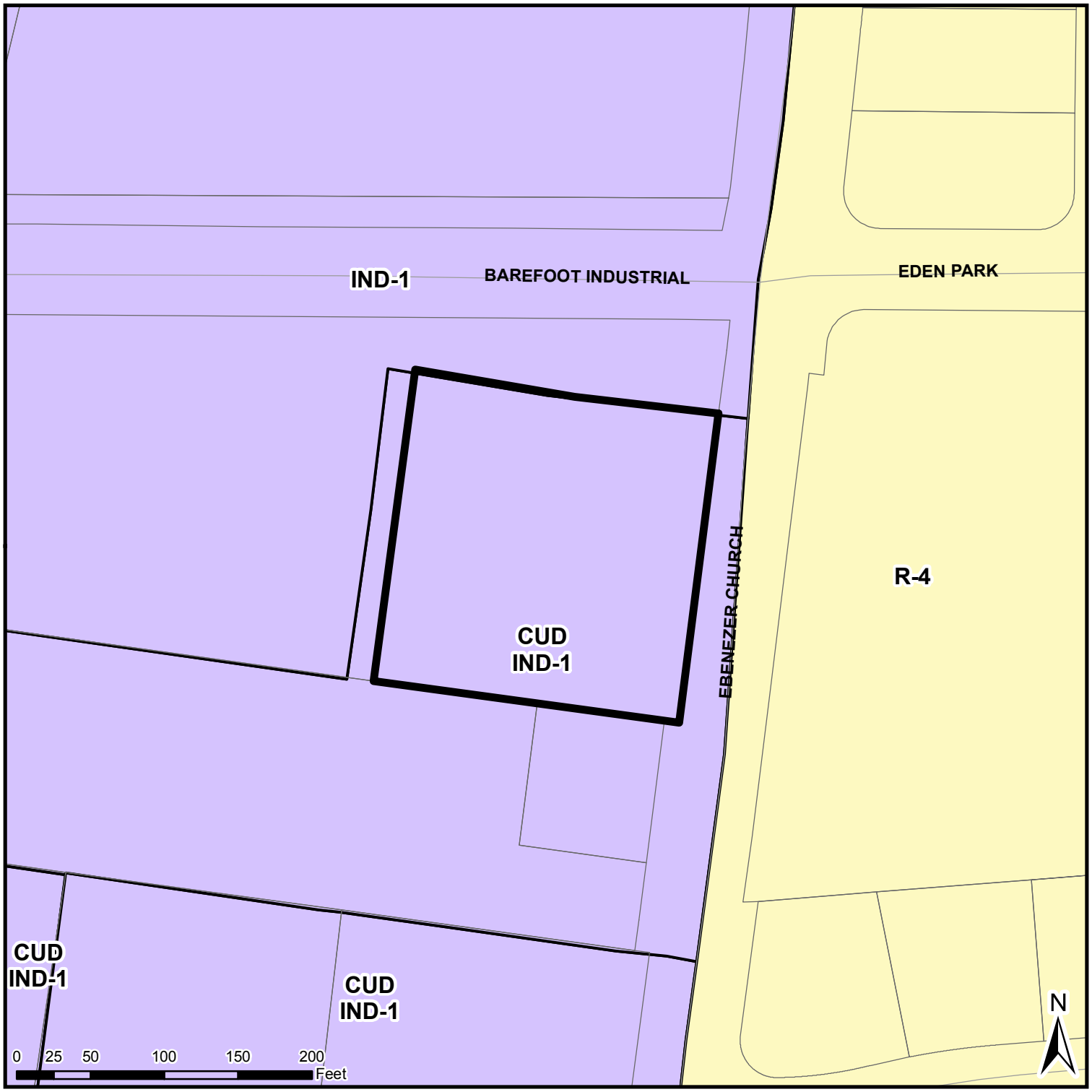
Existing ZoningMap

Z-23-2013

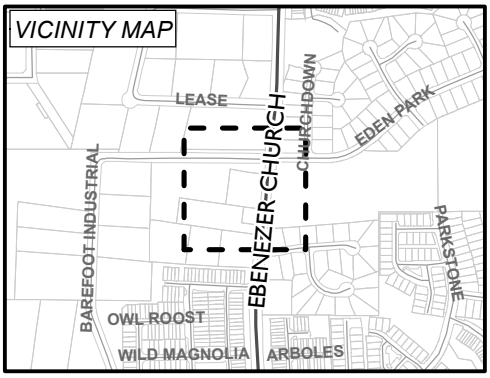


Submittal Date

6/7/2013

Request:

