

CITY OF RALEIGH

Z-31-08

**SC & SC CUD & RR
with SHOD-4**

to

**SC CUD
with SHOD-4**

3.33 acres

Public Hearing
July 15, 2008
(Nov 12, 2008)

190

Feet



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:

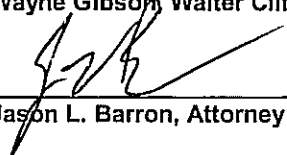
1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding 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 in accordance 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:
 - 1) to lessen congestion in the streets;
 - 2) to provide adequate light and air;
 - 3) to prevent the overcrowding of land;
 - 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - 5) to regulate in accordance with a comprehensive plan;
 - 6) to avoid spot zoning; and
 - 7) 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.

Please check boxes where appropriate

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.

Signature(s)

James Albert Moss, Jr., Trustee, Patricia Ivey Moss, Trustee
Wayne Gibson, Walter Clifton Gibson, III Gregory A. Mims, Ashley S. Mims,



Jason L. Barron, Attorney

3/18/08

Date

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>2-31-08</u>
Date Filed:	<u>3/26/08</u>
Filing Fee:	<u>1050 pd</u>
	<u>ck # 779728</u>

Please use this form only – form may be photocopied. Please type or print

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	James Albert Moss, Jr., Trustee	5228 Old Milburnie Road Wendell, NC 27591-7887	
	Patricia Ivey Moss, Trustee		
	Wayne Gibson <u>Walter Clifton Gibson, III</u>	5128 Ten Point Trail Wake Forest, NC 27587-6350	
	Gregory A. Mims <u>Ashley S. Mims</u>	4401 Whatley Lane Raleigh, NC 27604-6122	
2) Property Owner(s):	James Albert Moss, Jr., Trustee	5228 Old Milburnie Road Wendell, NC 27591-7887	
	Patricia Ivey Moss, Trustee		
	Wayne Gibson <u>Walter Clifton Gibson, III</u>	5128 Ten Point Trail Wake Forest, NC 27587-6350	
	Gregory A. Mims <u>Ashley S. Mims</u>	4401 Whatley Lane Raleigh, NC 27604-6122	
3) Contact Person(s):	Lacy H. Reaves and Jason L/ Barron /Kennedy Covington Lobdell & <u>Hickman, L.L.P.</u>	P.O. Box 17047 <u>Raleigh, NC 27619-7047</u>	919-743-7304/ <u>lreaves@kennedycovington.com</u>
			919-743-7343/ <u>jbarron@kennedycovington.com</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN):		
	<u>1736-16-7475; 1736-16-7311; 1736-16-5272; 1736-16-7115; and 1736-16-4190</u>		
	General Street Location (nearest street intersections):		
	<u>Property is located between Louisburg Road and Kyle Drive</u>		
5) Area of Subject Property (acres):	<u>3.33 acres</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>Shopping Center with Special Highway Overlay District 4, Shopping Center Conditional Use with Special Highway Overlay District 4, and Rural Residential</u>		

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7) Proposed Zoning District

Classification:

Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

Shopping Center Conditional Use with Special Highway Overlay District 4 (to remain unchanged)

Office Use Only Petition No. <u>2-31-08</u>
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8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

(Important: Include PIN Numbers 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 in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
See Exhibit B-1			

For additional space, photocopy this page.

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EXHIBIT B-1 ADJACENT PROPERTY OWNERS	
NAME AND ADDRESS	PIN
Robert Leon & Betsy C. Byrd 5621 Kyle Drive Raleigh, NC 27616-6203	1736-16-6080
Dory M. & Joelle Najm 5615 Kyle Drive Raleigh, NC 27616-6203	1736-15-6950
Dory M. Najm 5615 Kyle Drive Raleigh, NC 27616-6203	1736-15-6820
Frank E. Acierno P.O. Box 7189 Wilmington, DE 19803-0189	1736-36-9440
Raleigh Northeast Commercial Associates Limited Partnership P.O. Box 19808 Raleigh, NC 27619-9808	1736-27-1553
Raleigh Northeast Commercial Associates Limited Partnership P.O. Box 19808 Raleigh, NC 27619-9808	1736-17-4171
Four O One Associates Limited Partnership c/o Hunter & Associates 127 W. Hargett Street, Suite 100 Raleigh, NC 27601-1378	1736-16-0690
McDonald's Corporation AMF O'Hare Airport P.O. Box 66207 Chicago, IL 60666-0207	1736-16-4621
Four O One Associates Limited Partnership c/o Hunter & Associates 127 W. Hargett Street, Suite 100 Raleigh, NC 27601-1378	1736-16-0212
Owen Barbot Inc. 5616 Louisburg Road Raleigh, NC 27616-5318	1736-15-3839
Owen Barbot Inc. 5616 Louisburg Road Raleigh, NC 27616-5318	1736-16-4030

