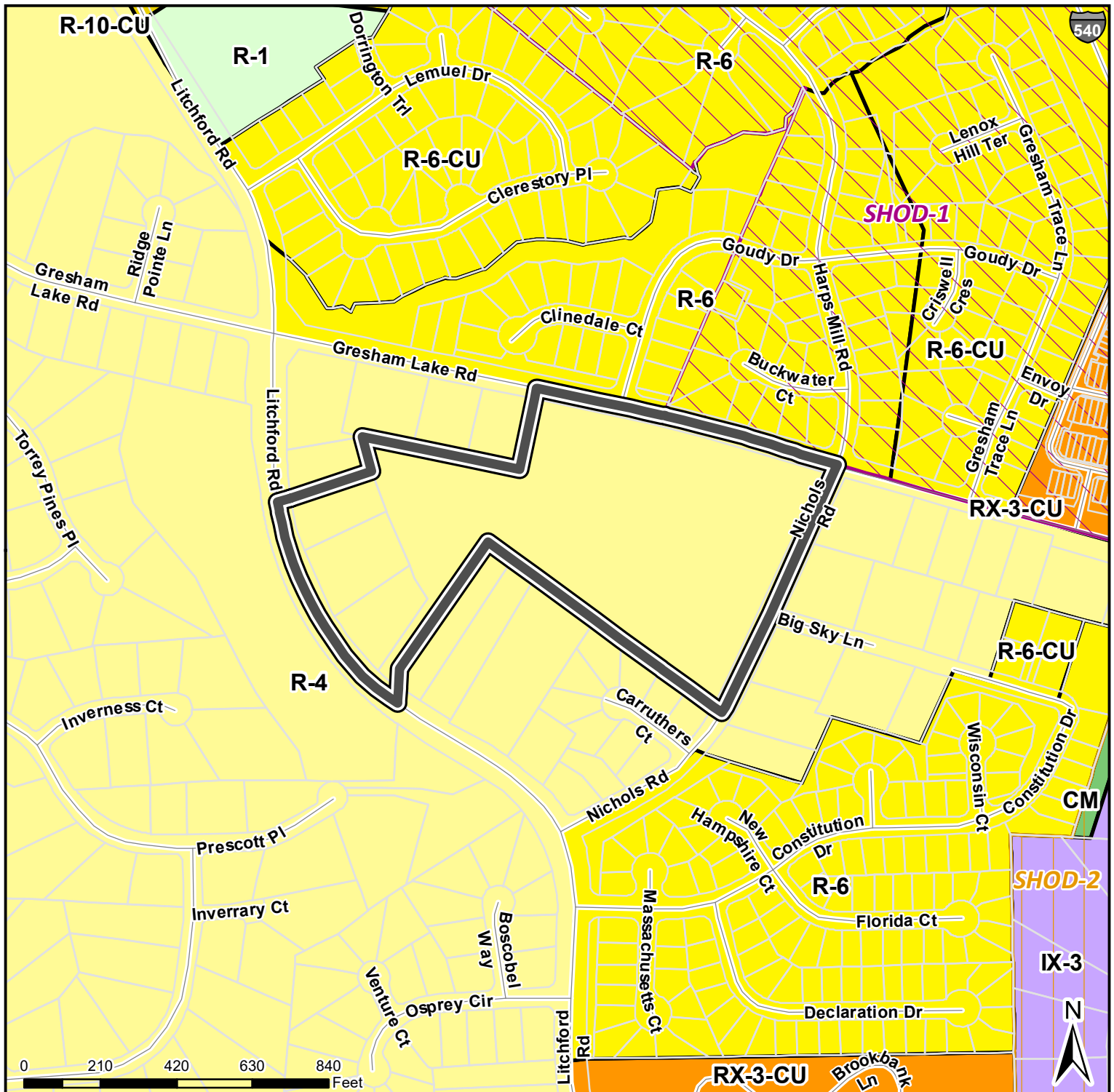
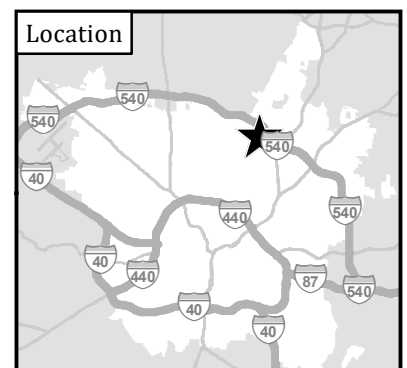


# Existing Zoning

# Z-44-2019



Property	2400 Gresham Lake Rd; 7700, 7708, & 7716 Litchford Rd
Size	15.6 acres
Existing Zoning	R-4
Requested Zoning	R-10-CU





Raleigh

## MEMO

TO: Ruffin L. Hall, City Manager

FROM: Ken Bowers, AICP; Jason Hardin, AICP

DEPARTMENT: Planning and Development

DATE: March 18, 2020

SUBJECT: Public hearing for April 7, 2020 – Rezoning Z-44-19

---

On March 3, 2020, City Council authorized the public hearing for the following item:

**Z-44-19 Gresham Lake Road and Litchford Road**, located in the triangle created by the intersections of Gresham Lake Road with Litchford Road and Nichols Road, consisting of Wake County PINs 1717972039, 1717865896, 1717875041, and 1717874186. Approximately 15.58 acres are requested by Crosswind Investments, Inc.; Fawly Towers; and 4 Pillars Investments to be rezoned.

**Current zoning:** Residential-4 (R-4)

**Requested zoning:** Residential-10-Conditional Use (R-10-CU)

**Zoning conditions** submitted on February 28, 2020 limit the total number of housing units to 80, prohibit the apartment building type; specify a fence and a 10' landscaped or tree conservation area along adjacent properties; provide for an additional 10 percent open space or tree conservation area beyond code requirements; specify a 50' setback for housing units adjacent to properties on Carruthers Court; specify a 10' landscape area along most of the Nichols Road frontage; and specify that a new sidewalk along Nichols will extend south to Carruthers Court

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

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

The **Planning Commission** voted 7-0 to recommend approval of the request.

