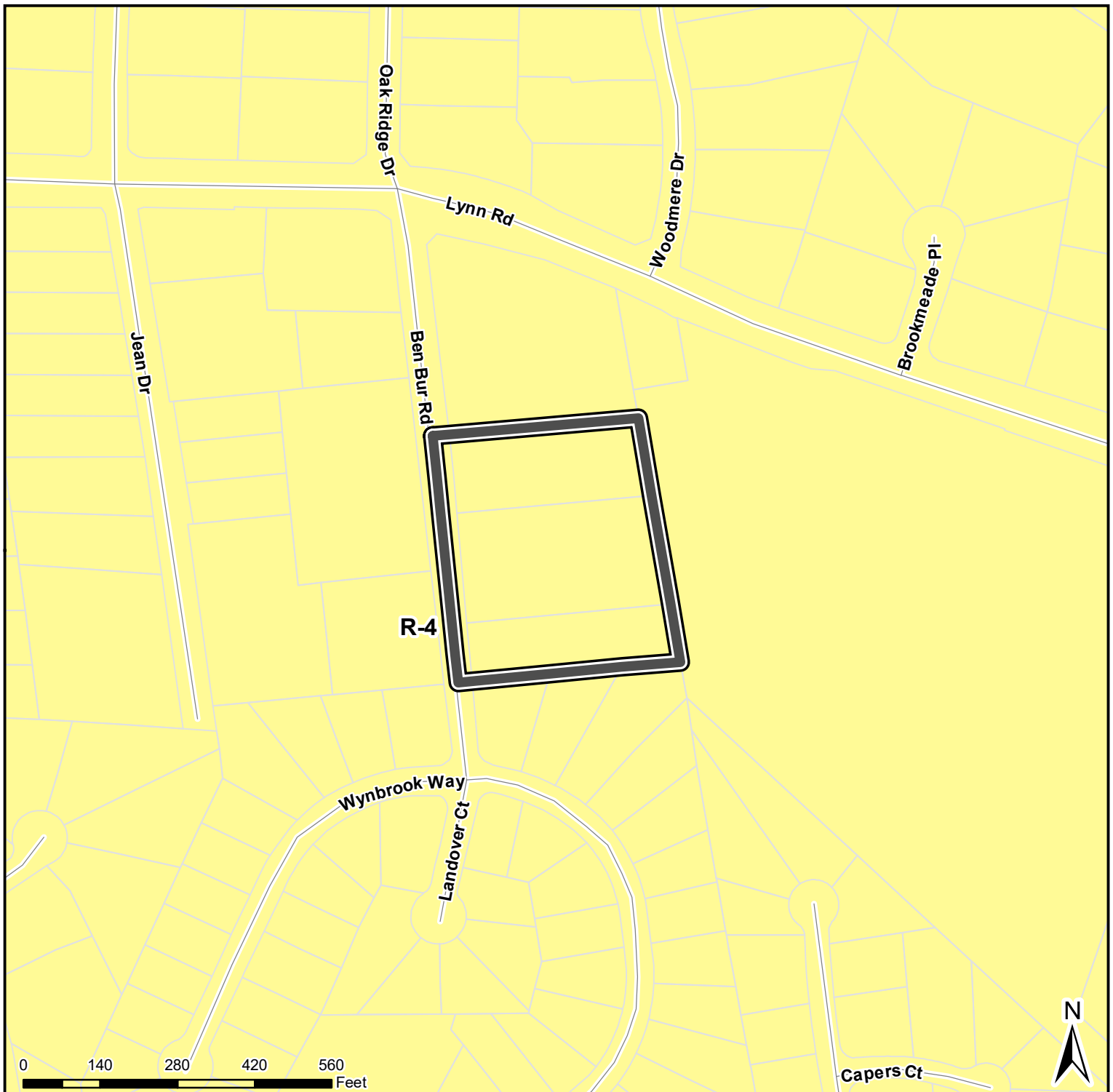
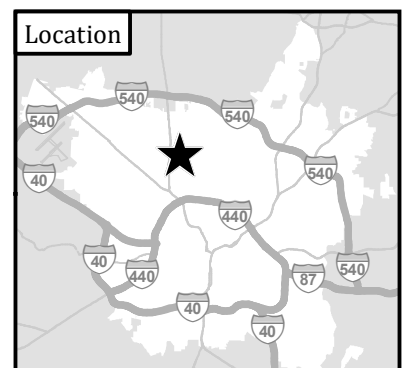


Existing Zoning

Z-42-2021



Property	6500, 6504, & 6508 Ben Bur Rd
Size	3.72 acres
Existing Zoning	R-4
Requested Zoning	R-6-CU



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Hannah Reckhow, AICP, Senior Planner
Department	Planning and Development
Date	September 8, 2021
Subject	City Council agenda item for September 21, 2021 – Z-42-21

On September 7, 2021, City Council authorized the public hearing for the following item:

Z-42-21 Ben Bur Road, approximately 3.72 acres located at [6500, 6504, 6508 Ben Bur Road](#).

Signed zoning conditions provided on June 29, 2021 prohibit townhouse and apartment building types and limit residential use to a maximum of 16 dwelling units.

Current zoning: Residential-4 (R-4)

Requested zoning: Residential-6-Conditional Use (R-6-CU)

The request is **consistent** with the 2030 Comprehensive Plan.

The request is **consistent** with the Future Land Use Map.

The Planning Commission recommends approval/denial of the request (6 - 0).