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

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 which District Plan area the subject property is located within and the recommended land use for this property: The property is located in the Northeast District Plan.**

The Property is located within the Northeast District Plan. Per the Northeast District Urban Form map, the Property is located within a Regional Center.

- B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The Property is located within the U.S. 401 North Corridor Plan (the "Corridor Plan"). Per the Corridor Plan, the Property is designated for retail use.

- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?

The proposed map amendment is consistent with the Comprehensive Plan.

H. 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):

- to the east, there is a large, heavily wooded vacant tract of land that was zoned for Residential-15 use in 1991.
- to the north and east (east of Louisburg Road), there is a vacant tract that is zoned for Neighborhood Business uses.
- to the north and west (west of Louisburg Road and north of Spring Forest Road), there are several vacant tracts zoned Thoroughfare District.
- to the west (across Louisburg Road) is Springhill Shopping Center, a strip shopping center developed in the early 1990s. There is a convenience store located within the southwest quadrant of the intersection of Louisburg Road and Spring Forest Road immediately across from the Property. The shopping center is set back off of the road with a large parking field between the building and Louisburg.
- to the south, there are primarily single family detached dwellings with a small warehouse use located along Louisburg Road. The detached dwellings were built in the early- to mid-1960s.

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

- to the east, there exists a large, heavily wooded vacant tract that is zoned R-15 Conditional Use
- to the north and east (east of Louisburg Road), there are heavily wooded vacant tracts zoned, as you move towards 1-540, Neighborhood Business and Rural Residential Conditional Use
- to the north and west (west of Louisburg Road and north of Spring Forest Road), there are several wooded, vacant tracts that are zoned Thoroughfare District Conditional Use
- to the west (across Louisburg Road), there are tracts zoned Thoroughfare District. The existing built environment includes a strip shopping center, along with a convenience store. Each of these buildings are a single story. The canopy associated with the gas station/convenience store is setback from the road approximately 75'. Springhill Shopping Center is setback greater than 150' off of Louisburg Road.
- to the south, the properties are zoned primarily Rural Residential, with an Industrial-1 parcel located adjacent to Louisburg Road approximately 120' south of the Property.

- 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

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The Town's Transportation Plan contemplates the extension of Spring Forest Road east from its current terminus at Louisburg Road. When this extension occurs, the Property will be located within the southeast quadrant of the intersection, making it ideal for retail uses. Further, the Shopping Center uses authorized by this rezoning will serve as a convenience when the adjacent large Residential-15 tract is developed, presumably for multi-family purposes.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The landowners will be benefited by having the property developed at its highest and best use, consistent with the City's Comprehensive Plan.

B. For the immediate neighbors:

The immediate neighbors will be benefited by the services that will be provided when the Property is developed.

C. For the surrounding community:

The surrounding community will be benefited by having the Property developed consistent with the Comprehensive Plan.

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

This rezoning does not provide a significant benefit which is not available to the surrounding properties. In fact, there are several properties adjacent to the Property that are located within the same Comprehensive Plan designation.

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

The Petitioners submit that the proposed rezoning is reasonable and in the public interest. The rezoning is consistent with the Comprehensive Plan. Additionally, the location of the Property at a future critical intersection, in close proximity to planned high density residential development, makes it ideally situated for retail development.

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V. Recommended items of discussion (where applicable).

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

- 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.

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

The proposed rezoning seeks to develop the Property consistent with the Comprehensive Plan. With the high density residential parcel immediately to the east of the Property, the proposed rezoning to Shopping Center uses will provide much needed services in close proximity to such development.

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

There will be no significant impact on the aforementioned public services as a result of this rezoning.

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

None at this time.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-31-08 Conditional Use; Louisburg Rd.

General Location: This site is located on the east side of Louisburg Road, SE of its intersection with Kyle Drive.

