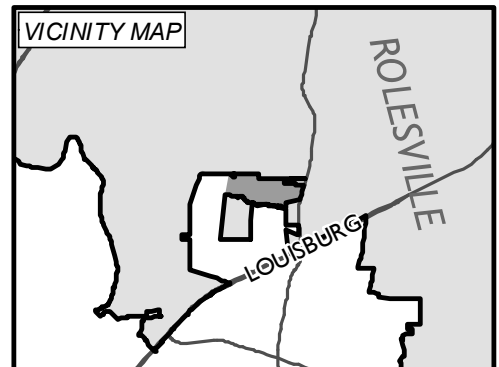
Request:

80.8 acres from

R-4

to R-10-CU

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11599

Case Information Z-29-14 - Forestville Road

<i>Location</i>	Forestville Road, between Hartham Park Avenue and Lillie Liles Road Address: 2628 Forestville Road PIN: 1748435922
<i>Request</i>	Rezone property from R-4 to R-10 CU
<i>Area of Request</i>	80.802 acres
<i>Property Owner</i>	Wake County Board of Education Betty Parker, Director, Real Estate Services; bparker@wcpss.net
<i>Applicant</i>	Michael Birch (919) 590-0388; mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council (CAC)</i>	Forestville-- Latika Vick: forestvillecac@gmail.com
<i>PC Recommendation Deadline</i>	February 10, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Low Density Residential (LDR)
<i>URBAN FORM</i>	n/a
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 3.2 – Location of Growth Policy LU 8.9 – Open Space in New Development
<i>INCONSISTENT Policies</i>	(None)

Summary of Proposed Conditions

1. The maximum residential density shall be four (4) units per acre.
2. Townhouse and apartment building types and multi-unit living shall be prohibited on the property.
3. The minimum lot size shall be 5,500 square feet.
4. The minimum lot width for an interior lot shall be fifty (50) feet. However, this condition shall not prevent any lot abutting a cul-de-sac from taking advantage of UDO section 1.5.2.E.
5. The minimum lot depth shall be ninety (90) feet. However, this condition shall not apply to a

- lot abutting a cul-de-sac, in which case such lot abutting a cul-de-sac shall have a minimum lot depth of sixty (60) feet, as measured in accordance with UDO section 1.5.2.E.
6. In the event the property is developed with a conventional subdivision, the following condition shall apply. A minimum of twenty percent (20%) of the net site area shall be set aside as open space. The open space required to be set aside by this zoning condition shall include One or more of the following: floodway areas; natural resource buffers required along primary and secondary watercourses; jurisdictional wetlands under federal law that meet the definition applied by the Army Corps of Engineers; flood fringe areas; historic, archeological and cultural sites, cemeteries and burial grounds; areas that connect neighboring open space, trails or greenways; and tree conservation areas; however, the existence of such areas on the property shall not require the inclusion of such areas as open space required by this condition so long as the minimum amount of twenty percent (20%) is satisfied. The open space required to be set aside by the zoning condition shall be subject to Sections 2.5.3., 2.5.4., 2.5.5., 2.5.6. and 2.5.7. of the UDO.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Committee</i>	<i>Planning Commission</i>	<i>CAC</i>	<i>Public Hearing</i>
9/17/14	n/a	11/12/14	n/a	

☒ **Valid Statutory Protest Petition**

Attachments

1. Staff report
2. Letter from Office of State Archaeology

Planning Commission Recommendation

<i>Recommendation</i>	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and applicable Comprehensive Plan policies. The Future Land Use Map designates this area for Low Density Residential development, and thereby appropriate for R-10 zoning conditioned to a maximum residential density of 4 dwelling units per acre. 2. The proposal is reasonable and in the public interest. It allows for the addition of new housing options, and the zoning conditions require an open space set-aside which exceeds Code standards. 3. The proposal is compatible with the surrounding area. The proposed maximum residential density of 4 dwelling units an acre is compatible with surrounding low density residential development. In addition, the proposal prohibits townhouses, apartment buildings, and multi-unit living.
<i>Motion and Vote</i>	Motion: Fleming Second: Sterling Lewis In Favor: Braun, Buxton, Fleming, Fluhrer, Schuster, Sterling Lewis, Swink, Terando and Whitsett Opposed: Lyle

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.

_____	_____	_____	11/12/14
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Vivian Ekstrom: (919) 996-2657; vivian.ekstrom@raleighnc.gov



Zoning Staff Report – Case Z-29-14

Conditional Use District

Case Summary

Overview

This eighty acre parcel is located on the west side of Forestville Road between Hartham Park Avenue and Lillie Liles Road. Owned by the Wake County Board of Education, the parcel was purchased in 2008 and was intended as the future site of Rolesville High School. The Board of Education subsequently built the high school elsewhere and the subject property remains primarily wooded. There are two vacant houses and accessory structures on the east side closer to Forestville Road. Much of the land surrounding the parcel is vacant and wooded or used for single family residences. Most of the surrounding properties are outside of Raleigh's corporate boundaries as well as the city's planning jurisdiction. Properties on the northeast border of the subject property are within Wake Forest's corporate boundaries.

The site and all adjacent properties within Raleigh's jurisdiction are designated as Low Density Residential on the Future Land Use Map. There is no Urban Form designation for this area.

The site is currently zoned R-4. There are a variety of adjacent zoning districts, including: R-6-CU, R-30 (Wake County zoning), GR5 CU (Wake Forest zoning), and GR10 CU (Wake Forest zoning). R-30 – or Residential-30 - zoning (Wake County) specifies a maximum density of 1.45 units an acre. Although the GR5 (General Residential 5) district allows a maximum density of 5 units an acre, the conditions for the property adjacent to the subject parcel limit density to 3.2 units per acre. GR10 (General Residential 10) allows a maximum density of 10 units an acre.

