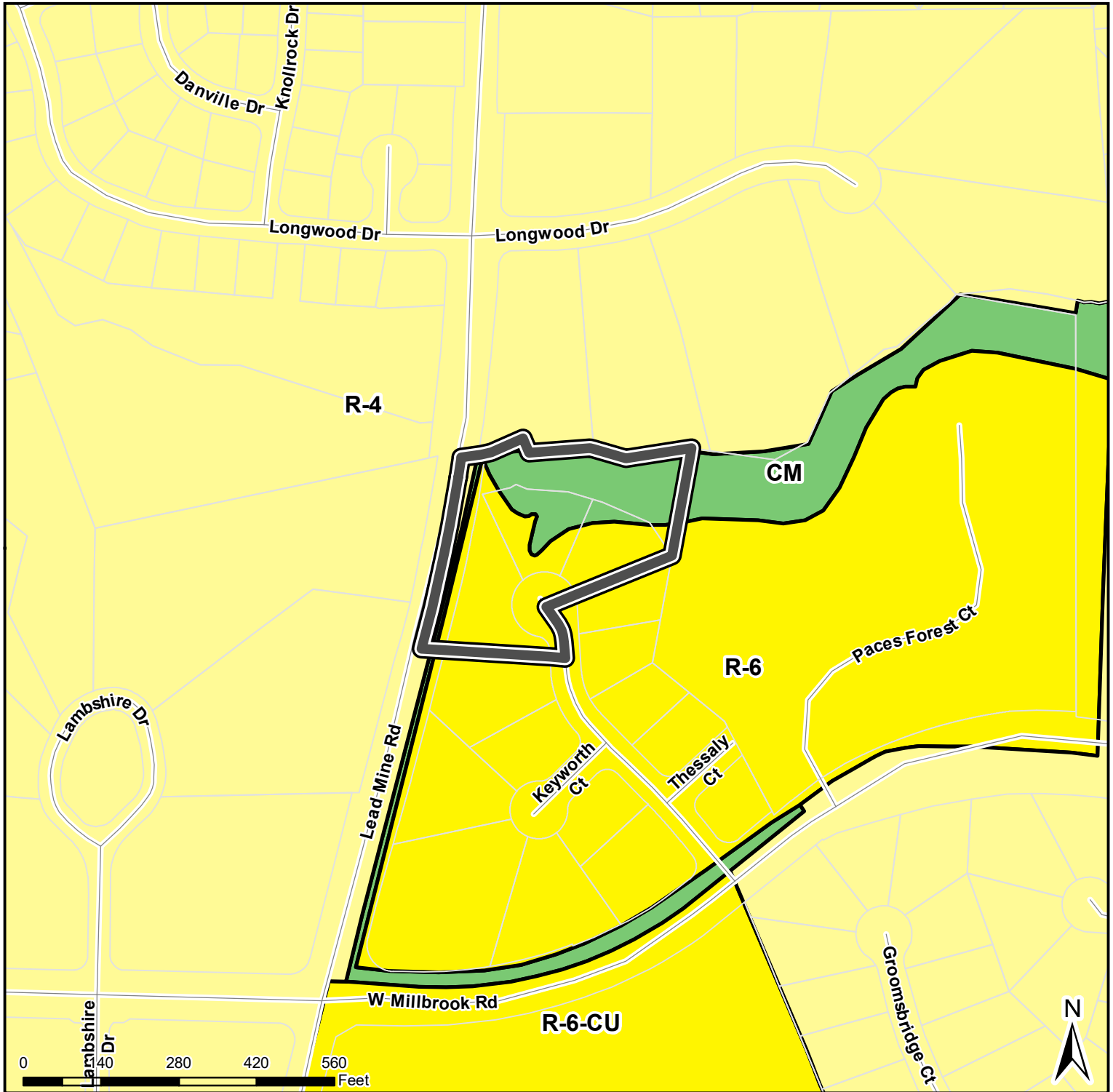
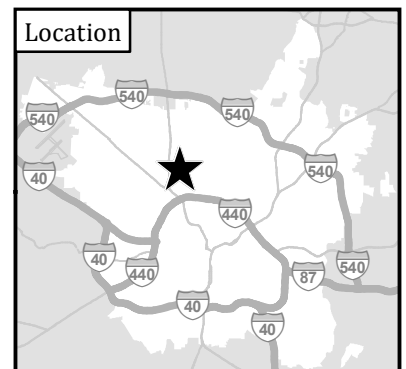


# Existing Zoning

# Z-42-2019



<b>Property</b>	5709, 5712, & 5716 Norcrest St
<b>Size</b>	2.31 acres
<b>Existing Zoning</b>	R-6 & CM
<b>Requested Zoning</b>	R-6 & CM (adjust boundaries)





# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#

## CASE INFORMATION: Z-42-19 NORCREST ST

Location	Norcrest St, at its north end, approximately 500 feet north of W. Millbrook Rd Address: 5709, 5712, & 5716 Norcrest St PINs: 0796777769, 0796778645, & 0796777619 <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Directions from City Hall</a>
Current Zoning	R-6 & CM
Requested Zoning	R-6 & CM
Area of Request	2.31 acres
Corporate Limits	The site is within Raleigh's corporate limits.
Property Owner	Ashton Raleigh Residential LLC 5711 Six Forks Rd, Suite 300 Raleigh, NC 27609
Applicant	Jim Joyce, K&L Gates LLP 4350 Lassiter at North Hills Ave, Suite 300 Raleigh, NC 27609
Citizens Advisory Council (CAC)	North CAC Michael O'Sullivan, Chair <a href="mailto:michaeljos2012@gmail.com">michaeljos2012@gmail.com</a>
PC Recommendation Deadline	March 9, 2020

## SUMMARY OF PROPOSED CONDITIONS

1. None.

## COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Low Density Residential (LDR) and Public Parks & Open Space (PPOS)
Urban Form	None
Consistent Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 8.10—Infill Development Policy LU 8.11—Development of Vacant Sites Policy EP 5.3—Canopy Restoration Policy H 1.8—Zoning for Housing
Inconsistent Policies	None

## FUTURE LAND USE MAP CONSISTENCY

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

## COMPREHENSIVE PLAN CONSISTENCY

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

## PUBLIC MEETINGS

Neighborhood Meeting	CAC	Planning Commission	City Council
10/1/2019 (3 attendees)	11/19/2019	12/10/2019	

## PLANNING COMMISSION RECOMMENDATION

The rezoning case is **Consistent/Inconsistent** with the Future Land Use Map and **Consistent/Inconsistent** with the relevant policies in the Comprehensive Plan, furthermore **Approval/Denial** is reasonable and in the public interest because:

Reasonableness and Public Interest	
Change(s) in Circumstances	
Amendments to the Comprehensive Plan	<p>If approved, the Future Land Use Map will be amended as to the subject parcel(s) only from [       ] to [       ].</p> <p>If approved, the Urban Form Map will be amended as to the subject parcel(s) only from [       ] to [       ].</p> <p>If approved, the Comprehensive Plan policies will be amended as to the subject parcel(s) only and, in addition, only if the property is developed in accordance with the approved ordinance.</p>
Recommendation	
Motion and Vote	

Reason for Opposed Vote(s)	
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**ATTACHMENTS**

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

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report and Comprehensive Plan Amendment Analysis.

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chair    Date

Staff Coordinator:      John Anagnost: (919) 996-2638; [John.Anagnost@raleighnc.gov](mailto:John.Anagnost@raleighnc.gov)



# ZONING STAFF REPORT – CASE Z-42-19

## General Use District

### OVERVIEW

The rezoning site is 2.31 acres of undeveloped and partially wooded land located at the north end of Norcrest Street, which is a cul-de-sac street extending north from W. Millbrook Road just east of Lead Mine Road. The area of the request is three parcels of which two are home lots and one is an open space lot. The open space lot is almost completely forested while the two home lots are cleared of trees and graded. The northern portion of the site contains a City of Raleigh sanitary sewer easement and a tributary of Mine Creek which flows from west to east. Aside from the graded lots, the site slopes somewhat steeply downward toward the north with slopes ranging from about 6% to 12%.

Norcrest Street contains 11 home sites in addition to those within the zoning request. The street is the subject of approved subdivision S-5-2015. Overall density of the subdivision is 1.3 units per acre. Tree conservation area totaling 1.97 acres, or 19.46% of the site area, was recorded as part of S-5-2015. As of November 2019, all of the homes lots other than those in the rezoning site had homes under construction or completed.

The area surrounding the rezoning site is mostly residential with a mix of housing types. Large-lot residential developments are present to the immediate north, west, and southwest. A civic club lies on the south side of W. Millbrook Road opposite Norcrest Street. Smaller lot subdivisions, townhouses, and apartments are present in the vicinity. Shelley Lake Park and the Sertoma Arts Center are 900 feet to the east. Three thousand feet west of the site on W. Millbrook Road, there is a commercial center at its intersection with Creedmoor Road.

The Future Land Use Map designates the rezoning site and all property within one-half mile as either Low Density residential or Public Parks & Open Space. Mixed use designations are present along Creedmoor Road. There are no Urban Form designations in the vicinity of the site. The area around the proposal is primarily zoned Residential-4 (R-4). Residential-6 (R-6) is mapped on the east side of the intersection of W. Millbrook Rd and Lead Mine Rd, including all of Norcrest Street. Conservation Management (CM) zoning covers an approximately 100-foot buffer on the south side of the Mine Creek tributary that passes along the northern boundary of the rezoning site. The CM zoning follows the tributary to the western boundary of the Shelley Lake Park property.