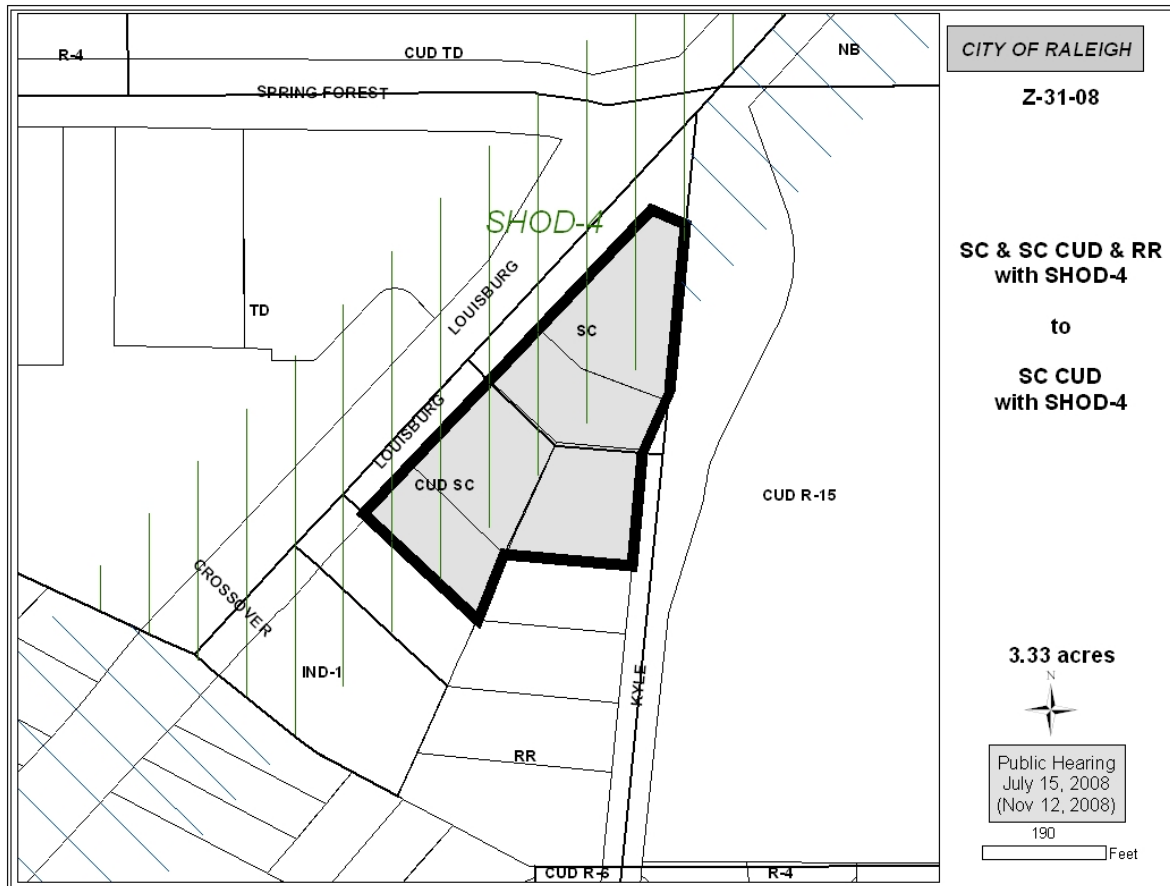
Planning District / CAC: Northeast / Northeast

Request: Petition for Rezoning from Shopping Center, Shopping Center Conditional Use and Rural Residential with Special Highway Overlay District-4 to Shopping Center Conditional Use with Special Highway Overlay District-4.

Comprehensive Plan Consistency: This request is consistent with the Comprehensive Plan.

Valid Protest Petition (VSPP): NO

Recommendation: The Planning Commission recommends that this case be denied.



CASE FILE: Z-31-08 Conditional Use

LOCATION: This site is located on the east side of Louisburg Road, SE of its intersection with Kyle Drive.

REQUEST: This request is to rezone approximately 3.33 acres, currently zoned Shopping Center, Shopping Center Conditional Use and Rural Residential with Special Highway Overlay District-4. The proposal is to rezone the property to Shopping Center Conditional Use with Special Highway Overlay District-4.

COMPREHENSIVE PLAN CONSISTENCY: This request is consistent with the Comprehensive Plan.

RECOMMENDATION: The Planning Commission recommends that this case be denied.

