



# Certified Recommendation

Raleigh Planning Commission

CR# 11395

## Case Information Z-22-10

<i>Location</i>	South of Strickland, southeast quadrant of its intersection with old Leesville Rd.
<i>Size</i>	3.34 acres
<i>Request</i>	Rezone property from Residential-4 to Residential Business General Use

## Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Moderate Density Residential
<i>Applicable Policy Statements</i>	LU 2.6 Zoning and Infrastructure Impacts LU 4.5 Connectivity LU 5.4 Density Transitions LU 5.5 Transitional and Buffer Zone Districts LU 5.6 Buffering Requirements LU 7.1 Encouraging Nodal Development LU 7.3 Single-family Lots on Thoroughfare LU 7.4 Scale and Design of New Commercial Uses

Consistent

Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	Not applicable (General Use District)
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## Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>Inconsistent with the Future Land Use Map</li> <li>Impacts of potential new commercial/office uses (5000 sq. ft. max. per structure) on adjacent uses</li> <li>Adequate density transitions and buffering for abutting single family lots to the east</li> </ol>	<i>Suggested Conditions</i>	None Apply (General Use filing)
<i>Impacts Identified</i>	<ol style="list-style-type: none"> <li>The rezoning could produce an increase to traffic volume.</li> </ol>	<i>Proposed Mitigation</i>	<ol style="list-style-type: none"> <li>Due to existing capacity of the roadway network, a Traffic Impact Analysis is not necessary.</li> </ol>

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
NA	10/19/2010	Date: NA	10/26/10: recommended denial

*Valid Statutory Protest Petition*

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use Map

## Planning Commission Recommendation

<i>Recommendation</i>	The Commission finds that this request is inconsistent with the Comprehensive Plan and based on the findings and reasons stated herein, recommends that the case be denied.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1) That the request is inconsistent with the Comprehensive Plan. The Future Land Use Map designates the site for Moderate Density residential use that permits density up to 14 DU/acre. While the residential density allowed in the proposed rezoning is consistent, the permitted limited retail and office uses remain inconsistent with the Future Land Use map.</li> <li>2) That there is adequate commercial services provided in the area by the existing Leesville Shopping center located directly across from the subject property, to the north of Strickland Road. Additional need for commercial uses through rezoning and the public benefit served from such a request is not reasonably justified.</li> <li>3) That the potential commercial uses likely to be developed under the proposed rezoning could have increased traffic impacts to the surrounding largely residential uses. Given that the general use rezoning request cannot offer conditions, such potential impacts cannot be mitigated.</li> </ol>
<i>Motion and Vote</i>	<p>Motion: Harris Edmisten            Second: Sterling</p> <p>In Favor: Bartholomew, Butler, Fleming, Harris Edmisten, Haq, Mattox, Mullins, Smith, Sterling Lewis</p>

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: Dhanya Sandeep [dhanya.sandeep@raleighnc.gov](mailto:dhanya.sandeep@raleighnc.gov)



# Zoning Staff Report – Case Z-22-10

## General Use District

### Request

<i>Location</i>	South of Strickland, southeast quadrant of its intersection with old Leesville Rd.
<i>Request</i>	Rezone property from Residential-4 to Residential Business General Use
<i>Area of Request</i>	3.34 acres
<i>Property Owner</i>	Edna Saintsing Dillard
<i>PC Recommendation Deadline</i>	February 16, 2011

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4	Residential Business
<i>Additional Overlay</i>	None	None
<i>Land Use</i>	Single-family homes	Single-family homes & commercial use (per intent noted in application, not conditioned)
<i>Residential Density</i>	4 DU per acre (13 units )	10 DU per acre (33 units)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Shopping Center, Rural Residential, WPOD	Residential-10 CUD	Residential-4	Residential-4
<i>Future Land Use</i>	Neighborhood Mixed Use, Rural Residential	Moderate Density Residential	Moderate Density Residential	Neighborhood Mixed Use, Office & Residential Mixed Use
<i>Current Land Use</i>	Shopping Center	Townhome Development	Single-family homes	Undeveloped

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Moderate Density Residential (6-14 dwelling units per acre)
<i>Area Plan</i>	NA
<i>Applicable Policies</i>	LU 2.6 Zoning and Infrastructure Impacts

	LU 4.5 Connectivity LU 5.4 Density Transitions LU 5.5 Transitional and Buffer Zone Districts LU 5.6 Buffering Requirements LU 7.1 Encouraging Nodal Development LU 7.3 Single-family Lots on Thoroughfare LU 7.4 Scale and Design of New Commercial Uses
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### Contact Information

<i>Staff</i>	Dhanya Sandeep
<i>Applicant</i>	Thomas S. Erwin (representing owner), 919-848-3130
<i>Citizens Advisory Council</i>	Northwest

### Case Overview

The 3.34 acre property is located to the southeast quadrant of the intersection of Strickland and Old Leesville Roads. Directly across from the property to the north of Strickland is the Leesville Shopping Center. The I-540 Interchange is located about ¼ mile away; just to the north of the shopping center. Strickland Road is mostly developed for low density, single family dwellings on either side of the road, a result of the presence of the Falls Lake secondary watershed protection overlay. Old Leesville Road is a remnant of the historic alignment of Leesville Road. The properties to the east and west are residentially zoned and used while to the immediate south is a townhome development, built in 2003.