1.0 acres from IND-1 CUD to IX -3-CU



Certified Recommendation

Raleigh Planning Commission

CR# 11556

Case Information: Z-23-13 Ebenezer Church Road

Location	Ebenezer Church Road, west side, south of its intersection with Barefoot Industrial Road **Address:** 8401 Ebenezer Church Road **PIN:** 0777696704
Request	Rezone property from IND-1 CUD to IX-3 CU
Area of Request	1.0 acre
Property Owner	Ash Grey Properties LLC: (919) 831-5297; wayne@turnerasphalt.com
Applicant	Jarrod Edens: (919) 706-0550; jarrod.edens@edensland.com
Citizens Advisory Council	Northwest – Jay M. Gudeman, Chairperson: (919) 789-9884; jay@kilpatrickgudeman.com
PC Recommendation Deadline	January 20, 2014

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

FUTURE LAND USE	B&CS
CONSISTENT Policies	Policy LU 1.3 – Conditional Use District Consistency Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 11.1 – Preserving Industrial Land
INCONSISTENT Policies	*(none)*

Summary of Proposed Conditions

1. Billboards prohibited.
2. Any ground-mounted signs to be of low-profile design.
3. Certain uses prohibited.
4. Hours of operation limited.
5. Floor area ratio limited.
6. Lighting fixture type limited.
7. Minimum 50-foot protective yard, planted to SHOD-1 standards, to be provided along Ebenezer Church Road (except for specified encroachments).

Public Meetings

Neighborhood Meeting	*Public Hearing*	*Committee*	*Planning Commission*
5/22/13			10/22/13 (deferred); 11/26/13 (approved)

☐ ***Valid Statutory Protest Petition***

Attachment
1. Staff Report

Planning Commission Recommendation

Recommendation	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with the zoning conditions submitted November 7, 2013.
Findings & Reasons	1. The proposal is consistent with the Future Land Use Map and applicable Comprehensive Plan policies. The Future Land Use Map designates this area for Business and Commercial Services, and thereby appropriate for industrial or other non-residential development. 2. The proposal is reasonable and in the public interest. Commercial goods and services could be provided closer to existing and future residential development. 3. The proposal is compatible with the surrounding area. Conditions maintain or enhance the compatibility of the site with adjacent uses and development.
Motion and Vote	Motion: Boxton Second: Fleming In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Mattox, Schuster and Sterling Lewis

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.

_____ _____11/26/13
Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov

Zoning Staff Report – Case Z-23-13

Conditional Use District

Case Summary

Overview

The proposal seeks to alter several existing zoning conditions on the property. The changes would increase flexibility in site use and development, while retaining several current restrictions, adding new conditions, and requiring a significant street yard buffer.

The immediate section of Ebenezer Church Road runs along a north-south ridge line; drainage is to either side of the right-of-way. Much of the roadway nearby is lined with trees, providing a natural transition between the predominantly industrial uses on the west and exclusively residential development on the east. The parcel immediately opposite the site, zoned R-4, is mostly undeveloped and heavily wooded, but tracts north and south are built out in single-family neighborhoods (Ashworth Estates and West Chase subdivisions) and townhouse communities (Cornerstone Park and Camden Park). There is also a townhouse development (Glenwood Crossing) on the west side of the road, 400 feet south of the subject site, but properties immediately south, west, and north of the site are zoned industrial. Their current uses range from warehousing and trucking concerns, to concrete and asphalt production.

The proposal would reduce a 70-foot wide street protective yard conditioned under the current zoning (Z-52-95) to a 50-foot street protective yard planted to Special Highway Overlay District-1 (SHOD-1) standards. (The two industrial properties just south of the site, which were likewise zoned IND-1 under the same previous rezoning case, would retain the conditioned 70-foot streetyard buffer.)