FINDINGS AND REASONS: (1) Applicant requests denial of this case.

To PC: 10/14/08
Case History: 10/14/08 recommended denial

To CC: 10/21/08 **City Council Status:** _____

Staff Coordinator: Stan Wingo

Motion: Holt
Second: Anderson
In Favor: Anderson, Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith
Opposed:
Excused:

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 Staff Report attached.

Signatures: (Planning Dir.) _____ (PC Chair) _____

date: _____ date: 10/16/08



Zoning Staff Report: Z-31-08 Conditional Use

LOCATION: This site is located on the east side of Louisburg Road, SE of its intersection with Kyle Drive.

AREA OF REQUEST: 3.33 acres

PROPERTY OWNER: James and Patricia Moss, Wayne and Walter Gibson, Gregory and Ashley Mims.

CONTACT PERSON: Lacy Reaves 743-7304

PLANNING COMMISSION RECOMMENDATION DEADLINE: November 12, 2008

ZONING: Current Zoning

Shopping Center, Shopping Center Conditional Use, Rural Residential

Current Overlay District

Special Highway Overlay District-4

Proposed Zoning

Shopping Center Conditional Use

Proposed Overlay District

Special Highway Overlay District-4

ALLOWABLE DWELLING UNITS:

Current Zoning

SC & SC CUD:
w / Staff approval: 40 units
w / PC approval: 80 units
RR: 1 dwelling unit

Proposed Zoning

w / Staff approval: 49 dwelling units
w / PC approval: 99 dwelling units

ALLOWABLE OFFICE SQUARE FOOTAGE:

Current Zoning

SC & SC CUD: Office limitations not specified.
RR: Office uses not permitted.

Proposed Zoning

Office limitations not specified.

ALLOWABLE RETAIL SQUARE FOOTAGE:

Current Zoning

SC & SC CUD: Retail limitations not specified.
RR: Retail uses not permitted.

Proposed Zoning

Retail limitations not specified.

ALLOWABLE GROUND SIGNS:

Current Zoning

SC & SC CUD: High Profile Sign
RR: Tract ID Sign

Proposed Zoning

High Profile Sign

ZONING HISTORY: This property has been zoned Shopping Center Conditional Use since 2005 (Z-58-05). Shopping Center since 1977(Z-46-77) and Rural Residential since 1973 (Z-38-73).

Z-58-05 – Louisburg Road

Conditions dated: October 13, 2005

(1)The following uses shall be prohibited: rifle range indoor or outdoor, stadium, amphitheater or racetrack, correctional or penal facility, adult establishments.

(2)Vehicular access from Louisburg Road will be limited to no more than one driveway.

(3)Prior to development, access will be provided to the adjacent properties to the north, south, and east (DB4583/PG 646, DB2074/PG458, DB11015/PG250, DB8291/PG336.

(4)Cross-access will be provided for both parcels in this petition in the event they are not combined into a single parcel.

(5)Prior to subdivision approval or the issuance of any building permits, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring ten (10) feet long adjacent to Louisburg Road by six (6) feet wide to support a bus stop. Transit easement shall be approved by the Transit Division of the City. The City Attorney shall approve the transit easement deed prior to recordation.

(6)Outside transitional protective yards, any site lighting within forty (40) feet of the east and southern most property lines shall be a maximum of sixteen (16) feet in height and directed away from the residential property.

(7)Reimbursement for any required right of way dedication shall be at Rural Residential value.

(8)The maximum front yard building setback from Louisburg Road shall be 32 feet.

(9)Upon development of the property, a continuous private drive with sidewalk shall be constructed which provides a direct connection between Louisburg Road and property to the east (DB2074/PG458 or DB11015/PG250).

**SURROUNDING
ZONING:**

NORTH: TD, TD CUD (Z-14-86)
SOUTH: RR, IND-1
EAST: R-15 CUD (Z-37-91)
WEST: TD

LAND USE: Used auto lots, single family home

**SURROUNDING
LAND USE:**

NORTH: Gas station, McDonalds Restaurant
SOUTH: Single Family homes, vacant small industrial
EAST: Vacant wooded land
WEST: Food Lion, McDonalds, Gas station

DESIGNATED HISTORIC

RESOURCES: There are no designated historical structures on site and this area is not within a historic district.