The subject properties have been zoned Residential-4 since being brought into the Raleigh ETJ limits, well before I-540 and the Leesville shopping center opened. The petitioners request a rezoning to Residential Business noting the intent to add more single family lots and residential scale retail use on the site. However, given that this is a general use rezoning request, all permitted uses and density permitted under the proposed RB district should be considered while evaluating potential impacts. Typical uses in RB include banks, professional offices (residentially scaled), personal services, restaurants, food stores, and beauty shops. The Residential Business category provides a maximum size of 5,000 square feet for each building, and requires that buildings be residential in scale and character.

	<b>Existing Residential 4</b>	<b>Proposed Residential Business</b>
<i>Residential Density</i>	4 DU/acre	10 DU/acre
<i>Setbacks</i>	Front – 30 Side – 10 Corner Lot – 20 Rear - 30	Front – 0 Side – 0 Corner Lot – 0 Rear - 0
<i>Retail Use</i>	Not permitted	Limited (max. 5000 sq. ft. per structure and compatible with res. uses )

### Exhibit C & D Analysis

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

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

**1.1 Future Land Use**

The Future Land Use Map designates the subject properties appropriate for moderate density residential uses. The moderate density residential category envisions residential density between six and 14 dwelling units per acre. The proposed Residential Business zoning allows a maximum residential density of 10 DU/acre as well as limited commercial use (max. of 5000 square feet per structure). While the residential density of Residential Business zone is consistent, the introduction of retail uses proposed is inconsistent with the Future Land Use Map designation of moderate density residential.

**1.2 Policy Guidance**

The following policy guidance is applicable with this request:

**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 proposed rezoning would permit greater residential density and limited commercial uses. The existing zoning allows primarily low density residential uses. Given that this is a general use petition, potential impacts cannot be mitigated through the use of zoning conditions. Specific code requirements such as setbacks, height and required buffer yards will be the only mitigation provided for any identified impacts of increased density and retail uses.

**LU 4.5 Connectivity**  
New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

There are two separate lots included in this rezoning petition. The smaller lot contains an existing home; a larger parcel surrounds. The applicant states the intent to redevelop the properties to include additional single family lots and residentially scaled limited commercial use. An integrated redevelopment of the parcels providing both pedestrian and vehicular connectivity between and to adjacent parcels is encouraged to provide alternative means of access along the corridors.

**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.

**LU 5.5 Transitional and Buffer Zone Districts**  
Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit, and office-type uses. Zoning regulations and conditions for these areas should ensure that development achieves appropriate height and density transitions, and protects neighborhood character.

The Future Land Use Map designates the subject properties and abutting ones to the east and south for moderate density residential uses. Moderate density residential uses on the subject site will be consistent with the Future Land Use Map designation and compatible with the uses to the south. Since the Residential Business zone permits only

residentially scaled and compatible commercial uses, the proposed rezoning could serve as a better transitional zone between the R-10 and SC zones than the existing R-4 zone. A transitional protective yard (determined by adjacent uses), height and setbacks as specified in the Code will provide the buffering and transitions.

#### LU 5.6 Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transitions zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The subject properties are surrounded to the east and west by R-4 zoning and by single-family homes to the immediate east. This request would permit moderate density residential and limited commercial uses on the site, all of which should be adequately buffered against adversely impacting the abutting low density residential uses. Given that this is a general use petition, additional buffering cannot be conditioned as part of the rezoning. The minimum transitional protective yard required by the development code that ranges between 10-30 feet will apply.

#### LU 7.1 Encouraging Nodal Development

Discourage auto-oriented commercial strip development and instead encourage pedestrian-oriented nodes of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

There is an established shopping center at Strickland and Leesville Road. The area located at the southeast corner of Leesville and Strickland is designated Neighborhood Mixed Use on the Future Land Use Map. Rezoning the parcel to Residential Business should provide for and encourage pedestrian access and connectivity to adjacent residential uses. Only residentially scaled business uses are permitted in Residential Business districts, which ensure compatibility in scale of development with adjacent residential uses. The Zoning Code will require that the parcels provide pedestrian access to the right-of-way.

#### LU 7.3 Single-family Lots on Thoroughfare

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

The subject properties are currently zoned R-4 with single-family homes with frontage along Strickland Road, a major thoroughfare. The rezoning would permit the construction of new single-family structures. The petitioner has indicated that any new single family lots would be accessed from Old Leesville Road. This policy will be more fully evaluated at the site plan stage.

#### LU 7.4 Scale and Design of New Commercial Uses

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The proposed Neighborhood Business district permits only residentially scaled business uses and therefore, is consistent with the intent of this policy. The mass, scale, height of the potential new commercial uses should be compatible in scale and design with surrounding areas.

