



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 in accordance 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)

Date:

Please type or print name(s) clearly:

Robert N. Binns *Robert N. Binns* October 17, 2007 *me*

Katherine K. Binns *Katherine K. Binns* October 17, 2007 *lcs*

EXHIBIT B. Request for Zoning Change

<i>Office Use Only</i>	
Petition No.	<u>2-6-08</u>
Date Filed:	<u>10-19-07</u>
Filing Fee:	<u>pd 1000.00 by CK H 210</u>

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s):	<u>Robert N & Katherine K</u>	<u>7434 Capital Blvd</u>	_____
Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Binns</u>	<u>Raleigh, NC 27616-3129</u>	_____
	_____	_____	_____
2) Property Owner(s):	<u>Same as Above</u>	_____	_____
	_____	_____	_____
	_____	_____	_____
3) Contact Person(s):	<u>David L. York</u>	<u>P.O. Box 27525</u>	<u>919 755.8749</u>
	<u>Smith Moore LLP</u>	<u>Raleigh, NC 27611</u>	<u>david.york@smithmoore law.com</u>
	_____	_____	_____
4) Property Description:	<u>Wake County Property Identification Number(s) (PIN): 1727869246</u>		
Please provide surveys if proposed zoning boundary lines do not follow property lines.	_____		

	General Street Location (nearest street intersections): <u>Capital Blvd and Homestead</u>		
	<u>Drive</u>		

5) Area of Subject Property (acres):	<u>38.58 +/-</u>		

6) Current Zoning District(s)	_____		
Classification:	<u>Mobile Home and R-4</u>		
Include Overlay District(s), if Applicable	_____		

7) Proposed Zoning District	_____		
Classification:	<u>Shopping Center CUD (S.C. CUD) (11.510 ac.), Office & Institution-2 CUD (O&I-2</u>		
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>CUD) (25.239 ac.), Residential-4 CUD (R-4 CUD) (0.395 ac.) and Conservation</u>		
	<u>Management CUD (CM CUD) (1.524 ac.)</u>		

