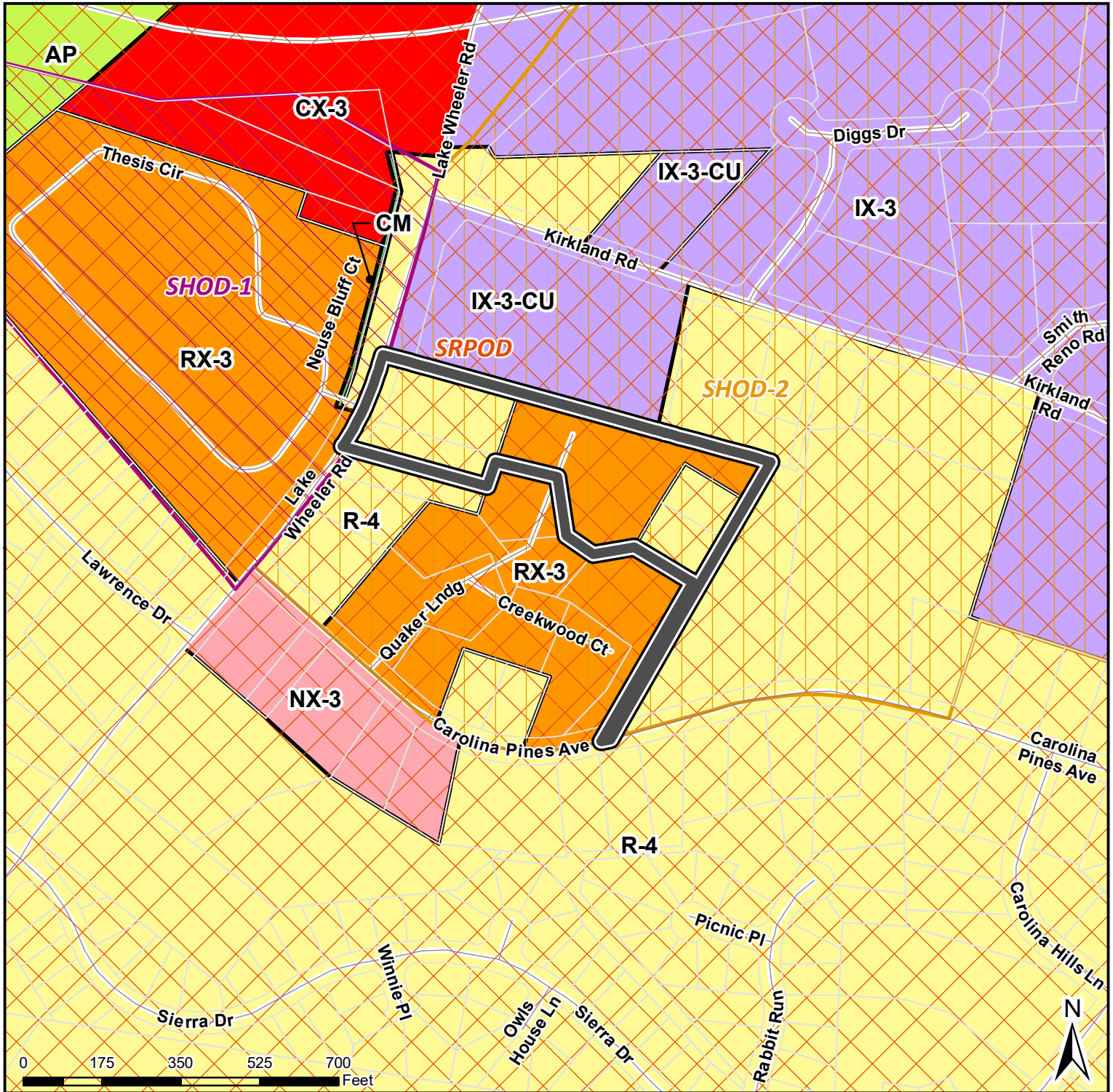
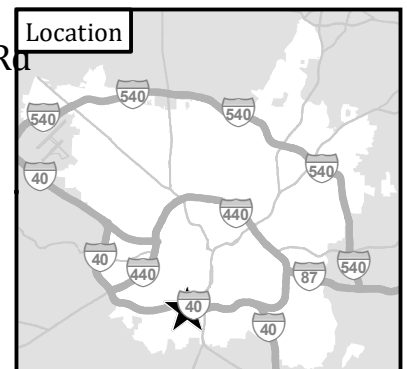


Existing Zoning

Z-55-2020



Property	2000, 2006 & 2010 Batts St; 2023 & 2027 Lake Wheeler Rd
Size	4.75 acres
Existing Zoning	R-4 & RX-3 w/SRPOD & SHOD-2
Requested Zoning	NX-3-CU w/SRPOD & SHOD-2



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Jason Hardin, AICP, Senior Planner
Department	Planning and Development
Date	August 2, 2021
Subject	City Council public hearing for August 17, 2021 – Z-55-20 Lake Wheeler Road and Batts Street

On July 6, 2021, City Council authorized the public hearing for the following item:

Z-55-20 2023 and 2027 Lake Wheeler Road and 2000, 2006, and 2020 Batts Street, approximately 4.75 acres located on the [east side of Lake Wheeler Road, approximately 300 feet south of Kirkland Road](#).

Signed zoning conditions provided on July 1, 2021 specify that Batts Street will be limited to pedestrian and emergency access. If a full public street connection is possible in the future, vehicle access would be permitted at that time.

Current zoning: Residential-4 (R-4) and Residential Mixed Use-Three Stories (RX-3) w/Special Highway Overlay District-2 (SHOD-2) and Special Residential Parking Overlay District (SRPOD)

Requested zoning: Residential Mixed Use-Three Stories-Conditional Use (RX-3-CU). The SHOD-2 and SRPOD overlays would remain in place.

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

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

The Planning Commission recommends approval of the request (6-1). The commissioner voting in opposition stated that the vote was not on the merit of the case but due to the fact that the Dix Edge Study is pending, with no final recommendations yet on land use for this area.

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



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#13032

CASE INFORMATION: Z-55-20 LAKE WHEELER ROAD

Location	On the east side of Lake Wheeler Road, approximately 330 feet south of Kirkland Road Address: 2023 and 2027 Lake Wheeler Road and 2000, 2006, and 2020 Batts Street PINs: 0792990312, 0792990462, 0792993385, 0792995164, and 0792996241 iMaps , Google Maps , Transit , Driving Directions from City Hall
Current Zoning	R-4 and RX-3 w/SHOD-2 and SRPOD
Requested Zoning	RX-3-CU w/SHOD-2 and SRPOD
Area of Request	4.75 acres
Corporate Limits	The subject site is located within the corporate limits and is surrounded by properties also within corporate limits.
Property Owner	Ram A. Desai and Pooja Lavani, HLP Group LLC, and Vasant A. and Arvind S. Lavani
Applicant	Ram A. Desai and Pooja Lavani, HLP Group LLC, and Vasant A. and Arvind S. Lavani
Council District	D
PC Recommendation Deadline	September 20, 2021

SUMMARY OF PROPOSED CONDITIONS

1. Batts Street will be limited to pedestrian and emergency access. If a full public street connection is possible in the future, vehicle access would be permitted at that time.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Moderate Density Residential
Urban Form	None
Consistent Policies	LU 2.2—Compact Development LU 7.3—Single-family Lots on Major Streets LU 8.1—Housing Variety LU 8.10—Infill Development EP 1.1—Greenhouse Gas Reduction H 1.8—Zoning for Housing

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
October 20, 2020, three attendees	June 2, 2021, 11 attendees	June 22, 2021. Recommend approval, 6-1	July 6, 2021

PLANNING COMMISSION RECOMMENDATION

The rezoning case is **Inconsistent** 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:

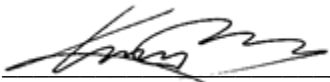
Reasonableness and Public Interest	<p>The proposal would provide more opportunities for housing in a place that is more walkable than the city average and that is served by transit, therefore reducing per capita carbon emissions and other air pollutants.</p> <p>The proposal would allow more units than current zoning in building types, such as apartments and townhouses, that are significantly more energy-efficient than detached houses. This results in much smaller amounts of per capita carbon emissions.</p> <p>The proposal would allow for additional housing choice for residents who do not want to live in a detached house or are at a stage in life where a detached house and yard is not feasible or suited to their household.</p> <p>The proposal allows housing types that are, relative to new detached houses, more affordable.</p>
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	The proposal would support community-serving businesses in the area by providing additional customers.
Change(s) in Circumstances	Growing demand for housing in the city. The need to reduce per capita carbon emissions.
Amendments to the Comprehensive Plan	If approved, the Future Land Use Map will be amended as to the subject parcel(s) only from Moderate Density Residential to Medium Density Residential.
Recommendation	Approve (6-1)
Motion and Vote	Motion: Rains Second: Elder In Favor: Elder, Lampman, Mann, McIntosh, Miller and Rains Opposed: Bennett
Reason for Opposed Vote(s)	Not opposed on the merits, but noted that the site is within the Dix Edge area study, which is ongoing.

ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions
4. Comprehensive Plan Amendment Analysis

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: 6/22/21

Staff Coordinator: Jason Hardin: (919) 996-2657; Jason.Hardin@raleighnc.gov



ZONING STAFF REPORT – CASE Z-55-20

Conditional Use

Overview

The proposal seeks to rezone five parcels totaling 4.75 acres along the east side of Lake Wheeler Road. The property is located approximately a quarter of a mile south of Interstate 40. Two of the parcels front on Lake Wheeler Road, with the rest further east. The site is currently zoned a mix of R-4 and RX-3. The request is to apply RX-3-CU zoning to the entire site.

The condition would limit Batts Street to pedestrian and emergency access until a potential full street connection could be made. The existing Special Residential Parking Overlay District and Special Highway Overlay District-2 would both remain.

The site is currently partially developed, with the developed parcels occupied by detached houses. Adjacent parcels contain a range of uses and zoning categories. Uses to the north include a self-service storage facility and residential; to the west and south, residential; and to the east, a church.

In terms of zoning, adjacent properties are largely residential or residential mixed use, with the exception of the property to the north, which is zoned IX-3-CU. Properties to the west are zoned RX-3 and R-4, as are properties to the south. The area east of the site is zoned R-4.

The Future Land Use Map designates most of the subject property as Moderate Density Residential. Again, surrounding designations are mixed. Properties to the north are designated for Office and Residential Mixed Use; to the west, Medium Density Residential; to the south and east, Moderate Density Residential. No properties in the area are designated on the Urban Form Map.

A previous rezoning request for these properties, plus one additional parcel, was filed in 2015 and denied in 2017. That request, [Z-42-15](#), originally involved a request for Community Mixed Use, with the stated intent being a hotel. The request was later modified to Residential Mixed Use and received a unanimous recommendation in favor of approval from the Planning Commission before being denied by City Council.