The petitioner lists several other policies of the Comprehensive Plan as being supportive of this rezoning petition. While some of them may prove applicable during the site plan review process, it is difficult to affirmatively state the policy guidance is being met with a general use rezoning petition.

**1.3 Area Plan Guidance**

None apply.

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

The Leesville Road shopping center is located directly across Strickland Road from the property. To the immediate south of the subject property is a medium density townhome development developed at 7.9 Dwelling Units per acre. The proposed rezoning to Residential Business would permit up to 10 dwelling units per acre and residentially scaled limited commercial uses, which could provide an appropriate transition between the Shopping Center zoning to the north and Residential-10 CUD zoning to the south. However, the properties to the east and west remain zoned for low density residential uses. Thus, appropriate transitions and buffering should be ensured for the low density residential properties to the east and west.

The applicant notes that the subject property is located adjacent to properties designated Neighborhood Mixed Use and Office-Residential Mixed Use on the Future Land Use Map. That, allowing residentially-scaled, mixed-use, transitional development of the property in a strategic location would be consistent with the intent of the Comprehensive Plan policies. Moreover, the development would result in significant infrastructure improvements enhancing mobility and accessibility.

Staff concurs. The proposed request for increased residential and residentially scaled commercial uses would provide for an appropriate transition zone and be compatible with the future uses anticipated for this generally area. However, the immediate impacts to the R-4 single-family lots with frontage on Strickland should be evaluated.

**3. Public benefits of the proposed rezoning**

The applicant notes that the proposed map amendment would benefit the owner and members of the family by allowing development of residentially-scaled office and retail properties on the north side of the property while allowing the subdivision and development of the interior of property for housing younger generation of the family members. That the rezoning would provide greater connectivity and more compact and walkable development leading to reduced Vehicle Miles Travelled. The appropriate transitions and infrastructure improvements provided by the rezoning will enhance the sense of place at the corner of Old Leesville and Strickland Roads.

Staff assessment indicates that the proposed rezoning provides a better transitional zone than what the existing zoning provides. Developing the property at full potential of R-4 would require multiple curb cuts off of Strickland, which is strongly discouraged since the site is located close to an intersection. Rezoning for moderate density residential uses would not only serve a higher and more efficient use of land, but limit access from Strickland Road, thus serving long term viability of residential uses. However, the traffic impacts from potential commercial uses should be evaluated.

#### 4. Detriments of the proposed rezoning

There are no major detriments associated with this request.

#### 5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

##### 5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>Current Volume (ADT)</u>	<u>2035 Future Volume (ADT)</u>		
Strickland Road	Major Thoroughfare	9,000	25,511		
Old Leesville Road	Residential Street	N/A	N/A		
<b>Street Conditions</b>					
Strickland Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	None	60'	None	None
City Standard	4	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	4' striped bicycle lanes on both sides
<b>Meets City Standard?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Old Leesville Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	None	60'	None	None
City Standard	2	Back-to-back curb and gutter section	50'	minimum 5' sidewalks on one side	N/A
<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>		
AM PEAK	10	115	105		
PM PEAK	13	116	103		
<b>Suggested Conditions/Impact Mitigation:</b>	While the proposed rezoning will result in a potential increase in land use intensity and associated traffic, the capacity of the adjoining roadways are expected to absorb the additional trips without causing an unreasonable increase in delay to motorists on the roadway network.				
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any projects scheduled in the vicinity of this case.				

##### 5.2 Transit

No comment.



Impact Identified: None

### 5.3 Hydrology

<i>Floodplain</i>	No
<i>Drainage Basin</i>	Sycamore Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

Impact Identified: None

### 5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	6,680 gpd	2,087 gpd
<i>Waste Water</i>	6,680 gpd	2,087 gpd

The proposed rezoning will not impact the wastewater collection or water distribution systems of the City. There is an existing twenty-four (24") inch water main in Old Leesville and Strickland Roads Rights-of-way.

The developer will need to extend an eight (8") inch sanitary sewer main to the property.

Impact Identified: Need for sanitary sewer extension to the property.

### 5.5 Parks and Recreation

The subject property is not located adjacent to a corridor of the Capital Area Greenway system. The property is served by Strickland Road Park and by Lake Lynn Park. There is no park search area impacted

Impact Identified: None

### 5.6 Urban Forestry

Parcel 0788143748 is larger than two acres. It is currently subject to tree protection buffer laws--code sections 10-2002 and 10-2072. Parcel 0788141859 is smaller than two acres. It is not currently subject to any tree protection laws.

When the property that is larger than two acres (or if the two parcels are recombined) is developed via a new site plan or new subdivision, establishment of tree conservation areas will be required in accordance with code section 10-2082.14. No conditions are proposed by the applicant.

Impact Identified: Applicable during site plan review process

### 5.7 Wake County Public Schools

The maximum number of dwelling units permitted under the proposed zoning would be 33, while the current zoning permits 13. This would result in the following increase in school enrollment: 3 elementary, 2 middle and 1 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Leesville Road	844	76.7%	847	76.9%
Leesville Road	1,317	109.3%	1,319	109.5%
Leesville Road	2,493	114.6%	2,494	114.7%

*Impact Identified:* The rezoning could increase school enrollment by 6 students.