The **North CAC** voted against the rezoning (Y-4, N-32) on January 21, 2020.

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

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza, Suite 1020  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
(Mailing Address)



# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 11983

## CASE INFORMATION: Z-44-19 GRESHAM LAKE ROAD AND LITCHFORD ROAD

Location	Between Gresham Lake Road and Litchford Road to the west of Nichols Road  Address: and 2400 Gresham Lake Road and 7700, 7708, and 7716 Litchford Road  PINs: 1717972039, 1717865896, 1717875041, 1717874186  <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Driving directions from City Hall</a> (not served by transit)
Current Zoning	Residential-4 (R-4)
Requested Zoning	Residential-10-Conditional Use (R-10-CU)
Area of Request	15.58 acres
Corporate Limits	The largest parcel – 2400 Gresham Lake Road – is within corporate limits. The remaining three parcels are not within corporate limits but are within the city's extraterritorial jurisdiction (ETJ).
Property Owner	Crosswind Investments, Inc.; Fawltly Towers; and 4 Pillars Investments
Applicant	Crosswind Investments, Inc.; Fawltly Towers; and 4 Pillars Investments, all represented by Beth Trahos
Citizens Advisory Council (CAC)	North CAC
PC Recommendation Deadline	April 13, 2020

## SUMMARY OF PROPOSED CONDITIONS

1. No more than 80 housing units will be built.
2. The apartment building type is not allowed.
3. A fence and a 10' landscape or tree conservation area is provided next to several adjacent properties.
4. An additional 10 percent of open space/tree conservation will be provided beyond code requirements.
5. A 50' setback from the property line adjacent to Carruthers Court properties.
6. A 10' landscaped area along 500' of Nichols Road.
7. Extending sidewalk on Nichols Road to Carruthers Court.

## COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Low Density Residential
Urban Form	None
Consistent Policies	H 1.8—Zoning for Housing LU 1.2—Future Land Use Map and Zoning Consistency LU 2.6—Zoning and Infrastructure Impacts LU 8.1—Housing Variety LU 8.10—Infill Development
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
10/23/2019 10 attendees	12/17/2019 1/21/20 (Y-4; N-32)	1/14/2020 1/28/2020 2/11/2020 2/25/2020	3/3/2020

## 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	It is consistent with the Comprehensive Plan and Future Land Use Map. It provides additional housing diversity and open space beyond what would be required by code.
Change(s) in Circumstances	

Amendments to the Comprehensive Plan	N/A
Recommendation	Approve
Motion and Vote	Motion: Geary Second: Tomasulo In Favor: Geary, Jeffreys, Lampman, McIntosh, Miller, Tomasulo, Winters Opposed: None
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.

_____	2/25/20	_____	2/25/20
Planning Director	Date	Planning Commission Chair	Date
Staff Coordinator:	Jason Hardin: (919) 996-2657; <a href="mailto:Jason.Hardin@raleighnc.gov">Jason.Hardin@raleighnc.gov</a>		



# ZONING STAFF REPORT – CASE Z-44-19

## Conditional Use

### OVERVIEW

The proposal seeks to rezone four parcels totaling 15.58 acres in north Raleigh, just west of I-540. The properties are within the triangle created by the intersections of Gresham Lake Road with Litchford Road and Nichols Road. The site has frontage on all three roads.

The properties are currently zoned R-4; the request is for R-10-CU zoning with a limitation of 80 total housing units, which translates into 5.1 units per acre. Conditions also prohibit the apartment building type; specify 10' landscape areas along several adjacent properties; and provide for an additional 10 percent open space area beyond code requirements.

The largest of the four properties, 2400 Gresham Lake Road, which is nearly 13 acres, is currently vacant and wooded. The other three properties are currently occupied by detached houses. There are no streams or particularly sharp elevation changes on the properties.

The area is bordered on all sides by residential uses. These are generally detached houses, although townhouses are present a tenth of a mile to the east.

In terms of zoning, property to the north is zoned R-6. The subject properties and other adjacent properties are zoned R-4. Moderately higher density zoning is present in the vicinity. RX-3-CU is present 600 feet to the east on Gresham Lake Road and 1,000 feet to the south on Litchford Road. R-10-CU is present a quarter-mile to the north along Litchford Road.

The Future Land Use Map designates the subject property and most adjacent properties as Low Density Residential, which envisions up to six units per acre. A Moderate Density Residential designation is found a tenth of a mile to the east. The area does not have a designation on the Urban Form Map.

The zoning request would permit a moderate amount of additional density – from 4 units per acre to 5.1 units per acre. It also would allow additional residential building types, including duplexes and townhouses, although at a relatively low density. The UDO does allow duplexes and townhouses in R-4 on an area of this size, but only as a part of a formal Conservation Development and only when some detached houses are also included.