The rezoning request is to increase the area of Conservation Management zoning within the site and alter its boundaries. The result of the request would be to allow construction of a detached or attached house on a recorded, cleared, and graded lot in an approved subdivision. Tree conservation area has been recorded as part of the approved subdivision that created the lots in the rezoning site. No additional tree conservation or planting would be required to construct a home on the lot. Of the other two lots in the request, one is currently

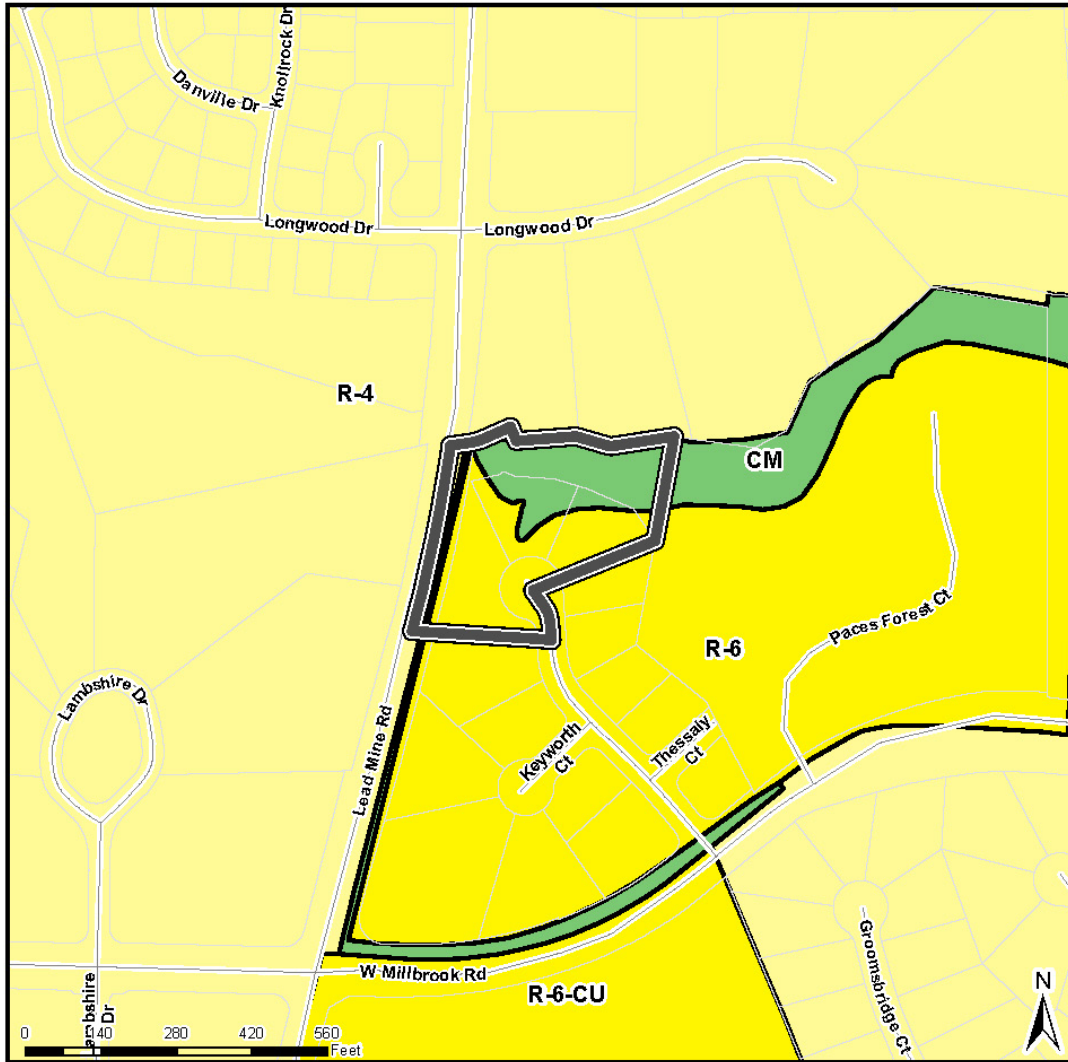
buildable and would remain buildable. The other is recorded as an open space lot. If a new development plan was filed in the future that encompassed the rezoning area, it is likely that additional tree conservation or planting would be required under the proposed zoning.

