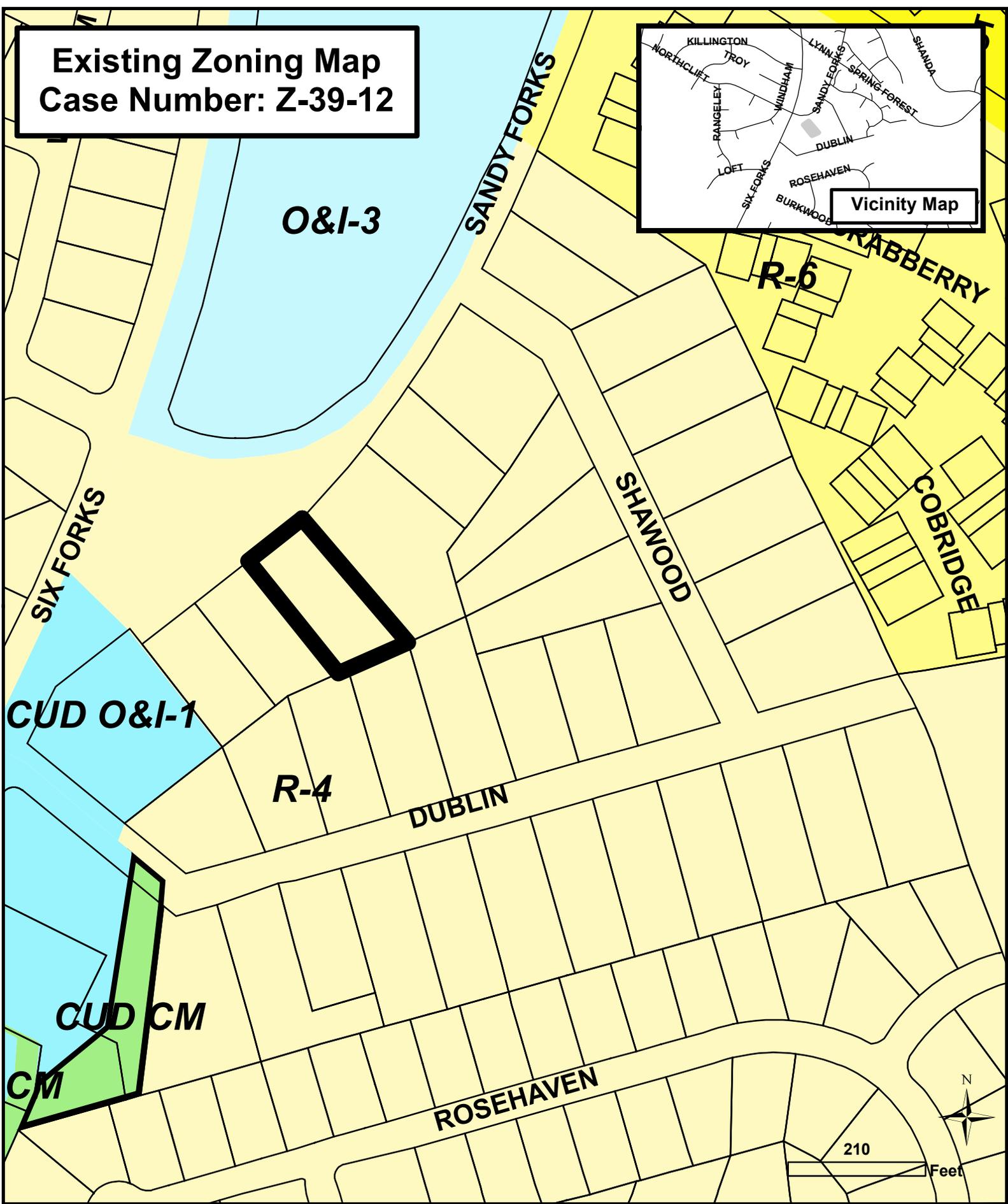
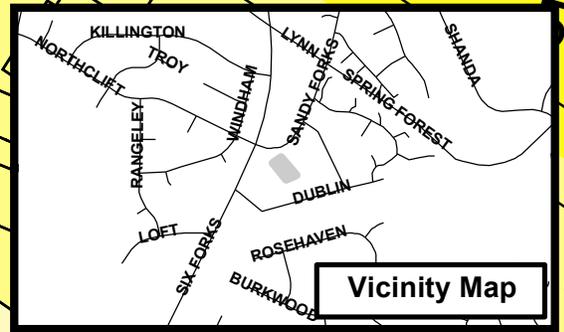