**Update for January 28, 2020:** New conditions provided on January 8, 2020 addressed the inconsistency with the Future Land Use Map noted in the original version of the staff report. The new conditions:

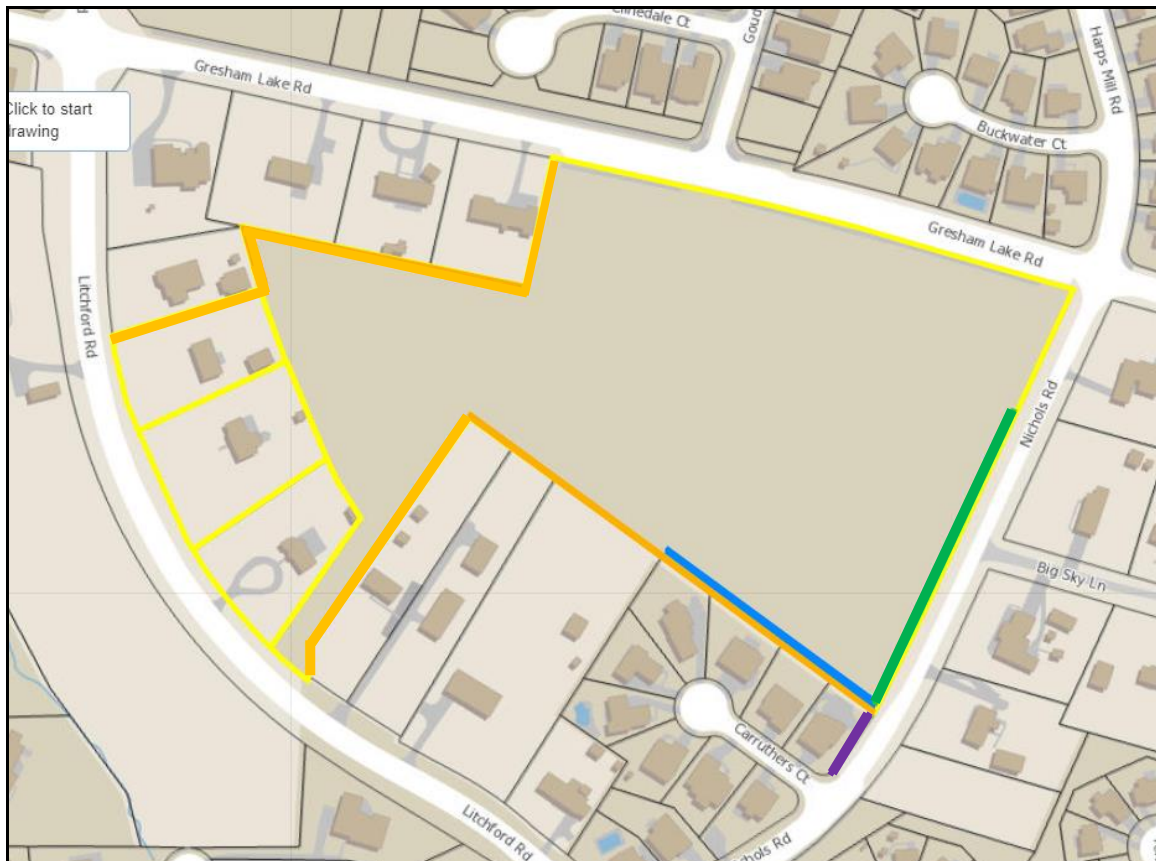
- Prohibit the apartment building type
- Specify 10' landscape or tree conservation areas along several adjacent properties (see map on following page)
- Provide for an additional 10 percent open space area beyond code.

The request previously had not been fully consistent with the Future Land Use Map designation of Low Density Residential. While the proposed density of less than six units per acre meets the definition of Low Density Residential, it did not include any provisions for

additional open space envisioned when townhouses or smaller-lot detached houses are permitted. The revised conditions meet this standard, making the request consistent with the map and the Comprehensive Plan overall.

**Update for February 25, 2020:** New conditions regarding setbacks and landscaping were added. Specifically, new or changed conditions include:

- Adding properties along Litchford Road to the list of properties alongside which a 10' wide landscaped area or tree conservation area would be provided. A fence also will be provided along the property line. The area addressed by the condition is shown in orange in the map below. The yellow line shows parcels within the overall rezoning site.
- Specifying a 50' setback from the property line adjacent to Carruthers Court properties. The area addressed by this condition is shown in blue in the map below.
- Specifying a 10' landscaped area along 500' of the frontage of Nichols Road. The area addressed by this condition is shown in green in the map below.
- Extending the sidewalk on Nichols Road to Carruthers Court. Shown in purple below.