Attached are the Planning Commission Certified Recommendation (including Staff Report), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.

OWNER'S AFFIDAVIT

STATE OF North Carolina)
COUNTY OF Wake)

Susan L. Burnette ("Owner"), the Owner of the premises located at 6500, 6504, and 6508 Ben Bur Road, Raleigh, North Carolina and having PINs 0797717846, 0797727011, and 0797726188 (the "Property"), hereby acknowledges and agrees that Heritage Construction of Wake County, LLC ("Applicant"), as represented by Morningstar Law Group, intends to file a petition for rezoning of the Property with the City of Raleigh, and that Applicant, as represented by Adam Nix or Molly Stuart, is authorized by Owner to undertake and prosecute such rezoning. Affiant acknowledges on behalf of Owner that zoning conditions must be signed, approved, and consented to by Owner.

AFFIANT:

Susan L. Burnette

Name: Susan L. Burnette

State of North Carolina
County of Wake

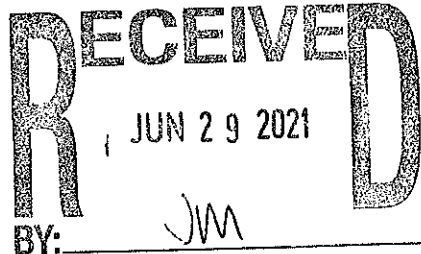
Subscribed and sworn to (or affirmed) before me on this 23rd day of June, 2021,
by Susan L. Burnette, personally known to me or proved to me on the basis of satisfactory
evidence to be the person who appeared before me

Randy Baskin
(Notary Public)

My Commission expires January 25, 2024

RECEIVED
JUN 29 2021
BY: JM

Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: R-4	Proposed zoning: R-6	

Narrative of Zoning Conditions Offered
<p>1. Townhouse and apartment building types are prohibited.</p> <p>2. No more than 16 principal dwelling units are permitted.</p>
<div style="text-align: right;">  </div>

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: Susan L. Burnette

Printed Name(s): Susan L. Burnette



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 13048

CASE INFORMATION: Z-42-21 BEN BUR RD

Location	Approximately 400 feet south of its intersection with Lynn Road Address: 6504, 6508, 6500 Ben Bur Road PINs: 0797727011, 0797726188, 0797717846 iMaps , Google Maps , Directions from City Hall
Current Zoning	R-4
Requested Zoning	R-6-CU
Area of Request	3.72 acres
Corporate Limits	The site is inside Raleigh corporate limits.
Property Owner	Susan L Burnette
Applicant	Molly Stuart, Morningstar Law
Council District	A
PC Recommendation Deadline	October 23, 2021

SUMMARY OF PROPOSED CONDITIONS

1. Townhouse and apartment building types are prohibited.
2. No more than 16 principal dwelling units are permitted.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Low Density Residential
Urban Form	None
Consistent Policies	LU 1.2 Future Land Use Map Zoning Consistency LU 5.1 Reinforcing the Urban Pattern LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods LU 8.10 Infill Development LU 8.12 Infill Compatibility LU 8.10 Conservation of Single-family Neighborhoods
Inconsistent Policies	None identified

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

First Neighborhood Meeting	Second Neighborhood Meeting	Planning Commission	City Council
June 3, 2021; 12 attendees	N/A	8/24/21	

REZONING ENGAGEMENT PORTAL RESULTS

Views	Participants	Responses	Comments
8	0	0	0
Summary of Comments: N/A			

PLANNING COMMISSION RECOMMENDATION

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

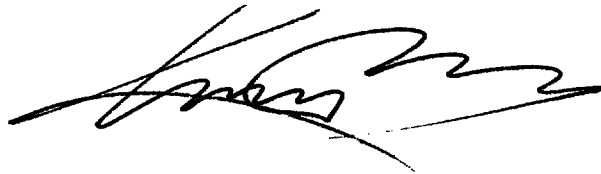
Reasonableness and Public Interest	The request would increase the flexibility of design for new housing units, allowing additional people to reside in an existing neighborhood, and the request would allow development similar to and computability with the existing neighborhood, helping to maintain the existing character while adding house.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	N/A
Recommendation	The Planning Commission recommend approval of Z-42-21.

Motion and Vote	Motion: Dautel Second: Elder In Favor: Dautel, Elder, Fox, Mann, Miller and O'Haver
Reason for Opposed Vote(s)	N/A

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.



Ken A. Bowers, AICP
Planning and Development Deputy Director

Date: August 24, 2021

Staff Coordinator: Hannah Reckhow: (919) 996-2622; Hannah.Reckhow@raleighnc.gov



ZONING STAFF REPORT – CASE Z-42-21

Conditional Use District

OVERVIEW

The request is to rezone three parcels in north Raleigh from Residential-4 (R-4) to Residential-6-Conditional Use (R-6-CU). Proposed conditions would prohibit townhouse and apartment building types and limit the site to 16 dwelling units.

The rezoning site is 6500, 6504, and 6508 Ben Bur Road. There is one detached house on the site, and the parcels are partially forested. The site is part of a low-density residential area that extends to the west, north, and south. To the east of the site is Lynn Road Elementary school.

The subject site is in the middle of a large area zoned R-4. The closest mixed-use zoning is west of the site at the intersection of Lynn Road and Creedmoor Road. Similarly, the site is part of a large area designated Low Density Residential on the Future Land Use Map.