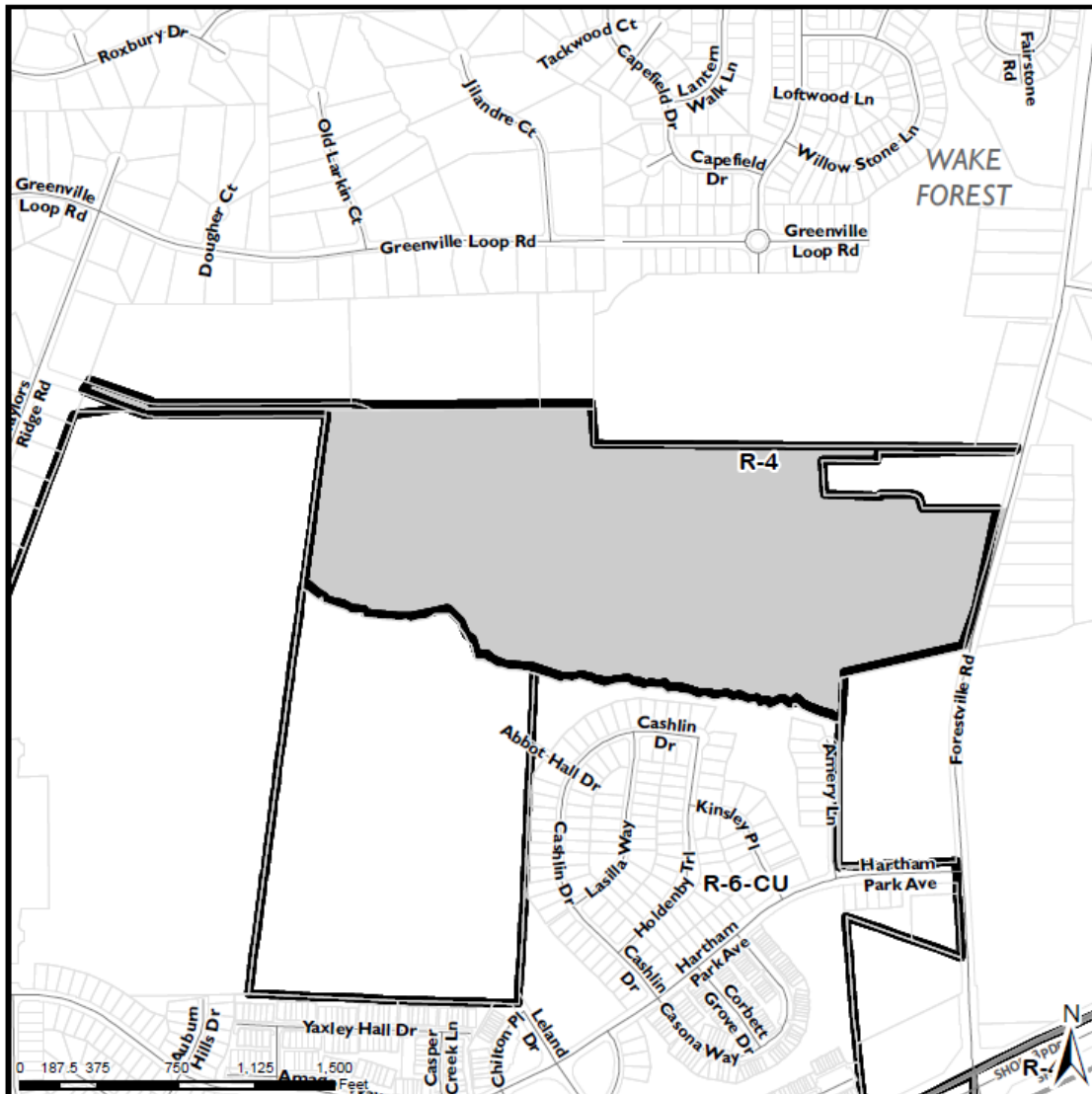
The proposed zoning, R-10-CU, has several conditions that a) limit density to 3 dwelling units per acre, b) prohibit attached house, townhouse, and apartment building types as well as two-unit and multi-unit living, c) specify a minimum lot size of 5,500 square feet, d) specify minimum lot widths and depths, e) specify a minimum of 20% set-aside open space, and f) require a minimum 25-foot landscaped buffer area along the Forestville Road right-of-way between two adjacent properties.

Outstanding Issues

<i>Outstanding Issues</i>	<i>None</i>	<i>Suggested Mitigation</i>	<i>N/A</i>
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Existing Zoning Map

Z-29-2014



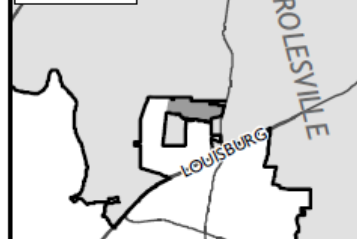
**Submittal
Date**

9/22/2014

Request:

80.8 acres from
R-4
to **R-10-CU**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-4	GR5-CU and GR10-CU (Wake Forest Zoning); R-30 (Wake County Zoning)	R-6-CU; R-30 (Wake County Zoning)	R-30 (Wake County Zoning)	R-6-CU
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Low Density Residential	Low Density Residential	Low Density Residential and Private Open Space	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Vacant	Single Family and Vacant	Single Family and Vacant	Single Family	Vacant
<i>Urban Form (if applicable)</i>	n/a	n/a	n/a	n/a	n/a

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	4 dwelling units/acre	3 dwelling units/acre
<i>Setbacks:</i>		
<i>Front:</i>	20'	10'
<i>Side:</i>	10'	5'
<i>Rear:</i>	30'	20'
<i>Retail Intensity Permitted:</i>	-0- (not permitted)	-0- (not permitted)
<i>Office Intensity Permitted:</i>	-0- (not permitted)	-0- (not permitted)