### 5.8 Designated Historic Resources

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

*Impact Identified:* None

### 5.9 Impacts Summary

The rezoning will permit more intense development on the property, and potentially increase traffic.

The increased development intensity will require an upgrade to the sanitary sewer system on the property.

### 5.10 Mitigation of Impacts

The trip generation characteristics of this rezoning case will not result in unreasonable delay to motorists on the existing roadway system. A Traffic Impact Analysis is not necessary at this time.

Upon development, a sanitary sewer must be extended to the property.

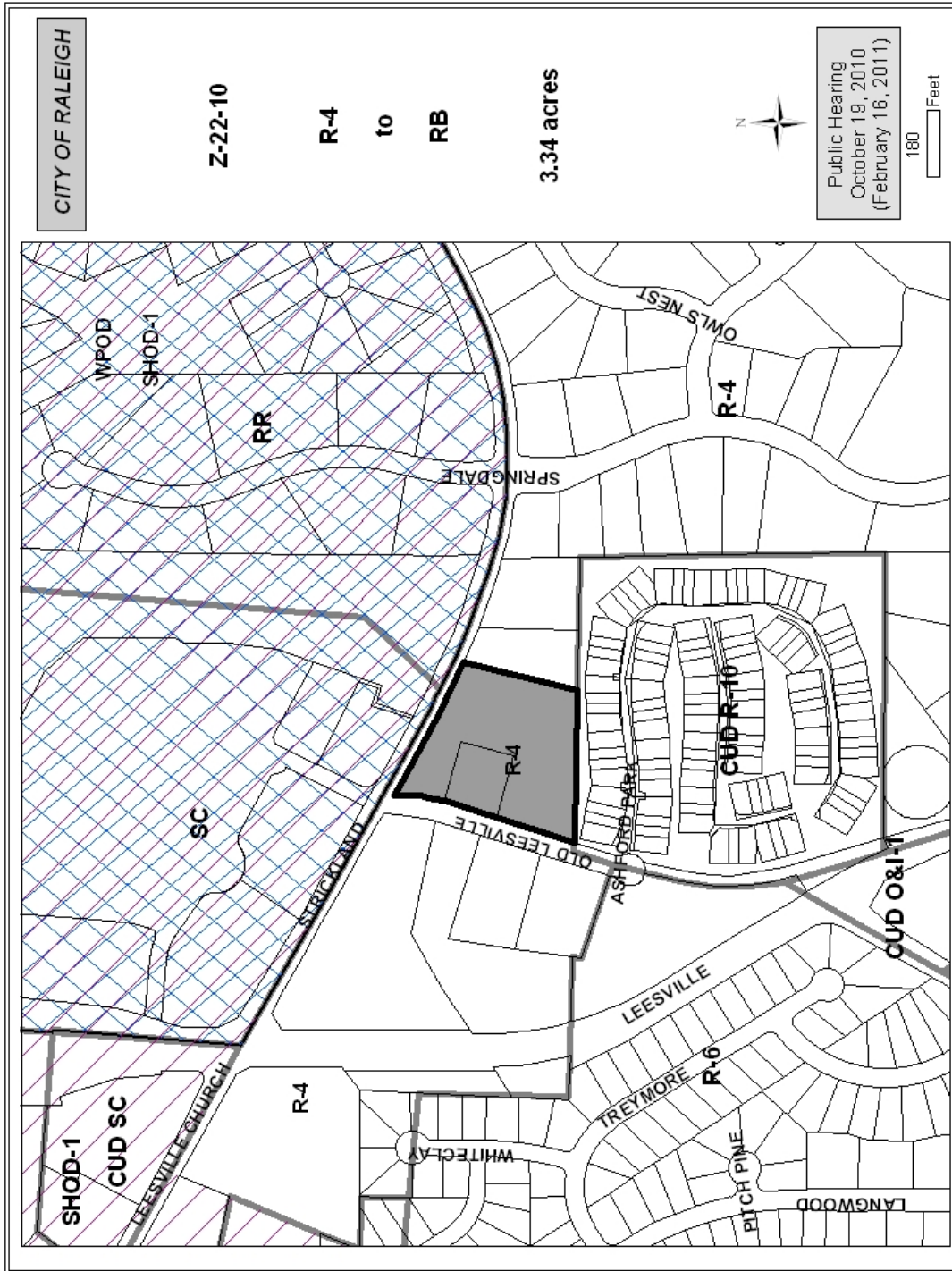
## 6. Appearance Commission

This request is not subject to Appearance Commission review.