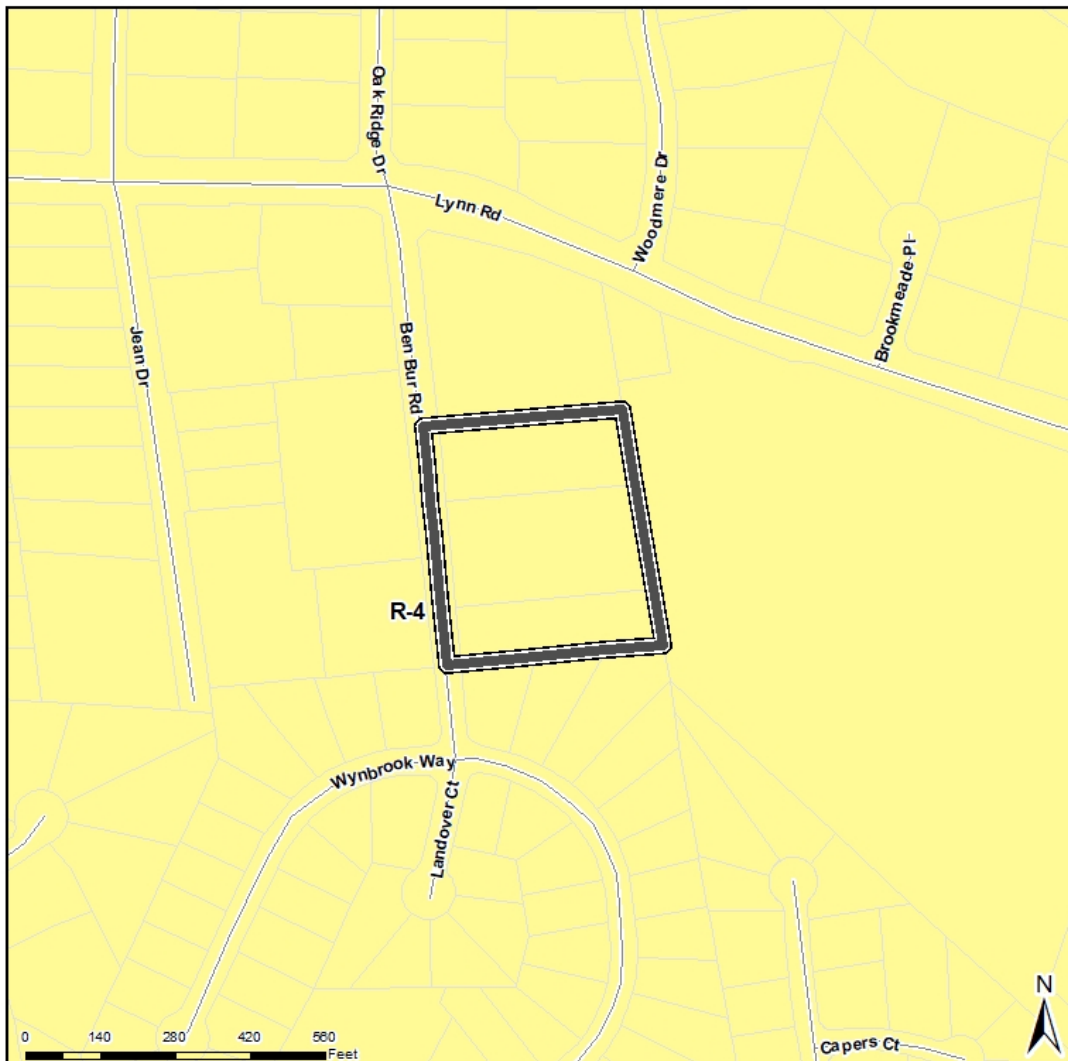
Entitlement for R-4 and R-6 is similar, and with the proposed conditions the request would permit only the attached and detached building types. The request would also not significantly increase total number of dwelling units allowed on the site. The requested district would allow smaller lot sizes and building setbacks than is currently allowed.

OUTSTANDING ISSUES

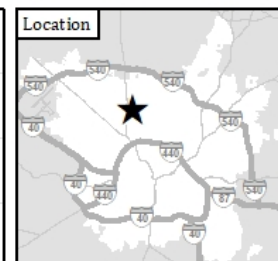
Outstanding Issues	1. None	Suggested Mitigation	1. N/A
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Existing Zoning

Z-42-2021



Property	6500, 6504, & 6508 Ben Bur Rd
Size	3.72 acres
Existing Zoning	R-4
Requested Zoning	R-6-CU



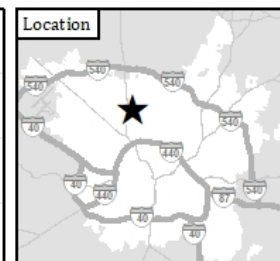
Map by Raleigh Department of Planning and Development (mansol@): 7/1/2021