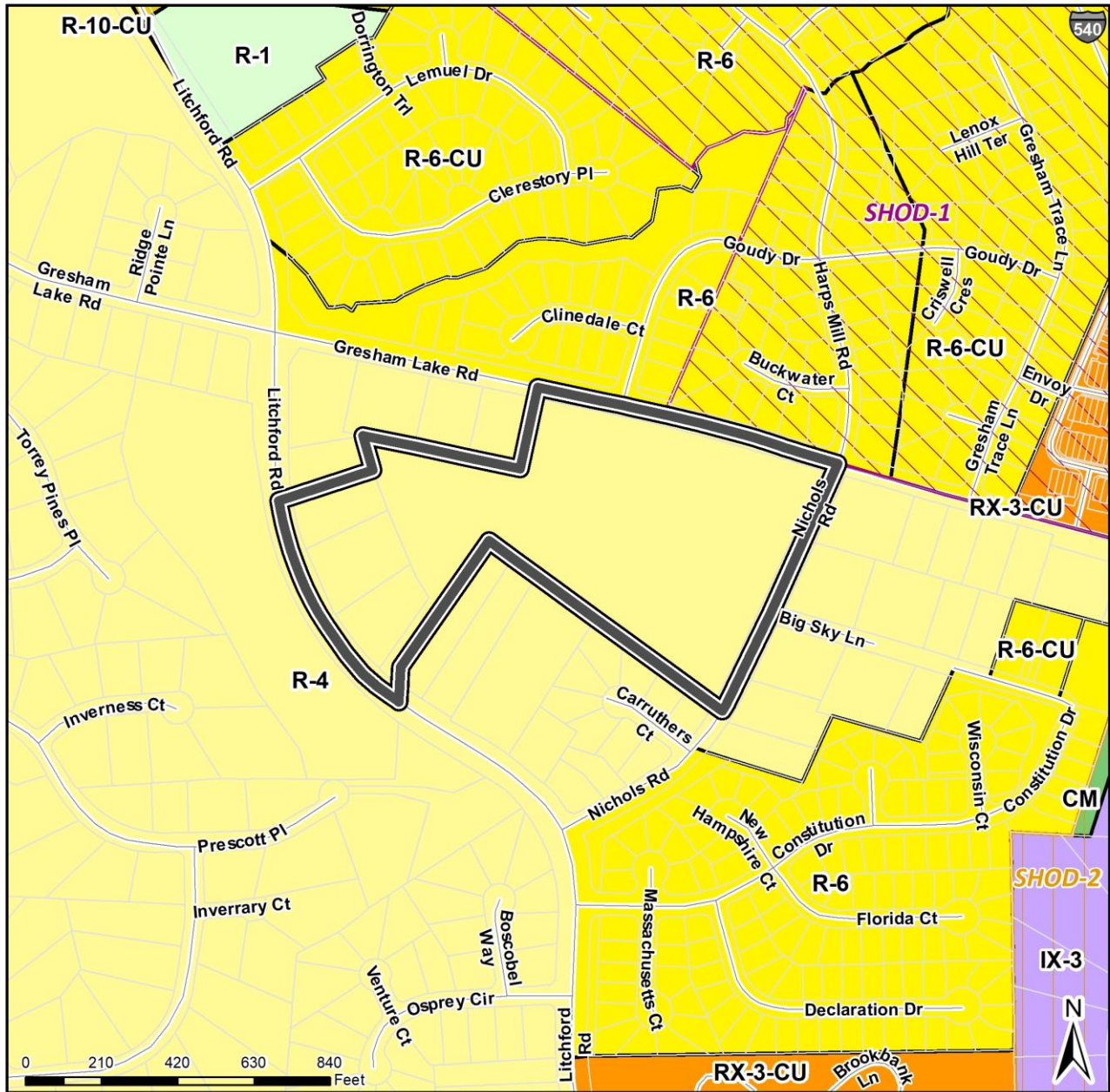
## OUTSTANDING ISSUES

Outstanding Issues	1. None	Suggested Mitigation	1. None needed
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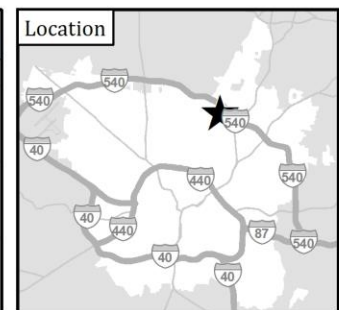


# Existing Zoning

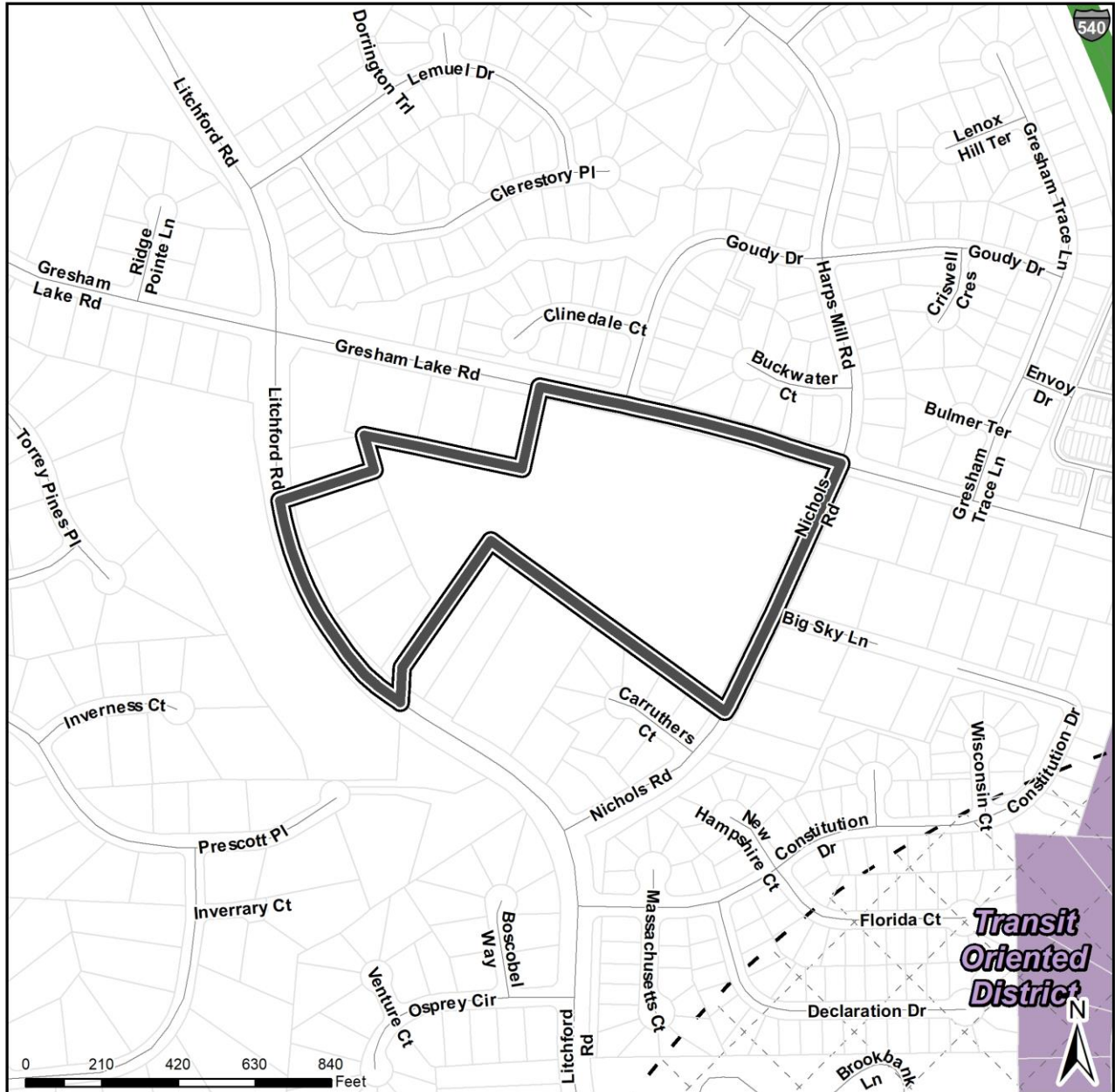
Z-44-2019



<b>Property</b>	2400 Gresham Lake Rd; 7700, 7708, & 7716 Litchford Rd
<b>Size</b>	15.6 acres
<b>Existing Zoning</b>	R-4
<b>Requested Zoning</b>	R-10-CU