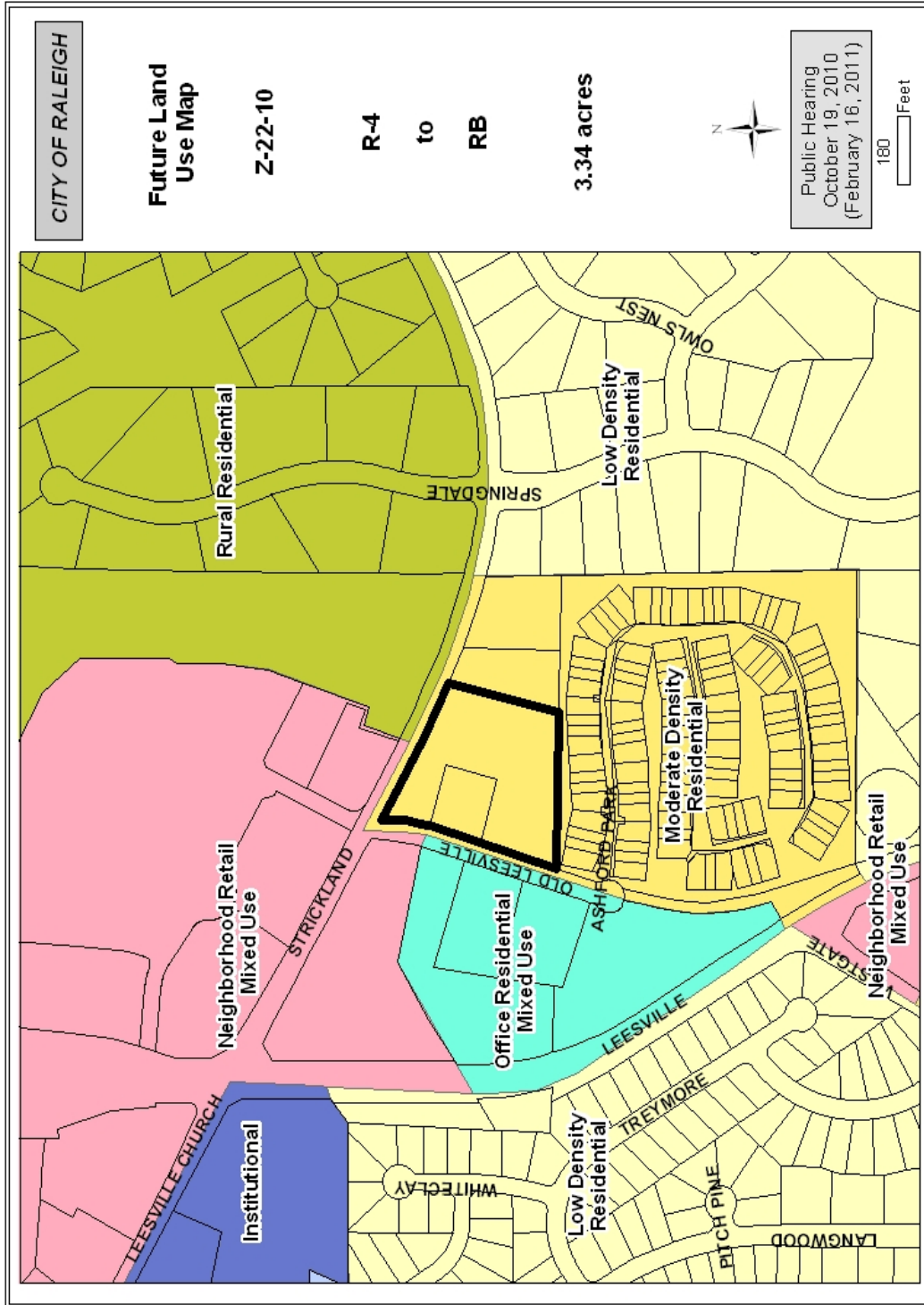
## 7. Conclusions

The rezoning proposal is inconsistent with the Future Land Use Map. The requested rezoning would permit limited commercial uses in an area designated for Moderate Density Residential uses. The Residential Business zone district allows small-scaled neighborhood retail residential in character. The application is a general use request; therefore conditions may not be offered. Specific site design measures to buffer existing adjacent residential uses should be addressed at the site plan stage.