Areas of the subject site's streetyard area were recently paved, in violation of the conditioned buffer. However, remediation is underway; e.g., a Tree Conservation Area (TCA) Plat has been approved for replanting trees removed within a 30'x41' area paralleling the street, in compliance with Code Sec. 10-2072.

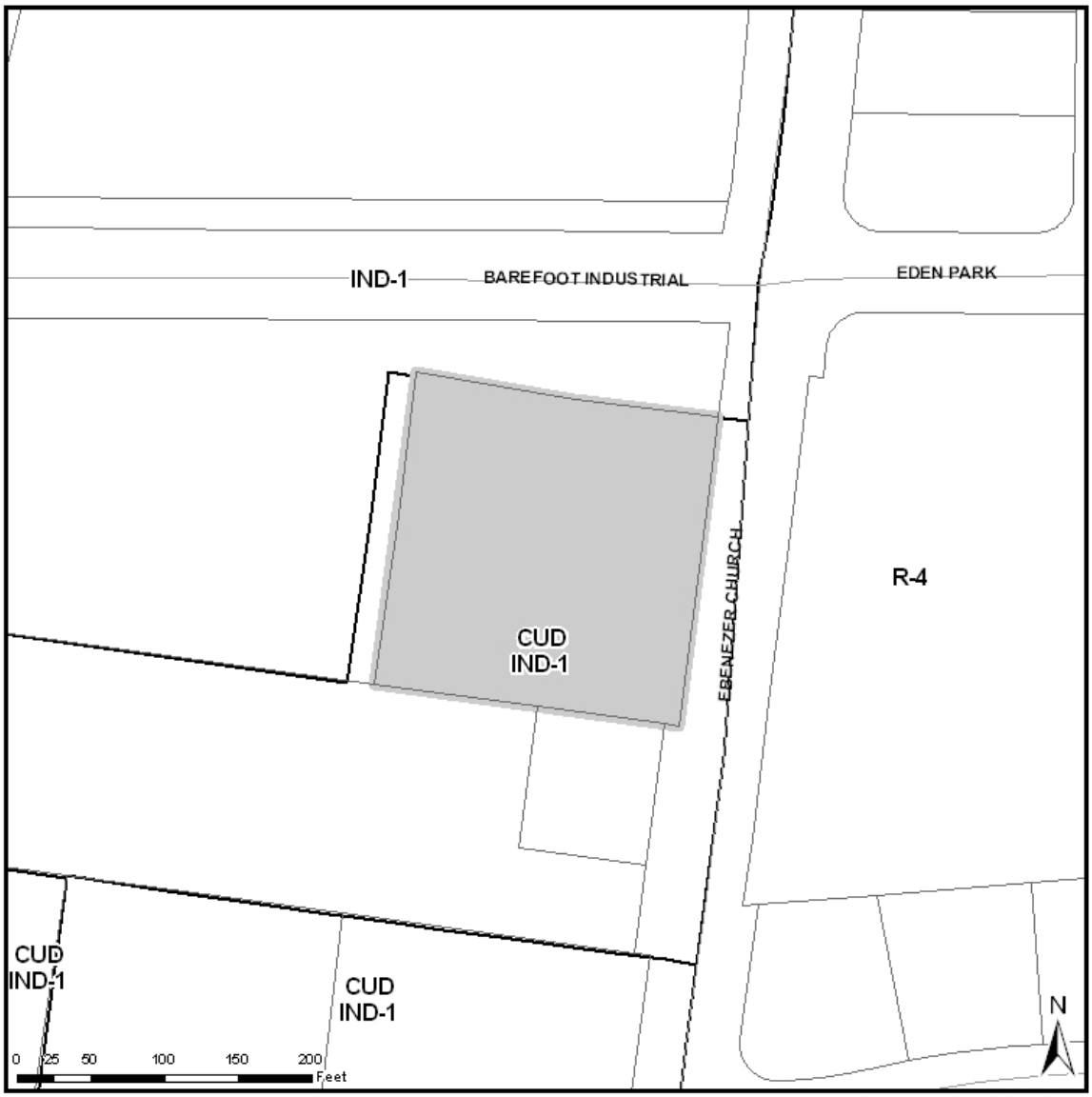
The proposed rezoning would remove the current zoning's restriction of site retail use solely to landscape/ garden center, allowing a variety of other commercial uses, while retaining industrial uses as an option.