<b>Property</b>	2400 Gresham Lake Rd; 7700, 7708, & 7716 Litchford Rd
<b>Size</b>	15.6 acres
<b>Existing Zoning</b>	R-4
<b>Requested Zoning</b>	R-10-CU



# 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. It is consistent with several specific policies, as well as with the theme of Expanding Housing Choices.

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

Yes. The designation of Low Density Residential envisions densities of up to six units per acre; the rezoning would limit density to 5.1 units/acre. The designation envisions townhouses only as part of a development with substantial open space. A condition added on January 8, 2020 specifies an additional 10 percent of open space beyond other code requirements. Additionally, the relatively low density of townhouses at 5.1 units/acre inherently would mean significant open space remains.

- 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?

The use – detached houses or townhouses at low densities - can be established without adversely affecting the recommended land use of the area, which includes detached houses at higher densities and nearby townhouses.

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

Yes, infrastructure is sufficient, as noted in the impacts section of this report.

## Future Land Use

**Future Land Use designation:** Low Density Residential

**The rezoning request is**

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

☐ **Inconsistent**

The request previously had been inconsistent with this designation. However, new conditions added on January 8, 2020 that provide additional open space beyond code requirements means the request is now consistent.

This category envisions densities of up to six units per acre and specifies that “smaller lots, townhouses and multifamily dwellings would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside.”

The request for R-10-CU, by including a condition that limits development to 80 housing units, or 5.1 units per acre, is consistent with the density envisioned by Low Density Residential. The designation envisions townhouses only as part of a development with substantial open space. A condition added on January 8, 2020 specifies an additional 10 percent of open space beyond other code requirements. Additionally, the relatively low density of townhouses at 5.1 units/acre inherently would mean significant open space remains.

## 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 would facilitate townhouses or detached houses at a relatively low density. Densities would be similar to nearby properties, and townhouses at a higher density exist roughly a tenth of a mile east on Gresham Lake Road.

## Public Benefits of the Proposed Rezoning

- The rezoning would expand housing options in the area and provide an option for residents who do not want to maintain a large yard.
- The rezoning would facilitate a relatively more affordable option than new detached houses.
- Townhouses on average are more energy efficient than detached houses, producing less carbon.

## Detriments of the Proposed Rezoning

- None

## Policy Guidance

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

### **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. In areas characterized by detached houses, accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.

- The request would add to housing supply by moderately increasing density and would allow for a larger variety of housing types than would the current R-4 zoning.

### **LU 2.6 Zoning and Infrastructure Impacts**

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

- The request would only minimally increase permitted density, and infrastructure in the area is sufficient to meet increased demand.

### **LU 8.1 Housing Variety**

Accommodate growth in newly developing or redeveloping areas of the city through mixed-use neighborhoods with a variety of housing types.

- The request would allow for a larger variety of housing types than generally found in the area, although townhouses exist nearby on Gresham Lake Road.

### **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 request would not create a sharp change in the development pattern. Densities (at 5.1 units/acre) would be similar to properties developed in recent decades that are zoned R-6 and R-4. Height would be no more than allowed nearby.

The rezoning request previously had been inconsistent with the following policies, but following changes to the request is now **consistent**:

## **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 request for R-10-CU, by including a condition that limits development to 80 housing units, or 5.1 units per acre, is consistent with the density envisioned by Low Density Residential. The designation envisions townhouses only as part of a development with substantial open space. A condition added on January 8, 2020 specifies an additional 10 percent of open space beyond other code requirements. Additionally, the relatively low density of townhouses at 5.1 units/acre inherently would mean significant open space remains.

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

None

## **Area Plan Policy Guidance**

The area is not within an adopted area plan.



# HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

## Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	22	The score is lower than the city average
Walk Score	30	16	The score is lower than the 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:** The site is not near many destinations within walking distance. Development here will tend to produce more and longer car trips than in more walkable locations.

## Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

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

**Summary:** The proposed rezoning would allow building types that are much more energy-efficient than detached houses.

## Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	Would increase permitted density from 4 units/acre to 5.1 units/acre
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	Townhouses, duplexes, and detached houses are allowed.
If not a mixed-use district, does it permit smaller lots than the average?*	Yes	
Is it within walking distance of transit?	No	

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

**Summary: The rezoning would allow housing types that tend to be less expensive than new detached houses.**

# 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

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Millbrook Exchange Park (1.4 miles) and Durant Park (1.5 miles).
3. Nearest existing greenway trail access if provided by Simms Branch Greenway Trail (1.7 miles).
4. Current park access level of service in this area is graded a C letter grade.

**Impact Identified: Moderate increase in use of nearby parks.**

## Public Utilities

1. The proposed rezoning would add approximately 4,500 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.

	Current Use	Current Zoning	Proposed Zoning
<i>Water Use</i>	0	15,500	20,000
<i>Wastewater Use</i>	0	15,500	20,000

**Impact Identified: Moderately increased water and wastewater usage**

## Stormwater

<b>Floodplain</b>	No FEMA floodplain present
<b>Drainage Basin</b>	Perry
<b>Stormwater Management</b>	Subject to stormwater regulations under Article 9 of UDO
<b>Overlay District</b>	none

**Impact Identified:** none

## Transportation

### **Site Location and Context**

#### *Location*

The Z-44-19 site is located in north Raleigh near I-540 on Gresham Lake Road.