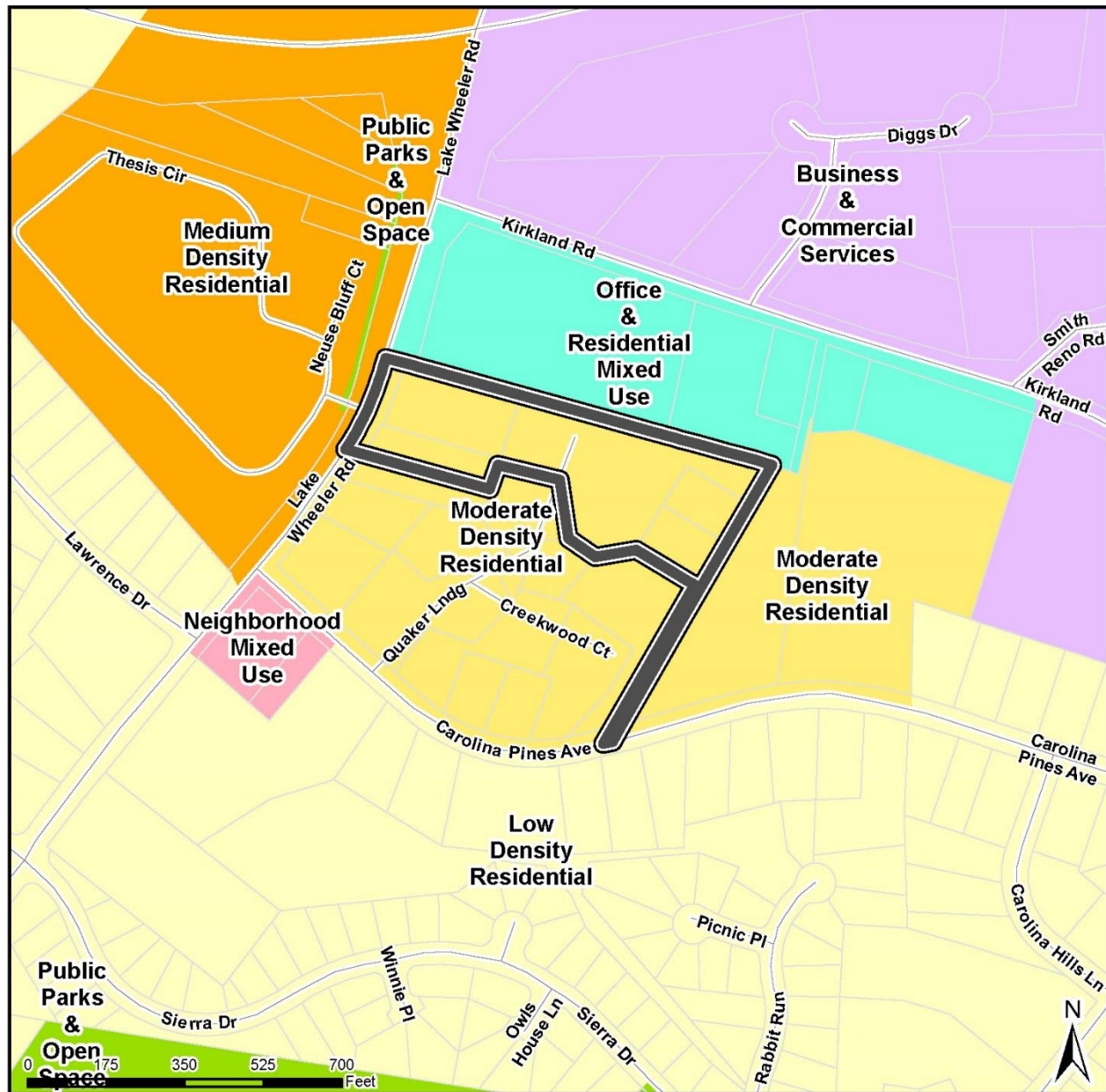
The site is served by transit and is within walking distance of the State Farmers Market and Dix Park, although pedestrian infrastructure currently does not exist along Lake Wheeler Road north of the Farmers Market. It also is within the Dix Edge Area Study. That plan is considering land use, transportation, and other issues in the area. The study is expected to be complete in Fall 2021.

OUTSTANDING ISSUES

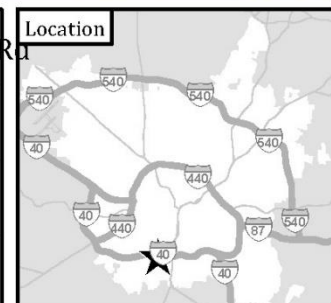
Outstanding Issues	1. None	Suggested Mitigation	1. None
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Future Land Use

Z-55-2020



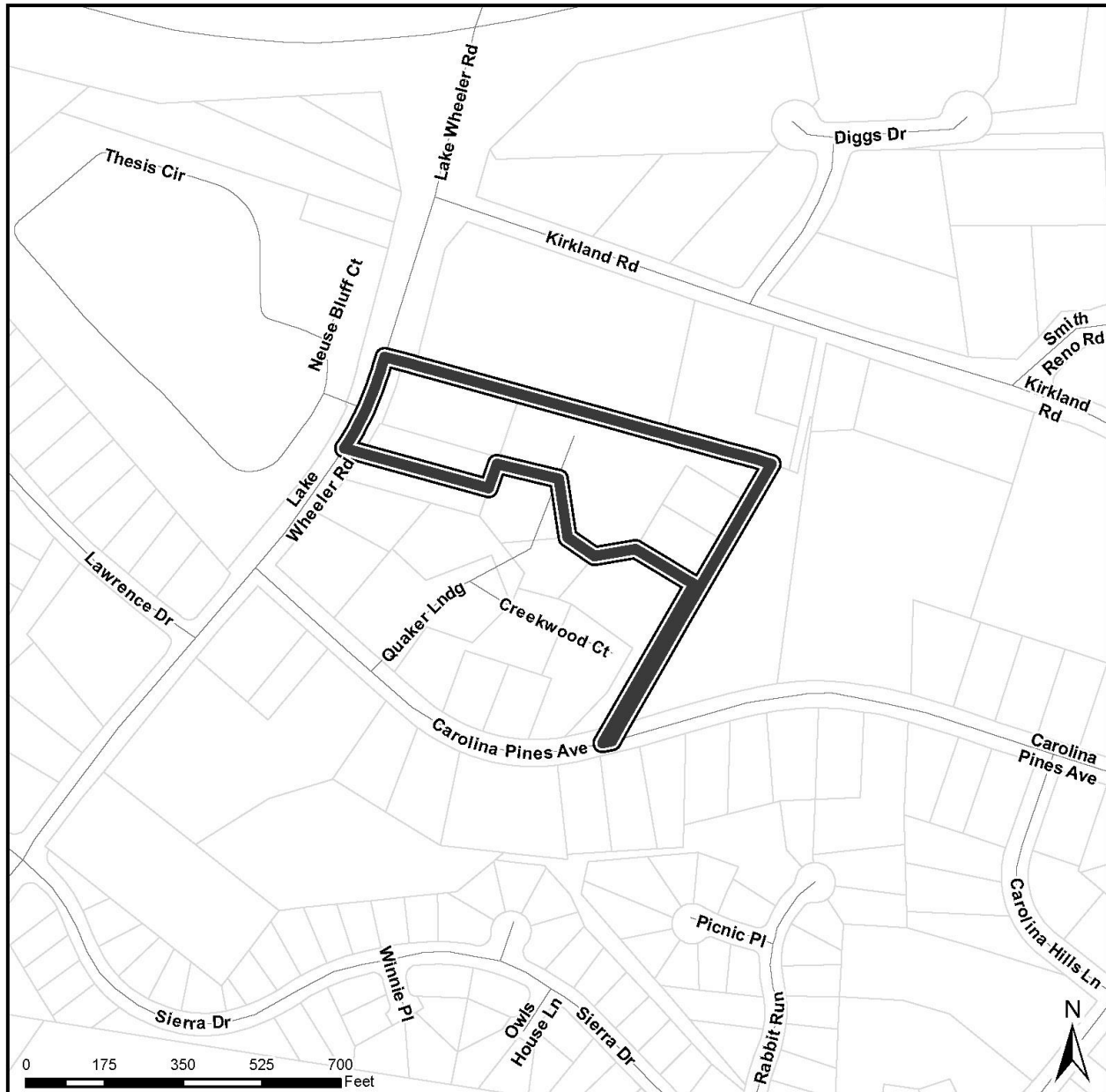
Property	2000, 2006 & 2010 Batts St; 2023 & 2027 Lake Wheeler Rd
Size	4.75 acres
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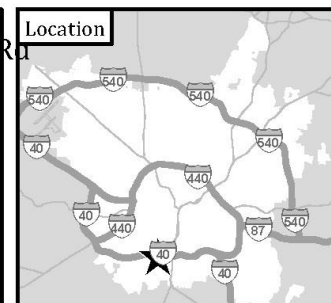
Map by Raleigh Department of City Planning (mansolf); 4/8/2021

Future Land Use

Z-55-2020



Property	2000, 2006 & 2010 Batts St; 2023 & 2027 Lake Wheeler Rd
Size	4.75 acres
Existing Zoning	R-4 & RX-3 w/SRPOD & SHOD-2
Requested Zoning	RX-3-CU w/SRPOD & SHOD-2



Map by Raleigh Department of City Planning (mansolf): 4/8/2021

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, which would allow more housing in an area where frequent transit service is planned, is consistent with several themes of the plan, including Expanding Housing Choices, Coordinating Land Use and Transportation, and Greenprint Raleigh—Sustainable Development.

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

Yes. The Future Land Use Map's designation of Moderate Density Residential envisions residential uses in the area, which aligns with the request for RX-3-CU. The density that would be permitted is potentially higher than the density envisioned for that category, which is up to 14 units per acre. The rezoning does not include any specific limitations on density, although the three-story height limit creates an effective limit on the number of units.

- 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 is specifically designated on the FLUM.

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

Existing infrastructure is sufficient to serve the use.

Future Land Use

Future Land Use designation: Moderate Density Residential

The rezoning request is

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

☒ **Inconsistent**

The request is for RX-3, which is consistent with the Moderate Density Residential category in terms of allowing primarily residential uses. It is not fully consistent with the category, which envisions up to 14 units per acre, in terms of density. The rezoning does not include any specific limitations on density, although the three-story height limit creates an effective limit on the number of units.

Urban Form

Urban Form designation: None

The rezoning request is

- ☐ **Consistent** with the Urban Form Map.
- ☐ **Inconsistent**
- ☒ **Other**

No urban form designation exists

Compatibility

The proposed rezoning is

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

The property is bordered by other residential and commercial uses.

Public Benefits of the Proposed Rezoning

- The proposal would provide more opportunities for housing in a place that is more walkable than the city average and that is served by transit, therefore reducing per capita carbon emissions and other air pollutants.
- The proposal would allow more units than current zoning in building types, such as apartments and townhouses, that are significantly more energy-efficient than detached houses. This results in much smaller amounts of per capita carbon emissions.
- The proposal would allow for additional housing choice for residents who do not want to live in a detached house or are at a stage in life where a detached house and yard is not feasible or suited to their household.
- The proposal allows housing types that are, relative to new detached houses, more affordable.
- The proposal would support community-serving businesses in the area by providing additional customers.

Detriments of the Proposed Rezoning

- None

Policy Guidance

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

LU 2.2 Compact Development - New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

- *The request would allow a more compact form of development in an area that has already been developed and that is served by public services and infrastructure, minimizing the need to expand services and infrastructure on the city's fringes.*

LU 7.3 Single-family Lots on Major Streets - No new single-family residential lots should have direct vehicular access from major streets, in an effort to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to major streets.

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 more units in a range of building types than the current zoning.*

Policy LU 8.10 Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

EP 1.1 Greenhouse Gas Reduction - Promote best practices for reducing greenhouse gas emissions as documented through the U.S. Mayors' Climate Protection Agreement.