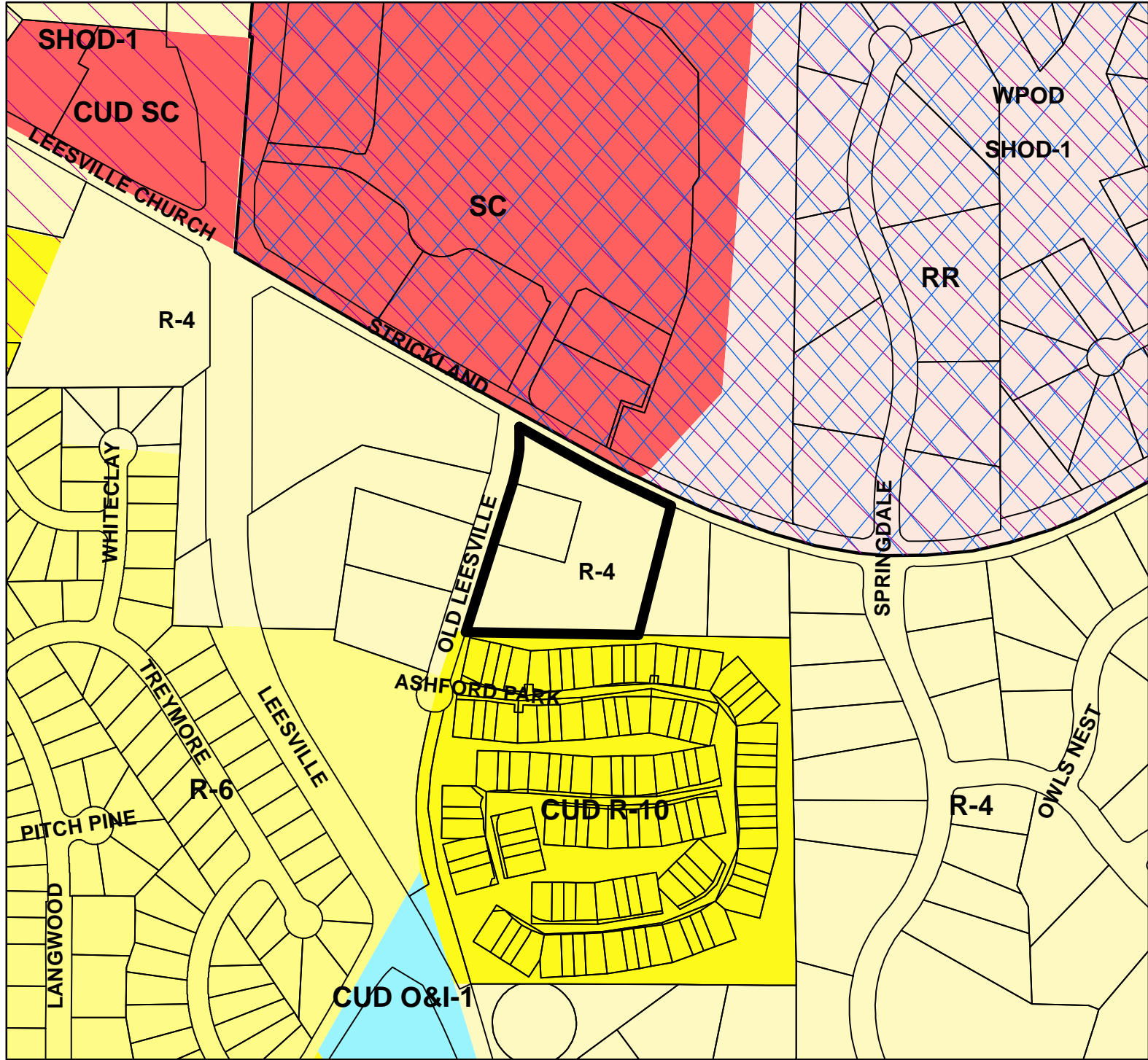
# Existing Zoning Map



# Future Land Use Map



**CITY OF RALEIGH**

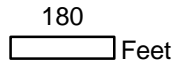


**Z-22-10**

**R-4  
to  
RB**

**3.34 acres**

Public Hearing  
October 19, 2010  
(February 16, 2011)





279 JUN 10 AM 9:58

# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s)

Edna S. Dillard

Date:

6/17/10

Please type or print name(s) clearly: Edna Saintsing Dillard

June 18, 2010

# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	Z-22-10
Date Filed:	10-18-10
Filing Fee:	21514. <sup>00</sup> by ck # 1574

Please use this form only – form may be photocopied. Please type or print

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Edna Saintsing Dillard</u>	<u>9608 Old Leesville Road</u>	<u>919.848.3130</u>
		<u>Raleigh, NC 27613</u>	

<b>2) Property Owner(s):</b>	<u>Edna Saintsing Dillard</u>	<u>9608 Old Leesville Road</u>	<u>919.848.3130</u>
		<u>Raleigh, NC 27613</u>	

<b>3) Contact Person(s):</b>	<u>Thomas S. Erwin</u>	<u>1214 College Place</u>	<u>919.848.3130</u>
		<u>Raleigh, NC 27605</u>	<u>tserwin@yahoo.com</u>

**4) Property Description:** Wake County Property Identification Number(s) (PIN):  
 Please provide surveys if proposed zoning boundary lines do not follow property lines.

0788143748  
0788141859

General Street Location (nearest street intersections):  
Strickland Road and Old Leesville Road

**5) Area of Subject Property (acres):** 3.34 acres

**6) Current Zoning District(s) Classification:** R-4  
 Include Overlay District(s), if Applicable

**7) Proposed Zoning District Classification:** Residential Business  
 Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