#### *Area Plans*

The Z-44-19 site located near the Triangle Town Center area plan but is not within its boundaries.

### **Other Projects in the Area**

The City of Raleigh plans to improve Old Wake Forest Road between Litchford Road and Capital Boulevard. Improvements will include widening to four lane divided cross section bike and pedestrian facilities. The project is scheduled to be under construction in 2021. The City of Raleigh is also planning to add sidewalks to Spring Forest Road, Green Road, and Milbrook Road. NCDOT has begun planning on a project to convert US-1 to a limited-access highway from I-540 to north of the Town of Wake Forest. This project is likely to include construction of parallel access roads as directed by the US-1 Corridor Study conducted by the Capital Area Metropolitan Planning Organization (CAMPO).

### **Existing and Planned Infrastructure**

#### *Streets*

The site has frontage on Litchford, Gresham Lake, and Nichols Roads. All three are maintained by NCDOT. Litchford Road which is designated as a 4-lane divided avenue on map T-1 of the comprehensive plan; Gresham Lake Road is designated as a 2-lane divided avenue; while Nichols Road is a local street that is not designated.

The maximum block perimeter for an R-10 zoning district is 2,500 feet. The existing block perimeter is approximately 4,350. The site can be subdivided in a way that will meet the block perimeter requirements of UDO section 8.3.2.

### *Pedestrian Facilities*

There are no sidewalks currently along the site's frontage. Their construction is required with development of this site.

### *Bicycle Facilities*

Litchford Road has bicycle lanes from Hunting Ridge Road to Woodstone Drive. Gresham Lake Road is designated for a bicycle lane on Map T-3 of the Comprehensive Plan.

*Transit.* This site is not proximal to existing or planned GoRaleigh service.

### *Access*

Access to the subject property may be via Litchford, Gresham Lake, or Nichols roads.

### **TIA Determination**

Approval of case Z-44-19 would increase the amount of projected vehicular trips for the site. The projected increase from the current entitlements to the Proposed Zoning Maximums would be 13 more trips in the AM Peak Hour and 18 more trips in the PM Peak Hour. The net new trips generated due to the rezoning case would not trigger a Traffic Impact Analysis based on the thresholds in the Raleigh Street Design Manual.

Z-43-19 Existing Land Use Vacant	Daily	AM	PM
	0	0	0
Z-44-19 Current Zoning Entitlements R-4	Daily	AM	PM
	585	46	61
Z-44-19 Proposed Zoning Maximums R-10	Daily	AM	PM
	755	59	79
Z-44-19 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>170</b>	<b>13</b>	<b>18</b>

**Impact Identified: Small increase in trips**

### Urban Forestry

Subject to tree conservation requirements.

**Impact Identified: None requiring mitigation**

### Impacts Summary

A small effect on density and a correspondingly small effect on services and infrastructure.

### Mitigation of Impacts

No impacts requiring mitigation beyond that required by code.



## CONCLUSION

The zoning request would permit a moderate amount of additional density – from 4 units per acre to 5.1 units per acre. It also would allow additional residential building types, including duplexes and townhouses, although at a relatively low density. The proposed density is less than that found in zoning districts immediately to the north and a few hundred feet to the south.

Following changes to the conditions that specify the inclusion of more open space, the request is consistent with the Future Land Use Map designation of Low Density Residential. It also is consistent with other Comprehensive Plan policies that encourage additional housing choice and supply. The additional building types that would be permitted by the rezoning are more energy efficient than detached buildings, decreasing carbon emissions. Townhouses also tend to be more affordable than new detached houses.

Overall, the request is consistent with Future Land Use Map and the Comprehensive Plan.

## CASE TIMELINE

Date	Action	Notes
11/12/19	Petition filed	
1/8/20	Conditions revised	Adds 10 percent open space area; 10' landscape/tree conservation areas next to several adjacent properties; prohibits apartment building type
1/14/20	Planning Commission review begins	Deferred to Jan. 28 to allow for CAC vote
1/21/20	CAC vote	Vote: 4 in favor, 32 against
1/28/20	Planning Commission meeting	Deferred to Feb. 11
2/11/20	Planning Commission meeting	Deferred to Feb. 25
2/11/20	Conditions revised	Additional transition conditions (landscaping and setbacks)

# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-4	R-6	R-4	R-4	R-4
Additional Overlay	-	Special Highway Overlay District-1	-	-	-
Future Land Use	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential
Current Land Use	Vacant; residential	Residential	Residential	Residential	Residential
Urban Form	-	-	-	-	-

## CURRENT VS. PROPOSED ZONING SUMMARY

	Existing Zoning	Proposed Zoning
<i>Total Acreage</i>	15.58	
<i>Zoning</i>	R-4	R-10-CU
<i>Max. # of Residential Units</i>	62	80
<i>Residential Density</i>	3.98 units/acre	5.13 units/acre
<i>Max. Gross Commercial SF</i>	-	-

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

**Relevant Planning Commission Minutes February 25, 2020: Z-44-19**

**AGENDA ITEM (D) 3: Z-44-19 – Gresham Lake and Litchford Road**

This case is located at intersections of Gresham Lake Road with Litchford Road and Nichols Road.

This is a request to be rezoned from Residential-4 (R-4) to Residential-10-Conditional Use (R-10-CU).

Planner Hardin gave a brief overview of the case.

**Ms. Winters made a motion to allow the applicant and members of the public additional 6 minutes each to speak as conditions have changed.**

Beth Trahos representing the applicant gave a brief overview.