- *The request would allow for carbon reduction in two ways that the city has the power to control. The proposal would allow additional homes in a walkable location served by transit, which reduces vehicle miles traveled and associated carbon emissions. It also permits more density within building types such as Townhouse and Apartment, which are more energy-efficient than detached houses.*

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 proposal would expand the housing supply and provide more housing diversity.*

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

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 is for RX-3, which is consistent with the Moderate Density Residential category in terms of allowing primarily residential uses. It is not fully consistent with the category, which envisions up to 14 units per acre, in terms of density. The rezoning does not include any specific limitations on density, although the three-story height limit creates an effective limit on the number of units.*

Area Plan Policy Guidance

- Not applicable

Equity and Climate Change Analysis

Transportation Cost and Energy Analysis

	City Average	Site	Notes
Transit Score	30	24	The site is served by route 71. The nearest stop is located 0.1 miles from the site on Carolina Pines Avenue.
Walk Score	30	37	The site is more walkable than the city as a whole, and is close to the State Farmers Market and Dix Park.
Bike Score	41	39	A greenway trail exists just north of Interstate 40.
HUD Low Transportation Cost Index	[Not applicable, index is expressed as a percentile.]	76	Transportation costs are likely to be lower for future residents than in many other parts of Raleigh.
HUD Jobs Proximity Index	[Not applicable, index is expressed as a percentile.]	75	The jobs proximity index is fairly high. There are many jobs that are easily accessible from the site.

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	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.

Housing Supply and Affordability

Does the proposal add or subtract from the housing supply?	Adds	The request would allow nearly twice as many households as does current zoning (75 to 138)
Is naturally occurring affordable housing present on the site?	See note	Two existing detached houses exist on the 4.75-acre site, both with building values lower than \$28,000, suggesting near-term replacement is likely. Under current zoning, they could only be replaced by detached houses.
Does the proposal include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	All residential building types would be allowed, including types such as townhouse and apartment that are less expensive on average than detached houses.
If not a mixed-use district, does it permit smaller lots than the average? *	Yes	It is a mixed-use district.
Is it within walking distance of transit?	Yes	It is within a short walk of transit, which means potentially lower combined housing and transportation costs.

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

Demographic Indicators from EJSCREEN*

Indicator	Site Area	Raleigh
Demographic Index** (%)	50	38
People of Color Population (%)	54	46
Low Income Population (%)	46	30
Linguistically Isolated Population (%)	6	3
Population with Less Than High School Education (%)	16	9
Population under Age 5 (%)	9	6

Population over Age 64 (%)	5	11
% change in median 2 bedroom rent 2015-2019	20.0	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. 1018 v 845

Health and Environmental Analysis

What is the life expectancy in this zip code tract? Is it higher or lower than the County average (78.1 years)?	81.8	The life expectancy for residents in the area is higher than the county average.
Are there known industrial uses or industrial zoning districts within 1,000 feet?	Yes	Light industrial and warehouse uses and industrial zoning exists within 1,000 feet. No heavy industrial uses exist there.
Are there hazardous waste facilities located within one kilometer?	No	
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	Yes	Flood-prone soils are present in the stream corridor that crosses the site.
Is this area considered a food desert by the USDA?	Yes	The broader tract is considered to be a food desert, but the site is less than a mile from a grocery store.

Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	Yes	The property was annexed in 1960, before the Fair Housing Act was passed.
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	
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	

*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

- 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 proposal would allow significantly more housing on a site in a location that is close to employment, parks, and other amenities. It is served by transit and is more walkable than the city as a whole, meaning it will have lower per-capita carbon emissions. It also allows housing types, such as apartments and townhouses, that are much more energy-efficient than detached houses, again bringing down per-capita carbon emissions.
- 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: Residents in the area have lower incomes on average than city residents as a whole, although the presence of university students may affect that statistic. The rezoning would add to housing supply and assist in improving affordability in the area.
- Have housing costs in this area increased in the last few years? If so, are housing costs increasing faster than the city average?
Response: Rental housing costs for two-bedroom units have increased at a rate similar to that for Raleigh as a whole. Adding housing will help in moderating rents in the immediate area and in the region.
- 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 specific instances have been identified.

5. Do residents of the area have disproportionately low life expectancy, 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: Residents of the area have higher life expectancy than the overall population of Wake County. Exposure to environmental hazards and toxins appears to be minimal.

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 Carolina Pines Park (0.4 miles) and Dorothea Dix Park (0.8 miles).
- Nearest existing greenway trail access is provided by the Walnut Creek Greenway Trail (0.6 miles).
- Current park access level of service in this area is graded an A letter grade.

Impact Identified: Increased park usage

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	760 gallons/day	18,975 gallons/day	34,910 gallons/day
Wastewater	760 gallons/day	18,975 gallons/day	34,910 gallons/day

Impact Identified: Increased utility demand

Stormwater

Floodplain	None
Drainage Basin	Walnut
Stormwater Management	UDO 9.2
Overlay District	None

Site subject to Stormwater regulations under UDO 9.2 for runoff and nitrogen. No floodplain exists onsite. Flood prone soils present. Possible Neuse Buffers exist.

Impact Identified: None requiring mitigation

Transportation

Site and Location Context

Location

The Z-55-20 site is in Southwest Raleigh on Lake Wheeler Road and Batts Drive between Carolina Pines Avenue and Kirkland Road.

Area Plans

The Z-55-20 site is not located in an area of an adopted area plan (Map AP-1) in the Comprehensive Plan, however it is located within the Dix Edge Area Study, which is currently in the planning process. This plan is looking at the Caraleigh, Fuller Heights, Wheeler Crossing, Carolina Pines, Wheeler Park, Walnut Terrace and Gateway Park neighborhoods and will make recommendations to mitigate displacement and gentrification, improve the transportation network for all users, address the health of the creek and stormwater, and urban design in the study area. The plan is expected to be completed in Fall 2021 adopted in Winter 2022.

Existing and Planned Infrastructure

Streets

Lake Wheeler Road is designated as a divided 2-lane avenue in the Raleigh Street Plan (Map T-1 in the Comprehensive Plan); Carolina Pines Avenue is designated as an undivided 2-lane avenue. Lake Wheeler Road is maintained by NCDOT, while Carolina Pines Road is maintained by the City of Raleigh.

The existing block perimeter for the site is more than 15,000 feet and is constrained by I-40. In accordance with UDO section 8.3.2, the maximum block perimeter for RX-3 zoning districts is 3,000 feet.

Pedestrian Facilities

Sidewalks are complete on the western side of Lake Wheeler Road from Centennial Boulevard to Tryon Road. Sidewalks are also complete on the eastern side of Lake Wheeler Road directly north of the site to Kirkland Drive. There are no existing sidewalks along the Z-55-20 site's frontage. There is no existing sidewalk along Carolina Pines Avenue, but these will be constructed by the City of Raleigh as a part of the Carolina Pines Improvement Project. This project is currently in Right of Way Acquisition and is expected to be completed in Spring 2024. UDO Article 8.5 requires construction of sidewalks for subdivisions or tier 3 site plans.

Bicycle Facilities

There are no existing on-street bicycle facilities along Lake Wheeler. The BikeRaleigh Plan (Map T-3 in the 2030 Comprehensive Plan) calls for a separated bikeway on Lake Wheeler Road. South of the site, the City is constructing a multi-use path along the southern side of Carolina Pines from Lake Wheeler Road to Oak Road as part of the Carolina Pines Avenue Improvement Project. This project is currently in Right of Way Acquisition and is expected to be completed in Spring 2024.

Transit

GoRaleigh Route 7L operates eastbound along Carolina Pines Avenue on its route between Tryon Road and Southgate Plaza, with service every 30 minutes during peak hours and every hour at other times and on weekends and holidays. Westbound service operates at the same frequency along Sierra Drive and Henslowe Drive. The nearest stop is located 0.1 miles from the site on the southern side of Carolina Pines Avenue.

Access

The Z-55-20 site is accessed by Lake Wheeler Road.

Other Projects in the Area

There are several projects within a mile of the Z-55-20 site:

- A tenth of a mile south of the site is the Carolina Pines Avenue Improvement Project. This project will make several improvements along Carolina Pines Avenue from Lake Wheeler road to Oak Road. Improvement include improved pedestrian facilities, a multi-use path, traffic calming measures, improved transit facilities, and stormwater controls. The project is currently in the Right of Way Acquisition Phase and is expected to be completed Spring 2024.
- Three quarters of a mile north of the site, the City of Raleigh is beginning design of a project to improve the Lake Wheeler Road from Centennial Parkway to South Saunders Street. Improvements will include sidewalks, bikeways, improved pedestrian crossings, curb and gutter, and traffic calming treatments.
- A mile north of the site is the Dix Park Plaza and Play project, which is the first phase described in the Dix Park Master Plan. The Plaza & Play covers approximately 18 acres in Dix Park along the Lake Wheeler edge and will include play spaces, a civic plaza, fountains, gardens, and areas to cook out.
- The site is within the Dix Edge Area Study, which is currently in the planning process. This plan is looking at the Caraleigh, Fuller Heights, Wheeler Crossing, Carolina Pines, Wheeler Park, Walnut Terrace and Gateway Park neighborhoods and will make recommendations to mitigate displacement and gentrification, improve the transportation network for all users, address the health of the creek and stormwater, and urban design in the study area. The plan will also analyze the potential realignment of Lake Wheeler Road and Centennial Parkway as outlined in NCDOT's Dix Park Access Plan. The study is expected to be completed in Fall 2021.
- A mile south of the site is the Tryon Road Widening Project. This project will widen Tryon Road between Lake Wheeler Road and Par Drive and will include signal

improvements, sidewalks, improved pedestrian crossings, and bike lanes. The project is under construction and is expected to be completed by February 2022.

Traffic Impact Analysis (TIA) Determination

Based on the Envision results, approval of case Z-55-20 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 and RX-3 w/SHOD-1 & SRPOD to RX-3-CU w/SHOD-1 & SRPOD is projected to generate 29 new trips in the AM peak hour and 35 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. A TIA may be required during site permit review.

Z-55-20 Existing Land Use	Daily	AM	PM
Residential, Vacant, and Parking	28	2	3
Z-55-20 Current Zoning Entitlements	Daily	AM	PM
Residential Mixed Use	549	35	42
Z-55-20 Proposed Zoning Maximums	Daily	AM	PM
Residential Mixed Use	1,010	63	77
Z-55-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	461	29	35

Impact Identified: Increased trips

Urban Forestry

Tree conservation regulations will apply

Impact Identified: None requiring additional mitigation beyond code

Impacts Summary

Increased demand for services and utilities

Mitigation of Impacts

No mitigation beyond code is necessary

CONCLUSION

The request would add housing opportunity and choice in a location served by transit and that is more walkable than the city as a whole. It would reduce per-capita carbon emissions from transportation and by allowing more energy-efficient housing types. It would improve affordability by adding to supply and allowing housing types that are less expensive than detached houses.

The request is inconsistent with the Future Land Use Map, as it would permit more residential units than the Moderate Density Residential category envisions. It is consistent with the map, however, in terms of uses permitted.

Overall, the proposal is consistent with key Comprehensive Plan policies that encourage housing choice and housing affordability and that support carbon reduction. Accordingly, it is consistent overall with the Comprehensive Plan.