**Existing Zoning Map
Case Number: Z-39-12**



210 Feet

Request:

0.59 acres from R-4 to O&I-1 CUD

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



Certified Recommendation

Raleigh Planning Commission

CR# 11495

Case Information Z-39-12 Sandy Forks Rd

<i>Location</i>	East side of Sandy Forks Road, south of its intersection with Six Forks Road.
<i>Size</i>	0.59 acre
<i>Request</i>	Rezone property from Residential-4 to Office & Institution-1 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 type="checkbox"/>	Moderate Density Residential
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Policy LU 1.3 - Conditional Use District Consistency Policy LU 2.6 - Zoning and Infrastructure Impacts Policy LU 4.5 - Connectivity Policy LU 5.4 - Density Transitions Policy LU 5.6 - Buffering Requirements Policy T 1.6 - Transportation Impacts Policy EP 8.4 - Noise and Light Impacts

Summary of Conditions

<i>Submitted Conditions</i>	<ul style="list-style-type: none"> • Prohibited Uses • Building fenestration and materials • Additional landscaping and buffers • Lighting restrictions • Dumpster service restrictions • Cross access
-----------------------------	--

Issues and Impacts

<i>Outstanding Issues</i>	1. Inconsistency with Future Land Use Map. 2. Transition to residential.	<i>Suggested Conditions</i>	1. Limit nonresidential building height.
<i>Impacts Identified</i>	1. None identified	<i>Proposed Mitigation</i>	1. N/A



Zoning Staff Report – Case Z-39-12

Conditional Use District

Request

<i>Location</i>	East side of Sandy Forks Road, south of its intersection with Six Forks Road.
<i>Request</i>	Rezone property from Residential-4 to Office and Institution-1 Conditional Use
<i>Area of Request</i>	0.59 acre
<i>Property Owner</i>	Adam and Rhonda McIntyre
<i>PC Recommendation Deadline</i>	January 14, 2013

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4	Office and Institution-1 Conditional Use
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Residential	Office or Residential
<i>Residential Density</i>	2 dwelling units	14 dwelling units

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	O&I-3	R-4	R-4	O&I-1 CUD
<i>Future Land Use</i>	Neighborhood Mixed Use	Low Density Residential	Moderate Density Residential	Office & Residential Mixed Use
<i>Current Land Use</i>	Office	Residential	Residential	Residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Moderate 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 4.5 - Connectivity Policy LU 5.4 - Density Transitions Policy LU 5.6 - Buffering Requirements Policy T 1.6 - Transportation Impacts Policy EP 8.4 - Noise and Light Impacts

Contact Information

<i>Staff</i>	Stan Wingo, (919)996-2663
<i>Applicant</i>	Chad Stelmok, (919)271-6884
<i>Citizens Advisory Council</i>	North CAC

Case Overview

The subject property is located on Sandy Forks Road north of its intersection with Six Forks Road. The property is surrounded to the south and east by Residential-4 zoning, with Office and Institution-3 located across Six Forks Road to the north and Office and Institution-1 Conditional Use to the west. The properties adjacent on the western boundary were recently rezoned from Residential-4 to their current designation of Office and Institution-1 Conditional Use. The majority of the surrounding area is currently developed as residential, with office uses across Six Forks Road. The surrounding Future Land Use includes Office & Residential Mixed Use to the west, Neighborhood Mixed Use to the north, Moderate Density residential to the east and Low Density Residential to the south.