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	80.802	80.802
<i>Zoning</i>	R-4	R-10-CU
<i>Max. Gross Building SF (if applicable)</i>	(not specified)	(not specified)
<i>Max. # of Residential Units</i>	323	242
<i>Max. Gross Office SF</i>	- 0 -	- 0 -

	<i>(not permitted)</i>	<i>(not permitted)</i>
<i>Max. Gross Retail SF</i>	- 0 - <i>(not permitted)</i>	- 0 - <i>(not permitted)</i>
<i>Max. Gross Industrial SF</i>	<i>n/a</i>	<i>n/a</i>
<i>Potential F.A.R</i>	- 0 - <i>(not permitted)</i>	- 0 - <i>(not permitted)</i>

*The development intensities for proposed zoning districts were estimated using the ***Envision Tomorrow*** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

The proposed rezoning is:

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

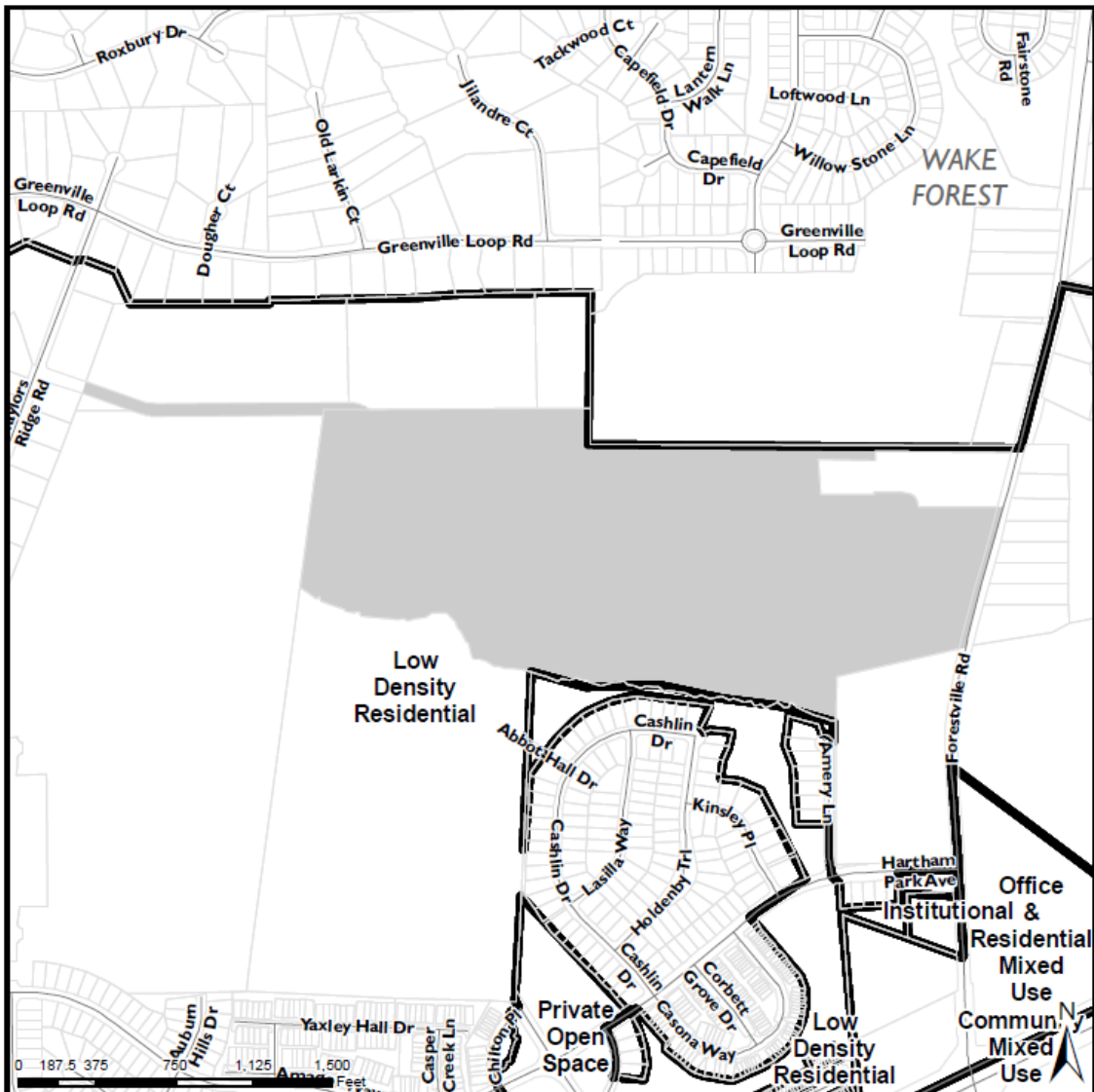
☐ **Incompatible.**

Analysis of Incompatibility:

N/A

Future Land Use Map

Z-29-2014



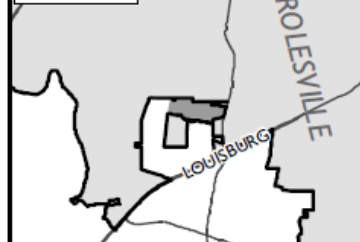
Submittal
Date

9/22/2014

Request:

80.8 acres from
R-4
to R-10-CU

VICINITY MAP



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

1. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
2. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
3. 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?
4. Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is consistent with the vision, themes, and policies of the Comprehensive Plan, as well as with the Future Land Use Map designation. The Low Density Residential Future Land Use category in the Comprehensive Plan calls for development within the range of 1 – 6 dwelling units per acre. This proposal limits the maximum residential density to 3 dwelling units per acre. The Low Density Residential category also states in part: "Smaller lots, townhouses and multifamily dwellings would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside." The zoning request provides two conditions that make it consistent with the provisions of this category: 1) the prohibition of attached house, townhouse, and apartment building types as well as two-unit living and multi-unit living, and 2) the requirement that a minimum of 20% of the net site area be designated as open space set-aside.