Schedule I

WJ Properties Rezoning

Adjacent Owners to 100 linear feet

MAP #	PIN #	Name	Address	City	State	Zip
1	1737065082	Carolina Power & Light Co. ATTN: WH Keith CX1G	PO Box 14042	St. Petersburg	FL	33733-4042
2	1727969668	Raleigh Carohome WCK LLC	PO Box 1551	Raleigh	NC	27602-1551
3	1727879188	Carolina Power & Light Co. ATTN: WH Keith CX1G	PO Box 14042	St. Petersburg	FL	33733-4042
4	1727780087	Crossroads Holdings LLC	1660 Piney Plains Rd	Cary	NC	27518-6852
5	1727880653	MLC Automotive LLC	5601 Capital Blvd	Raleigh	NC	27616-2933
6	1727768891	Barney G. Joyner Family Trust	815 New Bern Ave	Raleigh	NC	27601-1601
7	1727768712	Arthur Hsin Lin	1120 Four Wheel Dr	Wake Forest	NC	27587-8689
8	1727769513	Benjamin A Wilson & Alfreda Wilson	7325 Bassett Hall Ct	Raleigh	NC	27616-5632
9	1727769557	Larry Gonzalez	7329 Bassett Hall Ct	Raleigh	NC	27616-5632
10	1727860507	Bertha Bynum	7333 Bassett Hall Ct	Raleigh	NC	27616-5632
11	1727860554	Robert R. Ray	7332 Bassett Hall Ct	Raleigh	NC	27616-5630
12	1727860498	Christine Williams	7328 Bassett Hall Ct	Raleigh	NC	27616-5630
13	1727860453	John M Boyette	1525 Hanover St	Raleigh	NC	27608-2535
14	1727860308	Walter G. Cooper & Kimberly S. Cooper	7320 Bassett Hall Ct	Raleigh	NC	27616-5630
15	1727769440	Tomeika M. Watkins & Horatio R. Watkins	7316 Bassett Hall Ct	Raleigh	NC	27616-5630
16	1727860354	Bennett O. Mbonu	4309 Whisperwood Dr	Raleigh	NC	27616-3164
17	1727861327	Robert M. Deangelo & Kelly J. Deangelo	4313 Whisperwood Dr	Raleigh	NC	27616-3164
18	1727861387	Anthony J. Lyles	4317 Whisperwood Dr	Raleigh	NC	27616-3164
19	1727862345	David J. Lankshear & Brenda B. Lankshear	4321 Whisperwood Dr	Raleigh	NC	27616-3164
20	1727863301	Ronald Vincent Hicks & Linda Marie Hicks	4325 Whisperwood Dr	Raleigh	NC	27616-3164
21	1727863108	Reenold Thompson & Daphne Thompson	7401 N. Thorncliff Pl	Raleigh	NC	27616-5664
22	1727863232	Jenny V. Kearney	5405 Neuse Wood Dr	Raleigh	NC	27616-7744
23	1727863268	Karen P. Allen Flakes	1221 S. Eads St Apt 1114	Arlington	VA	22202-4723
24	1727864229	Lillian Ann Chavis	7413 N. Thorncliff Pl	Raleigh	NC	27616-5664
25	1727864285	John M Amein & Catherine S. Amein	1301 Kershaw Dr	Raleigh	NC	27616-5548
26	1727865117	Henry A. Johnson & Maisy H. Johnson	7408 N. Thorncliff Pl	Raleigh	NC	27616-5663
27	1727864161	Diane M. Weber & Jeffrey D. Himeline	7404 N Thorncliff Pl	Raleigh	NC	27616-5663
28	1727864037	Donal F. Conroy & Maire A. Conroy	4540 Sherbourne Dr	San Jose	CA	95124-4842
29	1727863093	Joan L. Shick & Clyde D. Shick	4401 Whisperwood Dr	Raleigh	NC	27616-3166
30	1727857900	Smoketree Homeowners Association	PO Box 56499	Raleigh	NC	27658
31	1727866100	Wake Investment Properties LLC	5417 Lake Edge Dr	Holly Springs	NC	27540-9342
32	1727866079	Grady Lynn Barnes & Randy Lynn Barnes	4629 Draper Rd	Raleigh	NC	27616-5676