CASE TIMELINE

Date	Action	Notes
10/20/20	First neighborhood meeting	Three attendees
10/28/20	Petition filed	Request for NX-3-CU; request incomplete
3/30/21	Request received	RX-3-CU
4/14/21	Application complete	
6/2/21	Second neighborhood meeting	11 attendees
6/22/21	Planning Commission review begins	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	RX-3, R-4	IX-3-CU, R-4	RX-3, R-4	R-4	RX-3
Additional Overlay	SRPOD, SHOD-2	SRPOD, SHOD-2	SRPOD, SHOD-2	SRPOD, SHOD-2	SRPOD, SHOD-1
Future Land Use	Moderate Density Residential	Office and Residential Mixed Use	Moderate Density Residential	Moderate Density Residential	Medium Density Residential
Current Land Use	Residential, vacant	Self-storage, residential	Residential	Church	Residential
Urban Form	-	-	-	-	-

CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	R-4 and RX-3 w/SHOD-2, SRPOD	RX-3-CU w/SHOD-2, SRPOD
Total Acreage	4.75	4.75
Setbacks:		
Front	20' (R-4 portion)	5'
Side	10' (R-4 portion)	0' or 6'
Rear	30' (R-4 portion)	0' or 6'
Residential Density:	16 units/acre	29 units/acre
Max. # of Residential Units	75	138
Max. Gross Office SF	4,000 sf**	4,000 sf**
Max. Gross Retail SF	4,000 sf**	4,000 sf**

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

**Only possible in an Apartment building at the intersection of two public streets, a condition that currently does not exist on the site.



COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-55-20

OVERVIEW

The area is currently designated as Moderate Density Residential on the Future Land Use Map. That envisions residential units at up to 14 units per acre. The requested RX-3-CU zoning potential would allow additional density. The area would be accordingly revised to Medium Density Residential.

AMENDED MAPS

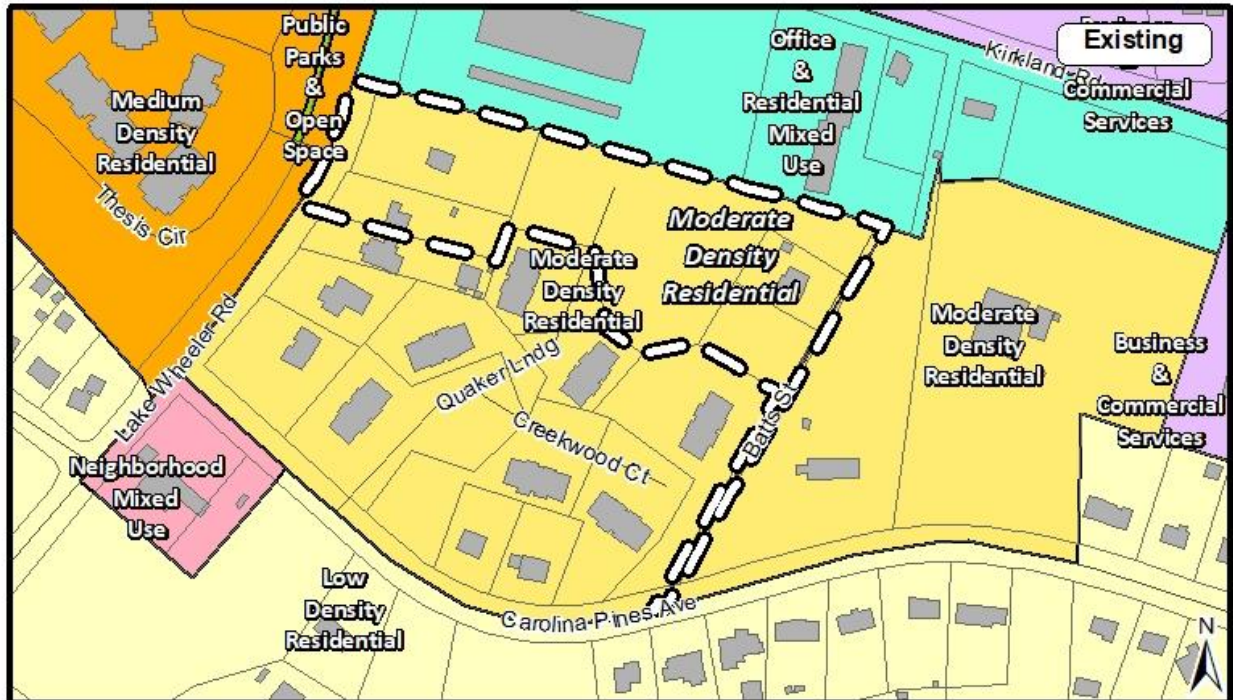
Shown on following page.

IMPACT ANALYSIS

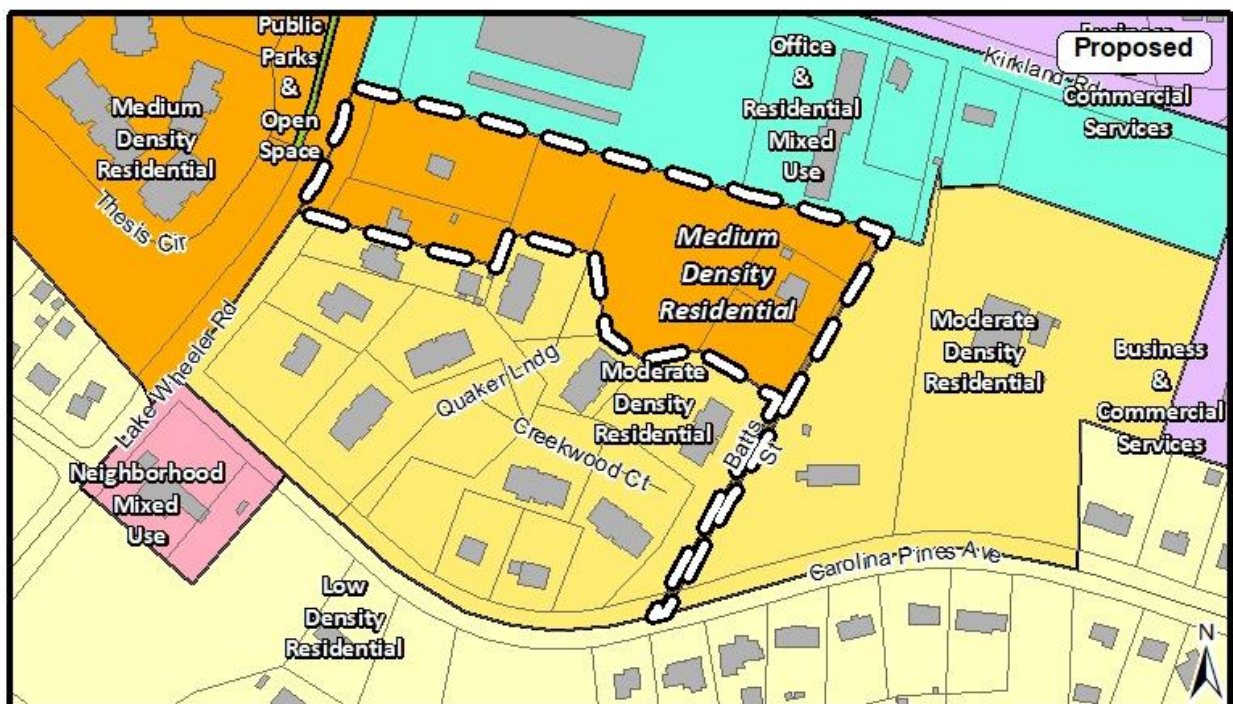
Adjacent areas have compatible Future Land Use Map designations, including Medium Density Residential directly across the street and Office and Residential Mixed Use to the north. The change, along with the zoning change, would help improve housing affordability and choice in the area.

Z-55-2020: Required Amendment to the Future Land Use Map

Existing Designation: Moderate Density Residential



Proposed Designation: Medium Density Residential



Relevant Minutes from June 22, 2021 Planning Commission Meeting

AGENDA ITEM (F) 2: Z-55-20 – Lake Wheeler Road

This case is located Lake Wheeler Road, including five parcels totaling 4.75 acres beginning 330 feet south of Kirkland Road.

Approximately 4.75 acres is requested to be rezoned by Ram A. Desai and Pooja Lavani, HLP Group LLC, and Vasant A. and Arvind S. Lavani

The request is consistent with the 2030 Comprehensive Plan.

The request is inconsistent with the Future Land Use Map.

This is the first time this request has appeared on a Planning Commission agenda. The 90-day deadline for Planning Commission action is September 20, 2021; however, the last regularly scheduled Planning Commission meeting before the deadline is September 14, 2021.

Planner Hardin presented this case.

Randy Herman representing the applicant gave a brief overview of the case.

Jaymeson Morris, 1431 Carolina Pines spoke in favor of this project as the proposed change to conditions allows us to support this project.

John Hinshaw representing the neighborhood spoke in objection to project regarding stormwater concerns; removal of setbacks and access to signs.

There was discussion regarding bicycle and pedestrian access; is this consistent with the proposals in the Dix Edge Study and will additional housing be provided for this area.

Planner Hardin spoke regarding the Dix Edge Study is ongoing and will look at housing choices; bicycle and pedestrian access and connectivity.

There was further discussion regarding whether this project is or will be consistent with the upcoming Dix Edge Study.

Mr. Rains made a motion to recommend approval the case. Ms. Elder seconded the motion. Commissioners how do you vote?

Bennett (Nay), Elder (Aye), Lampman (Aye) Mann (Aye), McIntosh (Aye), Miller (Aye) and Rains (Aye). The vote was not unanimous 6-1. Opposed was Ms. Bennett.

Ms. Bennett stated that her objection was not on the merit of the case but that there was not enough information to show that this case would be consistent with the upcoming Dix Edge Study.

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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

REZONING REQUEST			
<input type="checkbox"/> General Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			OFFICE USE ONLY Rezoning Case #
Existing Zoning Base District Height Frontage Overlay(s) _____ and SRPOD			
Proposed Zoning Base District _____ Height _____ Frontage _____ Overlay(s) _____ and SRPOD			
Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
If the property has been previously rezoned, provide the rezoning case number:			
GENERAL INFORMATION			
Date		Date Amended (1)	
		Date Amended (2)	
Property Address			
Property PIN		Deed Reference (book/page)	
Nearest Intersection			
Property Size (acres)	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address		Phone	Fax
		Email	
Applicant Name/Address		Phone	Fax
		Email	
Applicant* Signature(s)		Email	

*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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			OFFICE USE ONLY Rezoning Case #		
Existing Zoning Base District	R-4	Height N/A		Frontage	Overlay(s) SHOD-2
Proposed Zoning Base District	NX	Height 3		Frontage	Overlay(s) SHOD-2
Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.					
If the property has been previously rezoned, provide the rezoning case number: Z-27B-2014					
GENERAL INFORMATION					
Date	10/27/2020	Date Amended (1)	3/17/2021	Date Amended (2)	
Property Address Various - see attached					
Property PIN Various - see attached		Deed Reference (book/page)			
Nearest Intersection Lake Wheeler Rd/Kirkland Rd					
Property Size (acres)	4.75	For Planned Development Applications Only:	Total Units	Total Square Footage	
			Total Parcels	Total Buildings	
Property Owner Name/Address Various - see attached		Phone		Fax	
		Email			
Applicant Name/Address Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675		Phone 919-825-1250		Fax	
		Email rherman@bafolk.com			
Applicant* Signature(s)		Email			

*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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 Existing Zoning Base District R-4 Height N/A Frontage Overlay(s) SHOD-2 and SRPOD Proposed Zoning Base District RX Height 3 Frontage Overlay(s) SHOD-2 and SRPOD Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			OFFICE USE ONLY Rezoning Case #
If the property has been previously rezoned, provide the rezoning case number: Z-27B-2014			
GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address Various - see attached			
Property PIN Various - see attached		Deed Reference (book/page)	
Nearest Intersection Lake Wheeler Rd/Kirkland Rd			
Property Size (acres) 4.75	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address Various - see attached		Phone	Fax
		Email	
Applicant Name/Address Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675		Phone 919-825-1250	Fax
		Email rherman@bafolk.com	
Applicant* Signature(s)		Email	

*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

RECEIVED

By Jason Hardin at 11:15 am, July 1, 2021

CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number

OFFICE USE ONLY

Date Submitted

Rezoning Case #Existing Zoning **R-4/RX-3**Proposed Zoning **RX-3-CU****Narrative of Zoning Conditions Offered**

1. At time of site plan approval, Batts Street shall be dedicated as public right of way; however because Applicant does not own sufficient property to dedicate right-of-way wide enough to construct a public street, such right-of-way shall be limited to pedestrian and emergency vehicle access until a full street cross-section connection is possible in the future in connection with redevelopment of adjacent properties. Developer may petition the City Council for an encroachment agreement to construct security devices limiting vehicle access to Batts Street to emergency vehicles.

