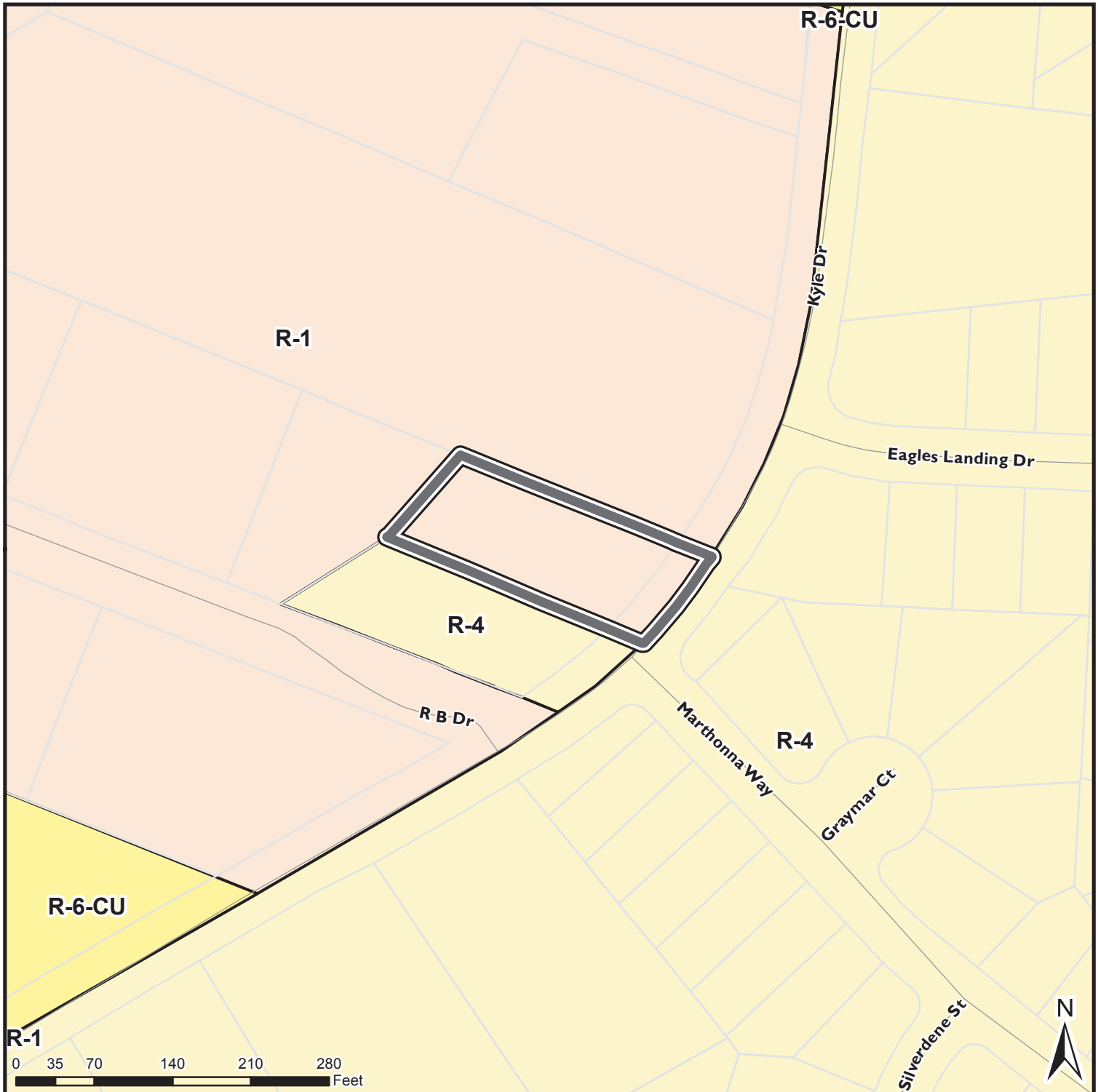


Existing Zoning Map

Z-26-2015



**Submittal
Date**

7/1/2015

Request:

0.49 acres from

R-1

to R-10

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11651

Case Information Z-26-15 Kyle Drive

| | |
|--|--|
| <i>Location</i> | West side, at the intersection with Marthonna Way Address: 5305 Kyle Drive PIN: 1736143086 |
| <i>Request</i> | Rezone property from Residential-1 (R-1) to Residential-10 (R-10) |
| <i>Area of Request</i> | 0.49 acre |
| <i>Property Owner</i> | Jewel E. Foster 3109 Polanski Drive Wake Forest, NC 27587 |
| <i>Applicant</i> | Same as above. |
| <i>Citizens Advisory Council (CAC)</i> | Northeast – Lillian Thompson, Chairperson lillianonline@icloud.com |
| <i>PC Recommendation Deadline</i> | October 26, 2015 |

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

| | |
|-------------------------------------|---|
| <i>FUTURE LAND USE</i> | Moderate Density Residential (MDR) |
| <i>URBAN FORM</i> | Center: <i>None designated</i> Corridor: <i>None designated</i> |
| <i>CONSISTENT Policies</i> | Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 2.2 – Compact Development Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 3.2 – Location of Growth Policy LU 5.4 – Density Transitions |
| <i>INCONSISTENT Policies</i> | (None noted.) |

Summary of Proposed Conditions

(None – General Use)

Public Meetings

| <i>Neighborhood Meeting</i> | <i>CAC</i> | <i>Planning Commission</i> | <i>City Council</i> | <i>Public Hearing</i> |
|-----------------------------|----------------------------------|----------------------------|---------------------|-----------------------|
| 5/14/15 | 5/14/15; 7/9/15 Y – 16; N - 0 | 7/28/15 | 8/4/15 | 9/1/15 |