### **OUTSTANDING ISSUES**

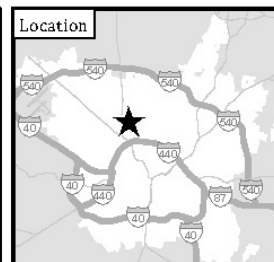
<b>Outstanding Issues</b>	<b>1. None.</b>	<b>Suggested Mitigation</b>	<b>1. N/A</b>
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# Existing Zoning

Z-42-2019



<b>Property</b>	5709, 5712, & 5716 Norcrest St
<b>Size</b>	2.31 acres
<b>Existing Zoning</b>	R-6 & CM
<b>Requested Zoning</b>	R-6 & CM (adjust boundaries)



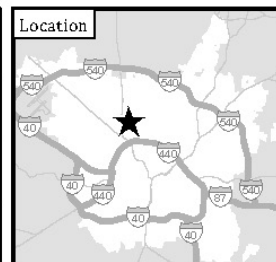
Map by Raleigh Department of City Planning (aull); 10/29/2019

# Future Land Use

Z-42-2019



<b>Property</b>	5709, 5712, & 5716 Norcrest St
<b>Size</b>	2.31 acres
<b>Existing Zoning</b>	R-6 & CM
<b>Requested Zoning</b>	R-6 & CM (adjust boundaries)



Map by Raleigh Department of City Planning (aull); 10/29/2019





# COMPREHENSIVE PLAN

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

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

Yes, the requested zoning is consistent with the Vision Theme of **Expanding Housing Choices** because it would allow two additional housing units that are not allowed by the existing zoning. The proposal is also consistent with the **Managing Our Growth** Vision Theme because it proposes additional development in an area that is urbanized and well-served by existing infrastructure. The request is consistent with the **Growing Successful Neighborhoods and Communities** Vision Theme because the types of housing allowed by the proposed zoning are compatible with the other houses on Norcrest Street. The request would allow for house to be built in an area that might otherwise remain a vacant lot. The presence of a vacant home lot may have negative effects on the character of the neighborhood.

The proposal is consistent with the **Greenprint Raleigh – Sustainable Development** Vision Theme because it has the potential to increase the area of required tree conservation if the Norcrest subdivision is redeveloped at some point in the future. The subject parcels are within subdivision plan S-5-2015. The approved subdivision includes 13 home lots, 2 open space lots, and dedication of tree conservation area meeting the requirements of the existing CM and R-6 zoning. If the rezoning petition is approved and a future developer wished to redevelop the S-5-2015 area, a subsequent development plan would require tree conservation planting area in addition to what is required under the existing zoning. The potential expansion of forested area would be supported by the Greenprint recommendation to “protect. . .land resources”

The proposed zoning is consistent with the 2030 Comprehensive Plan. The requested zoning would preserve and potentially enhance the character of a residential street while allowing the possibility of greater forested area if redevelopment occurs on Norcrest Street.

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

Yes, the Future Land Use Map calls for a combination of Low Density Residential and Public Parks & Open Space. The requested zoning would allow the density of housing combined with dedicated open space that is envisioned by the designation. Additionally, the proposal enables a greater amount of natural space to be set aside in the event of future redevelopment.

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be

established without adversely altering the recommended land use and character of the area?

Not applicable. The proposed uses are specifically designated on the Future Land Use Map.

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

Yes, the site is in an urbanized area that is served by existing City infrastructure. Norcrest St is part of an approved subdivision plan that includes street and utility improvements to serve the rezoning area.

## Future Land Use

**Future Land Use designation:** Low Density Residential and Public Parks & Open Space

**The rezoning request is**

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

☐ **Inconsistent**

The Future Land Use Map designations for the rezoning site are Low Density Residential and Public Parks & Open Space. These designations call for residential development of one to six units per acre and protection of natural areas, respectively. The requested zoning permits residential development of less than two units per acre and requires open space to be set aside in the area where it is called for. The combination of residential development and environmental preservation that is enabled by the zoning request is in keeping with the recommendations of the two Future Land Use Designations.

## Urban Form

**Urban Form designation:** None

**The rezoning request is**

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

☐ **Inconsistent**

☒ **Other** (no Urban Form designation OR no Urban Form designation, but zoning frontage requested)

Analysis: Not applicable.

## Compatibility

### **The proposed rezoning is**

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

☐ **Incompatible.**

Norcrest Street is a new residential subdivision with density of approximately 1.3 units per acre. The majority of lots on the street have single family homes completed or under construction. The rezoning would permit one additional building, either single family or duplex, to be constructed on an existing lot on the street. The newly allowed construction would result in a density of 1.3 units per acre within the rezoning site. The uses and density allowed by the proposed zoning are compatible with the existing character of Norcrest St.

## Public Benefits of the Proposed Rezoning

- The request would allow for an increase in the supply of housing in the area.

## Detriments of the Proposed Rezoning

- The request may increase the amount of vehicle trips on nearby roads.

## Policy Guidance

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

### **Policy LU 1.2 Future Land Use Map and Zoning Consistency**

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

*The Future Land Use Map calls for a combination of Low Density Residential and Public Parks & Open Space. The requested zoning would allow the density of housing combined with dedicated open space that is envisioned by the designation. Additionally, the proposal enables a greater amount of natural space to be set aside in the event of future redevelopment.*

### **Policy LU 8.10 Infill Development**

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

*The rezoning site contains a lot that is difficult to build on due to the shape of the Conservation Management zoning district boundary. The lot is cleared and graded. The presence of this lot may detract from the character of the surrounding*

*subdivision. The proposed zoning would allow for construction on this lot which in a way which may be similar to the character of Norcrest Street.*

**Policy LU 8.11 Development of Vacant Sites**

Facilitate the development of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these.