Future Land Use

Z-42-2021



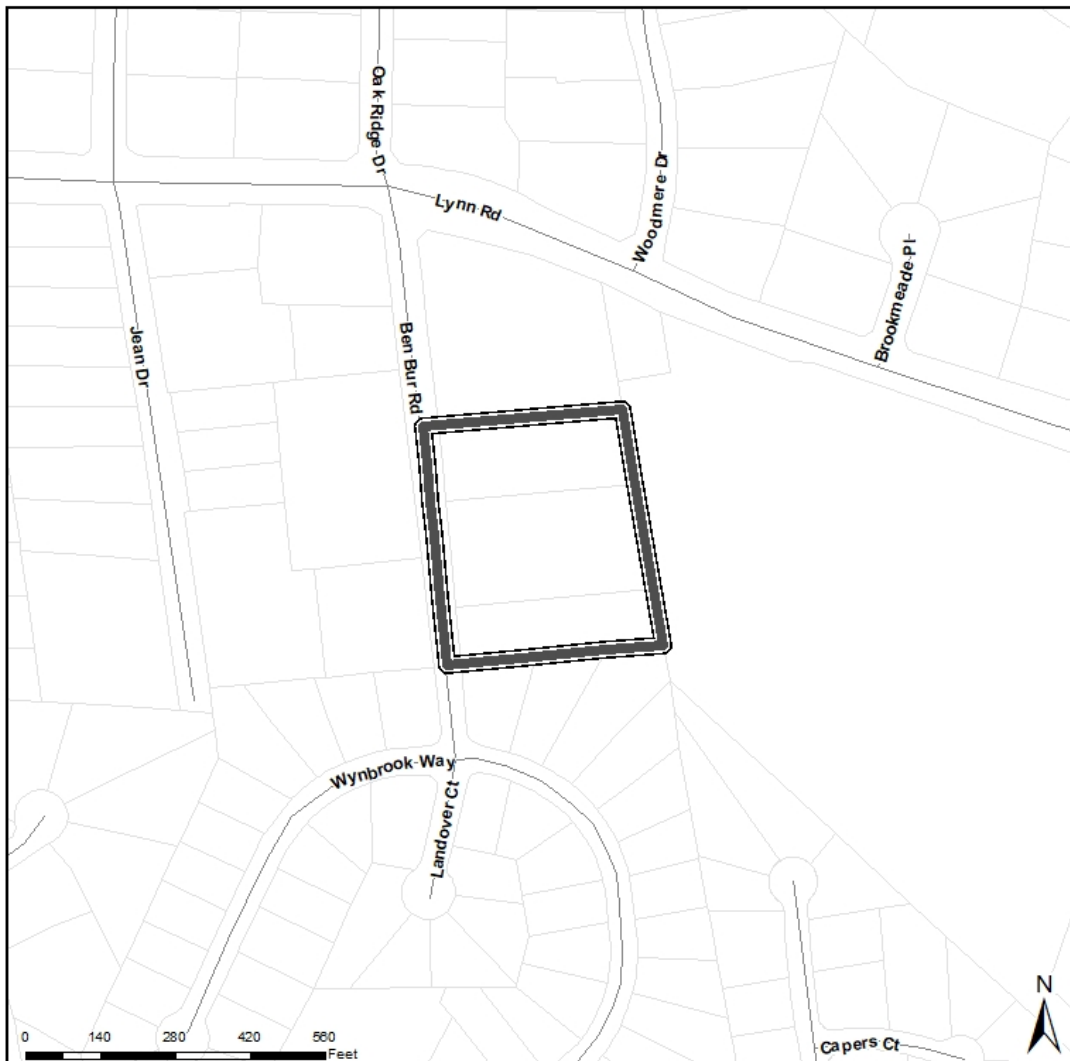
Property	6500, 6504, & 6508 Ben Bur Rd
Size	3.72 acres
Existing Zoning	R-4
Requested Zoning	R-6-CU



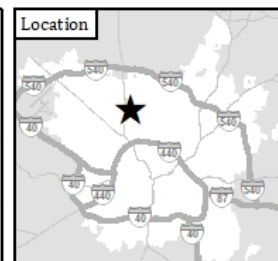
Map by Raleigh Department of Planning and Development (mansol@): 7/1/2021

Urban Form

Z-42-2021



Property	6500, 6504, & 6508 Ben Bur Rd
Size	3.72 acres
Existing Zoning	R-4
Requested Zoning	R-6-CU



Map by Raleigh Department of Planning and Development (mansol@): 7/1/2021

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 request is consistent with the policies contained in the Comprehensive Plan, including the Future Land Use Map and policies regarding land use compatibility. In addition, the request is consistent with the following vision themes: *Managing Our Growth* for facilitating infill development within the city's current corporate limits, and *Growing Successful Neighborhoods and Communities* for offering some increase in housing entitlement while maintaining compatibility with surrounding area.

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

Yes, the use is specifically designated for in the Low Density Residential category on the Future Land Use Map.

- 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?

N/A

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

Yes, the community facilities and streets appear adequate to serve the proposed use.

Future Land Use

Future Land Use designation: Low Density Residential

The rezoning request is

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

☐ **Inconsistent**

The site is designated Low Density Residential, a category which corresponds with R-2, R-4, and R-6 zoning districts. The request is for R-6, with conditions capping the total number of dwelling units at 16.

Urban Form

Urban Form designation: None

The rezoning request is

- ☐ **Consistent** with the Urban Form Map.
- ☐ **Inconsistent**
- ☒ **Other** (no Urban Form designation)

Compatibility

The proposed rezoning is

- ☒ **Compatible** with the property and surrounding area.
- ☐ **Incompatible.**

The rezoning site is part of a residential area that contains mainly detached houses. The request would permit detached and attached houses and limits the total number of dwelling units to a residential density similar to the surrounding area.

Public Benefits of the Proposed Rezoning

- The request would increase the flexibility of design for new housing units, allowing additional people to reside in an existing neighborhood.
- The request would allow development similar and compatible with the existing neighborhood, helping to maintain the existing character while adding housing.

Detriments of the Proposed Rezoning

- None identified.