N
16-08

MAP #	PIN #	Name	Address	City	State	Zip
33	1727867024	Sherrri Ann Barnes	4633 Draper Rd	Raleigh	NC	27616-5676
34	1727867072	Jared Faxon Carty	4637 Draper Rd	Raleigh	NC	27616-5676
35	1727858919	Claudie G. Stadlander	4641 Draper Rd	Raleigh	NC	27616-5676
36	1727858954	Tammie Sue Reid	4645 Draper Rd	Raleigh	NC	27616-5676
37	1727858991	Kirsten Tyler	4701 Draper Rd	Raleigh	NC	27616-5678
38	1727859836	Michael E. Flynt & Janny B. Flynt	4705 Draper Rd	Raleigh	NC	27616-5678
39	1727859862	Christian O Williams & Georgina N. Williams	4709 Draper Rd	Raleigh	NC	27616-5678
40	1727950708	Louvenia H Coleman	4713 Draper Rd	Raleigh	NC	27616-5678
41	1727950744	Mark G. Sly & Kelly S. Sly	4717 Draper Rd	Raleigh	NC	27616-5678
42	1727950771	Mary L. Mullins	4721 Draper Rd	Raleigh	NC	27616-5678
43	1727951627	David Rivera	711 FDR Dr., Apt 14B	New York	NY	10009-7121
44	1727951663	Yvette Gonzalez	4809 Draper Rd	Raleigh	NC	27616-5622
45	1727952517	Thomas O. Mukoyama & Celeste G. Mukoyama	4813 Draper Rd	Raleigh	NC	27616-5622
46	1727952552	Jose Monzon Lemus & Margarita G. Lemus	4817 Draper Rd	Raleigh	NC	27616-5622
47	1727953408	Harold Phillips	4821 Draper Rd	Raleigh	NC	27616-5622
48	1727953453	Bobby Alexander Jones & Lori H Jones	4825 Draper Rd	Raleigh	NC	27616-5622
49	1727953396	Perry S. Robinson	4829 Draper Rd	Raleigh	NC	27616-5622
50	1727954300	David L. McCormick & Colis D. McCormick	4833 Draper Rd	Raleigh	NC	27616-5622
51	1727954205	Jaclyn W. Trotter	4837 Draper Rd	Raleigh	NC	27616-5622
52	1727954195	Leslie Johnson	4517 Archibald Way	Raleigh	NC	27616-0942
53	1727954290	Housing Authority of the City of Raleigh	PO Box 28007	Raleigh	NC	27611-8007
54	1727954297	Phoebe Proffit	4524 Archibald Way	Raleigh	NC	27616-0941
55	1727955311	Tamiko D. Watts	4520 Archibald Way	Raleigh	NC	27616-0941
56	1727955381	Jose Soto Zermeo	4516 Archibald Way	Raleigh	NC	27616-0941
57	1727956330	Eduardo Javiero Alarcon & Aridad Gomez Alarcon	4512 Archibald Way	Raleigh	NC	27616-0941
58	1727956289	Sheila M. Phillips	4508 Archibald Way	Raleigh	NC	27616-0941
59	1727957229	Victor Manuel Garcia & Elosia Hernandez Garcia	4504 Archibald Way	Raleigh	NC	27616-0941
60	1727957279	Dorothy Wright	4500 Archibald Way	Raleigh	NC	27616-0941
61	1727958229	Nelson Javier Hernandez	4448 Archibald Way	Raleigh	NC	27616-0931
62	1727958278	Kwabena Gibb	4444 Archibald Way	Raleigh	NC	27616-0931
63	1727959218	Agreta Limerick	PO Box 97442	Raleigh	NC	27624-7442
64	1727959268	Sean E. Overton	4436 Archibald Way	Raleigh	NC	27616-0931
65	1737080217	Rosa A. Riddick	4432 Archibald Way	Raleigh	NC	27616-0931
66	1737050267	Loretta Gay Moss	4428 Archibald Way	Raleigh	NC	27616-0931
67	1737051207	Emido V. Montalvo & Epigmenia R. Montalvo	4424 Archibald Way	Raleigh	NC	27616-0931
68	1737051257	Tisha D. Baker	4420 Archibald Way	Raleigh	NC	27616-0931
69	1737052216	Ruth Roldan	4416 Archibald Way	Raleigh	NC	27616-0931