Some uses would not be allowed, though, including most of those prohibited under the current zoning, plus bank, eating establishment with drive-through, and overnight lodging. The proposal would retain the presently-conditioned ban on billboards, and limit ground-mounted signage height to low profile (i.e., maximum height of 3½ feet). Hours of operation and square footage of site buildings would also be restricted. Lighting is limited to full cut-off fixtures.

Outstanding Issues

Outstanding Issues	*(none)*	*Suggested Mitigation*	*(n/a)*

Existing Zoning Map Z-23-2013



Submittal Date

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Request:

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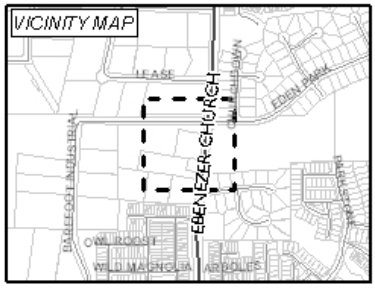


Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	***North***	***South***	***East***	***West***
Existing Zoning	IND-1 CUD	IND-1	IND-1 CUD	R-4	IND-1
Additional Overlay	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*
Future Land Use	B&CS	B&CS	B&CS	LDR	B&CS
Current Land Use	Automobile dealership	Undeveloped (part of tract to west)	Single-family residence; Warehouse	Single-family residence, but mostly wooded	Concrete manufacture
Urban Form: Centers	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*
Urban Form: Corridors	Ebenezer Church Rd: *Avenue 2-Lane Divided*	Barefoot Industrial Rd.: *Industrial Street*	*n/a*	Ebenezer Church Rd: *Avenue 2-Lane Divided*	*n/a*

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	***Proposed Zoning***
Residential Density:	*(Residential uses prohibited per zoning district.)*	*(Residential uses prohibited per conditions.)*
Setbacks: *Front:* *Side:* *Rear:*	 70 feet *(per conditions)* 0 feet 0 feet	 50 feet *(within conditioned street protective yard)* 6 feet *(if General Building)* 6 feet *(if General Building)*
Height:	50 feet max. at setback; 1 foot of additional height allowed per 1 foot of additional setback	3 stories/ 50 feet *(per district designation)*
Retail Intensity Permitted:	No defined limit	10,000 sf *(per conditioned F.A.R.)*
Office Intensity Permitted:	No defined limit	10,000 sf *(per conditioned F.A.R.)*

1.3 Estimated Development Intensities

	Existing Zoning	***Proposed Zoning***
Total Acreage	1.0	1.0
Zoning	IND-1 CUD	IX–3 CU

Max. Gross Building SF	– Not specified – *(currently 616 sf built)*	10,000 sf *(per conditioned F.A.R.)*
Max. Gross Office SF	– Not specified – *(currently 616 sf built)*	10,000 sf *(per conditioned F.A.R.)*
Max. Gross Retail SF	– Not specified –	10,000 sf *(per conditioned F.A.R.)*
Max. Gross Industrial SF	– Not specified –	10,000 sf *(per conditioned F.A.R.)*
Potential F.A.R	– Not specified –	0.23 *(per conditions)*