Existing community facilities and streets appear sufficient to accommodate the development possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

N/A

2.3 Urban Form

Urban Form designation:

☒ **Not applicable** (no Urban Form designation)

The rezoning request is:

☐ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

Analysis of Inconsistency:

2.4 Policy Guidance

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

N/A

2.5 Area Plan Policy Guidance

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

N/A

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Consistent with the Future Land Use Map designation
- Would permit new development of comparable scale as that currently permitted on the site
- Provides the opportunity for additional housing

3.2 Detriments of the Proposed Rezoning

(None anticipated.)

4. Impact Analysis

4.1 Transportation

Rezoning case Z-29-2014 has a proposed condition that limits residential density to three dwelling units per acre. If Z-29-2014 is approved, staff would expect either a decrease or no change in the potential volume of trips generated during peak travel periods. A traffic study is not required for this case.

Under policy LU 4.5 of the 2030 Comprehensive Plan, pedestrian and vehicular connectivity is encouraged in new developments in order to provide alternative means of access along street corridors. Policy T 2.4 states that the use of cul-de-sacs and dead-end streets should be minimized. Currently, the subject parcel's only public street frontage is on Forestville Road though access to Taylors Ridge Road is available by way of an access easement known as Canyon Drive.

Section 6.1 of the Raleigh *Street Design Manual* summarizes block perimeter and dead-end street regulation by zoning district. Zoning district R-10 allows a maximum block perimeter of 2,500 feet and a maximum dead-end street length of 300 feet. A connection to Taylors Ridge Road via Canyon Drive would be needed to meet the requirements of section 6.1.

Under section 8.3.6 of the Raleigh Unified Development Ordinance, the Public Works Director may approve a site plan that exceeds the maximum block perimeter or dead-end street length requirements if certain conditions exist relating to topography, existing development patterns, traffic congestion and other issues. However, block perimeter and the length of dead-end streets cannot be considered until a site plan has been submitted and reviewed by City staff.

There are no planned street improvement projects for Forestville Road in either the Raleigh FY2015 – 2019 Capital Improvement Program or the NCDOT's State Transportation Improvement Program.

Impacts Identified: Block Perimeter and Dead-End Street Length

4.2 Transit

Currently transit is not available along Forestville Rd. In addition, neither the City of Raleigh Short Range Transit Plan nor the Wake County 2040 Transit Study identifies this section of Forestville Rd for transit service. Both plans do suggest a future route along Louisburg Rd that will terminate in the vicinity of Forestville Rd.

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present; alluvial soils are present
<i>Drainage Basin</i>	Tom's Creek
<i>Stormwater Management</i>	Subject to Article 9 of UDO
<i>Overlay District</i>	none

Impact Identified: Subject to Article 9 of UDO; Neuse River Buffer and alluvial soils on property.

4.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	161,600 gpd	424,200 gpd
<i>Waste Water</i>	161,600 gpd	424,200 gpd

Impact Identified: The proposed rezoning would add approximately 262,600 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the property.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

Site is not adjacent to existing greenway trail or proposed greenway corridor or greenway connector. Park services are available for this site at the under construction Horseshoe Farm Park, 1.9 mile distance.

Impact Identified: None

4.6 Urban Forestry--UDO Article 9.1. Tree Conservation

Impact Identified:

The subject parcel proposed for rezoning is 80.8 acres in size. Compliance with Article 9.1. Tree Conservation will be required when the site is developed (new subdivision, new site plan, or new master plan).

The applicant did not propose any frontages or conditions that conflict with the City's tree conservation requirements. The proposed rezoning does not impact the requirements for tree conservation.

4.7 Designated Historic Resources

There is a historic cemetery on a portion of the subject site that is similar to the ones built by African-American and Euro-American communities in Piedmont, North Carolina. This cemetery was recorded, mapped and investigated by Michael Trinkley, Phd and his staff from the Chicora Research Foundation in December 2008. The North Carolina Department of Cultural Resources – Office of State Archaeology's survey findings has verified that Dr. Trinkley's delineation of the cemetery boundaries is appropriate. (See copy of attached letter dated February 27, 2009).

North Carolina state laws provide for the protection of cemeteries. If preservation in place is not possible, state law clearly sets out the procedures for removal and relocation of the graves.

Impact Identified: None

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None

4.9 Appearance Commission

As the proposal does not involve a Planned Development, it is not subject to Appearance Commission review.

4.10 Impacts Summary

No negative impacts are expected from this rezoning.

4.11 Mitigation of Impacts

N/A

5. Conclusions

The proposed rezoning is consistent with the Comprehensive Plan and the Future Land Use Map designation. It is also compatible with adjacent uses and development densities. The Low Density Residential Future Land Use category calls for development within the range of 1 – 6 dwelling units per acre. The proposal meets this standard by limiting the maximum residential density to 3 dwelling units per acre. In addition, the proposal balances the smaller lot sizes that are available under the R-10 zoning designation by providing a minimum of 20% open space set-aside.




Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

9-22-14
2:09 pm
Paige Townsend

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: Residential-4 Proposed Zoning Classification Base District: R-10 CUD Height: N/A Frontage: None	407604
If the property has been previously rezoned, provide the rezoning case number: Z-19-09	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 407604 (Rezoning Pre-Application Conference); 407517 (Due Diligence Session)	Z-29-14

GENERAL INFORMATION		
Property Address: 2628 Forestville Road		Date September 22, 2014
Property PIN: 1748-43-5922	Deed Reference (Book/Page): Book 13277, Page 2510; as shown on Book of Maps 2008, Page 1999	
Nearest Intersection: Forestville Road and Hartham Park Avenue		Property size (in acres): 80.802 ac
Property Owner/Address: Wake County Board of Education c/o Real Estate Services Director 1551 Rock Quarry Road Raleigh, NC 27610	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax: 919.882.8890
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email: mbirch@morningstarlawgroup.com	

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



Planning & Development

Development Services Customer Service Center

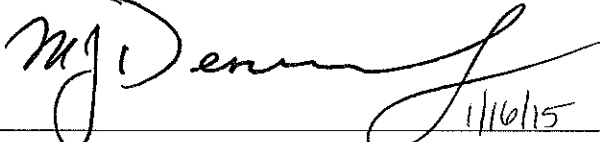
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

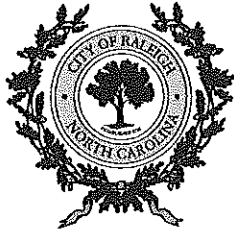
Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-29-14		Transaction Number
Date Submitted: January 8, 2015		
Existing Zoning: Residential-4	Proposed Zoning: Residential-10 CUD	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The maximum residential density shall be three (3) units per acre.
2. Attached house, townhouse and apartment building types and two-unit living and multi-unit living uses shall be prohibited on the property.
3. The minimum lot size shall be 5,500 square feet.
4. The minimum lot width for an interior lot shall be fifty (50) feet. However, this condition shall not prevent any lot abutting a cul-de-sac from taking advantage of UDO section 1.5.2.E.
5. The minimum lot depth shall be ninety (90) feet. However, this condition shall not apply to a lot abutting a cul-de-sac, in which case such lot abutting a cul-de-sac shall have a minimum lot depth of sixty (60) feet, as measured in accordance with UDO section 1.5.2.E.
6. In the event the property is developed with a conventional subdivision, the following condition shall apply. A minimum of twenty percent (20%) of the net site area shall be set aside as open space. The open space required to be set aside by this zoning condition shall include one or more of the following: floodway areas; natural resource buffers required along primary and secondary watercourses; jurisdictional wetlands under federal law that meet the definition applied by the Army Corps of Engineers; flood fringe areas; historic, archeological and cultural sites, cemeteries and burial grounds; areas that connect neighboring open space, trails or greenways; and tree conservation areas; however, the existence of such areas on the property shall not require the inclusion of such areas as open space required by this condition so long as the minimum amount of twenty percent (20%) is satisfied. The open space required to be set aside by the zoning condition shall be subject to Sections 2.5.3., 2.5.4., 2.5.5., 2.5.6. and 2.5.7. of the UDO.
7. Unless a more stringent standard is required by the UDO, a buffer area shall be provided in accordance with this condition. The length of this buffer area shall be measured from south to north along the property's frontage along the Forestville Road public right-of-way between the property described in Deed Book 12849, Page 1995 (Perry Farm LLC property), running north along the Forestville Road public right-of-way to the northern terminus at the property described in Deed Book 8093, Page 727 (Herbert property). The width of the buffer area shall be a minimum of twenty-five (25) feet, measured perpendicular from the Forestville Road public right-of-way, and shall be located between the Forestville Road public right-of-way and the lot lines of residential lots on the property. Those areas within public right-of-way used for vehicular access to the property shall not be included within this buffer area. This buffer area is hereinafter referred to as the "Buffer Area." Within this Buffer Area, there shall be installed at least four (4) shade trees and four (4) understory trees every 100 linear feet. Existing vegetation meeting these standards can be counted toward compliance with this condition, provided that such vegetation is outside of a berm. Additionally, within this Buffer Area, there shall be a berm with an average height of at least three (3) feet, measured perpendicular to the center of the crown. This berm may meander and may be discontinuous so long as there are elevated berms for at least a minimum sixty-six percent (66%) of the linear footage of the Buffer Area. Subject to the approval of the Public Works Director, if the North Carolina Department of Transportation does not permit the location of street trees within the Forestville Road public right-of-way which are required by the Avenue 4- Lane, Divided section, then the landscaping and berms required by this condition can be used to satisfy the street tree requirement except that one (1) additional shade tree per 100 linear feet shall be provided within the Buffer Area.

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

Owner/Agent Signature  1/16/15	Print Name M.J. Desormeaux, Jr. Asst. Superintendent for Facilities, WCPSS, for and on behalf of the Wake County Board of Education, pursuant to duly delegated authority.
---	--



Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction Number Zoning Case Number 2-29-14

STATEMENT OF CONSISTENCY

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

- | | |
|----|--|
| 1. | The property is designated Low Density Residential on the Future Land Use Map. This category recommends residential development with a density between one and six units per acre. The proposed zoning condition limits residential density to four units per acre. Based on the condition limiting density to four units per acre, the rezoning request is consistent with the Future Land Use Map. |
| 2. | The Low Density Residential category suggests that smaller lots and townhouses would be appropriate if part of subdivision that provides significant open space. The proposed rezoning to R-10 would permit smaller lots and townhouses. The lot sizes and building types permitted by the proposed rezoning are similar to the lot sizes and building types permitted and developed in the immediately adjacent Highland Creek subdivision (S-27-05). This adjacent subdivision is also designated Low Density Residential, but it is not a conservation subdivision. The lot sizes and building types permitted by the proposed rezoning are consistent and compatible with those permitted in the adjacent development, which is similarly designated on the Future Land Use Map. |
| 3. | The proposed rezoning is consistent with Comprehensive Plan policies LU 5.4 "Density Transitions" and LU 8.1 "Housing Variety" by providing a low density residential subdivision adjacent to other low density residential uses while at the same time permitting a mix of lot sizes and building types. |