*The rezoning site contains a parcel on which it is difficult to construct a building due to the irregular shape of the Conservation Management zoning district. Reshaping the district would allow construction on this site with no detrimental impacts to the previously recorded tree conservation areas of the approved subdivision that created the lot.*

**Policy EP 5.3 Canopy Restoration**

Promote the reforestation of tree coverage that is typically lost during urban and suburban development through tree conservation, targeted tree plantings, urban forestry, and street tree plantings.

*Future redevelopment of the rezoning site will likely require additional forested area than what is recorded under the currently approved subdivision.*

**Policy H 1.8 Zoning for Housing**

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing.

*The proposal would potentially allow for two additional housing units on the site.*

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

*No inconsistent policies were identified.*

**Area Plan Policy Guidance**

There is no area plan guidance for the rezoning site.

# HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

## Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	34	Better than city average
Walk Score	30	29	Worse than city average

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

**Summary:** There are no retail or employment destinations within one-half mile of the rezoning site. However, the entrance to Shelley Lake Park is about one-quarter mile away, and there is a GoRaleigh bus stop on W. Millbrook Road about 800 feet from the site. The bus stop is served by the 23L route, which has 30-minute service during peak hours.

## Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	No
Small Apartment (2-4 units)	42.1	No
Larger Apartment	34.0	No

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

**Summary:** The zoning request would not allow housing types that can be expected to have lower energy use.

## Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	Two additional housing units could be built under the proposed zoning.
Does it include any subsidized units?	No	No subsidized units are required by the zoning request.
Does it permit a variety of housing types?	No	Detached and Attached building types are allowed by the proposed zoning.
If not a mixed-use district, does it permit smaller lots than the average?*	Yes	The requested district allows lots as small as 6,000 square feet, which is less than the city average.
Is it within walking distance of transit?	Yes	There is a bus stop for Route 23L – Millbrook Connector located about 800 feet away from the site on the north side of Millbrook Road.

*\*The average lot size for detached residential homes in Raleigh is 0.28 acres.*

**Summary:** The proposed rezoning would allow more dwelling units of a limited variety of housing types in an area that is served by transit.

# IMPACT ANALYSIS

## Historic Resources

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

**Impact Identified: None.**

## Parks and Recreation

1. This site contains the Crabtree Creek-Mine Creek Trib. E greenway corridor and easement.
2. The boundaries of the greenway easement should not change.
3. No temporary or permanent encroachments (including but not limited to clearing, grading, fencing, and the installation of retaining walls or other structures) are permitted within the greenway easement area without prior approval by the City of Raleigh.
4. Nearest existing park access is provided by Shelly Lake Park (0.2 miles) and Williams Park (1.2 miles).
5. Nearest existing greenway trail access is provided by Mine Creek Greenway Trail (0.2 miles).
6. Current park access level of service in this area is graded an A letter grade.

**Impact Identified: None.**

## Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0 gpd	625 gpd	1,875 gpd
Waste Water	0 gpd	625 gpd	1,875 gpd

1. The proposed rezoning would add approximately 1,250 gpd to the wastewater collection and water distribution systems of the City.
2. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
3. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.



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

**Impact Identified: None.**

### Stormwater

Floodplain	Yes
Drainage Basin	Mine Creek
Stormwater Management	UDO Article 9.2
Overlay District	None

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

### Transit

1. No comments.

**Impact Identified: None.**

### Transportation

1. This rezoning case is for 3 residential lots which would have a maximum proposed density of 3 detached residential units. As such, none of the City of Raleigh's thresholds for a Traffic Impact Analysis are met.

**Impact Identified: None.**

### Urban Forestry

1. Tree Conservation Areas were recorded in BM2018 page 645-647 and would not need be adjusted due to this rezoning.

**Impact Identified: None.**

### Impacts Summary

The request is not expected to have any significant impacts on City infrastructure or service provision. The rezoning site is in an urbanized area with adequate existing City facilities. Infrastructure improvements to serve development on the site were required as part of approved subdivision plan S-5-2015.

### Mitigation of Impacts

No mitigation is recommended.

## CONCLUSION

The rezoning site is 2.31 acres of land on the cul-de-sac of a newly subdivided residential street. The current zoning is a combination of Residential-6 (R-6) and Conservation Management (CM) with the boundary between these districts forming a curve that prevents development of one of the three lots within the site. The approved subdivision for the site included tree conservation areas as required by the existing zoning. The zoning request is to adjust the boundary between the R-6 and CM districts to allow for development of the lot described above. The adjustment of this boundary would also increase the area of CM zoning.