The rezoning request proposes amending the current zoning from Residential-4 to Office and Institution-1 Conditional Use.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

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

1.1 Future Land Use

The subject property is designated as being appropriate for Moderate Density Residential on the Future Land Use Map. This classification envisions single and multi-family residential within the 6 to 14 unit per acre range. The request to rezone the subject property to Office and Institution-1 Conditional Use is inconsistent with this designation.

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.

Request is consistent with this policy as proposed. No additional impacts to infrastructure were identified.

Policy LU 4.5 – Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Proposal is consistent with this policy. Applicant has offered a zoning condition that would offer cross access to the property located adjacent to the south.

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. The proposed zoning provides an appropriate transition. However applicant should consider limiting nonresidential building height.

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 inconsistent with this policy. While the applicant has offered zoning conditions to restrict height and type of site lighting as well as to provide additional landscaping and buffering, to further reduce potential impacts applicant should consider limiting nonresidential building height.

Policy T 1.6 – Transportation Impacts

Identify and address transportation impacts before a development is implemented.

Proposal is consistent with this policy. No additional impacts on surrounding infrastructure were identified.

Policy EP 8.4 – Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

Proposal is consistent with this policy. Applicant has offered additional zoning conditions to restrict height of site lighting while limiting to full cutoff shielded design.

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

The site is located along Sandy Forks Road to the east of its intersection with Six Forks Road. The property is bordered on the west, south and east by single family residential development. Low intensity office uses are located to the north of the property. While the majority of the surrounding area is developed as single family residential, it should be noted that a recent rezoning was approved on the properties adjacent to the south. The properties were rezoned to Office and Institution-1 Conditional Use and were approved with similar zoning conditions as are proposed with the subject property in this request.

Zoning conditions offered by the applicant include prohibited uses, restrictions on building materials and fenestration and limitations on site lighting. The applicant has also offered additional landscaping and buffers to adjacent residential as well as offers of cross access to the property to the south. Due to the zoning conditions offered by the applicant, and recent rezoning to the south, the request to rezone the subject property to Office and Institution is compatible and consistent with the surrounding area. The applicant should consider limiting nonresidential building height to further reduce potential impacts on surrounding residential land uses.

3. Public benefits of the proposed rezoning

While the proposed rezoning request is inconsistent with the Future Land Use Map, it should be noted that it is consistent with the majority of applicable Comprehensive Plan policies. The proposal would increase redevelopment opportunities on the subject property while providing several zoning conditions to help reduce the potential impact on surrounding single family residential development. With the recent rezoning to the south, the proposed request would provide a compatible pattern of development with similar zoning conditions.

4. Detriments of the proposed rezoning

There are no known detriments associated with this proposal. However, the applicant should consider limiting nonresidential building height to help transition to surrounding single family residential.

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 Future Volume (ADT)</u>			
Sandy Forks Road Ext	Minor Residential Street	N/A	N/A			
<u>Street Conditions</u>						
<u>Sandy Forks Road Ext</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	22'	None	135'	None	None
City Standard	2	26'	Back-to-back curb and gutter section	45'	minimum 5' sidewalk on one side	N/A

Meets City Standard?	YES	NO	NO	YES	NO	N/A
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	12	27	15			
PM PEAK	6	30	24			
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-39-12.					
Additional Information:	The City has a planned corridor study in the vicinity of this case.					

Impact Identified: None

5.2 Transit

No transit amenities requested.

Impact Identified: The request may increase transit demand in the area; however, additional transit facilities are not warranted.

5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Big Branch
<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>		
<i>Waste Water</i>		

Impact Identified: None

5.5 Parks and Recreation

The subject tract is not located adjacent to a greenway corridor. The proposed rezoning will not impact the recreation level of service

Impact Identified: None.

5.6 Urban Forestry

This property is less than 2 acres in size and does not contain a wooded area along the thoroughfare. No impact associated with this rezoning.