Policy Guidance

Key policies are directly related to changes in zoning and are used to evaluate rezoning request consistency. They are marked with an orange dot (●).

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

● **LU 1.2 Future Land Use Map 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 site is designated Low Density Residential on the Future Land Use Map. The requested district would permit the type of residential development envisioned by this

category.

● **LU 5.1 Reinforcing the Urban Pattern**

New development should acknowledge existing buildings, and, more generally, the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

● **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.

● **LU 8.12 Infill Compatibility**

Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.

- The requested district R-6-CU would permit development that is very similar to the existing residential area.

LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods

Recognize the importance of balancing the need to increase the housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources, and restore the environment.

LU 8.10 Conservation of Single-family Neighborhoods

Protect and conserve the city’s single-family neighborhoods and ensure that their zoning reflects their established low-density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low-density character, preserve open space, and maintain neighborhood scale.

- The request would add some flexibility to lot size and setbacks and would permit a few additional residential units on the site. The resulting development would be similar to the existing neighborhood.

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

None identified.

Area Plan Policy Guidance

- No area-specific guidance exists for the subject site.

EQUITY AND CLIMATE CHANGE ANALYSIS

Transportation Cost and Energy Analysis

	City Average	Site	Notes
Transit Score	30	28	Similar to average
Walk Score	30	36	Similar to average
Bike Score	41	26	Lower than average
HUD Low Transportation Cost Index	[N/A, index is expressed as a percentile.]	70	
HUD Jobs Proximity Index	[N/A, index is expressed as a percentile.]	62	

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. HUD index scores are percentiles indicating how well the subject tract performs compared to all other census tracts in the United States. A higher percentile for Low Transportation Cost or Jobs Proximity indicates a lower the cost of transportation and higher access to jobs in the nearby area, respectively.

Housing Energy Analysis

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.

Housing Supply and Affordability

Does the proposal add or subtract from the housing supply?	Adds	The request would add approximately 2 units to the site.
Is naturally occurring affordable housing present on the site?	Unlikely	
Does it include any subsidized units?	No	

Does it permit a variety of housing types beyond detached houses?	Yes	Attached houses would be permitted.
If not a mixed-use district, does it permit smaller lots than the average? *	Yes	R-6 permits a 6,000 sf lot.
Is it within walking distance of transit?	No	

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

Demographic Indicators from EJSCREEN*

Indicator	Site Area	Raleigh
Demographic Index** (%)	14	36
People of Color Population (%)	20	46
Low Income Population (%)	8	30
Linguistically Isolated Population (%)	2	3
Population with Less Than High School Education (%)	2	9
Population under Age 5 (%)	6	6
Population over Age 64 (%)	17	11
% change in median rent since 2015	23.0	20.3

*Environmental Justice Screening and Mapping Tool from the Environmental Protection Agency (<https://www.epa.gov/ejscreen>)

**The Demographic Index represents the average of the percentage of people who are low income and the percentage of people who are minorities

Health and Environmental Analysis

What is the life expectancy in this census tract? Is it higher or lower than the City average?	86.7	Higher than average.
Are there known industrial uses or industrial zoning districts within 1,000 feet?	No	
Are there hazardous waste facilities are located within one kilometer?	No	
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	No	
Is this area considered a food desert by the USDA?	No	

Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	No	Property was annexed in 1982.
Has the area around the site ever been the subject of an urban renewal program?*	No	
Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	No	No such covenants found.
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	No such covenants found.

*The response to this question is not exhaustive, and additional information may be produced by further research. Absence of information in this report is not conclusive evidence that no such information exists.

Analysis Questions

1. Does the rezoning increase the site's potential to provide more equitable access to housing, employment, and transportation options? Does the rezoning retain or increase options for housing and transportation choices that reduce carbon emissions?

Response: The rezoning may have limited impacts on the site's potential to provide equitable access to housing, employment, or transportation options, as the resulting change in entitlement is relatively small. The request would increase number of housing units but would retain the same building types and there may be minimal impacts on carbon emissions.

2. Is the rezoning in an area where existing residents would benefit from access to lower cost housing, greater access to employment opportunities, and/or a wider variety of transportation modes? Do those benefits include reductions in energy costs or carbon emissions?

Response: The rezoning area is less racially diverse and has a higher income than Raleigh as a whole. Existing residents may still benefit from additional housing in this area.

3. Have housing costs in this area increased in the last few years? If so, are housing costs increasing faster than the city average?

Response: Housing costs in this area have increased similarly to the city-wide average.

4. Are there historical incidences of racial or ethnic discrimination specific to this area that have deprived Black, Indigenous, and People of Color (BIPOC) of access to economic opportunity, public services, or housing? If so, does the rezoning request improve any current conditions that were caused, associated with, or exacerbated by historical discrimination?

Response: No urban renewal plans or restrictive covenants were discovered for the subject site. The site was not annexed during a time when government sanctioned racial housing discrimination was prevalent.

5. Do residents of the area have disproportionately low life expectancy, low access to health insurance, low access to healthy lifestyle choices, or high exposure to environmental hazards and/or toxins? If so, does the rezoning create any opportunities to improve these conditions?

Response: The residents of the area have a higher life expectancy than the city-wide average and there are no known nearby environmental hazards.

IMPACT ANALYSIS

Historic Resources

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

This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors. Nearest existing park access is provided by Williams Park (0.4 miles) and Shelley Lake Park (1.9 miles). Nearest existing greenway trail access is provided by the Mine Creek Greenway Trail (1 miles). Current park access level of service in this area is graded a B letter grade.