Two additional housing units would be allowed under the proposed zoning. No additional tree conservation or planting would be required to build within the site. The requested zoning could lead to a future development plan providing additional tree conservation area than is recorded at present. No infrastructure impacts are anticipated as a result of the proposal. The request is consistent with the Future Land Use Map designations on the site, which align with the existing zoning. The proposed zoning is consistent with the Comprehensive Plan due to any new development being compatible with the existing character of the street and the potential for additional forestation upon redevelopment.

## CASE TIMELINE

Date	Action	Notes
10/30/2019	Application submitted	
11/14/2019	Application complete	
11/19/2019	Presented at North CAC	

# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-6 & CM	R-4	R-6	R-6 & CM	R-6
Additional Overlay	None	None	None	None	None
Future Land Use	Low Density Residential, Public Parks & Open Space	Low Density Residential	Low Density Residential	Low Density Residential, Public Parks & Open Space	Low Density Residential
Current Land Use	Undeveloped	Rural Residential	Low Density Residential	Low Density Residential	Rural Residential
Urban Form	None	None	None	None	None

## CURRENT VS. PROPOSED ZONING SUMMARY

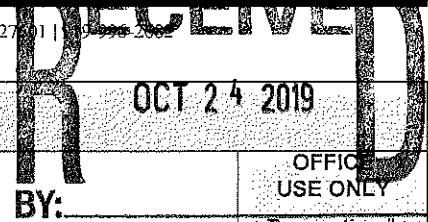
	EXISTING ZONING	PROPOSED ZONING
Zoning	R-6 & CM	R-6 & CM
Total Acreage	2.31	2.31
Setbacks:		
Front	10'	10'
Side	5'	5'
Rear	20'	20'
Residential Density:	0.43	1.30
Max. # of Residential Units	1	3
Max. Gross Building SF	N/A	N/A
Max. Gross Office SF	Not permitted	Not permitted
Max. Gross Retail SF	Not permitted	Not permitted
Max. Gross Industrial SF	Not permitted	Not permitted
Potential F.A.R	N/A	N/A

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

# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-977-2862



## REZONING REQUEST

☒ General Use ☐ Conditional Use ☐ Master Plan

BY: \_\_\_\_\_

OFFICE  
USE ONLY

Existing Zoning Base District **R-6+CM** Height Frontage Overlay(s) \_\_\_\_\_

Transaction #

Proposed Zoning Base District **R-6+CM** Height Frontage Overlay(s) \_\_\_\_\_

Rezoning Case #

Click [here](#) to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.

If the property has been previously rezoned, provide the rezoning case number: **Z-73-1982**

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

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## GENERAL INFORMATION

Date Date Amended (1) Date Amended (2)

Property Address **5709 Norcrest St, 5716 Norcrest St, and 5712 Norcrest St**

Property PIN 0796777769, 0796777619, and 0796778645 Deed Reference (book/page)

Nearest Intersection **Norcrest St and W Millbrook Rd**

Property Size (acres) **2.31 acres**

For Planned  
Development  
Applications Only:

Total Units

Total Square Footage

Total Parcels

Total Buildings

Property Owner/Address

Ashton Raleigh Residential LLC  
5711 Six Forks Road, Suite 300  
Raleigh, NC 27609

Phone **919 232 3655** Fax

Email **raymond.rinker@ashtonwoods.com**

Project Contact Person/Address

Jim Joyce, K&L Gates LLP  
4350 Lassiter at North Hills Ave, Suite 300  
Raleigh, NC 27609

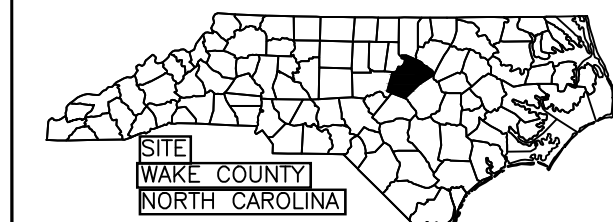
Phone **919 743 7300** Fax **919 743 7358**

Email **jim.joyce@klgates.com**

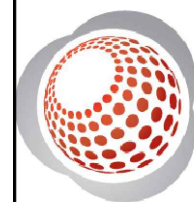
Owner/Registered Agent Signature 

Email

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



# EXHIBIT "B" PROPOSED ZONING LINE



**North Grove Subdivision EXHIBIT "B"**  
Proposed Zoning Line  
Raleigh, NC, Wake County  
Reference: Book of Maps 2018, Pages 645-647

SURVEY  
1 OF 1

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number		OFFICE USE ONLY  Transaction #  Rezoning Case #
Date Submitted		
Existing Zoning <b>R-6 / CM</b>	Proposed Zoning <b>R-6 / CM</b>	
Narrative of Zoning Conditions Offered		
1. N/A		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