Impact Identified: None

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

- No additional impacts as proposed.

5.10 Mitigation of Impacts

- N/A

6. Appearance Commission

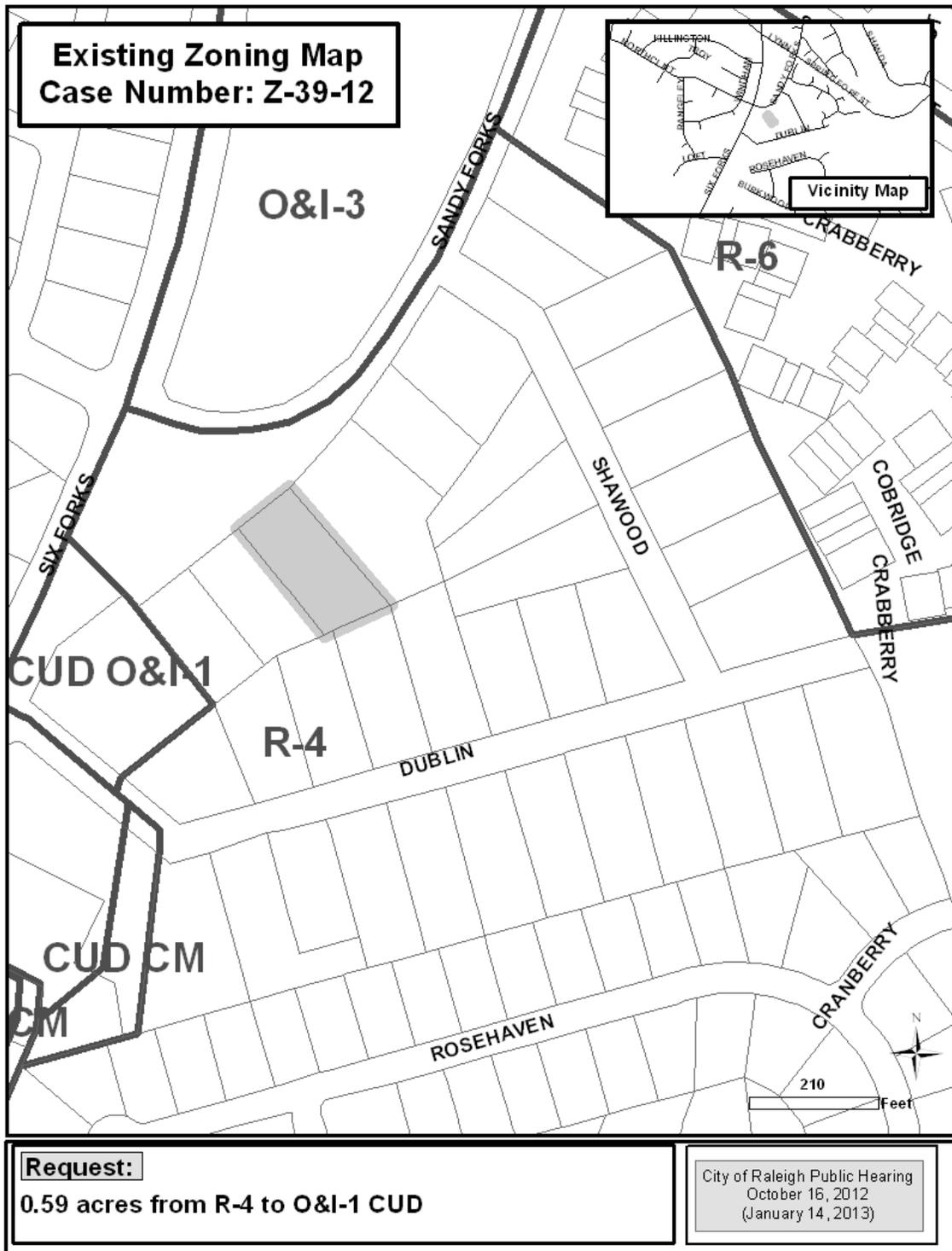
This request is not subject to review by the Appearance Commission.