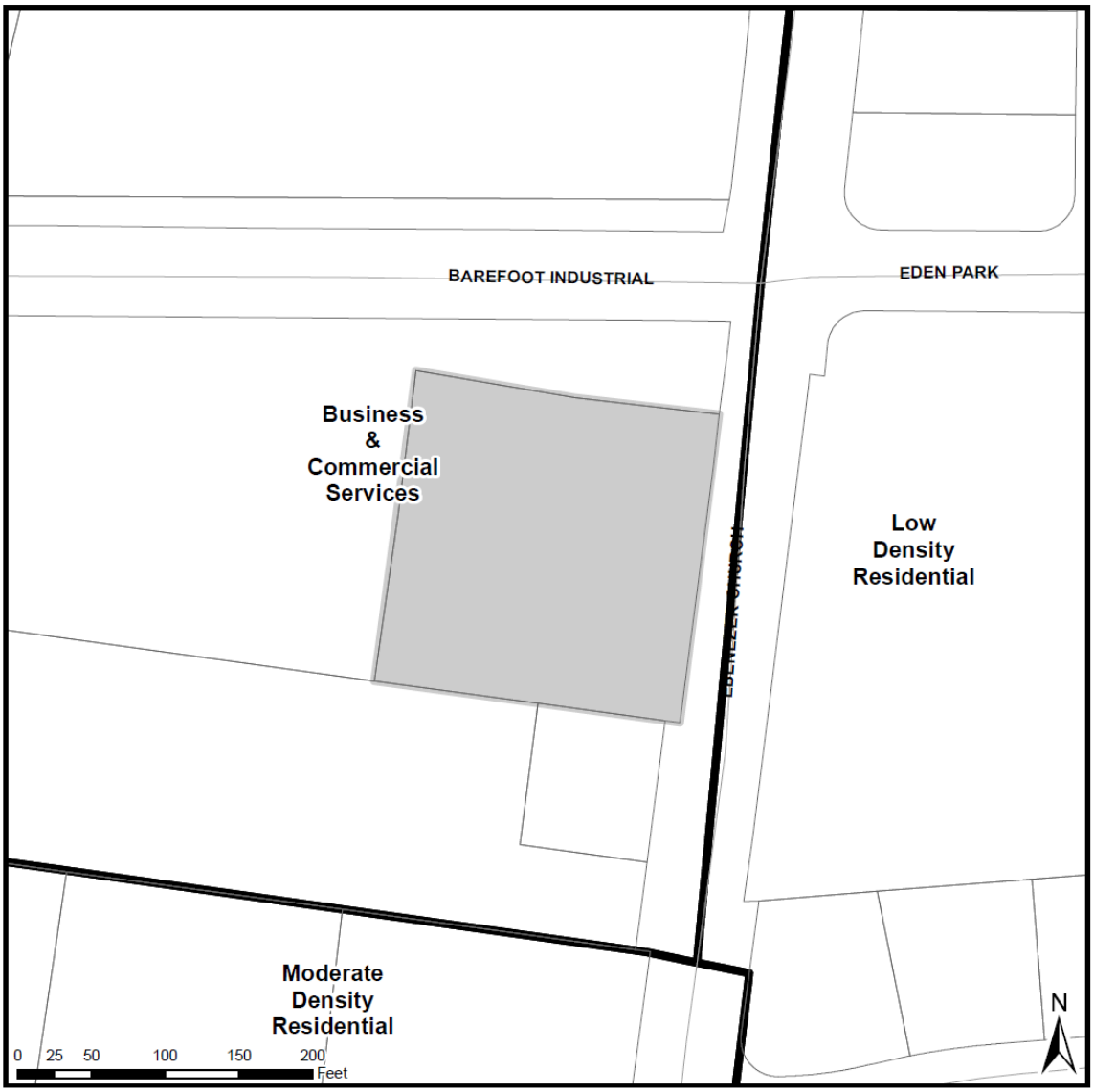
The proposed rezoning is:

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

☐ **Incompatible.**
Analysis of Incompatibility:

N/A

Future Land Use Map Z-23-2013



Submittal Date

6/7/2013

Request:

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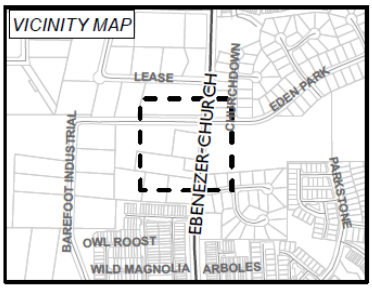

2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Business and Commercial Services

The rezoning request is:

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

☐ **Inconsistent**
Analysis of Inconsistency:

n/a

2.2 Policy Guidance

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

(None.)

2.3 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Possible provision of commercial goods and services closer to residential development.
- Street yard plantings exceeding requirements, additionally buffering site uses from nearby housing.

3.2 Detriments of the Proposed Rezoning

- Potential site uses could entail higher-intensity site operations (e.g., sales of convenience goods).