**8) Adjacent Property Owners**

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

**(Important: Include PIN Numbers with names, addresses and zip codes.)** Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
MASON STREET LLC	115 S MASON ST	APEX NC 27502-1916	0788045738
MARLOWE, D STEWART JOHN D TITCHENER JR	PO BOX 20667	RALEIGH NC 27619-0667	0788047444
COLEY, CHRISTINE	9513 OLD LEESVILLE RD	RALEIGH NC 27613-7519	0788048627
MASON STREET LLC	115 S MASON ST	APEX NC 27502-1916	0788048872
DILLARD, JUNIUS E	9608 OLD LEESVILLE RD	RALEIGH NC 27613-7520	0788056251
CENTEX HOMES	2301 SUGAR BUSH RD STE 400	RALEIGH NC 27612-2957	0788140468
BANKS, GLADYS E M TRUSTEE GLADYS EM BANKS TRUST	13356 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788140525
WEIGER, RONALD H & CANDACE CAYE	13354 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788140554
PENNINGTON, CAROLYN COLE	13352 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788140583
CENTEX HOMES	2301 SUGAR BUSH RD STE 400	RALEIGH NC 27612-2957	0788141477
CARLIN, PAUL NESTOR CARLIN, AZUCENA RODRIGUEZ TRUSTEES	6603 JILL CT	MC LEAN VA 22101-1613	0788141523
BONAKDAR, MARYAM	13346 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788141573
DILLARD, EDNA	9608 OLD LEESVILLE RD	RALEIGH NC 27613-7520	0788141859
PEGLOW, MARK R	13342 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788142513
PENNINGTON, LEWIS CHRISTOPHER PENNINGTON, SERINA L	13340 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788142543



Office Use Only Petition No. <u>Z-22-10</u>
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**8) Adjacent Property Owners**

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

*(Important: Include PIN Numbers with names, addresses and zip codes.)* Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
KEES, DAVID LEE	13338 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788142573
DRAYMOOR MANOR TOWNHOME ASSOC INC	3739 NATIONAL DR STE 101	RALEIGH NC 27612-4844	0788143140
ZHONG, SHAN	13336 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788143524
MUNROE, WILLIAM N & GARRY SABATINI	34 CALAIS RD	MENDHAM NJ 07945-2211	0788143564
CENTEX HOMES	2301 SUGAR BUSH RD STE 400	RALEIGH NC 27612-2957	0788143590
GRIFFITH, DENISE D	13332 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788143594
DILLARD, EDNA SAINTSING	9608 OLD LEESVILLE RD	RALEIGH NC 27613-7520	0788143748
CENTEX HOMES	2301 SUGAR BUSH RD STE 400	RALEIGH NC 27612-2957	0788144479
RECOVABLE TRUST OF MARY ANN FLOYD	13330 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788144525
REGAN, ROBERT JOSEPH	13326 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788144575
WALLACE, RUTH H	13324 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788145514
HOLMAN, ROY B JR SHORT, REGINA CAROL	13322 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788145533
CHAN, WAI-HAN V	13320 ASHFORD PARK DR	RALEIGH NC 27613-4149	0788145583
EDWARDS, ANNETTE F BLACK, KIMBERLY CROWDER	13113 STRICKLAND RD	RALEIGH NC 27613-5337	0788145714

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**8) Adjacent Property Owners**

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

*(Important: Include PIN Numbers with names, addresses and zip codes.)* Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
DILLARD, STEPHEN LEE	13109 STRICKLAND RD	RALEIGH NC 27613-5337	0788146767
WRI RALEIGH LP	PO BOX 450233	ATLANTA GA 31145-0233	0788150309
WRI RALEIGH LP	PO BOX 450233	ATLANTA GA 31145-0233	0788150784
WRI RALEIGH LP	PO BOX 450233	ATLANTA GA 31145-0233	0788152189
WRI RALEIGH LP	PO BOX 450233	ATLANTA GA 31145-0233	0788153351
DILLARD, EDNA SAINTSING	9608 OLD LEESVILLE RD	RALEIGH NC 27613-7520	0788155943

# EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

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

### **Required items of discussion:**

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

### **Recommended items of discussion (where applicable):**

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

### **PETITIONER'S STATEMENT:**

#### **I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](http://www.raleighnc.gov)).**

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

The FLUM recommends this property to be "Moderate Density Residential" but it is immediately adjacent to properties designated "Neighborhood Mixed Use" and "Office-Residential Mixed Use." Rezoning of this property to Residential Business with residential-scale business and a maximum residential density of 10 dwelling units an acre is compatible with the designated use and consistent with the Comprehensive Plan.

##### **B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The property is not located within any Area Plan.

**C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

The proposed map amendment is consistent with the Comprehensive Plan and other City Council adopted plans and policies in general, and is not inconsistent with the Plan or other adopted plans or policies. It specifically addresses and is consistent with the following Comprehensive Plan policies:

- LU 2.1 Placemaking,
- LU 2.2 Compact Development,
- LU 2.5 Healthy Communities,
- LU 4.2 Transportation in Support of Walkable Neighborhoods,
- LU 4.4 Reducing VMT Through Mixed Use,
- LU 4.5 Connectivity,
- LU 5.1 Reinforcing the Urban Pattern,
- LU 6.2 Complementary Uses and Urban Vitality,
- LU 8.3 Conserving, Enhancing and Revitalizing Neighborhoods,
- LU 8.10 Infill Development.

Residential Business zoning would allow residential-scale, mixed-use, transitional development of the property in a strategic location that would be consistent with all of the above Comprehensive Plan policies relating to land use.