The property owner(s) hereby offers, consents to, and agrees to abide by, 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

DocuSigned by:

*Arvind Lavani*Print Name Arvind Lavani

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RECEIVED**By Jason Hardin at 11:15 am, July 1, 2021**

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Property Owner(s) Signature

DocuSigned by:

*Christopher Hodge*Print Name Christopher Hodge

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Property Owner(s) Signature

DocuSigned by:

*Jatin Patel*Print Name Jatin Patel

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Property Owner(s) Signature

DocuSigned by:

Pooja Desai

Pooja Desai

Print Name

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CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number

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Rezoning Case #Existing Zoning **R-4/RX-3**Proposed Zoning **RX-3-CU****Narrative of Zoning Conditions Offered**

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Property Owner(s) Signature

DocuSigned by:

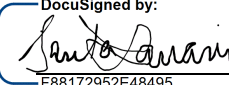
*Ram Lavani*Print Name Ram Lavani

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CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number	OFFICE USE ONLY Rezoning Case #	
Date Submitted		
Existing Zoning R-4/RX-3 Proposed Zoning RX-3-CU		
Narrative of Zoning Conditions Offered		
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Property Owner(s) Signature  DocuSigned by: Sarita Lavani Print Name Sarita Lavani

RECEIVED

By Jason Hardin at 11:15 am, July 1, 2021

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Zoning Case Number	OFFICE USE ONLY Rezoning Case #	
Date Submitted		
Existing Zoning R-4/RX-3 Proposed Zoning RX-3-CU		
Narrative of Zoning Conditions Offered		
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Property Owner(s) Signature DocuSigned by:
Smeeta Hodge
CD985AEF32F04CF Print Name Smeeta Hodge

RECEIVED

By Jason Hardin at 11:15 am, July 1, 2021

CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number

OFFICE USE ONLY

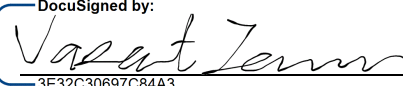
Date Submitted

Rezoning Case #Existing Zoning **R-4/RX-3**Proposed Zoning **RX-3-CU****Narrative of Zoning Conditions Offered**

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Property Owner(s) Signature

DocuSigned by:

 3E32C30697C84A3...

Vasant Lavani

Print Name

RECEIVED**By Jason Hardin at 11:15 am, July 1, 2021**

PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Deed Book	Deed Page	Deed Acres	Site Address	Use Type	Current Zoning
792990312	61360	LAVANI, RAM A DESAI, POOJA	160 MONTROSE WEST AVE	COPLEY OH 44321-1372	15789	1996	0.5	2027 LAKE WHEELER RD	SINGLFAM	R-4
792990462	80401	LAVANI, RAM A DESAI, POOJA	160 MONTROSE WEST AVE	COPLEY OH 44321-1372	15789	1996	1	2023 LAKE WHEELER RD	SINGLFAM	R-4
792993385	220578	HLP GROUP LLC	5 REFLECTION WAY	DURHAM NC 27713-6155	17433	1478	2.37	2000 BATTS ST		RX-3
792995164	247244	HLP GROUP LLC	5 REFLECTION WAY	DURHAM NC 27713-6155	17433	1478	0.46	2010 BATTS ST		R-4
792996241	5053	LAVANI, VASANT A LAVANI, ARVIND S	108 HEMINGWAY FOREST PL	RALEIGH NC 27607-4980	11623	970	0.42	2006 BATTS ST	SINGLFAM	R-4

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number		OFFICE USE ONLY Rezoning Case #
Date Submitted		
Existing Zoning	Proposed Zoning	
Narrative of Zoning Conditions Offered		

The property owner(s) hereby offers, consents to, and agrees to abide by, 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 _____ Print Name _____

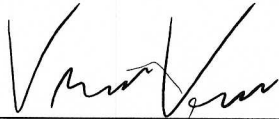
REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.	OFFICE USE ONLY Rezoning Case #
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.	
The future land use map designates this property for a combination of moderate-density residential and office/residential mixed use. The proposed zoning designation would allow for a mix of uses including primarily residential but also small-scale office and retail. It would also create a transitional boundary between the residential neighborhoods to the south and industrial uses to the north.	
PUBLIC BENEFITS	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	
Rezoning will promote development in an underdeveloped area, provide moderate-income housing and encourage job growth.	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources 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.	OFFICE USE ONLY Rezoning Case #
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.	
None	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

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 2, day of **October**, 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

10-22-22020

Date

SUMMARY OF ISSUES

A neighborhood meeting was held on 10/20/2020 (date) to discuss a potential rezoning located at Lake Wheeler Rd and Kirkland Rd (property address).

The neighborhood meeting was held at via Zoom (location).

There were approximately 3 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Use of Batts Road
Traffic on Carolina Pines Ave
Location of buildings

[illegible]



Randy Herman
PO Box 90426
Raleigh, NC 27676
(o) 919.825.1250
(f) 919.882.8297
rherman@bafolk.com

May 18, 2020

Re: 2000 Batts Street, 2006 Batts Street, 2010 Batts Street, 2023 Lake Wheeler Road and 2027 Lake Wheeler Road

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on Wednesday, June 2nd at 5:00pm. The meeting will be held virtually. You can participate online or by telephone. To participate, visit: <https://zoom.us/> or Dial (929) 205 6099 and enter Meeting ID: 959 0141 9540.

The purpose of this meeting is to discuss a rezoning of several parcels of property located between Lake Wheeler Road, Kirkland Road, and Batts Street as shown on the attached maps. This site is current zoned R-4 and RX-3. The proposed zoning is RX-3-CU with written zoning commitments as shown in the attached rezoning petition.

The City of Raleigh requires that for certain rezoning applications, a neighborhood meeting be held involving the property owners within 1000 feet of the area requested for rezoning.

If you have any concerns or questions I can be reached using the contact information above.

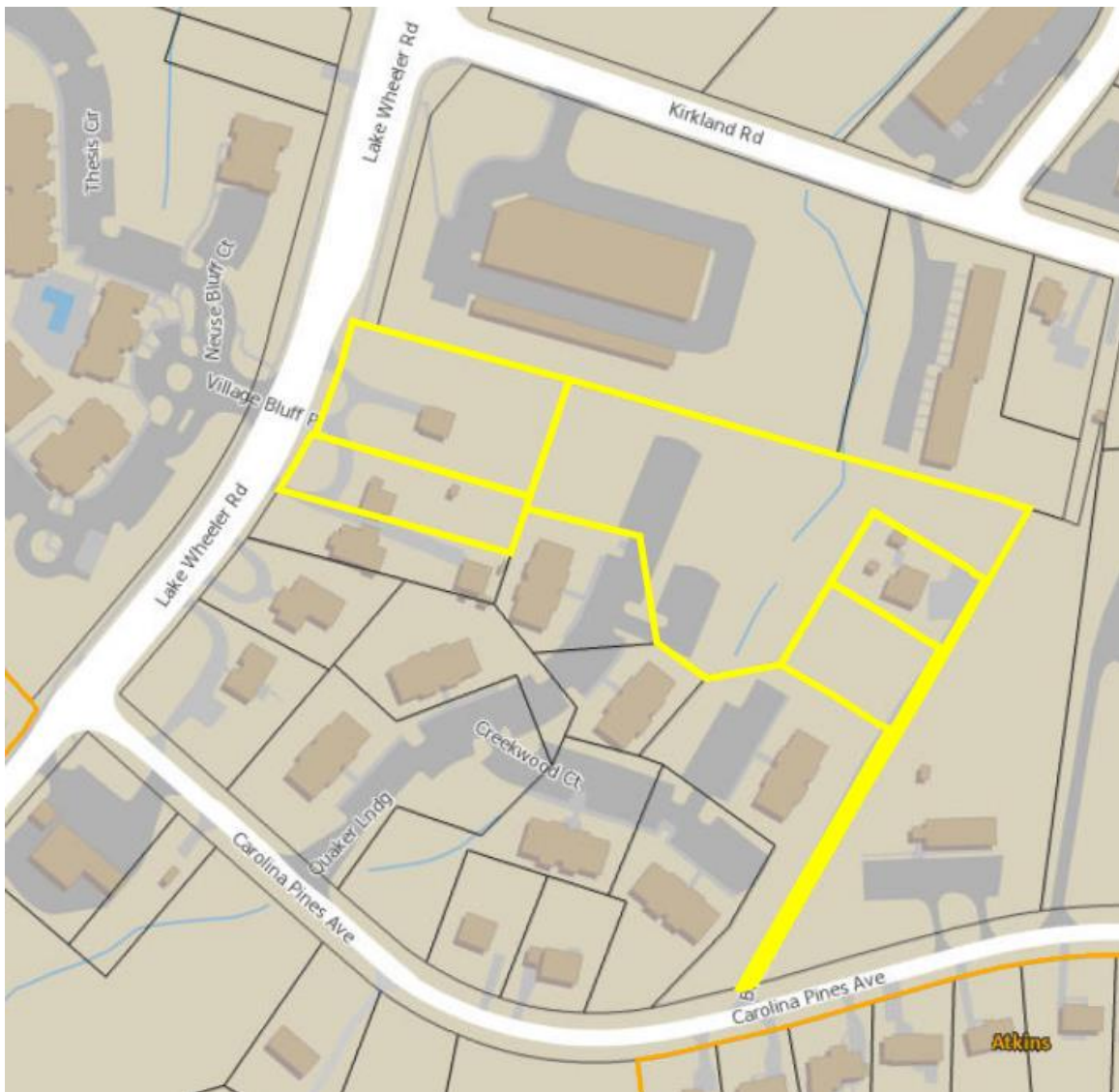
For more information about rezoning, you may visit **www.raleighnc.gov** or contact the Raleigh City Planning Department at:

Jason Hardin Raleigh Planning & Development (919)996-2657 Jason.Hardin@raleighnc.gov