4. Impact Analysis

4.1 Transportation

Primary Streets	**Classification**	**2009-2012 NCDOT Traffic Volume (ADT)**
Ebenezer Church Road	Avenue, 2 Lane Divided	8,425
Barefoot Industrial Road	Industrial Street	N/A
Eden Park Drive	Neighborhood Street	N/A

Street Conditions						
Ebenezer Church Road	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	3	35'	None	60'	5' sidewalks on north side	None
City Standard	2	48'	Yes	75'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	**Yes**	**No**	**No**	**No**	**No**	**No**
Barefoot Industrial Road	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	2	20'	None	60'	None	None
City Standard	2	41'	Yes	69'	minimum 6' sidewalks on both sides	None
Meets City Standard?	**Yes**	**No**	**No**	**No**	**No**	**Yes**
Eden Park Drive	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	2	30'	Yes	55'	Yes	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	None
Meets City Standard?	**Yes**	**No**	**Yes**	**No**	**No**	**Yes**
Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential			
AM PEAK	3	38	35			
PM PEAK	79	128	49			

Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-23-13.
Additional Information:	Neither NCDOT nor the City of Raleigh has any roadway construction projects scheduled in the vicinity of this case.

Impact Identified: None.

4.2 Transit

Currently CAT Route 70x Brier Creek Express travels on Glenwood Avenue past Ebenezer Church Road but does not stop. The CAT Short Range Transit Plan proposes an Umstead Circulator which would operate on Marvino Lane and there would likely be a stop near Ebenezer Church Road.

Impact Identified: None.

4.3 Hydrology

Floodplain	None
Drainage Basin	Sycamore
Stormwater Management	Subject to Part 10, Chapter 9
Overlay District	None

Impact Identified: None.

4.4 Public Utilities

	Maximum Demand (current)	***Maximum Demand (proposed)***
Water	12,500 gpd	11,464 gpd
Waste Water	12,500 gpd	11,464 gpd

The proposed rezoning would not impact the wastewater collection and water distribution systems of the City. Presently there are existing eight (8”) inch sanitary sewer and twelve (12”) inch water mains in the Ebenezer Church Road. The subsequent development would use these mains for connection to the City’s utility systems. Downstream sanitary sewer improvements will be required by the City of the developer, depending on actual use. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

Impact Identified: None.

4.5 Parks and Recreation

Proximity to Greenway	***Proximity to Park***
0.14 mile/ 3.02 miles	0.87 mile
(future Crabtree Creek Turkey Creek Trail/ existing Lake Lynn Trail)	(Umstead State Park)

Impact Identified: None. This rezoning case does not impact the recreation level of service in the area. There are no adjacent greenway corridors

4.6 Urban Forestry

A 70' transitional protective yard along Ebenezer Church Rd. is being replaced with a 50' street protective yard vegetated to SHOD-1 standards.

Impact Identified: 20' reduction of street protective yard width. Condition 7 is written in a manner that will not impact the existing tree conservation area.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Appearance Commission

As the proposal does not involve a Planned Development, it is not subject to Appearance Commission review.

4.10 Impacts Summary

(None.)

4.11 Mitigation of Impacts

(N/A)

5. Conclusions

Rezoning would allow a range of retail options beyond what current zoning permits, while retaining the current option of industrial use. Potential impacts could be mitigated by the conditioned a 50-foot streetyard, planted to SHOD-1 standards. Most other current conditions would be brought forward, with new conditions added for hours of operation, building square footage, and lighting design.

2-23-13
Transaction #: 365275

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:

   a. to lessen congestion in the streets;
   b. to provide adequate light and air;
   c. to prevent the overcrowding of land;
   d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
   e. to regulate in accordance with a comprehensive plan;
   f. to avoid spot zoning; and
   g. 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.