MAP #	PIN #	Name	Address	City	State	Zip
70	1737052264	James Burns	8210 Creedmoor Rd, Ste 201	Raleigh	NC	27613-1388
71	1737052199	Jess A. Paxson Jr. & Jennifer L. Paxson	4408 Archibald Way	Raleigh	NC	27616-0931
72	1737052194	Rosa I. Camacho & Arturo Sanchez-Hernandez Camacho	4404 Archibald Way	Raleigh	NC	27616-0931
73	1737052087	Denise Caldron	5001 Jacqueline Ln	Raleigh	NC	27616-0936
74	1737042983	Kurt W. Schmidt & Kristi P. Schmidt	2241 Hutchison St	Vista	CA	92084-2530
75	1737082886	Mary D. Rochelle	4316 Archibald Way	Raleigh	NC	27616-0929
76	1737042789	Esteban Ponce Santana	4312 Archibald Way	Raleigh	NC	27616-0929
77	1737042782	Susie A. Minor	4308 Archibald Way	Raleigh	NC	27616-0929
78	1737042686	Carolyn M Nichols	4304 Archibald Way	Raleigh	NC	27616-0929
79	1737042589	Mack Donald Hurt & Linda Hicks	4300 Archibald Way	Raleigh	NC	27616-0929
80	1737042581	Eric L. Johnson	4220 Archibald Way	Raleigh	NC	27616-0927
81	1737042493	Norman L. Paschall	4216 Archibald Way	Raleigh	NC	27616-0927
82	1737042396	Biddlecome Properties LLC	4212 Archibald Way	Raleigh	NC	27616-0927
83	1737043209	James Jackson Jr & Michele Jackson	4208 Archibald Way	Raleigh	NC	27616-0927
84	1737042291	County of Wake Housing Authority	PO Box 28007	Raleigh	NC	27611-8007
85	1737042163	Melissa L Obillo	4216 Wolftrap Rd	Raleigh	NC	27616-0924
86	1737042086	Samuel Cabrera	4212 Wolftrap Rd	Raleigh	NC	27616-0924
87	1737032997	Terry Thayer	PO Box 58624	Raleigh	NC	27658-8624
88	1737033901	Judith R. London	4204 Wolftrap Rd	Raleigh	NC	27616-0924
89	1737032853	Jennifer M. Metzger	4200 Wolftrap Rd	Raleigh	NC	27616-0924
90	1737031855	Micael A. Johnson Sr.	4201 Wolftrap Rd	Raleigh	NC	27616-0924
91	1737031922	Rebekka V.G. Mastin & Jeffrey Niel Mastin	4209 Wolftrap Rd	Raleigh	NC	27616-0924
92	1737041053	Raleigh Housing Authority Inc	PO Box 28007	Raleigh	NC	27611-8007
93	1737041252	Todd R. Mueller & Lisa D. Mueller	4201 Archibald Way	Raleigh	NC	27616-0928
94	1737041360	Charles Comer & Roxie S. Comer	4209 Archibald Way	Raleigh	NC	27616-0928
95	1737041359	Jesus Guzman & Daniela Y Zuniga	4213 Archibald Way	Raleigh	NC	27616-0928
96	1737041447	Ronald Lee Terrell	4217 Archibald Way	Raleigh	NC	27616-0928
97	1737041519	Michelle D. Zentgraf	4301 Archibald Way	Raleigh	NC	27616-0930
98	1737041607	Odis Samuel Banegas	4305 Archibald Way	Raleigh	NC	27616-0930
99	1737041703	Amnat Yakamna	4309 Archibald Way	Raleigh	NC	27616-0930
100	1737041709	Catherine S. Fair	4313 Archibald Way	Raleigh	NC	27616-0930
101	1737041825	Raleigh Housing Authority	PO Box 28007	Raleigh	NC	27611-8007
102	1737041911	Leon S. Kwarik	4321 Archibald Way	Raleigh	NC	27616-0930
103	1737051056	Evelyn Bethea	4917 Jacqueline Ln	Raleigh	NC	27616-5692
104	1737051132	Tiffany P. McKnight	4409 Archibald Way	Raleigh	NC	27616-0932
105	1737050173	Serafin Vega	4421 Archibald Way	Raleigh	NC	27616-0932
106	1737050113	Julie Pellicore	4429 Archibald Way	Raleigh	NC	27616-0932