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE: In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City’s adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	Northeast
Urban Form	Regional Center
Specific Area Plan	US 401 North Corridor Plan
Guidelines	n/a

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

This site is in the Northeast Planning District within the US 401 North Corridor Plan. The Corridor Plan designates this area as appropriate for retail uses. The proposal to rezone the property to Shopping Center Conditional Use is consistent with the Comprehensive Plan.

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

Applicant states that due to planned future extension of Spring Forest Road, the property’s location on the intersection will make it ideal for retail uses. Also the uses provided with this rezoning will serve as convenience when the adjacent Residential-15 tract is developed.

Staff agrees with the applicant’s position of compatibility. The proposal to rezone the entire tract to Shopping Center Conditional Use will help ensure a consistent overall retail development pattern on this site. The property fronts on Louisburg Road and is within close proximity to large residential developments, both built and proposed. The site is also in close proximity to I-540. Currently surrounding land uses in this area include a gas station and fast food restaurant to the north, large tract of undeveloped land zoned Residential-15 to the east and a large grocery tenant across Louisburg Road to the west. The majority of the site is currently zoned for retail uses, expanding the retail area with this proposal is consistent and compatible with surrounding land uses and zoning patterns in the area.

3. Public benefits of the proposed rezoning

Applicant states that the location of this site at a critical future intersection and within close proximity to planned high density residential makes this proposal reasonable and in the public interest. The location of this site is ideally situated for retail development.

Staff concurs with the applicant's statement. The location of the assembled site is an appropriate location for retail uses. The development of dense residential to the east will increase demand for retail uses in this area.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request. The rezoning of this site to Shopping Center Conditional Use is compatible with the surrounding land uses and zoning and will have very little negative impact on surrounding properties as conditioned.

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

TRANSPORTATION: Louisburg Road is classified as a principal arterial thoroughfare (2005 ADT - 34,000 vpd) and is constructed to City standards as a six-lane median-divided roadway with a 95-foot back-to-back curb and gutter cross section with sidewalk on both sides on 140 feet of right-of-way. Kyle Drive is classified as a collector street and is constructed as a two-lane ribbon paved road within varying 60-100 foot right of way. City standards call for Kyle Road to be constructed as a 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way.

The Comprehensive Plan calls for the extension of Spring Forest Road east of Louisburg Road as a proposed major thoroughfare that will connect to Buffaloe Road. Kyle Drive is planned to be realigned eastward to accommodate this proposed thoroughfare construction. There is currently no funding or schedule associated with these improvements. The petitioner may want to modify condition #2 to state that vehicular access to Louisburg Road will be limited to no more than one driveway. In the event that the subject properties are not recombined, offers of cross-access should be provided between these properties.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry. In the event that the Transit Division elects to place the transit easement in use for municipal transit services, it shall notify the owner of the property thereof in writing, and within thirty (30) days after receipt of such notice the owner shall pay the cost to be incurred by the City for its purchase of a bench or shelter to be installed within such transit easement.

HYDROLOGY: FLOODPLAIN: no flood hazard areas
DRAINAGE BASIN: Neuse
STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. 14,985 gpd	Approx. 14,985 gpd
Waste Water	Approx. 14,985 gpd	Approx. 14,985 gpd

The proposed rezoning would not change the amount of wastewater or water to the wastewater collection or water distribution systems of the City's utilities. There are existing water mains in the streets rights-of-way which would serve the proposed rezoning area. The petitioner would be required to extend sanitary sewer mains to serve the proposed rezoning request.

PARKS AND

RECREATION: This property is adjacent to the Neuse River Greenway. The City has previously acquired the greenway. Existing recreation services are sufficient to provide services for possible increase of residents.

WAKE COUNTY

PUBLIC SCHOOLS: This rezoning could introduce as many as 19 additional allowable dwelling units. Fox Road Elementary could see an increase of six students with Wakefield Middle and Millbrook High both potentially seeing an increase of two students.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Fox Road	855	91.0%	861	91.6%
Wakefield	1,336	105.5%	1,338	105.7%
Millbrook	2,344	96.2%	2,346	96.3%

IMPACTS SUMMARY: There are no known adverse impacts associated with this request.

APPEARANCE

COMMISSION: This request is not subject to Appearance Commission review.