PUBLIC BENEFITS

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

- | | |
|----|--|
| 1. | The proposed rezoning benefits the public by providing a mix of lot sizes and building types in a growing area of the City and in close proximity to the mixed-use area located on the south side of Louisburg Road at the intersection of Leland Drive. |
| 2. | The proposed rezoning benefits the public by rezoning land consistent with the Future Land Use Map guidance, consistent with Comprehensive Plan policies, and consistent with surrounding development. |

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON SEPTEMBER 17, 2014

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, September 17, 2014, at 7:00 p.m. The properties considered for rezoning include an 80.802-acre parcel with an address of 2628 Forestville Road and with Wake County Parcel Identification Number 1748-43-5922, and a 13.26-acre parcel with an address of 0 Canyon Drive and with Wake County Parcel Identification Number 1748-24-5821. This meeting was held at the Marsh Creek Community Center, located at 3016 N. New Hope Road, Raleigh, NC 27604. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Michael Birch | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0388
mbirch@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: September 4, 2014

Re: Notice of meeting to discuss potential rezoning of a parcel on the west side of Forestville Road, between Hartham Park Avenue and Lillie Liles Road, containing approximately 80.8 acres, with the address of 2628 Forestville Road with Wake County Parcel Identification Number 1748-43-5922, and a parcel on the east side of Taylors Ridge Road near the intersection with Canyon Drive, containing approximately 13.26 acres, with the address of 0 Canyon Drive, with Wake County Parcel Identification Number 1748-24-5821 (the "Property").

We are counsel for a developer that is considering rezoning the above-captioned Property. The Property is currently zoned Residential-4 in the City of Raleigh and Residential-30 in Wake County, and the proposed zoning district is Residential-10 Conditional Use, with a condition limiting residential density to four units per acre.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, September 17, 2014 at 7:00 p.m. This meeting will be held in the classroom at the Marsh Creek Community Center, located at 3050 N. New Hope Road, Raleigh, NC 27604.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the developer to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0388 or mbirch@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

AF-STONEGATE LLC
1330 SUNDAY DR STE 105
RALEIGH NC 27607-5196
1748554155

BATTS, MICHAEL D BATTS, CATHY B
2628 CASHLIN DR
RALEIGH NC 27616-5565
1748434195

BROOKS, BRENDA JANE TIMMENY, TOM
2616 CASHLIN DR
RALEIGH NC 27616-5565
1748436173

BURNETT, SANDRA LYNN
2502 FORESTVILLE RD
WAKE FOREST NC 27587-8138
1748345881

BURNETT, SANDRA LYNN
2502 FORESTVILLE RD
WAKE FOREST NC 27587-8138
1748441850

DUONG, MINH Q
2624 CASHLIN DR
RALEIGH NC 27616-5565
1748435155

FELMET, JOHN W FELMET, SUSAN W
2605 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748644252

HARBIN, MATTHEW D HARBIN, THERESA D
2636 CASHLIN DR
RALEIGH NC 27616-5565
1748433172

HAYWARD, JAMES W THIRER-HAYWARD, MELISSA
2612 CASHLIN DR
RALEIGH NC 27616-5565
1748437123

HEBERT, JOHN T
2608 FORESTVILLE RD
WAKE FOREST NC 27587-8140
1748548289

HIGHLAND CREEK MASTER ASSN INC
1225 CRESCENT GRN STE 250
CARY NC 27518-8119
1748428958

JOHNSON, EMMETT GLENN JOHNSON, PATRICIA C
2601 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748644375

KARIKARI-AGYEMAN, ELYSEE A ADIMADO, KOFI S
2608 CASHLIN DR
RALEIGH NC 27616-5565
1748438103

KOTEK, KEVIN J KOTEK, DOLLY J
2609 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748644131

MCCARTY, DANIEL J MCCARTY, ANGELA B
2613 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748634911

MCCARTY, DANIEL J MCCARTY, ANGELA B
2613 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748644021

MORRISON, STEVEN S MORRISON, LIN JING Y
2529 FORESTVILLE RD
WAKE FOREST NC 27587-8139
1748648198

PAGUIO, CRISTINO J PAGUIO, EVELYN Q
2632 CASHLIN DR
RALEIGH NC 27616-5565
1748434134

PERRY FARM LLC
404 EMERSON DR
RALEIGH NC 27609-4537
1748733146

RAFFENSPERGER, TIMOTHY W
2629 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748633558

SMITHEY, LARRY
2625 FORESTVILLE RD
WAKE FOREST NC 27587-8141
1748633780

STELL, WILLIAM A STELL, MARY S K
3936 LOUISBURY RD
WAKE FOREST NC 27587-8116
1748642673

TAW DEVELOPMENT INC
6300 WESTGATE RD STE A
RALEIGH NC 27617-4754
1748231148

TUCKER, JAMES H TRUSTEES, THOMAS O
PO BOX 410
CAROLINA BEACH NC 28428-0410
1748323666

VALLIDO, EUGENIA S VALLIDO, MARLON A
2700 AMERY LN
RALEIGH NC 27616-5582
1748533016

WAKE CNTY BOARD OF EDUCATION THE
RE SERVICES DIRECTOR
1551 ROCK QUARRY RD
RALEIGH NC 27610-4145
1748435922

WILES, BUCK DAVIS TRUSTEE
3612 PIKEVILLE PRINCETON RD
PRINCETON NC 27569-8860
1748633891

YADKIN BANK
206 HIGH HOUSE RD
CARY NC 27513
1748245821

ZELICHE, ABBEY
2620 CASHLIN DR
RALEIGH NC 27616-5565
1748436114

ALLRED, GARY ALLRED, KRISTEN
3304 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9379
1748251310