MAP #	PIN #	Name	Address	City	State	Zip
107	1727959164	Adam West Schainblatt, Trustee & Susan Weikert, Trustee	8809 Walking Stick Trl	Raleigh	NC	27615-4037
108	1727959114	Melanie A. Vander-Klok	4441 Archibald Way	Raleigh	NC	27616-0932
109	1727958155	County of Wake Housing Authority	PO Box 28007	Raleigh	NC	27611-8007
110	1727957126	Terrah J Blakley & Michelle A. Blakley	4509 Wolftrap Rd	Raleigh	NC	27616-0938
111	1727956166	Salvador Lopez & Maria L Lopez	4505 Archibald Way	Raleigh	NC	27616-0942
112	1727956105	Kris M. Horton & Aldine F. Horton	4509 Archibald Way	Raleigh	NC	27616-0942
113	1727955144	Jose Rafael Diaz & Milagro E. Diaz	4513 Archibald Way	Raleigh	NC	27616-0942
114	1737055775	William D. Perkins & Robin M. Perkins	7201 Stephen Boyd Ct	Raleigh	NC	27616-5642
115	1737054675	Seung Yang & Kyong Sun	7200 Stephen Boyd Ct	Raleigh	NC	27616-5642
116	1737054479	Benjamin Wilson	7325 Bassett Hall Ct.	Raleigh	NC	27616-5632
117	1737055356	Jimmie A. Baugus	7208 Stephens Boyd Ct	Raleigh	NC	27616-5642
118	1737054151	Cristobal F. Jara	7241 Jacqueline Ln	Raleigh	NC	27616-5685
119	1737044853	Lynne C. Coats	7240 Jacqueline Ln	Raleigh	NC	27616-5684
120	1737045619	Heater Utilities Inc	PO Box 4889	Cary	NC	27519-4889
121	1737045568	Jeff & Susan Coyne	7308 Berkshire Downs Dr	Raleigh	NC	27616-5636
122	1737045467	John A. Debernardo & Ruth Anne Debernardo	7312 Berkshire Downs Dr	Raleigh	NC	27616-5636
123	1737045375	Timothy Wayne Force & Denise Ann Force	7316 Berkshire Downs Dr	Raleigh	NC	27616-5636
124	1737045188	Fentress T. Rodgers	7320 Berkshire Downs Dr	Raleigh	NC	27616-5636
125	1737046096	Charles E. Bright Jr & Jennifer F. Bright	7324 Berkshire Downs Dr	Raleigh	NC	27616-5636
126	1727939777	JVC Homes Inc	PO Box 1108	Wake Forest	NC	27588-1108
127	1737023461	C. Thomas Henderickson, Trustee	PO Box 41228	Raleigh	NC	27629-1228

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Petition No.	2-6-08
Date Filed:	

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).

A. Please state which District Plan area the subject property is located within and the recommended land use for this property:

The Property is located in the Northeast Planning District, and has no land use designation.

B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment 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 within the Northeast Regional Center, and is governed by both the northeast Regional Center Plan ("Regional Plan") and the Capital Boulevard Corridor Plan ("Corridor Plan"). Under the Regional Plan, the property is located on the non-residential side of the policy boundary line protecting the Smoketree Subdivision and is not designated for any specific use. Under the Corridor Plan, the property is located on the non-residential side of the policy boundary line protecting the Smoketree Subdivision and is not designated for any specific use along Capital Boulevard and is designated for residential uses on the balance of the Property.

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

(continued)

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?

The proposed map amendment is substantially consistent with the Comprehensive Plan and other City Council-adopted plans and policies. The S.C. CUD portion of the request is consistent in that the Comprehensive Plan does not designate any specific uses for this portion of the Property. The O&I-2 CUD portion of the request is consistent in that O&I-2 CUD allows the residential uses suggested by the Corridor Plan, and that the office and institutional uses permitted in the proposed O&I-2 CUD, though not consistent with the Corridor Plan's recommended residential use, are consistent with the transitional uses suggested to be located adjacent to policy boundary lines in other parts of the City. The R-4 CUD and CM CUD are also consistent with the Comprehensive Plan given the un-buildable shape of those proposed districts.

Notwithstanding the forgoing, if the staff, Planning Commission, or Council feel an amendment or interpretation of the Comprehensive Plan is required, the same is reasonable and justified to provide for a suitable transition between the established single-family residential communities to the south and east and the industrial uses to the north and west.

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 to the immediate south and east off of Capital Boulevard is predominately low-density detached single family residential. Up along Capital Boulevard a mixture of industrial and retail uses are predominate. There is a medium density apartment complex (Overlook at Simms Creek) to the north and east of the Property.