7. Conclusions

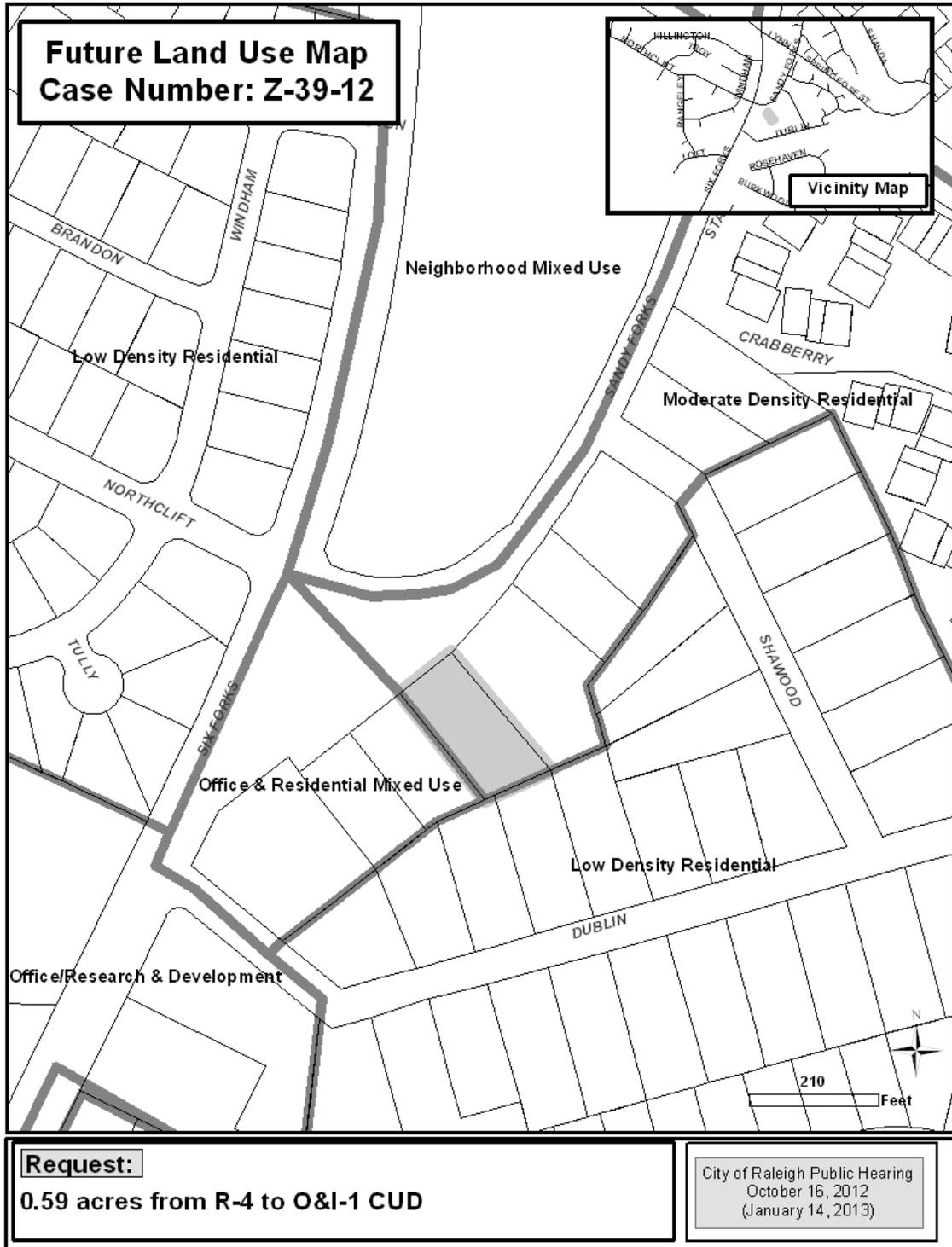
The proposed rezoning request is inconsistent with the Future Land Use Map. The Future Land Use designation for this property is Moderate Density Residential. The request to rezone to Office and Institution zoning would be inconsistent with this designation due to the allowance of nonresidential uses, and residential densities exceeding 14 units per acre. While the proposal is inconsistent with this designation, the rezoning request is consistent with the majority of Comprehensive Plan policies that would apply to this site.