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. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
X Allen Wayne Turner	Allen Wayne Turner	May 20-13

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs 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. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
TAILLON, TIM	8601 BAREFOOT INDUSTRIAL RD	RALEIGH NC 27617-4850	0777692719
WASHBURN, IVAN SCOTT & JOAN H	3076 HORSESHOE RD	CREEDMOOR NC 27522-8748	0777694529
PURYEAR, OLA WHITT	7401 AMARIS LN	RALEIGH NC 27612-1801	0777694978
ASH GREY PROPERTIES LLC	PO BOX 91647	RALEIGH NC 27675-1647	0777693450
RNA DEVELOPMENT LLC	102 FOUNTAIN BROOK CIR STE A	CARY NC 27511-4476	0777695348
WASHBURN, IVAN SCOTT	3076 HORSESHOE RD	CREEDMOOR NC 27522-8748	0777696620
ASH GREY PROPERTIES LLC	5805 LEASE LN	RALEIGH NC 27617-4708	0777696704
WHITE, ROBIN LEE	8612 STONECHASE DR	RALEIGH NC 27613-6999	0777697495
CLEGG, KEVIN M & JACQUELINE M	8604 STONECHASE DR	RALEIGH NC 27613-6999	0777698497
JONES, JAMES RUSSELL JONES, JULIE	8520 EBENEZER CHURCH RD	RALEIGH NC 27617-4735	0777792765
PURYEAR, OLA WHITT	7401 AMARIS LN	RALEIGH NC 27612-1801	0778604181
TRAMMEL, HAROLD II & ANNETTE	8601 CHURCHDOWN CT	RALEIGH NC 27613-8586	0778608091

EXHIBIT B. Request for Zoning Change

Z-23-13

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

365275

	Name(s)	Address	Telephone/Email
Petitioner(s)	Ash Grey Properties, LLC	5805 Lease Lane Raleigh, NC 27617	(919) 831-5297 wayne@turnerasphalt.com
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Same as above	Same as above	Same as above
Contact Person(s)	Edens Land Corp Attn.- Jarrod Edens, P.E.	2144 Page Road, Suite 204 Raleigh, NC 27703	(919) 706-0550 jarrod.edens@edensland.com

Property information

Property	**0777-69-6704**
Nearest	Ebenezer Church/Barefoot Industrial Roads
Area of Sub	1.00 ac.
Current Zon	I-1 CUD
Requested	IX-CU – 3 (revise existing conditional uses)

Z-23-13
AMENDED 11/7/13

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

Conditional Use District requested: IX-CU-3

Narrative of conditions being requested:
Removal of rezoning conditions placed on this parcel (PIN 777-69-6704) as per approved case #Z-52-95 and replace with the following conditions:

1. No billboards or off-premise signs will be erected on site.
2. Any ground-mounted sign erected on the site will be low profile.
3. The following uses will not be permitted for this property:
   i. Bank
   ii. Bar, nightclub, tavern or lounge
   iii. Adult establishment
   iv. Eating establishment with drive-through
   v. Overnight lodging
   vi. Movie theatres
   vii. Shooting range
   viii. All residential uses listed in UDO Article 6.2
   ix. Passenger terminals
   x. Pawnshops
   xi. Detention centers, jails, prisons
4. Business hours of operation to be limited to the hours between 7 am and 10 pm.
5. The floor area ratio for the property shall not exceed 0.23.
6. All site lighting fixtures shall be full-cutoff type.
7. A street protective yard a minimum of 50 feet wide and vegetated at least to SHOD-1 standards shall be maintained along the site's Ebenezer Church Road frontage except where impacted by the following:
   i. A single access drive not to exceed 24' in width measured from back of curb to back of curb
   ii. Tree conservation areas
   iii. The existing structure located near the southeastern portion of the site having approximate dimensions 25' x 30'.
   iv. Concrete sidewalk for pedestrian connectivity between the site, existing structure and Ebenezer Church Road

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by **all property owners**.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s) [signature] Print Name Allen Wayne Turner Date 11-6-13

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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).

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 current Future Land use map of the Comprehensive Plan shows the property to be planned for Business and Commercial services. The proposed rezoning request of IX-CU would be an appropriate zoning classification since the uses planned are consistent with those Comprehensive Plan land use. Furthermore, the current zoning district of I-1 CUD is consistent with the Business and Commercial services classification.

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.

There are no Area Plans or adopted plans/policies for this site.

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").

Policy LU 1.2 Future Land Use Map and Zoning Consistency
The proposed map amendment with conditions placed on the property is consistent with the FLUM within the Business and Commercial services category.