Thank you

Randy H. Herman
Attorney

Area Map



Current Aerial View



Rezoning Application

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			OFFICE USE ONLY Rezoning Case #
Existing Zoning Base District <input type="text" value="R-4"/> Height <input type="text" value="N"/> Frontage <input type="text" value=""/> Overlay(s) <input type="text" value="SHOD-"/>			
Proposed Zoning Base District <input type="text" value="RX"/> Height <input type="text" value="3"/> Frontage <input type="text" value=""/> Overlay(s) <input type="text" value="SHOD-"/>			
<small>Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the "Zoning" and "Overlay" layers.</small>			
If the property has been previously rezoned, provide the rezoning case number: <input type="text" value="Z-27B-2014"/>			
GENERAL INFORMATION			
Date		Date Amended (1)	Date Amended (2)
Property Address <input type="text" value="Various - see attached"/>			
Property PIN <input type="text" value="Various - see attached"/>		Deed Reference (book/page) <input type="text" value=""/>	
Nearest Intersection <input type="text" value="Lake Wheeler Rd/Kirkland Rd"/>			
Property Size (acres) <input type="text" value="4.75"/>	For Planned Development Applications Only:	Total Units <input type="text" value=""/>	Total Square Footage <input type="text" value=""/>
		Total Parcels <input type="text" value=""/>	Total Buildings <input type="text" value=""/>
Property Owner Name/Address <input type="text" value="Various - see attached"/>		Phone <input type="text" value=""/>	Fax <input type="text" value=""/>
		Email <input type="text" value=""/>	
Applicant Name/Address Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675		Phone <input type="text" value="919-825-1250"/>	Fax <input type="text" value=""/>
		Email <input type="text" value="rherman@bafolk.com"/>	
Applicant* Signature(s)		Email <input type="text" value=""/>	

*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number		OFFICE USE ONLY Rezoning Case #
Date Submitted		
Existing Zoning	R-4/RX-3	
Proposed Zoning	RX-3-CU	
Narrative of Zoning Conditions Offered		
<p>1. Allowed uses shall be limited to Residential Uses only as identified in Section 6.1.4 of the UDO</p> <p>2. Developer shall plant a type B-1 transitional buffer or conserve an equivalent 20' tree conservation area along the boundary of phases V, VI and VII, Wellington Woods Condominiums, as shown in Condo Map 123, Pages 18-20, Wake County Register of Deeds.</p>		

The property owner(s) hereby offers, consents to, and agrees to abide by, 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

Print Name

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 21, day of May, 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.

Katlyn Kelly
Signature of Applicant/Applicant Representative

05/21/21
Date

SUMMARY OF ISSUES

A neighborhood meeting was held on 6/2/2021 (date) to discuss a potential rezoning located at Batts Street (property address).
The neighborhood meeting was held at via Zoom (location).
There were approximately 11 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Uses - neighbors prefer some commercial use in addition to residential
Buffer - neighbors request no buffer if use is mostly residential
Use of Batts Street
Drainage issues into condos

ATTENDANCE ROSTER

[illegible]



To: Ruffin L. Hall, City Manager

From: Jason Hardin AICP, Planner II
Ken Bowers AICP, Director, Department of Planning & Development

Copy: City Clerk

Date: October 4, 2017

Re: City Council Special Item for October 17, 2017 – Rezoning Case Z-42-15

The City Council at its meeting on October 3, 2017 held the following item until its meeting of Tuesday, October 17, 2017:

Z-42-15 – Lake Wheeler Road, east side, approximately 300' south of Kirkland Road, being Wake County PINs 0792990312, 0792990462, 0792995164, 0792996241, and 0792997581. Approximately 2.84 acres are requested by Ram Lavani to be rezoned from Residential-4 (R-4) to Residential Mixed Use-Three Stories-Conditional Use (RX-3-CU). The existing Special Highway Overlay District-2 (SHOD-2) and Special Residential Parking Overlay District (SRPOD) overlays would remain. Zoning conditions limit housing unit density, provide for a transit easement, prohibit the Apartment building type, and prohibit building materials including EIFS, aluminum siding, and cementitious panels. (Staff Contact: Jason Hardin, Jason.Hardin@raleighnc.gov, 919-996-2657).

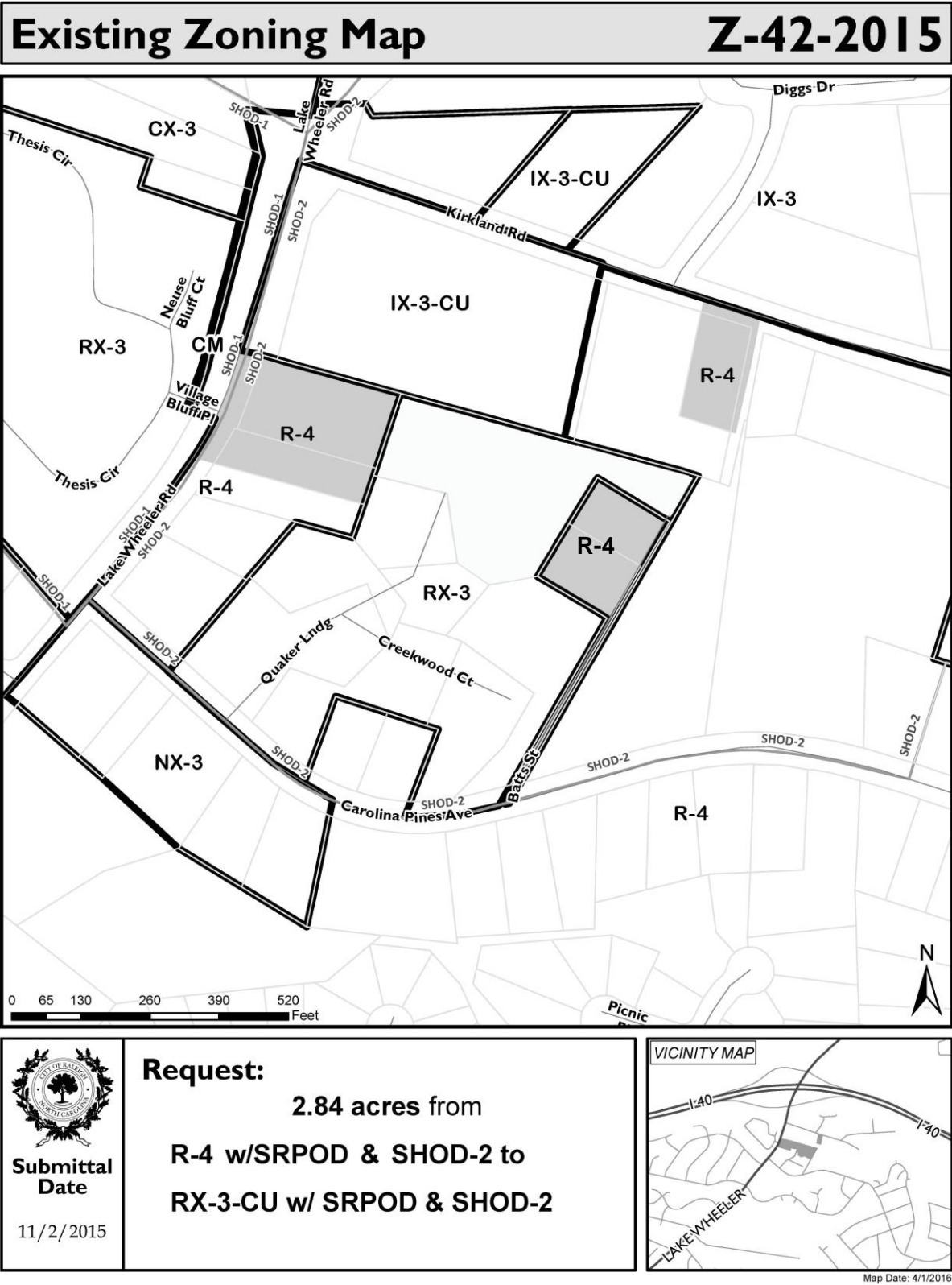
At its meeting of July 5, 2017, Council referred the case to the Growth and Natural Resources Committee and continued the hearing to September 5, 2017, at which time the hearing was closed. The case was then held until September 19, 2017, then again until October 3, 2017 in order to allow for revised conditions to be submitted. New conditions received on September 22, 2017, address building type and building materials. The applicant also removed one parcel, which already is zoned RX-3, from the rezoning. While the attached Certified Recommendation reflects the previous area requested for rezoning, a revised map is shown on the following page.

At its meeting of October 3, 2017, Council held the case until October 17 in order to allow for the potential revision of conditions. If revised conditions have been received by the deadline, Council may take action on the new version of the request. If conditions were not received by the deadline, no further changes to the request may be made, as the UDO limits any revisions to within 30 days of the close of the public hearing.

The Planning Commission recommends approval of this request (6-0 vote).

The Southwest CAC recommended approval of a more intense version of this zoning request that involved a rezoning to CX-4-CU (12 in favor, two opposed).

Attached are the Planning Commission Certified Recommendation (including Staff Report and Traffic Study Worksheet), and the Neighborhood Meeting Report. Also attached are the revised Zoning Conditions and revised Petition for Rezoning, both received as original copies on September 29, 2017.





Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-42-15 Lake Wheeler Road

<i>Location</i>	Lake Wheeler Road, east side, approximately 300' south of Kirkland Road (one parcel on Kirkland Road) Address: 2023 and 2027 Lake Wheeler Road; 2000, 2006, and 2010 Batts Street; and 1501 Kirkland Road PINs: 0792990312, 0792990462, 0792993385, 0792995164, 0792996241, 0792997581
<i>Request</i>	Rezone property from R-4 and RX-3, both with SHOD-2 and SRPOD, to RX-3-CU with SHOD-2 and SRPOD
<i>Area of Request</i>	5.21 acres
<i>Property Owner</i>	Ram Lavani
<i>Applicant</i>	Michael L. Stewart
<i>Citizens Advisory Council (CAC)</i>	Southwest
<i>PC Recommendation Deadline</i>	June 5, 2017

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Moderate Density Residential (part Office and Residential Mixed Use)
<i>URBAN FORM</i>	None
<i>CONSISTENT Policies</i>	Policy LU 2.6—Zoning and Infrastructure Impacts Policy LU 7.3—Single-Family Lots on Major Streets Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 5.4—Density Transitions Policy LU 10.6—Retail Nodes
<i>INCONSISTENT Policies</i>	None

Summary of Proposed Conditions

1. A transit easement will be provided.
2. Residential development on parcels currently zoned R-4 will be restricted to 14 units per acre.

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
10/29/15	12/6/16 2/13/17 (Yes- 12; No- 2)	3/7/17 (COW) 4/27/17 (COW) 5/23/17	6/6/17

Attachments

1. Staff report
2. Proposed zoning conditions

Planning Commission Recommendation

<i>Recommendation</i>	Approve. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	The request is consistent with the Future Land Use Map and Comprehensive Plan. The request would provide more housing to meet the need of a growing population.
<i>Motion and Vote</i>	Motion: Alcine Second: Fluhrer In Favor: Alcine, Braun, Fluhrer, Hicks, Jeffreys, and Tomasulo. Opposed: None

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.

Planning Director

Date

Planning Commission Chairperson

Date

Staff Coordinator:

Jason Hardin: (919) 996-2657; Jason.Hardin@raleighnc.gov



Zoning Staff Report – Z-42-15

Conditional Use

Case Summary

Overview

The proposal seeks to rezone six parcels totaling 5.21 acres along the east side of Lake Wheeler Road to from R-4 and RX-3 to RX-3-CU. The property is located approximately a quarter of a mile south of Interstate 40. Five of the parcels are contiguous; the sixth fronts on Kirkland Road.

The site is currently partially undeveloped, with the developed parcels occupied by detached houses. Adjacent parcels contain a range of uses and zoning categories. Uses to the north include a self-service storage facility and apartments; to the west, apartments; to the south, condominiums and detached houses; and to the east, a church and a detached house.

In terms of zoning, adjacent properties are largely residential or residential mixed use, with the exception of the property to the north, which is zoned IX-3-CU. Properties to the west are zoned RX-3 and R-4, as are properties to the south. The area east of the site is zoned R-4.