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Northeast
CAC CONTACT PERSON: Paul Brant 875-1114

SUMMARY OF ISSUES:

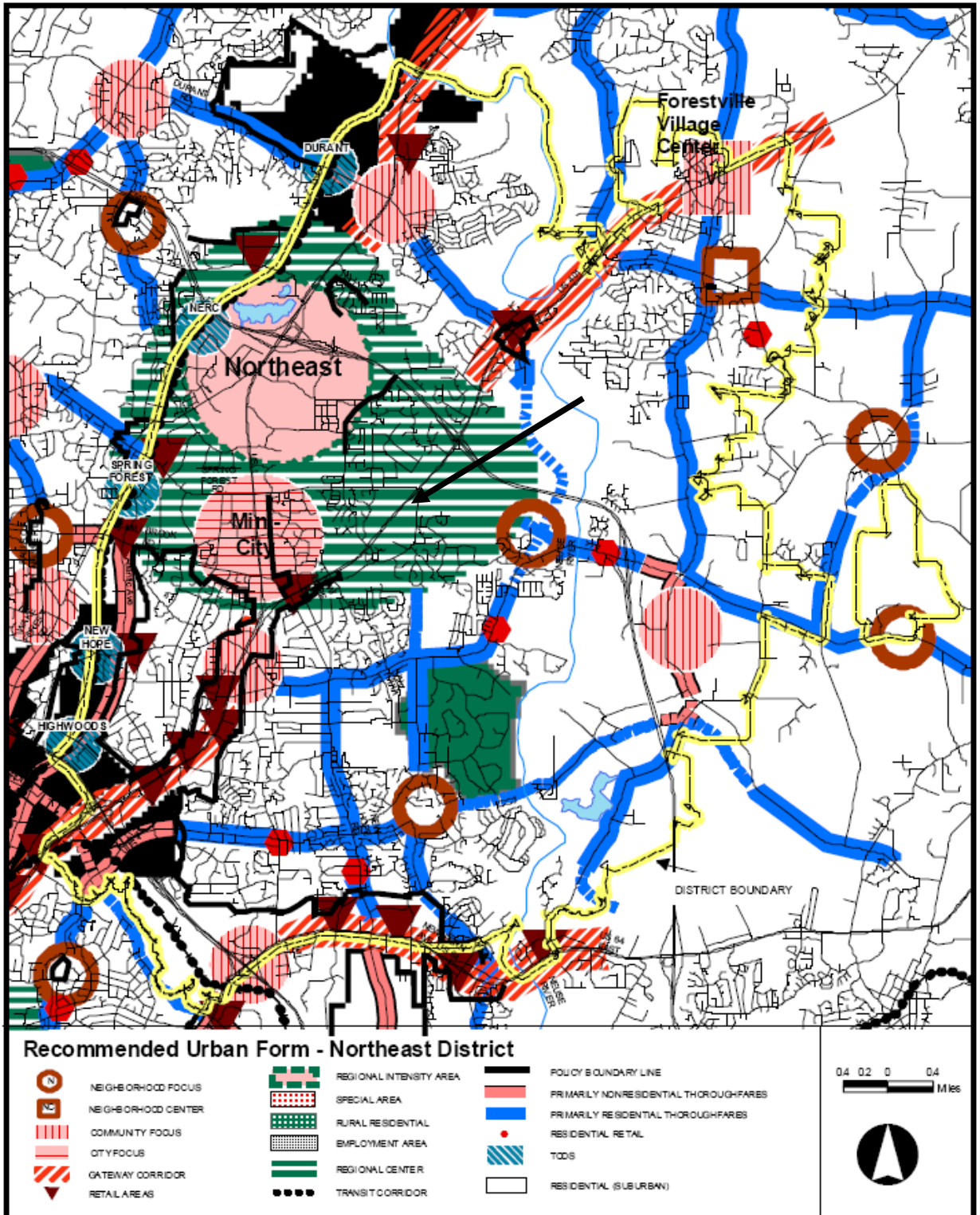
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

Suggested conditions

- Applicant may wish to retain zoning condition from previous case stating: "The maximum front yard building setback from Louisburg Road shall be 32 feet."

TRANSIT:

- Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area.
- In the event that the Transit Division elects to place the transit easement in use for municipal transit services, it shall notify the owner of the property thereof in writing, and within thirty (30) days after receipt of such notice the owner shall pay the cost to be incurred by the City for its purchase of a bench or shelter to be installed within such transit easement



907 Raleigh Comprehensive Plan

Northeast District 5-4.F