The subject property is bordered on the east and south by single family residential development, zoned for low density residential. Property located adjacent to the west is currently residential but was recently rezoned to Office and Institution (Z-15-12). Property to the north across Sandy Forks is currently zoned and developed as office. The applicant has offered a number of zoning conditions to help ensure a consistent pattern of development in this area, with minimal impacts to surrounding residential uses. The rezoning 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	Date
	ADAM E. MCINTYRE	7-12-12
Adam E. and Rhonda McIntyre		

	RHONDA K. MCINTYRE	7-12-12
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EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	Adam E. and Rhonda McIntyre	5916 Sandy Forks Road Raleigh, NC 27609	
Property Owner(s)	Same as above		
Contact Person(s)	Chad Stelmok Kimberly Development Group LLC	7100 Six Forks Road Suite 100 Raleigh, NC 27615	(919) 271-6884 chad@kdgroupllc.com
	Jason L. Barron Morningstar Law Group	630 Davis Drive, Suite 200 Morrisville, NC 27560	(919) 590-0371 jbarron@morningstarlawgroup.com

Property information

Property Description (Wake County PIN)	1706-78-5358 (Lot 5 as shown on BM1959, PG 70)
Nearest Major Intersection	Six Forks Road and Sandy Forks Road
Area of Subject Property (in acres)	+/-0.59 acres
Current Zoning Districts (include all overlay districts)	Residential-4
Requested Zoning Districts (include all overlay districts)	Office & Institution-1 Conditional Use

EXHIBIT B. Request for Zoning ChangePlease 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.

Dorothy Parker Stowe 300 Kildaire Woods Dr., Apt. 111 Cary, NC 27511-7709	Harry C. & Elizabeth U. Parkin 217 Dublin Rd. Raleigh, NC 27609-3824	Jane K. Heirs & Eugene Anton Zimmerman 158 Lake Ellen Dr. Chapel Hill, NC 27514-1937
Cory B. Robinson 5809 Shawood Dr. Raleigh, NC 27609-3831	C. Davis Bowen 205 Dublin Rd. Raleigh, NC 27609-3824	Adam E. & Rhonda K. McIntyre 5916 Sandy Forks Rd. Raleigh, NC 27609-3814
Brian L. & Catherine S. Eldredge 209 Dublin Rd. Raleigh, NC 27609-3824	John L. & Maldi Warren 213 Dublin Rd. Raleigh, NC 27609-382	Vivian D. Tilley 5813 Shawood Dr. Raleigh, NC 27609-3831
Christopher T. & Pamela Hughes 119 Dublin Rd. Raleigh, NC 27609-3822	William C. & Sandra Baxley 2349 Mount Vernon Church Rd. Raleigh, NC 27614-9220	Kalyn J. Haba 5708 Tully Ct. Raleigh, NC 27609-3744
City of Raleigh P.O. Box 590 Raleigh, NC 27602-0590	Kathleen Corchiani 5918 Windham Dr. Raleigh, NC 27609-3752	Twin Forks Office Park Condominium 3810 Merton Dr. Raleigh NC 27609-3752
Twin Forks Properties, LLC P.O. Box 12006 New Bern, NC 28561	Nicole V. Butchkoski 6000 Windham Dr. Raleigh, NC 27609-3750	RCE Properties, LLC Twin Forks Properties, LLC P.O. Box 12172 New Bern, NC 28561-2172

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: Office & Institution-1 Conditional Use

Narrative of conditions being requested:

1. The following land uses as set forth in Raleigh City Code section 10-2071 "Schedule of Permitted Land Uses in Zoning Districts" shall be prohibited:

- a. Recreational use restricted to membership- commercial – all types
- b. Recreational – governmental – all types
- c. Fraternity of Sorority houses
- d. Rooming house, boarding house, lodging house, tourist house
- e. Emergency shelter Type-A
- f. Civic club
- g. Cemeteries – all types
- h. Correctional/penal facilities – all types
- i. Fire station, police precinct, training facility and other emergency service facilities
- j. Funeral home
- k. Radio and television station
- l. Telecommunication towers less than 250 feet in height
- m. Parking facility – principal use
- n. Manufacturing – specialized
- o. Transportation – including airfields, landing strips, heliports and taxicab stands
- p. On-site power plant utilities
- q. Utility substation
- r. Rest home
- s. Eating establishment – accessory use to office
- t. Crematory
- u. Hospital medical/psychiatric
- v. Guest house facility
- w. Research farm
- x. Camp
- y. Multi-family and group housing development

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	Date
	ADAM E MCINTYRE	7-12-12
Adam E. and Rhonda K. McIntyre		

	RHONDA K. MCINTYRE	7-12-12
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EXHIBIT D. Request for Zoning Change

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

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable *City*-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The Future Land Use Map classifies the subject properties as Moderate Density Residential. This future land use category recommends residential uses with a density between 6 to 14 units per acre. The proposed map amendment permits office uses, which is inconsistent with the Moderate Density Residential recommendation. However, as set forth below, the proposed office land use is reasonable and in the public interest.

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 any small area plan, nor is it subject to any other adopted plan.

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").

Although the proposed map amendment is inconsistent with the current Future Land Use Map classification of Moderate Density Residential, it is consistent with applicable comprehensive plan policies. Policy LU 3.2 "Location of Growth" states that the development of vacant parcels should occur first within the City limits. The proposed map amendment would facilitate development of a vacant parcel located within the City limits. Policy LU 5.4 "Density Transitions" suggests that low-impact office

EXHIBIT D. Request for Zoning Change

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uses should serve as a transition between low density residential uses and more intensive uses. The proposed map amendment would facilitate development of the property for low-impact office uses that would serve as a transition between residential uses to the east and Six Forks Road and Sandy Forks Road to the west. Based on the above, the proposed map amendment is consistent with the applicable comprehensive plan policies but is inconsistent with the Future Land Use Map.

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):

North: Sandy Forks Road (collector street) and an office park;

East: Single family detached dwelling units;

South: Single family detached dwelling units, 2-3 story office buildings;

West: Six Forks Road and related right-of-way (secondary arterial), a City of Raleigh water tower, and single family detached dwelling units.

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

North: Office & Institution-3, built out with multiple single-story office buildings with large surface parking lots;

East: Residential-4

South: Residential-4 and Office & Institution-1 CUD (Z-33-08 and Z-107-98), with the O&I-1 CUD properties built out with 2-3 story office buildings with large surface parking lots located behind the buildings;

West: Residential-4

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:

The subject property is located adjacent to the right-of-way of Six Forks Road and Sandy Forks Road. The parcels are subdivided in a manner consistent with a low density neighborhood, but two of the three parcels contains a residential structure, one of which has not been owner-occupied for a number of years. Based on the proximity to Six Forks Road and direct access to Sandy Forks Road, the property is most suitable for an office use. The property immediately to the south is being developed for an office use, and office uses exist to the south and north of the subject property. The properties developed for office uses have frontage along Six Forks Road and Sandy Forks Road. The proposed map amendment permits office uses, which is consistent with the other office uses in the immediate area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowner by permitting the property to be developed for its highest and best use. The current use and zoning of the property is no longer proper given the surrounding zoning and the property's proximity to Six Forks Road and Sandy Forks Road, so the proposed map amendment enables the landowner to use the property for a more appropriate use.