Policy LU 1.3 Conditional Use District Consistency
The map amendment and its conditions as part of a Conditional Use District (CU) will be consistent with the Comprehensive Plan.

Policy LU 2.6 Zoning and Infrastructure Impacts
The map amendment will remain the same zoning district as the current with no impacts on infrastructure since these services currently exist.

Policy LU 8.10 Infill Development
The proposed map amendment will encourage infill development of a vacant property in order to eliminate gaps in the urban fabric.

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 surrounding area land uses are Industrial uses on 3 sides and Single Family residential use on the southeastern and east sides of the subjected property. The proposed development will be developed as uses permitted in the IX zone subject to conditions restricting certain uses. .

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

The existing zoning patterns in the area include I-1 CUD to the north, west and south, and R-4 and O&I zones to the east.
Built commercial and industrial uses exist to the north, south and west of the property and residential uses on the eastern side of Ebenezer Church Road. The proposed development will be in-line with this intensity of existing development. Building heights, setbacks, and buffer yards proposed will be of a similar scale of the surrounding developments.

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 current zoning of I-1 CUD has been in place since 1995 which the surrounding area has developed as an Industrial park over that time. Residential development to the east has been in place in the last 10-12 years. Since the proposed zoning district is not changing, the proposed zoning map amendment with conditions is suitable for the property as uses under this zoning district.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed zoning benefits the land owner developing the property under a wider range of uses. The use proposed is to allow auto sales. There are no known detriments with this type of development for the proposed map amendment.

B. For the immediate neighbors:

The immediate neighbors have the benefit of a land use with conditions placed on it to assure a quality development. This will maintain or improve current land values. There are no known detriments of this type of development for the proposed map amendment.

C. For the surrounding community:

The surrounding community has the benefit of a quality development to be built in the area appropriate for this use and provide a better tax base for the city. There are no known detriments for this type of development with the proposed map amendment since the area is of similar industrial uses.

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

The property would benefit with the rezoning amendment with the addition of retail uses allowed. This use is permitted under the current zoning but restricted to adjacent properties within the I-1 CUD.

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

The land area of the property is about 1 acre in size. The current zoning and overlay restrictions reduces the developable area by 40%. Therefore, the site can only be developed for limited uses under the Industrial zoning district. A Retail use would be an appropriate land use for a limit site area under this zoning classification.

V. Recommended items of discussion (where applicable).

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

There was no error by City Council establishing the current zoning district.

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.**

N/A

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

N/A

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

There are no impacts on public services, infrastructure, fire and safety, parks and recreation, etc. since these items are currently available to the site and will not change.

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

The proposed map amendment advances the fundamental purposes of the N.C. enabling legislation by allowing industrial and commercial land uses that facilitates the more efficient use of public services and will encourage the most appropriate use of the property.

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

None.

EDENS LAND CORP
ENGINEERING - DEVELOPMENT

MEMORANDUM

TO: Neighborhood Meeting Attendees

FROM: Jarrod B. Edens, P.E.
Edens Land Corp

DATE: May 28, 2013

RE: Neighborhood Meeting Summary

On May 22, 2013, a neighborhood meeting was held at the Brier Creek Community Center to discuss an upcoming rezoning request to be filed with the City of Raleigh. The rezoning will be for the following parcel on Ebenezer Church Road totaling approximately 1.0 acre:

8401 Ebenezer Church Road (PIN 0777-69-6704)

The meeting was scheduled to begin at 7:00 pm. Only 1 member of the development team was present. Since none of the adjacent property owners or other neighbors in the area was in attendance by 7:20 pm, the meeting was determined to closed and ended.

Please feel free to contact me at (919) 706-0550 or by email at jarrod.edens@edensland.com if you have any questions.

2144 PAGE ROAD • SUITE 204 • DURHAM, NC 27703 • 919.706.0550 OFFICE
WWW.EDENSLAND.COM

7:15 pm
No ATTENDEES
JE

Turner Auto Sales- Neighborhood Meeting
Brier Creek Community Center
Sign-In Sheet
May 22, 2013

Name	Address	Phone Number	E-mail Address