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

Owner/Registered Agent Signature N/A Print Name \_\_\_\_\_

REZONING APPLICATION ADDENDUM #1	
<p align="center"><b>Comprehensive Plan Analysis</b></p>	<p align="center"><b>OFFICE USE ONLY</b></p> <p align="center">Transaction #</p> <p align="center">Rezoning Case #</p>
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	
<p align="center"><b>STATEMENT OF CONSISTENCY</b></p>	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
<p>The current Future Land Use boundary between Public Parks &amp; Open Space and Low Density Residential follows the</p> <p>1. current (altered) rendering of the CM / R-6 zoning boundary on the subject property. However, the proposed CM area is in substantially the same location as the existing Public Parks &amp; Open Space area, so the inconsistency is not substantial.</p>	
<p>By allowing the completion of a single-family development in an area surrounded by single-family neighborhoods</p> <p>2. while continuing to protect the stream to the north of the property, this request supports Land Use policies LU 8.3 (conserving, revitalizing, and enhancing neighborhoods) and LU 8.5 (conservation of single-family neighborhoods).</p>	
<p>By allowing the completion of an infill development, this request supports Environmental</p> <p>3. Protection policy EP 1.7 (sustainable development).</p>	
<p>Finally, by maintaining a supplemental protective buffer, this request supports Environmental Protection</p> <p>4. policies EP 2.2 (environmentally sensitive development), EP 2.5 (protection of water features), and EP 4.2 (floodplain conservation)</p>	
<p align="center"><b>PUBLIC BENEFITS</b></p>	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>This petition would allow improvement of property already approved and developed for intended use, which</p> <p>1. will support the tax base without requiring additional administrative or development expense or impact.</p>	
<p>While the CM zone is obsolete as a stream buffer, the proposed rezoning affirms the extra protection</p> <p>2. provided by the correct CM zoning area, and will not negatively impact the stream buffer area or the stream.</p>	
<p>By restoring consistency between the Official Zoning Map and the zoning of the property as approved after</p> <p>3. public review and comment, the proposed rezoning alleviates uncertainty about the relevant zoning boundaries and improves the predictability and reliability of City zoning references.</p>	
<p>4.</p>	



REZONING APPLICATION ADDENDUM #2	
<b>Impact on Historic Resources</b>  The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
<b>INVENTORY OF HISTORIC RESOURCES</b>  List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
None.	
<b>PROPOSED MITIGATION</b>  Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A.	

## URBAN DESIGN GUIDELINES

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

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

Urban Form Designation N/A

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

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p>                                                                                                                                                                                                                         |
| 2. | <p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p>                                                                                                                                                                                                                                                                                        |
| 3. | <p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p>                                                                                                                      |
| 4. | <p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p> |
| 5. | <p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p>                                                                                                                                                                                   |
| 6. | <p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p>                                                                                                                                           |

7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p>

13.	<i>New public spaces should provide seating opportunities.</i> <b>Response:</b>
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> <b>Response:</b>
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> <b>Response:</b>
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i> <b>Response:</b>
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> <b>Response:</b>
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> <b>Response:</b>
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> <b>Response:</b>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p>

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

# **MASTER PLAN SUBMITTAL REQUIREMENTS**

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

Date:

Re: (SITE LOCATION)

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on (MEETING DATE). The meeting will be held at (MEETING LOCATION, INCLUDING ADDRESS) and will begin at (TIME).

The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS AND NEARBY LANDMARKS). This site is current zoned (CURRENT ZONING DISTRICT) and is proposed to be rezoned to (PROPOSED ZONING DISTRICT). (Please also provide any relevant details regarding the request.)

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

If you have any concerns or questions I (we) can be reached at:

For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at:

(919) 996-2682  
rezoning@raleighnc.gov

Thank you

At least 10 days prior to the meeting date with the owners of property, the applicant shall notify the owners of property about the meeting; notice shall be by first class mail or certified mail return receipt. If notification is to be by first class mail, the applicant shall deliver the sealed, addressed, stamped envelopes to Planning & Development prior to the aforementioned 10 day period. If notification is to be by certified mail return receipt, copies of the return receipts shall be given to Planning & Development at time of application submittal.

SUBMITTED DATE: \_\_\_\_\_



## SUMMARY OF ISSUES

A neighborhood meeting was held on October 1, 2019 (date) to discuss a potential rezoning located at 5709, 5712, and 5716 Norcrest Street (property address). The neighborhood meeting was held at 4350 Lassiter at North Hills Avenue, Suite 300 (location). There were approximately 3 (number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:

Erosion, allegedly exacerbated by development on the subject property, and its impact on neighbor's sewer line.
Potential for dumping or other illegal activities in CM area and enforcement authorities for same.