EXHIBIT D. Request for Zoning Change

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

B. For the immediate neighbors:

The proposed map amendment will benefit the immediate neighbors by facilitating the redevelopment of the rental dwelling for an office use that will provide transitional yard buffer areas along the rear of the property adjacent to the residential property.

C. For the surrounding community:

The proposed map amendment will benefit the surrounding community by locating office space in close proximity to the high number of residences in the surrounding community and facilitate the redevelopment of frontage lots that are no longer appropriate for residential uses.

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

No, the rezoning of the property does not provide a significant benefit that is not available to surrounding properties. In fact, property to the north and south are zoned and developed for office uses, so the proposed rezoning attempts to provide the subject property with a benefit already enjoyed by surrounding properties.

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

The subject property consists of two lots subdivided for single family structures, but the lots are located in close proximity to Six Forks Road with access to Sandy Forks Road. The subject property is immediately north of a property recently rezoned to O&I-1 CUD and that is currently being developed for an office use. Property to the north and south of the subject property, along Six Forks Road and Sandy Forks Road, is currently zoned and developed for office uses. Based on the property's proximity to a major access corridor, direct access to a collector street, and the fact that the property is no longer appropriate for residential use, the characteristics of the subject property support the proposed map amendment as 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.**

Not applicable.

- 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.**

Since the subject properties were last zoned, Six Forks Road has become a secondary arterial and multi-modal corridor serving as a major road connecting North Raleigh and Downtown. The subject properties front along the Sandy Forks Road and Six Forks Road right-of-way with direct access to Sandy Forks Road, which is a collector street. Also, since the properties were last zoned, multiple single family lots fronting along Six Forks Road have been recombined and rezoned to permit office uses. Based on the above, the circumstances have so changed that the current Residential-4 zoning could not properly be applied to the property if it were being zoned for the first time.

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

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

Not applicable.

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

Not applicable.

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

The proposed rezoning advances the fundamental purposes of zoning, particularly to regulate with reasonable consideration to the suitability of the land for particular uses and the encouragement of the most appropriate use of the land throughout the City, by permitting office land uses on property in close proximity to Six Forks Road and with direct access to Sandy Forks Road and in a manner that is compatible with the office uses to the south and the single family neighborhood to the east.

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

There are no other arguments on behalf of the proposed map amendment at this time.



Jason L. Barron | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0371
jbarron@morningstarlawgroup.com
www.morningstarlawgroup.com

To City of Raleigh

From Jason L. Barron, Attorney for Kimberly Development Group

Date July 6, 2012

Re Neighborhood meeting report for potential rezoning of 5916 Sandy Forks Road, which parcel is located along Sandy Forks Road, near its intersection with Six Forks Road, containing approximately 0.59 acres, and has Wake County Parcel Identification Number: 1706-78-5358 (the "Property").

A neighborhood meeting was held on Thursday, June 28, 2012 at 6:30 p.m, at the offices of Kimberly Development, 7100 Six Forks Road, Suite 225, Raleigh, NC 27615, to discuss a potential rezoning of the above-captioned Property. A copy of the neighborhood meeting notice that was transmitted to the City Code required persons is attached hereto as Exhibit A. A list of the persons invited to attend the meeting is attached hereto as Exhibit B. A list of the persons that attended the meeting is attached hereto as Exhibit C. The general issues discussed at the meeting were:

- Proposed use of the property
- Buffers for adjacent parcels
- Relationship between proposed rezoning and properties currently being rezoned
- Access to the site
- Timeline of events related to rezoning

EXHIBIT C

SANDY FORKS REZONING – Z-~~39~~-12
CODE REQUIRED NEIGHBORHOOD MEETING ATTENDEES

NAME	ADDRESS (all Raleigh, NC)
Chris and Pam Hughes	119 Dublin Road
Bill Green and Vivian Tilley	5813 Shawood Drive
Tony Zimmerman	5920 Sandy Forks Road
John Taylor	5930-6070 Six Forks Road
Davis and Barbara Bowen	205 Dublin Road
Cathy and Brian Eldridge	209 Dublin Road