Such development would also result in significant infrastructure improvements enhancing mobility and accessibility that would be consistent with the following Comprehensive Plan policies relating to transportation:

- T 1.1 Coordination with Land Use Map
- T 1.3 Multimodal Transportation Design
- T 1.5 Context Sensitive Road Design
- T 1.6 Transportation Impacts
- T 2.1 Integration of Travel Modes
- T 2.2 Defining Future Rights of Way
- T 2.11 Lane Additions
- T 2.15 Sensitive Road Design
- T 2.18 Roadway Tree Canopies
- T 3.1 Complete Street Standards
- T 3.4 Pedestrian Friendly Road Design
- T 5.1 Enhancing Bike/Pedestrian Circulation
- T 5.3 Bicycle and Pedestrian Mobility
- T 5.4 Pedestrian and Bicycle Network Connectivity
- T 5.5 Sidewalk requirements
- T 6.1 Surface Parking Alternatives
- T 6.3 Parking as a Buffer
- T 6.4 Shared Parking
- T 6.6 Parking Connectivity

**II. Compatibility of the proposed map amendment with the property and the surrounding area.**

**A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

The property is bounded on the North by Leesville Shopping Center, on the northeast by undeveloped land and low-density residential subdivisions, on the east by two two-story single-family houses on lots facing Strickland Road, on the south by a townhouse development and on the west by undeveloped land and two single-family detached houses, one of which was formerly the "teacherage" of the Leesville School in the early part of the twentieth century.

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

Existing zoning districts reflect development patterns that have evolved over hundreds of years, although most of the development has taken place since World War II and indeed since the creation of the Research Triangle Park. Residential densities range from a remaining large estate immediately to the north of the Leesville Road/I-540 interchange to R-10 immediately to the south of the property. The Leesville Road Shopping Center lies directly across Strickland Road from the property.

Much of the residential development of the past 40 years has been of two-story houses, whether detached or attached, but there remain a few primarily single-story residential developments.

Many of the earlier, very low density residential subdivisions, originally developed in Wake County have thick tree cover, still in relatively early stages of maturity. Later, higher-density subdivisions are more deliberately planted but are much less mature. Much of the surrounding area was developed to Wake County standards, and the use of transition buffer yards is very spotty.

**C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:**

The rezoning would allow additional residences and residential-scaled business uses that are compatible with the character of the surrounding area.

**III. Benefits and detriments of the proposed map amendment.**

**A. For the landowner(s):**

The proposed map amendment would benefit the landowner, Edna S. Dillard, and members of her family, by allowing development of residential-scale office and retail properties on the north side of her property while also allowing the subdivision and development of the interior of her property for housing for a younger generation of Dillard family members. In other words, the proposed map amendment would allow the Dillards to continue to live on property that has been in their family for almost 90 years, while effecting appropriate transitions to adjacent properties and land uses.

**B. For the immediate neighbors:**

The immediate neighbors will be benefited by the appropriate transitions that the proposed map amendment will provide and by the infrastructure improvements such as sidewalks that will accompany the rezoning.

**C. For the surrounding community:**

The proposed rezoning will benefit the surrounding community by creating greater connectivity and more compact and walkable development leading to reduced VMT. The appropriate transitions and infrastructure improvements provided by the proposed map amendment will enhance the sense of place at the corner of Old Leesville and Strickland.

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

No. The rezoning is consistent with the available surrounding amenities.

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

Rezoning to Residential Business would effect reasonable transitions from the property to all adjacent properties, contribute to compact and more walkable development, increase connectivity and enhance the sense of place on one of the corners of what has been known as "Leesville" for over one hundred years.

**V. Recommended items of discussion (where applicable).**

- a. An error by the City Council in establishing the current zoning classification of the property.**

Not applicable.

- b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

The property was last zoned when it was brought into the Raleigh ETJ before I-540 and the Leesville Shopping Center were opened, before Leesville Road was relocated, and before Draymoor Manor was developed. Those changes have transformed the character of the surrounding area, and the property now lies directly across Strickland Road from the Leesville Shopping Center, across Old Leesville Road from property designated Neighborhood Mixed Use and Office-Residential Mixed Use on the FLUM and immediately north of property zoned and developed as R-10.

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

The surrounding area, which is at the southwestern corner of the secondary watershed of the Falls Lake Watershed, and at the northwestern corner of a large area of predominantly single-

family residential development, is reasonably well-served by shopping center retail, but is underserved by professional offices and small, local retail without drive-throughs of the type allowed in Residential Business.

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

The property is a small tract with two existing residences that will remain. Rezoning to Residential Business would allow the construction of a small number of additional houses and residential-scaled office and retail. This development would have very little impact upon public services, facilities, fire and safety, parks and recreation, topography or access to light and air. Infrastructure improvements, such as sidewalks, which will necessarily accompany rezoning and further development will only enhance the surrounding area.

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

The rezoning advances the fundamental purposes of zoning by contributing to more compact, walkable development thus lessening congestion in the streets. The rezoning is consistent with the Comprehensive Plan and those policies of the City of Raleigh that encourage the most appropriate use of the land and promote development which considers the character of the district, the suitability of the land, and the conservation of the value of buildings.

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

No other arguments are offered at this time.