Impact Identified: None

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	250 gpd	3,000 gpd	4,000 gpd
Wastewater	250 gpd	3,000 gpd	4,000 gpd

1. The proposed rezoning would add 3,750 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area
2. 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
3. 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

Stormwater

Floodplain	none
Drainage Basin	Mine
Stormwater Management	Subject to stormwater regulations under Article 9 of UDO
Overlay District	none

Impact Identified: none

Transportation

Site and Location Context

Location

The Z-42-2021 Site is in North Raleigh on the east side of Creedmoor Road, between Millbrook Road and Lynn Road.

Area Plans

The Z-42-2021 site is not located in an area of an adopted area plan (Map AP-1) in the Comprehensive Plan.

Existing and Planned Infrastructure

Streets

Ben Bur Road is not designated in the Raleigh Street Plan (Map T-1 in the Comprehensive Plan) and is maintained by the City of Raleigh. Nearby, Creedmoor Road is designated as a 6-lane divided avenue and Lynn Road is designated as a 4-lane divided avenue in the Raleigh Street Plan. Both are maintained by NCDOT.

Existing block perimeter for the site is approximately 8,300 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for R-6 zoning districts is set by the average lot size in the block. Minimum lot sizes would lead to a standard of 4,500 feet. The block contains Lynn Road Elementary and Williams Park in addition to existing subdivisions dating to the 1980s and 1990s. The Z-42-2021 site is below the minimum site area standards for block perimeter standards to apply; the site will not be required to stub a public street to a neighboring parcel.

Pedestrian Facilities

There are complete sidewalks on Lynn Road and the east side of Bun Bur Road. It is ¼ mile along existing sidewalks to the front door of Lynn Road Elementary School.

Bicycle Facilities

There is a shared use path on Lynn road east of Lynn Road Elementary. Lynn Road is designated for a separated bikeway in the Long-Term Bike Plan (Map T-3 of the Comprehensive Plan).

Transit

The GoRaleigh Route 36 operates along Creedmoor Road at 30-minute frequency. Stops are approximately 0.6 mile from the site.

Access

The Z-42-2021 Site is access by Ben Bur Road.

Other Projects in the Area

There is an approved sidewalk petition project on Valley Drive, approximately 0.3 mile from the site. Funding for the sidewalk is not currently programmed, but it is the highest ranked sidewalk petition that is not yet programmed for funding.

Traffic Impact Analysis (TIA) Determination

Based on the Envision results, approval of case Z-42-21 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The proposed rezoning from R-4 to R-6-CU is projected to generate 3 new trips in the AM peak hour and 4 new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual.

Z-42-21 Existing Land Use Residential	Daily	AM	PM
	9	1	1
Z-42-21 Current Zoning Entitlements Residential	Daily	AM	PM
	113	9	12
Z-42-21 Proposed Zoning Maximums Residential	Daily	AM	PM
	151	12	16
Z-42-21 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	38	3	4

Urban Forestry

Impact Identified: None

Impacts Summary

The request would have minimal impacts on the site.

Mitigation of Impacts

No impacts are identified that require mitigation at the rezoning stage.

CONCLUSION

The request would rezone approximately 3.72 acres from R-4 to R-6-CU. The proposed conditions limit total number of dwelling units and housing types, such that the increase in entitlement is relatively small. The request is consistent with the Future Land Use Map and policies regarding land use compatibility. In addition, the request is consistent with the Managing Our Growth and Growing Successful neighborhoods and Communities vision theme. Request Z-42-20 is consistent overall with the 2030 Comprehensive Plan.

CASE TIMELINE

Date	Action	Notes
6/29/21	Application submitted	
7/23/21	Staff review provided	
8/24/21	Planning Commission review begins	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-4	R-4	R-4	R-4	R-4
Additional Overlay	-	-	-	-	-
Future Land Use	Low Density Residential	Low Density Residential	Low Density Residential	Public Facilities	Low Density Residential
Current Land Use	Residential	Residential	Residential	School	Residential
Urban Form	-	-	-	-	-

CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	R-4	R-6-CU
Total Acreage	3.72	3.72
Setbacks:		
Front	20'	10'
Side	10'	5'
Rear	30'	20'
Residential Density:	3.23	4.30
Max. # of Residential Units	14	16
Max. Gross Building SF	12,600	16,800
Max. Gross Office SF	-	-
Max. Gross Retail SF	-	-
Max. Gross Industrial SF	-	-
Potential F.A.R.	0.08	0.10

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

Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: R-4	Proposed zoning: R-6	

Narrative of Zoning Conditions Offered
<p>1. Townhouse and apartment building types are prohibited.</p> <p>2. No more than 16 principal dwelling units are permitted.</p>

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: Susan L. Burnette

Printed Name(s): Susan L. Burnette

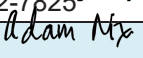


Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 8 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case # _____
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district: R-4		Height:	Frontage:	Overlay(s):
Proposed zoning base district: R-6		Height:	Frontage:	Overlay(s):
Helpful Tip: View the Zoning Map to 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:				