The Future Land Use Map designates most of the subject property as Moderate Density Residential, with the exception of the parcel fronting on Kirkland Road, which is designated for Office and Residential Mixed Use. Again, surrounding designations are mixed. Properties to the north are designated for Office and Residential Mixed Use and Business and Commercial Services; to the west, Medium Density Residential and Office and Residential Mixed Use; to the south, Moderate Density Residential; and to the east, Moderate Density Residential and Office and Residential Mixed Use. No properties in the area are designated on the Urban Form Map.

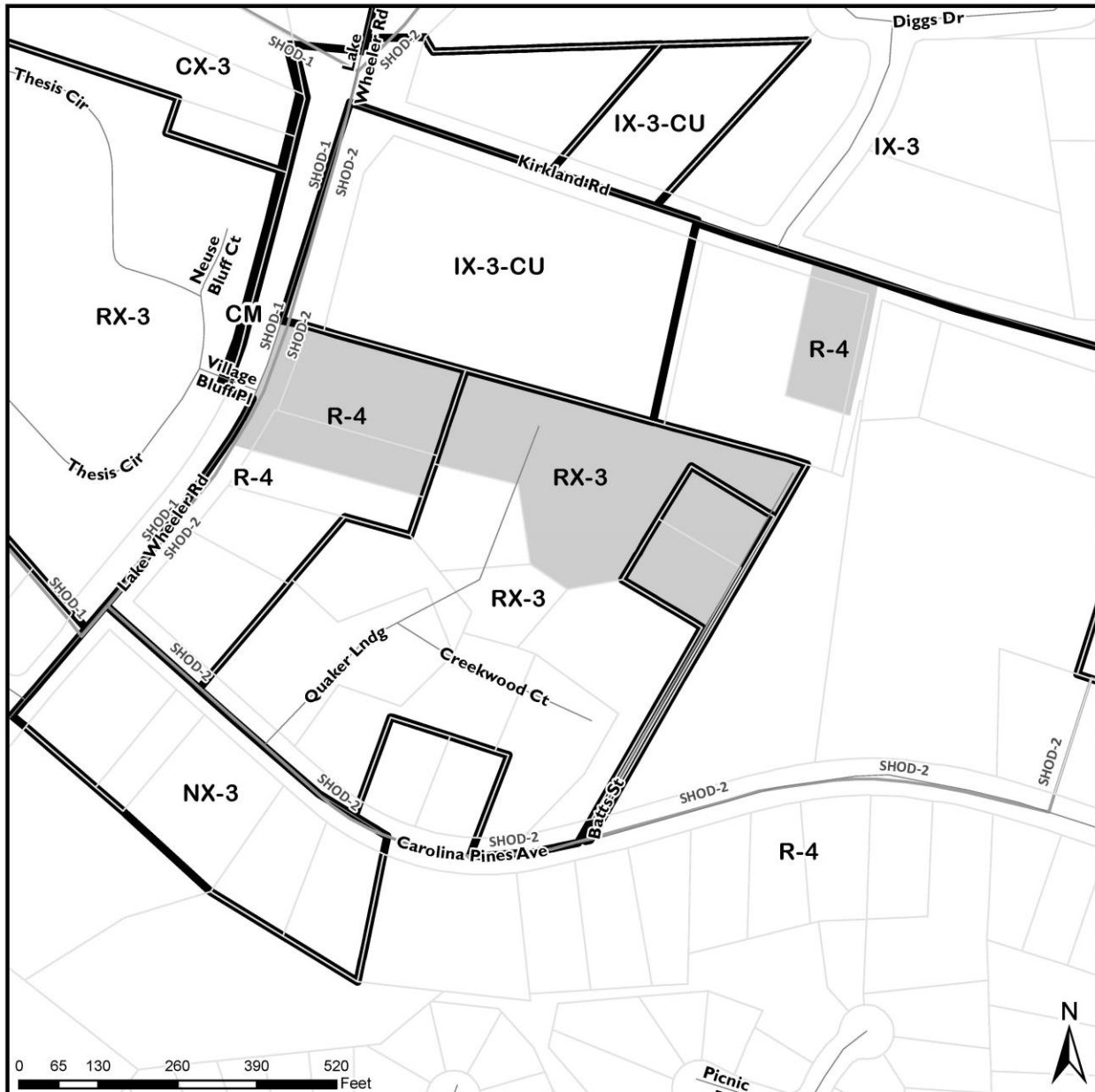
Update for 5/23/17. The applicant revised the petition significantly following the April 27 meeting of the Committee of the Whole. A revised petition received on May 12 changed the requested zoning from CX-4-CU to RX-3-CU. Conditions have also been revised. Several prior conditions involved addressing the transition in use from adjacent residential properties to the proposed commercial zoning. With the revised request, proposed conditions have been altered as well. Currently proposed conditions would limit residential density to 14 units per acre on parcels currently zoned R-4 (one parcel included in the request is currently zoned RX-3) and would provide a transit easement and pad.

Outstanding Issues

<i>Outstanding Issues</i>	1. None	<i>Suggested Mitigation</i>	1. N/A
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Existing Zoning Map

Z-42-2015



**Submittal
Date**

11/2/2015

Request:

**5.21 acres from
R-4 & RX-3 w/SRPOD & SHOD-2
to RX-3-CU w/ SRPOD & SHOD-2**

VICINITY MAP



Map Date: 4/1/2016

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-4/RX-3	IX-3-CU/R-4	RX-3/R-4	R-4	RX-3/R-4
<i>Addi- tional Overlay</i>	SRPOD/ SHOD-2	SRPOD/ SHOD-2	SRPOD/ SHOD-2	SRPOD/ SHOD-2	SRPOD/ SHOD-1
<i>Future Land Use</i>	Moderate Density Residential/Of- fice and Residential Mixed Use	Office and Residential Mixed Use/Business and Commercial Services	Moderate Density Residenti- al	Moderate Density Residential/Of- fice and Residential Mixed Use	Medium Density Residential/Of- fice and Residential Mixed Use
<i>Current Land Use</i>	Single-Unit Living/Vacant	Self-Service Storage/Apartments/War- ehouse	Single/ Multi-Unit Living	Church/Single -Unit Living	Multi-Unit Living
<i>Urban Form (if applicabl- e)</i>	-	-	-	-	-

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	4 units/acre (on R-4)	19 units/acre
<i>Setbacks:</i>		
<i>Front:</i>	10' (5' if apt. in RX)	5'
<i>Side:</i>	5' (0' or 6' if apt. in RX)	0' or 6'
<i>Rear:</i>	20' (0' or 6' if apt. in RX)	0' or 6'
<i>Retail Intensity Permitted:</i>	3,908	3,908
<i>Office Intensity Permitted:</i>	3,971	3,971

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning*</i>
<i>Total Acreage</i>	5.21	5.21
<i>Zoning</i>	R-4 and RX-3	RX-3-CU
<i>Max. Gross Building SF (if applicable)</i>	105,161	123,861
<i>Max. # of Residential Units</i>	74	102
<i>Max. Gross Office SF</i>	3,971	3,971
<i>Max. Gross Retail SF</i>	3,908	3,908
<i>Max. Gross Industrial SF</i>	-	-
<i>Potential F.A.R</i>	.46	.55

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

The proposed rezoning is:

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

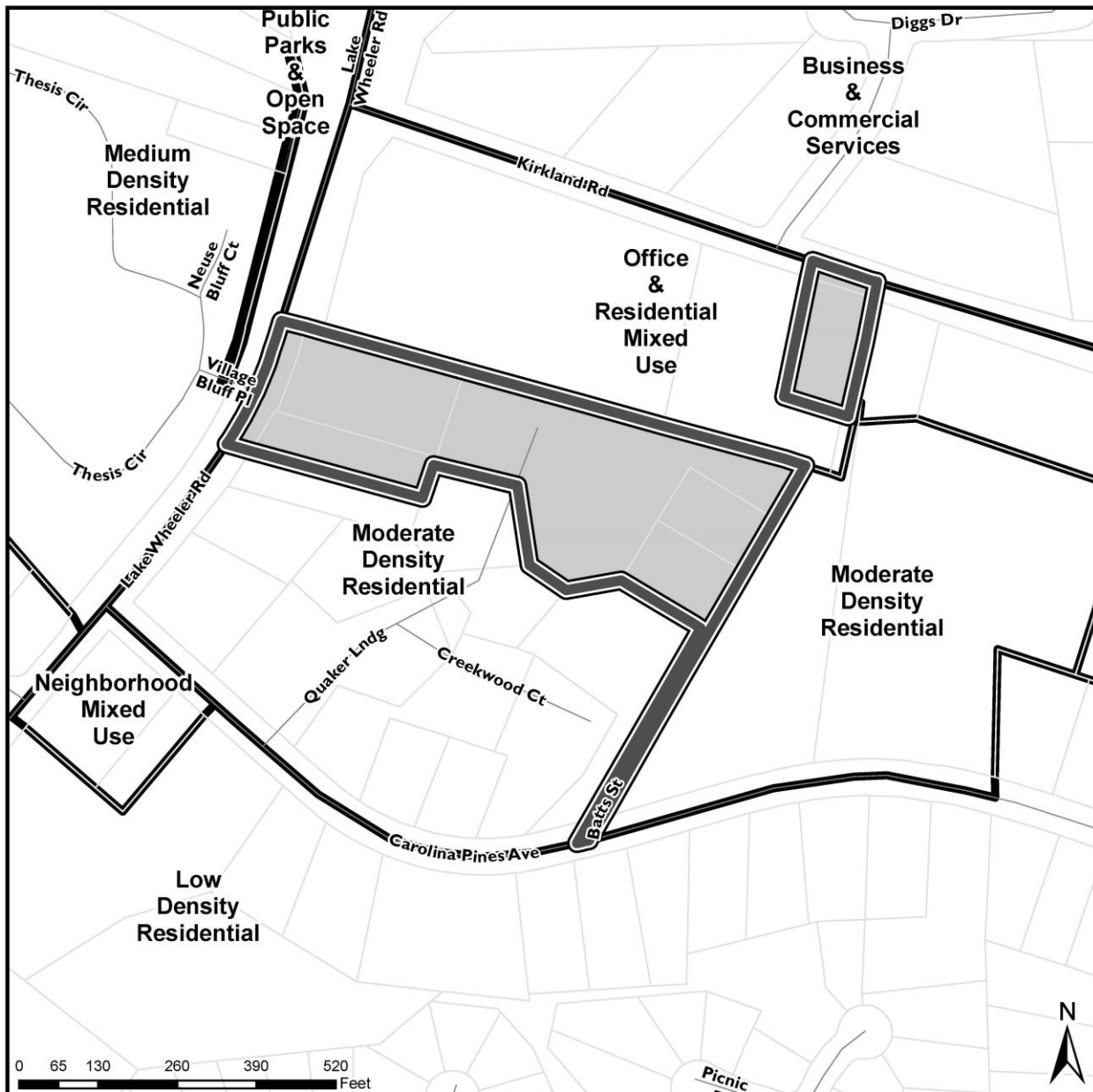
☐ **Incompatible.**

Analysis of Incompatibility:

The rezoning request is compatible with the property and with the surrounding area, which is characterized by residential uses.