[illegible]

# Pre-Application Conference

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



## DEVELOPMENT SERVICES DEPARTMENT

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

### PROCESS TYPE

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

\* Optional conference

### GENERAL INFORMATION

Date Submitted August 19, 2019

Applicant(s) Name Jim Joyce and Mike King, K&L Gates, LLP on behalf of Ashton Raleigh Residential, LLC

Applicant's Mailing Address 4350 Lassiter at North Hills Ave, Suite 300, Raleigh, 27609

Phone 919 743 7336 or 919 743 7310

Email jim.joyce@klgates.com, mike.king@klgates.com

Property PIN # 0796777769, 0796778645, and 0796777619

Site Address / Location 5709, 5712, and 5716 Norcrest Street (North Grove subdivision)

Current Zoning R-6 and CM

#### Additional Information (if needed) :

This request is to amend the Official Zoning Map to reflect the boundary that was set by Z-73-82 (included as Attachment 1) and altered by an estimation error when the Zoning Map was converted to digital form in 1996. Attachment 2 shows the current zoning boundary, as incorrectly estimated on the current Zoning Map as well as the original Z-73-82 line. Attachment 3 shows the current zoning boundary and a field-surveyed line that shows where the zoning boundary should be, following the 300' contour line as required by Z-73-82.

### OFFICE USE ONLY

Transaction # :

Date of Pre-Application Conference : 8/30/19

Staff Signature



# Pre-Application Conference Meeting Record

Department of City Planning | One Exchange Plaza, Suite 300 | (919) 996-2682

<b>Meeting Date:</b> 8/30/2019 10:30 AM	
<b>Attendees:</b> John Anagnost, JP Mansolf, Jim Joyce, Raymond	
<b>Site Address/PIN:</b> 5709, 5712, 5716 Norcrest St.	
<b>Current Zoning/Designation:</b> CM/R-6	
<b>Proposed Zoning/Designation:</b> Adjusting CM/R-6 boundaries	
<b>CAC Contact Information:</b> North CAC, Kaylah Nance, Kaylah.nance@raleighnc.gov	
<b>Notes:</b> Fix a drawing error when map was converted to digital form. New feature of rezoning according to state law. If you have a zoning request inconsistent with the comprehensive plan that is approved, the comp plan would be amended to match the request. Would have to make the case for rezoning and comp plan amendment. Current City Council is generally pro-environmentalism. Future land use map is the driving policy in this case. Staff would likely evaluate the request as inconsistent with comp plan and would need a comp plan amendment. Having documentation of environmental conditions could help support request. CM Zoning does have some planting requirements. Offering to increase CM in other areas could help with request's consistency. Condition specifying timing of planting for CM area would help increase consistency of request. In CM the only building type allowed is an open lot.	
Department & Staff	Notes
<b>Transportation</b> <input type="checkbox"/> Jason Myers <a href="mailto:Jason.Myers@raleighnc.gov">Jason.Myers@raleighnc.gov</a> 919-996-2166	
<b>Historic Preservation</b> <input type="checkbox"/> Melissa Robb <a href="mailto:Melissa.Robb@raleighnc.gov">Melissa.Robb@raleighnc.gov</a> 919-996-2632  <input type="checkbox"/> Collette Kinane <a href="mailto:Collette.Kinane@raleighnc.gov">Collette.Kinane@raleighnc.gov</a> 919-996-2649	

<p><b>Parks, Recreation, &amp; Cultural Resources</b></p> <p><input type="checkbox"/> TJ McCourt  <a href="mailto:Thomas.McCourt@raleighnc.gov">Thomas.McCourt@raleighnc.gov</a>  919-996-6079</p> <p><input type="checkbox"/> Emma Liles  <a href="mailto:Emma.Liles@raleighnc.gov">Emma.Liles@raleighnc.gov</a>  919-996-4871</p>	
<p><b>Public Utilities</b></p> <p><input type="checkbox"/> John Sorrell  <a href="mailto:John.Sorrell@raleighnc.gov">John.Sorrell@raleighnc.gov</a>  919-996-3485</p> <p><input type="checkbox"/> Lorea Sample  <a href="mailto:Lorea.Sample@raleighnc.gov">Lorea.Sample@raleighnc.gov</a>  919-996-3484</p>	
<p><b>Stormwater</b></p> <p><input type="checkbox"/> Gary Morton  <a href="mailto:Gary.Morton@raleighnc.gov">Gary.Morton@raleighnc.gov</a>  919-996-3517</p> <p><input type="checkbox"/> Charles Webb  <a href="mailto:Charles.Webb@raleighnc.gov">Charles.Webb@raleighnc.gov</a>  919-996-3519</p>	
<p><b>Development Services</b></p> <p><input type="checkbox"/> Justin Rametta  <a href="mailto:Justin.Rametta@raleighnc.gov">Justin.Rametta@raleighnc.gov</a>  919-996-2665</p> <p><input type="checkbox"/> Mike Walters  <a href="mailto:Michael.Walters@raleighnc.gov">Michael.Walters@raleighnc.gov</a>  919-996-2636</p>	