General Information			
Date:	Date amended (1):		Date amended (2):
Property address: 6500, 6504, 6508 Ben Bur Road			
Property PIN: 0797717846; 0797727011; 0797726188			
Deed reference (book/page): 14-E/3860			
Nearest intersection: Wynbrook Way		Property size (acres): 3.72	
For planned development applications only	Total units:		Total square footage:
	Total parcels:		Total buildings:
Property owner name and address: Susan L. Burnette, 6504 Ben Bur Road, Raleigh, NC27612			
Property owner email:			
Property owner phone:			
Applicant name and address: Heritage Construction of Wake County, LLC, 7200 ACC Boulevard, Suite 105, Raleigh NC 27617			
Applicant email: adam@heritageconstructionnc.com			
Applicant phone: 919-582-7825			
Applicant signature(s): 			
Additional email(s): mstuart@mstarlaw.com			

RECEIVED

By JP Mansolf at 8:19 am, Jun 29, 2021

Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: R-4	Proposed zoning: R-6	

Narrative of Zoning Conditions Offered
<div>1. Townhouse and apartment building types are prohibited.</div> <div>2. No more than 16 principal dwelling units are permitted.</div>

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: _____

Printed Name(s): _____

Rezoning Application Addendum #1

Comprehensive Plan Analysis

Office Use Only

Rezoning case # _____

The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.

Statement of Consistency

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

R-6 zoning is specifically contemplated under the applicable Low-Density Residential Future Land Use Map designation applicable to this location. Additionally, the limitation on total dwelling units will further limit density on the site to approximately 4.3 units per acre.

The Comprehensive Plan strongly supports zoning for housing, particularly within already urbanized areas and close to services and transportation. The proposal is located within a developed area of the city, immediately adjacent to a school, and within walking distance of the Lynnwood Shopping Center, offering a grocery store, restaurants, and personal services. Additionally, bus service is available at Creedmoor Road, providing a direct connection to further shopping, services, and job opportunities, including at Crabtree Valley Mall.

Policies supported by the proposal include LU 3.2 Location of Growth; H 1.5 Scattered Site Infill; H 1.8 Zoning for Housing

Public Benefits

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

The requested R-6 zoning supports the Low Density Residential designation of the site while providing conveniently located housing in an area of town already served by transit and commercial uses.

Rezoning Application Addendum #2	
Impact on Historic Resources	Office Use Only Rezoning case # _____
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.	
Inventory of Historic Resources	
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.	
N/A	
Public Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

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", "Mixed-Use Center", or "Transit Station Areas", 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.

Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please [click here](#) to download the Design Guidelines Addendum if required.

Urban Form Designation: N/A

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

Please continue to the next page for the Rezoning Checklist Submittal Requirement.

Rezoning Checklist (Submittal Requirements)					
To be completed by Applicant			To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning:	Yes	N/A	Yes	No	N/A
1. I have referenced this Rezoning Checklist 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Pre-application conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Neighborhood meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Rezoning application review fee (see Development Fee Guide for rates).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Completed application submitted through Permit and Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Comprehensive Plan consistency analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed response to the urban design or downtown design guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Trip generation study	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Traffic impact analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Conditional Use District:	Yes	N/A	Yes	No	N/A
11. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, see page 8:	Yes	N/A	Yes	No	N/A
12. Proof of Power of Attorney or Owner Affidavit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A
13. Master plan (see Master Plan submittal requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a text change to zoning conditions:	Yes	N/A	Yes	No	N/A
14. Redline copy of zoning conditions with proposed changes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please continue to the next page for the Master Plan Submittal Requirements checklist.

Master Plan (Submittal Requirements)

To be completed by Applicant

To be completed
by staff

General Requirements – Master Plan:	Yes	N/A	Yes	No	N/A
1. I have referenced this Master Plan Checklist 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Total number of units and square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 12 sets of plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Completed application submitted through Permit and Development Portal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Vicinity Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Existing Conditions Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Street and Block Layout Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Development Plan (location of building types)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Parking Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Open Space Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Tree Conservation Plan (if site is two acres or more)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Phasing Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Common Signage Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Who Can Initiate a Zoning Request?

If requesting to down-zone property, the rezoning application must be signed by all the property owners whose property is subject to the downzoning. Downzoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

1. The property owner;
2. An attorney acting on behalf of the property owner with an executed power of attorney; or
3. A person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purpose of initiating the request, by property owners or third-party applicants.

Temporary Option for Virtual Neighborhood Meetings

During times when in-person gatherings are restricted, this document consists of guidance and templates for conducting a virtual meeting that may satisfy the pre-submittal neighborhood meeting prerequisite for filing a rezoning request and, when required, the second neighborhood meeting prerequisite for Planning Commission review. All requirements related to notice and neighborhood meetings found in the UDO are still applicable and should be reviewed when preparing for a neighborhood meeting.

Raleigh Planning & Development staff are available to advise you in the preparation for virtual neighborhood meetings. For more information, contact JP Mansolf (919) 996-2180 or jp.mansolf@raleighnc.gov.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive community feedback regarding a rezoning prior to submittal to Raleigh Planning & Development or prior to Planning Commission review, per the standards found in [UDO Ch. 10](#). The intention of the meeting is to facilitate neighbor communication; identify issues of concern early on; and provide the applicant an opportunity to address neighbors' concerns about the potential impacts of the rezoning request at key steps in the rezoning process.

GUIDANCE FOR VIRTUAL NEIGHBORHOOD MEETINGS

The virtual neighborhood meeting option is available to applicants on a temporary basis during times when in-person gatherings are restricted. Above and beyond the requirements for neighborhood meetings found in the UDO, the following practices are strongly encouraged for virtual neighborhood meetings:

Verification of mailed notice for virtual neighborhood meetings can be completed by USPS or Raleigh Planning & Development staff.