BROWN, RONALD L BROWN, TAMMY F
3204 TAYLORS RIDGE RD
WAKE FOREST NC 27587-9375
1748148839

BUCKMASTER, CHARLES W BUCKMASTER, KATHY C
3312 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9379
1748253261

DOHERTY, JOHN M
3412 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9380
1748350272

GANN, ROBERT M GANN, KATHY
3208 TAYLORS RIDGE RD
WAKE FOREST NC 27587-9375
1748159169

HARP, SHERWOOD WAYNE HARP, DANTE W
3400 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9380
1748255221

JENKINS, MARTIN DAVID JENKINS, PAMELA K
3136 TAYLORS RIDGE RD
WAKE FOREST NC 27587-9387
1748147635

LOPOSAY, WILLIAM D LOPOSAY, LINDA F
3132 TAYLORS RIDGE RD
WAKE FOREST NC 27587-9387
1748146582

MEYERS, JOHN M MEYERS, CHARLEEN
3408 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9380
1748258261

OSBORNE, WILLIAM E OSBORNE, GINGER K
3308 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9379
1748252223

STUBBS, IAN
3408 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9380
1748256260

TAYLOR, CHARLES D TAYLOR, KIMBERLY D
3420 GREENVILLE LOOP RD
WAKE FOREST NC 27587-9380
1748352233

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

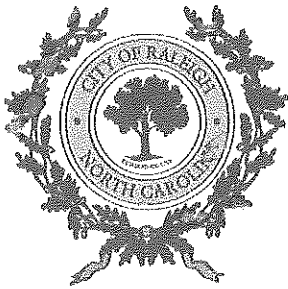
On Wednesday, September 17, 2014, at 7:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. Below is a list of items discussed at the meeting:

1. Access to Taylors Ridge Road
2. Construction of Canyon Drive
3. Housing types permitted in R-10
4. Proposed layout for subdivision
5. Location and width of buffer areas adjacent to existing neighborhoods
6. Blasting concerns and impacts on surrounding structures and drinking water
7. Maximum density permitted by rezoning
8. Purpose of rezoning to R-10
9. Protection of cemetery
10. Impact of additional traffic on surrounding roads and existing residents
11. Connectivity with surrounding developments
12. Improvements to Taylors Ridge Road and Greenville Loop Road and nearby intersections
13. Impact on stormwater quantity and quality, particularly volume in creeks and erosion
14. Impact on wells and drinking water supply
15. Increase in density
16. Noise associated with construction, traffic and new residents
17. Light associated with new streets and residences
18. Permitted lot sizes and comparison with R-30 lot sizes and density
19. Projected home prices
20. Impact of development and additional traffic on property values
21. Existing traffic issues, particularly on Forestville Road and at Ligon Mill Road
22. Amenities within proposed development

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. Larry Matthews
2. Lynn & Jeremy Kennon
3. David & Tish Terrell
4. Carlos Ferreira
5. Glenn & Patricia Johnson
6. Sandra Burnett
7. Dan & Deb Haberek
8. Sherman Biggerstaff
9. Ashley Perry
10. West Forehand
11. Drew Mickus
12. Alan & Carol Dellapenna
13. Michael Reed
14. Dan & Angela McCarty
15. John & Susan Fletmet
16. Kevin & Dolly Kotek
17. Steve & Kim Morrison
18. David & Wendee Kirkley
19. Wesley & Allison Prather
20. Charles & Kathy Buckmaster
21. Bill Herring
22. Ronald & Tammy Brown
23. Sarah & Ian Stubbs
24. Kimber & Trent Lunsford
25. Carlton Gage
26. Mark Bradley
27. Ginger & William Osborne
28. James Albright & Nancy Green
29. John & Charleen Meyers
30. Wayne & Dante Harp
31. Tony & Robyn Hartt
32. Greg Lemly
33. John & Wanda McElveen
34. Joe & Betsy Wilburn
35. Martin, Pamela & Kimberly Jenkins
36. Alan & Robin Oglesby
37. Margaret Holland
38. Marlin Miller
39. Terri Cook
40. William Hall
41. Dennis Hodges
42. Robert Smith & Linda Orlasky



Planning & Development

SCANNED

9/24/14 RLP

JD: Deshele Sampson

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Valid
- VSE
9/26/14

Rezoning Valid Statutory Protest Petition (VSPP)

Submit this form to:

City Clerk
Raleigh Municipal Building, Room 207
222 W. Hargett St.
Raleigh, NC 27602

Administrative Use Only

Validity

Administrative Use Only

received
STAMP
9/24/14 RLP
City Clerk

Received by City Clerk


Date Submitted 9-24-14		Case # Z - 29 - 14	
Contact Person Daniel Haberek			
Address 3141 Taylors Ridge Road		City Wake Forest	
State NC	Zip 27587	Phone 919-306-4194	Fax
Email dhaber97@gmail.com			

If a Valid Statutory Protest Petition (VSPP) is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a VSPP, the petition must:


- Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the rezoning request; OR five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100 foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas;
- Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded;
- Be submitted no less than two (2) full working days prior to the hearing, not including the actual day of the hearing and not including any holidays, Saturdays or Sundays. For instance, if the hearing occurs on Tuesday, the form must be submitted by the previous Thursday at 5:00 p.m.;
- Be delivered to the office of the City Clerk, Raleigh Municipal Building, Room 207, 222 W. Hargett Street, before 5:00 p.m. on the deadline date; and
- Have signatures attached to this sheet on the form provided. The signature form may be duplicated if necessary.