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

The adjacent area to the south and east (off of Capital Boulevard) is predominately zoned for low-density residential (R-4 and R-6). The apartment development to the north and east (off of Capital Boulevard) is zoned R-10 CUD. The southern most boundary Line of the Property is adjacent to a significant area zoned R-15 CUD. A 50-foot wide strip of Conservation Management district borders the Property's northern boundary line. Up along Capital Boulevard, the predominate zoning is Industrial-1.

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

(continued)

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 use of the property is a retail establishment up along Capital Boulevard with a mobile home park occupying the majority of the remainder. The proposed zoning map amendment creates a suitable transition between the established single-family residential communities to the south and east and the industrial uses to the north and west. Development of the Property under the proposed zoning change would be very much in keeping with the uses and character of the surrounding area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

First, the current zoning does not reflect the existing commercial use which has existed on the Property's Capital Boulevard frontage prior to coming into the City's jurisdiction. The proposed map amendment will correct that error. Secondly, the Property is suitable for re-development as areas surrounding it have been developed. The proposed rezoning will allow for a more appropriate mix of uses on the Property.

B. For the immediate neighbors:

The current mobile home park is not the most appropriate use of the Property given its surrounding neighbors. Re-development under the proposed zoning districts will provide for an appropriate transition for surrounding uses.

C. For the surrounding community:

The current mobile home park is not the most appropriate use of the Property given its surrounding neighbors. Re-development under the proposed zoning districts will provide for an appropriate transition for surrounding uses. The re-development of this property will increase the tax base from this property without taxing existing infrastructure.

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

No. The zoning of the Property will not confer significant benefits that are not available to the surrounding properties. The surrounding properties have already or are in the process of re-development which is the purpose of this rezoning request.

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

(continued)

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

As stated above, the current mobile home park is not the most appropriate use of the Property given its surrounding neighbors. Re-development under the proposed zoning districts will provide for an appropriate transition for surrounding uses. The Property is a relatively long, narrow strip of land. Although such a shape presents challenges in its re-development, the building setback flexibility built in to the S.C. and O&I-2 zoning district development standards, will allow for a suitable re-development with a more appropriate use mixture.

V. Recommended items of discussion (where applicable).

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

As mentioned above, it is our understanding that the commercial uses along Capital Boulevard pre-dated the city's planning jurisdiction in the area, and that the Capital Boulevard road frontage should have been zoned for commercial use at that time.

- 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 character of this area has changed substantially in recent years. The population of northeast Raleigh has grown exponentially in recent years and is expected to continue growing at an astonishing rate. With the extension of US Interstate 540 ("I-540") from US Interstate-40 in RTP to US Highway 64 By-Pass near Knightdale, and the increased development all along Capital Boulevard, the Property is no longer located on the outskirts of town, but is located in the vibrant Northeast Regional Center.

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

The Northeast Regional Center's zoning is dominated by Industrial and Thoroughfare District zoning. The development flexibility of Shopping Center and O&I-2 is lacking in areas where small or unusually shaped tracts are in need of such design flexibility. The subject Property is such a tract of land.

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

(continued)

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

The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc. will be positive. Subject to the city's customary joint venture/reimbursement policies, the developer will extend the water and sewer lines to the area. The developer is cooperating with the city to locate a future fire/public safety station to serve the area. In addition to the private recreation facilities planned for the development, the developer is cooperating with the city to locate a future park in the area, if the City desires the same. The development of the Property will provide for substantial open space that respects the topography of the land.

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

The community as a whole will benefit from the development of this site. The extension of utility lines will enable the City to provide better services to its citizens. The proposed rezoning of the property in question is in accordance with the Comprehensive Plan.

Both the Wake County Land Use Plan and the Raleigh Comprehensive Plan encourage this site to be developed for lower-density residential use. An R-4 CUD zoning on this site will recognize the urban influence in this area and address the demands of Raleigh's growing population. Based upon the foregoing, the applicant respectfully requests approval to rezone the property in question to R-4 CUD.