Neighborhood meeting notification letters can be verified in one of two ways for virtual neighborhood meetings:

- By using USPS in compliance with [UDO Sec. 10.2.1.C.1.b](#).
- By coordinating with Raleigh Planning & Development staff.
 - When City of Raleigh facilities are open to the public, applicants may present stuffed, stamped, addressed, and unsealed neighborhood meeting notifications to Raleigh Planning & Development staff prior to the 10-day period for confirmation that the complete list of property owners is being noticed and that the notices contain adequate information to satisfy the requirements of the UDO and are in keeping with this guidance document.
 - When City of Raleigh facilities are closed to the public, applicants may present electronic documentation to city staff prior to the 10-day period for verification. Documentation should include: an electronic copy of the notification letter and any enclosures, the mailing list, photographs of the mailing that demonstrates the number of envelopes prepared for mailing, an attestation from the applicant that the mailing satisfies all UDO requirements and that acknowledges that false statements negate validity of the mailing.

The meeting should be held within specific timeframes and meet certain requirements.

The UDO requires that “the applicant shall provide an opportunity to meet with property owners of the development site and property owners within the mailing radius described in [UDO Sec. 10.2.1.C.1](#). In order to provide meaningful opportunity, a virtual neighborhood meeting should follow these guidelines:

- Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant’s choice.
- The software must support a two-way conversation that allows for residents to ask questions and provide thoughts, as well as hear the applicant’s presentation.
- The software should provide an option for an individual to participate exclusively by telephone.
- The meeting should be conducted for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- The meeting should not be held on City of Raleigh or State of North Carolina recognized holidays.
- Just as with an in-person meeting, an attendance sheet must be completed to log known attendees of the virtual meeting. Note if no one attended.

Additional informational material should be provided by post to all invitees.

To help facilitate discussion during the meeting for all participants, especially those that may participate exclusively by telephone, informational material should be provided by post. A copy of all mailed materials should be included as part of the Neighborhood Meeting report required for the rezoning application. In addition to details required by [UDO Sec. 10.2.1.C.1](#), the following information should be mailed with the meeting notice:

- The date, time, and detailed instructions for how to participate in the virtual meeting either online or by telephone.
- A current aerial photograph of the area.
- A current zoning map of the area.
- A draft of the rezoning petition to be submitted.
- For a rezoning request to a district that requires a master plan ([UDO Art. 4.6](#) and [4.7](#)) preliminary or schematic plans of the proposed master plan should be provided to help facilitate discussion.

The meeting agenda should describe the action to be requested and the nature of the questions involved.

This information should be addressed during the meeting:

- Explanation of the rezoning process.
- Explanation of future meetings (additional neighborhood meetings, if any; Planning Commission review; City Council public hearing).
- Explanation of the development proposal, including proposed uses and zoning conditions; explanation of any proposed master plan; and any public information available about the property owner or buyer, developer or builder, and/or likely tenant.
- Questions or concerns by virtual attendees and responses by the applicant.
- Report of any questions and concerns received by the applicant in correspondence or phone call in advance of the meeting, along with any applicant-provided responses.

The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the City of Raleigh Development Portal.

NOTIFICATION LETTER TEMPLATE

Date:

Re: (SITE LOCATION)

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on (MEETING DATE and TIME). The meeting will be held virtually. You can participate online or by telephone. To participate, visit:

(MEETING WEB ADDRESS)

Or call:

(MEETING PHONE NUMBER)

The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS AND NEARBY LANDMARKS). This site is currently zoned (CURRENT ZONING DISTRICT) and is proposed to be rezoned to (PROPOSED ZONING DISTRICT). (ANY OTHER RELEVANT DETAILS OF THE REQUEST.)

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the area requested for rezoning.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

JP Mansolf

Raleigh Planning & Development

(919)996-2180

JP.Mansolf@raleighnc.gov

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

(NAME)

(CONTACT INFO)

Sincerely,

ATTESTATION TEMPLATE

Attestation Statement

I, the undersigned, do hereby attest that the electronic verification document submitted herewith accurately reflects notification letters, enclosures, envelopes and mailing list for mailing the neighborhood meeting notification letters as required by Chapter 10 of the City of Raleigh UDO, and I do hereby further attest that that I did in fact deposit all of the required neighborhood meeting notification letters with the US. Postal Service on the _____, day of _____, 2020. I do hereby attest that this information is true, accurate and complete to the best of my knowledge and I understand that any falsification, omission, or concealment of material fact may be a violation of the UDO subjecting me to administrative, civil, and/or, criminal liability, including, but not limited to, invalidation of the application to which such required neighborhood meeting relates.

Signature of Applicant/Applicant Representative

Date

SUMMARY OF ISSUES

A neighborhood meeting was held on June 3, 2021 (date) to discuss a potential rezoning located at 6500, 6504, 6508 Ben Bur Road (property address). The neighborhood Meeting was held at [virtual meeting] (location). There were approximately 12 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The relationship between density and lot dimensional requirements was discussed.

Access to the new lots was discussed, including the likelihood of a new street.

The existing house would not be maintained on the site.

Utilities work will be necessary on Ben Bur Road.

Potential timelines were discussed, including the possibility of submitting a site plan to the City in late 2021.



Recent development on Jean Drive has exacerbated existing stormwater issues.

The requirement for tree conservation was described, and potential locations requested, including to the north of the site.



The need for more flexible lot dimensions as well as potential traffic impacts were discussed.

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