Statement of Opposition:

We oppose the requested re-zoning^V because of the increased traffic on an already burdened Forestville Rd, as well as the effect on property values that a higher density development would create. We also oppose due to the blasting and environmental issues associated with the higher number of homes, also a lack of much needed green space

* Signature:  Both signed Print Name (clearly): Steve & Lin Jing Morrison

Address: 2529 Forestville Rd, Wake Forest, NC 27587

* Signature:  Both signed Print Name (clearly): John & Susan Felmet


Address: 2605 Forestville Rd, Wake Forest, NC 27587

Signature:  Print Name (clearly): Glenn & Patricia Johnson


Address: 2601 Forestville Rd Wake Forest, NC 27587

* Signature:  Both signed Print Name (clearly): Kevin J & Dolly Kotek

Address: 2609 Forestville Rd Wake Forest NC 27587

Signature:  Signed 1 owner Print Name (clearly): John Hebert

Address: 2608 Forestville Rd. Wake Forest, NC 27587

* Signature:  Both signed Print Name (clearly): Debbie Vair


Address: 2701 Enville Ct Wake Forest, NC 27587

* Signature:  Print Name (clearly): Steve Vair

Address: 2701 Enville Ct Wake Forest, NC 27587

Signature:  Print Name (clearly): Ellen Cutler

Address: 2705 Enville Ct. Wake Forest NC 27687

* Signature:  Both signed Print Name (clearly): Daniel & Angela McCarty

Address: 2613 Forestville Rd, WAKE FOREST, NC

Valid Statutory Protest Petition

Case # Z- 29 - 14

of WakeCo parcel No. 1748-43-5922 (80.8 acres)

Statement of Opposition:

We oppose the requested rezoning because of the increased traffic on an already burdened Forestville Rd, as well as the effect on property values that a higher density development would create. We also oppose due to the blasting and environmental issues associated with the higher numbers of homes and also a lack of much needed green space.

Signature: [Signature] ^{Both Signed} Print Name (clearly): Daniel & Angela McCarty
Address: 2617 Forestville Rd, Wake Forest, NC

Signature: [Signature] ^{Both signed} Print Name (clearly): Marlon & Eugenia Vallido
Address: 2700 Amery Lane Raleigh, NC 27616

Signature: [Signature] Print Name (clearly): Marlon Vallido
Address: 2700 Amery Ln. Raleigh NC 27616

Signature: [Signature] ^{Both signed} Print Name (clearly): Theresa Harbin
Address: 2636 Cashlin Drive, Raleigh NC 27616

Signature: [Signature] Print Name (clearly): Matthew Harbin
Address: 2636 Cashlin Dr., Raleigh, NC 27616

Signature: [Signature] ^{Both signed} Print Name (clearly): EVELYN PABUJO
Address: 2632 Cashlin Dr., Raleigh NC 27616

Signature: [Signature] Print Name (clearly): NEIK PABUJO
Address: 2632 Cashlin Dr., Raleigh NC 27616

Signature: [Signature] ^{Both signed} Print Name (clearly): CATHY BATTS
Address: 2628 Cashlin Dr. Raleigh. NC 27616

Signature: [Signature] Print Name (clearly): MICHAEL BATTS
Address: 2628 Cashlin Dr. Raleigh NC 27616

of Wake Co parcel No. 1748.43-5922
(80.8 acres)

Statement of Opposition:

We oppose the requested rezoning because of the increased traffic on an already burdened Forestville Rd as well as the effect on property values that a higher density development would create. We also oppose due to blasting and environmental issues associated with the higher number of homes also a lack of much needed Green Space.

Signature: L.M. Smith ^(Owner Sign) Print Name (clearly): L.M. Smith

Address: 2625 Forestville Rd Wake Forest 27587

Signature: Timothy W. Rappensperger ^(Owner Sign) Print Name (clearly): TIMOTHY W. RAPPENSPERGER

Address: 2629 Forestville Rd Wake Forest, NC 27587

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition
Case # Z - 29 - 14

of WakeCo parcel No 1748-43-5922 (80.8 acres)

Statement of Opposition:

We oppose the requested re-zoning because of the increased traffic on an already burdened Forestville Rd, as well as the effect on property values that a higher density development would create. We also oppose due to blasting and environmental issues associated with the higher number of homes, also a lack of much needed green space

Signature:

Abbey Felliche

(1 owner signed)

Print Name (clearly):

Abbey Felliche

Address:

2620 Cashlin DR

Signature:

Brenda Brooks

(Both signed)

Print Name (clearly):

Brenda Brooks

Address:

2616 Cashlin Drive Raleigh NC 27616

Signature:

Thomas Tenney

Print Name (clearly):

THOMAS TENNEY

Address:

2616 CASHLIN DRIVE RALEIGH, NC 27616

Signature: _____

Print Name (clearly): _____

Address: _____

Signature: _____

Print Name (clearly): _____

Address: _____

Signature: _____

Print Name (clearly): _____

Address: _____

Signature: _____

Print Name (clearly): _____

Address: _____

Signature: _____

Print Name (clearly): _____

Address: _____

Signature: _____

Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition

Case # Z- 29 - 14

of Wake Co. parcel No 1748-43-5922 (80.8 acres)

Statement of Opposition:

We oppose the requested re-zoning because of the increased traffic
on an already burdened Forestville Rd, as well as the effect on property
values that a higher density development would create. We also
oppose due to blasting and environmental issues associated with
the higher number of homes, also a lack of much needed green space

Signature: M. Thirer-Hayward Print Name (clearly): Melissa Thirer-Hayward

Address: 2012 Cashlin Drive, Raleigh, NC 27616

Signature: James Hayward Print Name (clearly): James Hayward

Address: 2612 Cashlin Dr. Raleigh NC, 27616

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____