Future Land Use Map

Z-42-2015



**Submittal
Date**

11/2/2015

Request:

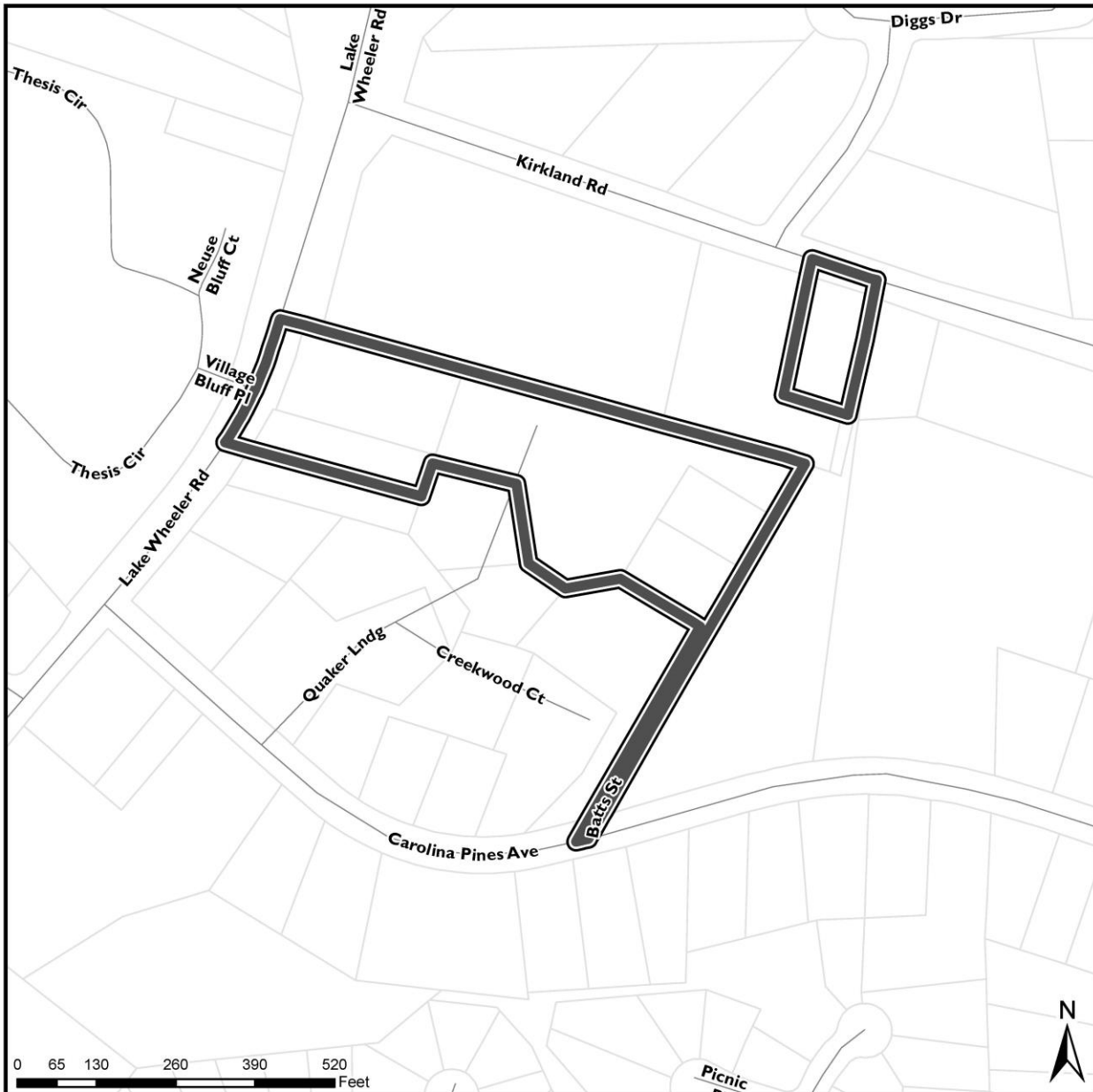
**5.21 acres from
R-4 & RX-3 w/SRPOD & SHOD-2
to RX-3-CU
w/ SRPOD & SHOD-2**

VICINITY MAP



Urban Form Map

Z-42-2015



**Submittal
Date**

11/2/2015

Request:

**5.21 acres from
R-4 & RX-3 w/SRPOD & SHOD-2
to RX-3-CU
w/ SRPOD & SHOD-2**

VICINITY MAP



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- 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?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

A) The proposal is consistent with the Comprehensive Plan overall and with several specific Plan policies, including policies discouraging new single-family lots on major streets, focusing retail uses into specific nodes, and transitioning density.

B) The proposed uses are specifically designated on the Future Land Use Map. The FLUM designates most of the subject property as Moderate Density Residential, which envisions residential development of up to 14 units per acre. The proposal, by including a condition restricting development to that threshold, is consistent with the Map.

C) Not applicable, as the use is specifically designated on the Future Land Use Map.

D) Existing infrastructure is adequate to serve the proposed use.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

The bulk of the subject property is designated as Moderate Density Residential on the Future Land Use Map. The requested designation of RX-3-CU with conditions limiting residential density to 14 units per acre is consistent with the map.

2.3 Urban Form

Urban Form designation:

☒ **Not applicable** (no Urban Form designation)

2.4 Policy Guidance

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

Policy LU 2.6—Zoning and Infrastructure Impacts

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

The rezoning would not overload existing infrastructure.

Policy LU 7.3—Single Family Lots on Major Streets

No new single-family residential lots should have direct vehicular access from major streets, in an effort to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to major streets.

The proposal, by allowing uses other than single-unit living, avoids the concern expressed in this policy regarding the long-term viability of these uses when located along major streets such as Lake Wheeler Road.

The rezoning request, following a change to the petition on May 12, 2017 to request RX-3-CU zoning, is now **consistent** with the following policies with which it previously had been inconsistent.

Policy LU 1.2—Future Land Use Map and Zoning Consistency

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

The requested RX-3-CU zoning is consistent with the FLUM.

Policy LU 5.4—Density Transitions

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The amended request, by requesting RX-3-CU zoning, which limits Retail and Office uses to no more than 4,000 square feet in a corner unit of an apartment building located at the intersection of two public streets and does not permit drive-through facilities, achieves the type of transition envisioned by this policy.

Policy LU 10.6—Retail Nodes. Retail uses should concentrate in mixed-use centers and should not spread along major streets in a linear “strip” pattern unless ancillary to office or high-density residential use.

The amended petition, by changing the base district from CX to RX, would not contribute to the creation of this type of strip retail development along Lake Wheeler Road.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The request would provide more housing choice in the area.

3.2 Detriments of the Proposed Rezoning

- None

4. Impact Analysis

4.1 Transportation

The site is located on the east side of Lake Wheeler Road between I-40 and Carolina Pines Avenue. Lake Wheeler Road is classified as a mixed-use street in the UDO Street Plan Map (Avenue, 2-Lane, Divided). Lake Wheeler Road (SR 1009) is maintained by the NCDOT and carries 16,000 vehicles per day. The segment of Lake Wheeler Road that fronts the subject parcels currently has a ribbon-paved cross section without curbs or sidewalks. Carolina Pines Avenue is classified as a mixed-use street (Avenue, 2-Lane, Undivided); Kirkland Road is a local street. Both Kirkland Road and Carolina Pines Avenue are maintained by the City.

There are no CIP projects planned for Carolina Pines Avenue or Kirkland Road. State Transportation Improvement Program project U-5504 will construct turn lanes and sidewalks and will add pedestrian enhancements to Lake Wheeler Road between Tryon Road and Centennial Parkway. Project U-5504 is currently in the planning stage; there is no timetable for construction.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D: Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots. If an abutting owner refuses in writing to allow construction of the internal vehicular circulation on their property, a stub for future cross-access shall be provided as close as possible to the common property line. If cross-access is waived by the Public Works Director in accordance with Sec. 8.3.6., bicycle and pedestrian connections shall be provided between abutting properties except where there is a perennial wet stream crossing greater than 15 feet in width that interferes with such access.

The block perimeter bounded by the rights-of-way for Lake Wheeler Road, I-40, S. Saunders Street and Carolina Pines Avenue is greater than 14,000 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for CX-4 zoning is 3,000 feet.

A queuing analysis report has been reviewed by City staff. The expected queue lengths will not cause extensive backups on Lake Wheeler Road at the I-440 interchange. None of the adjacent intersections along Lake Wheeler Road are on the City's 2016 list of Potentially Hazardous Locations. Sierra Drive, between Lake Wheeler Road and Henslowe Drive, is ranked 33 out of 73 projects in the City's traffic calming program;

there is no timetable for construction. Kirkland Road and Carolina Pines Avenue are not on the traffic calming list. The expected trip volumes for case Z-42-2015, updated to reflect the revisions made on May 12, 2017, are shown in the following table:

Z-42-2015 TIA September 28, 2016 (Hotel + Retail)	Daily	AM	PM
	980	57	74
Z-42-2015 Proposed Zoning May 16, 2017 (Residential + Retail)	Daily	AM	PM
	1,126	72	104
Z-42-2015 Trip Volume Change	Daily	AM	PM
	146	15	30

4.2 Transit

Currently this section of Lake Wheeler Rd is in between two routes and is not served by transit. Route 7L Carolina Pines travels north on Lake Wheeler Road and turns east on Carolina Pines Avenue with a stop on Carolina Pines/Quaker Landing and Route 21 Caraleigh travels west on Maywood Avenue and turns north on Lake Wheeler Road with a stop on Maywood/Lake Wheeler. However, the City of Raleigh Short Range Transit Plan calls for a single route to travel Lake Wheeler Road from South Saunders Street to Tryon Road. There are no plans for transit on Kirkwood Road or Batts Street.

Impact Identified: Development will increase demand for transit in this area but it is not expected to exceed the capacity of the current system. The offered dedication of a transit easement will mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Walnut
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

Impact Identified:

1. An existing dry detention BMP is located on the property currently addressed as 2000 Batts Street. Any change to this device, or property the device is located on will need to be reflected in the recorded shared stormwater documents.
2. Wetlands may be located on the property and may impact future development.
3. Development will be subject to all stormwater requirements in Article 9 of the UDO, including stormwater quantity and quality.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	2,500 gpd	46,250 gpd	63,750 gpd
<i>Wastewater</i>	2,500 gpd	46,250 gpd	63,750 gpd

Impact Identified: The proposed rezoning would add approximately 17,500 gallons per day to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

1. There is a proposed greenway connector along Lake Wheeler Road. It is likely that this connector would occur in conjunction with the State Transportation Improvement Program project U-5504, extending along Lake Wheeler Road between Tryon Road and Centennial Parkway. There is no timetable for construction.
2. The nearest greenway trail access is Walnut Creek Trail, 0.36 miles
3. Recreation services are provided by Carolina Pines Park, 0.39 miles.
4. Sierra Lineberry Park, 0.86 miles, is currently in schematic design. Construction on the implementation of the Master Plan is scheduled for completion in early 2017.

Impact Identified: None

4.6 Urban Forestry

Compliance with UDO 9.1 will be required at the time of development plan submittal.

Impact Identified: None

4.7 Designated Historic Resources

The site is within 1,000 feet of the Dr. E.N. Lawrence House, a Raleigh Historic Landmark.

Impact Identified: None.

4.9 Impacts Summary

1. Increased transit demand
2. Potential of affecting existing stormwater BMP
3. Additional water and wastewater demand

4.10 Mitigation of Impacts

1. Provision of a transit easement and pad
2. Development will be required to meet all stormwater regulations
3. A sewer capacity study will be required

Conclusions

The request as amended is consistent with the Future Land Use Map and the Comprehensive Plan overall. The change to request RX-3-CU zoning rather than CX-4-CU has eliminated inconsistencies noted in the previous versions of the staff report.