Martin Leary, 2400 Caruthers Court spoke in opposition though not to development, but the number of additional homes added to the area, stating there is no justification.

Margarita Klein, 7501 Nichols Rd spoke regarding being in opposition stating the homes in the area are R-4 and some R-6 and the requested R-10 doesn't fit and states the new conditions have not addressed the neighbor's concerns.

Beth Trahos responded regarding additional condition and addressing some of the comments previously received from community.

There was further discussion regarding complying with the Future Land Use Map and offer of community benefit to this case.

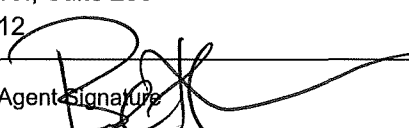
**Mr. Geary made a motion to recommend approve, stating is consistent with Comprehensive Plan Future Land Use Map. Mr. Tomasulo seconded the motion. The vote was unanimous, 7-0.**

# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST				
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #	
Existing Zoning Base District	R-4	Height		Frontage
Proposed Zoning Base District	R-10	Height		Frontage
Overlay(s) _____				
Click <a href="#">here</a> 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:				
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:				
586392				

GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address 2400 Gresham Lake Road and 7700, 7708 and 7716 Litchford Road			
Property PIN See attached		Deed Reference (book/page) See attached	
Nearest Intersection Gresham Lake Road & Litchford Road			
Property Size (acres) See attached	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner/Address See attached		Phone	Fax
		Email	
Project Contact Person/Address Beth Trahos - Nelson Mullins Riley & Scarborough 4140 Parklake Ave., Suite 200 Raleigh, NC 27612		Phone 919-329-3884	Fax
		Email beth.trahos@nelsonmullins.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.

Property Owner/Address	Address	PIN	Deed Book/Page	Property Size (acres)
Crosswind Investments Inc. 2550 Capitol Drive, Ste. 105 Creedmoor, NC 27522	2400 Gresham Lake Road	1717972039	16306/2437	12.93
Fawltz Towers 10212 Creedmoor Rd. Raleigh, NC 27615	7700 Litchford Road	1717865896	17369/2748	.86
4 Pillars Investments, LLC 3505 Warwick Drive Greenville, NC 27858	7708 Litchford Road	1717875041	16868/721	1.04
4 Pillars Investments, LLC 3505 Warwick Drive Greenville, NC 27858	7716 Litchford Road	1717874186	16867/1930	.75



<b>CONDITIONAL USE DISTRICT ZONING CONDITIONS</b>		
Zoning Case Number Z-44-19	<b>OFFICE USE ONLY</b>	
Date Submitted February 13, 2020	Transaction #	
Existing Zoning R-4	Proposed Zoning R-10 CU	Rezoning Case #
<b>Narrative of Zoning Conditions Offered</b>		
<p>1. No more than 80 dwelling units shall be permitted.</p> <p>2. The Apartment Building Type shall not be permitted on the subject property.</p> <p>3. A solid wooden fence at least six feet (6') in height and a minimum of ten foot (10') wide landscape buffer or Tree Conservation Area shall be provided on the subject property adjacent to the following parcels: 7800 Litchford Road (Deed Book 14043, Page 156); 2308 Gresham Lake Road (Deed Book 16024, Page 320); 2312 Gresham Lake Road (Deed Book 1903, Page 199); 2320 Gresham Lake Road (Deed Book 8589, Page 736); 2417 Carruthers Court (Estate File 14-E-3784); 2413 Carruthers Court (Deed Book 13718, Page 135); 2409 Carruthers Court (Deed Book 11499, Page 1402); 2405 Carruthers Court (Deed Book 17235, Page 949); 7600 Litchford Road (Estate File 16-D-2094); 7604 Litchford Road (Deed Book 10975, Page 2275); and 7608 Litchford Road (Deed Book 14129, 284). In the event this buffer is used as a part of a Tree Conservation Area for the site, this buffer shall remain in its natural vegetated state so to count toward the required Tree Conservation Area. In the event a buffer is installed, the plantings shall consist of four (4) Shade Trees per 100 linear feet and four (4) under-story trees per 100 linear feet.</p> <p>4. In addition to the UDO requirements for Tree Conservation Area (10% of a site) and Amenity Area (10% of a site) as applicable, 10 percent (10%) of the subject property shall be comprised of at least one of the following areas: Tree Conservation Area, Amenity Area, or Open Space, as all capitalized terms are defined or described in the UDO. The additional 10% of land area may be comprised of a single use or a combination of uses. If Open Space is utilized to meet the land area above UDO requirements, the additional Open Space need not comply with the dimensional standards required for Open Space in the UDO and shall not be considered required common space under the UDO. If Amenity Area is utilized to meet the land area above UDO requirements, the dimensional requirements for Amenity Area found in UDO Section 1.5.3.C.3 shall be met. Only the "Allowed Uses" described in UDO Section 2.5.4. will be provided in the additional open area provided.</p> <p>5. No dwelling unit shall be located within fifty feet (50') of the following properties: 2417 Carruthers Court (Estate File 14-E-3784); 2413 Carruthers Court (Deed Book 13718, Page 135); 2409 Carruthers Court (Deed Book 11499, Page 1402); 2405 Carruthers Court (Deed Book 17235, Page 949);</p> <p>6. A minimum ten foot (10') wide landscape buffer shall be provided on the subject property directly across Nichols Road from the following properties: 7612 Nichols Road (Deed Book 13311, Page 1530); 7534 Nichols Road (Deed Book 7576, Page 20) and 7530 Nichols Road (Deed Book 9477, Page 1220). Plantings within the buffer shall consist of at least four (4) Shade Trees per 100 linear feet and four (4) under-story trees per 100 linear feet.</p>		

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 \_\_\_\_\_ Print Name \_\_\_\_\_

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number Z-44-19		OFFICE USE ONLY  Transaction #  Rezoning Case #
Date Submitted February 13, 2020		
Existing Zoning	Proposed Zoning	
Narrative of Zoning Conditions Offered		
<p>7. In addition to the sidewalk the property owner will be required to install on the subject property along Nichols Road, the property owner shall install sidewalk off-site within the existing right-of-way of Nichols Road south to its intersection with Carruthers Court and shall provide an ADA accessible curb, all subject to North Carolina Department of Transportation and City of Raleigh approval. Nothing herein shall require the property owner to obtain additional off-site right-of-way along Nichols Road.</p>		

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 \_\_\_\_\_ 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>Rezoning to R-10 CU, with the condition limiting density to 80 total dwelling units, is consistent with future land use</p>	
<p>1. designation of low density residential. Planned single-family homes are consistent with definition of low density residential future use. Current site is vacant/undeveloped, and the low density residential designation often</p>	
<p>2.</p>	
<p>3.</p>	
<p>4.</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>Undeveloped and vacant parcel will be developed in accordance with designated future land use as low density</p>	
<p>1. residential.</p>	
<p>Proposed development will offer new housing options to residents of the area.</p>	
<p>2.</p>	
<p>3.</p>	
<p>4.</p>	

REZONING APPLICATION ADDENDUM #2	
<p align="center"><b>Impact on Historic Resources</b></p> <p>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.</p>	<p align="center"><b>OFFICE USE ONLY</b></p> <p align="center"><b>Transaction #</b></p> <p align="center"><b>Rezoning Case #</b></p>
<p align="center"><b>INVENTORY OF HISTORIC RESOURCES</b></p> <p>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.</p> <p>The proposed parcel does not include any historic resources. As such, we believe this field is not applicable to our rezoning request.</p>	
<p align="center"><b>PROPOSED MITIGATION</b></p> <p>Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.</p> <p>The proposed parcel does not include any historic resources. As such, we believe this field is not applicable to our rezoning request.</p>	



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

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October 9, 2019

Dear Sir or Madam:

You are invited to attend a neighborhood meeting on Wednesday, October 23<sup>rd</sup> at 7 p.m. at Millbrook Exchange Park Community Center, 1905 Spring Forest Road, Raleigh, North Carolina.

The purpose of this meeting is to discuss a potential rezoning of the properties totaling 15.5± acres and located at 2400 Gresham Lake Road, 7700 Litchford Road, 7708 Litchford Road, and 7716 Litchford Road in Raleigh. The property is currently zoned Residential-4, and the landowners are considering rezoning it to Residential-10 Conditional Use zoning district to allow for up to 80 homes built by M/I Homes. This represents a density of less than 6 units per acre.

We held prior community meetings on March 7<sup>th</sup> and June 7<sup>th</sup> to discuss rezoning this property. We have revised the planned house type for the property. Homes will be detached and will share attached sheds at the rear of the property. Similar homes were built by M/I Homes in Middleton in Apex last year. Elevations will be on display at the meeting.

The City of Raleigh requires that prior to the submittal of any rezoning application an invitation to a neighborhood meeting be sent to all property owners within 500 feet of the area requested for rezoning. For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at: 919.996.2622 or by email at: [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Please join us to discuss the proposal in more detail on October 23<sup>rd</sup> at 7 p.m. In the interim, please do not hesitate to contact me with questions at 919.329.3884 or at [beth.trahos@nelsonmullins.com](mailto:beth.trahos@nelsonmullins.com). Thank you in advance for your time.

Very truly yours,

Elizabeth C. Trahos

# Neighborhood Meeting 10/23/19

<u>Name</u>	<u>Address</u>	<u>Email</u>
Ronald Evans	6700 Litchford Rd.	RonaldEvansALB@gmail.com
Mary Jo Jernier	8829 Harpo mill	mmmm0122@gmail.com
Chuck + Betty Hardy	1929 Torrey Pine place	bhardy1945@gmail.com
William Miller	7800 Litchford	wtmiller58@gmail.com
Brian Luter	3413 Carruthers Ct.	Tuterguy@yahoo.com
Dave Bessak	2408 Cornithy Ct	
Marta Luen	2700 Cornithy Ct	
ARTHUR KIMBELL	7608 LITCHFORD RD	
LISA JONES	2412 CLEGGSTON PLACE	LJONES@NCCOASTALPINES.ORG

Neighborhood meeting minutes  
Millbrook Exchange Park  
October 23, 2019

2400 Gresham Lake and 7700, 7708 and 7716 Litchford Road

The meeting began at 7 p.m. Beth Trahos welcomed everyone and introduced Erica Leatham of M/I Homes, and Brandon Moore and Susan Joplin of The Site Group, all of whom were there on behalf of the applicant.

She reminded the group of the site location using a large aerial photo of the area.

She provided an update to the group that since the last meeting the type of homes proposed had changed- the planned homes would include sheds at the rear of the home would be attached. As had been requested at the last meeting, a photo of similar homes constructed by M/I Homes in Apex was on display for the group to see. Much discussion was had about the planned homes, including yard sizes, separation between the homes, distance from the street, price point of the similar homes in Apex that were sold in 2018, and the anticipated price point of these homes.

Ms. Joplin spoke about stormwater in the site and city regulations that address stormwater. She noted that the site did not drain across Litchford Road and so there would be no impact on existing ponds there, as was a concern of one neighbor.

There was a question about future widening of Litchford Road. Mr. Moore spoke about the city's plan to widen the road and install a median, limiting left turns from the site onto Litchford Road.

In prior meetings, the proposed R-10 CU zoning, density, housing type, stormwater, traffic and buffers were all discussed.

Ms. Trahos thanked the group for attending and the meeting was adjourned about 7:45.

After the meeting adjourned, several attendees, walked to the front of the room to look more carefully at the aerial map and discuss their particular properties.