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report

Planning Commission Recommendation

| | |
|-------------------------------|--|
| <i>Recommendation</i> | Approve. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion. |
| <i>Findings & Reasons</i> | <ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is reasonable and in the public interest. The proposal would provide the opportunity for additional housing options in an area of the city experiencing growth. 3. The proposal is compatible with the surrounding area. The Residential-10 district allows housing options similar to existing and potential development in the area. |
| <i>Motion and Vote</i> | Motion: Braun Second: Hicks In Favor: Alcine, Braun, Fluhrer, Hicks, Lyle, Schuster, Swink, Terando and Whitsett |

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.

| | | | |
|-------------------|------|---------------------------------|-----------------|
| | Date | | 7/28/15 Date |
| Planning Director | | Planning Commission Chairperson | |

Staff Coordinator: Vivian Ekstrom: (919) 996-2657; vivian.ekstrom@raleighnc.gov



Zoning Staff Report – Case Z-26-15

General Use District

Case Summary

Overview

The proposal seeks to rezone an approximately half acre property in northeast Raleigh in a neighborhood just east of the Louisburg Road corridor. The property is currently vacant and wooded. Surrounding uses are predominantly single-family residential. The Ansleigh subdivision is located to the east across Kyle Drive. An adjacent property to the north is classified as a special care facility; per the Unified Development Ordinance (UDO), special care facilities are defined as facilities that provide psychosocial rehabilitation, skill development, and other services for individuals with severe and persistent mental illness.

The subject property is classified as Moderate Density Residential on the Future Land Use Map, as are surrounding properties to the north, west, and south. Properties to the east across Kyle Drive are designated for Low Density Residential uses. There is no Urban Form Map designation for the property or the immediate area.

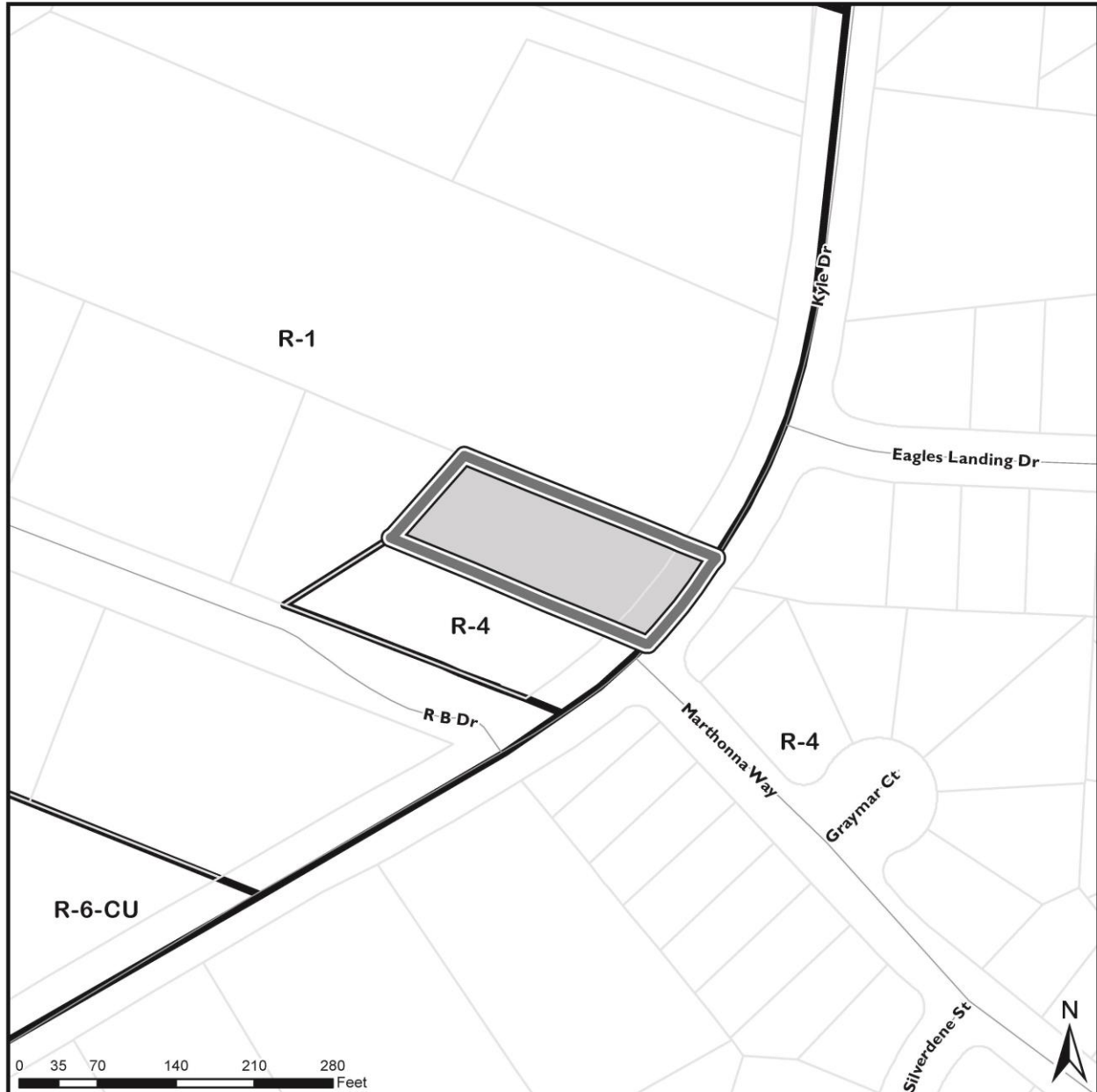
The site is currently zoned Residential-1 (R-1), as are surrounding properties to the north and west. The adjacent property to the south is zoned Residential-4, as are properties in the Ansleigh subdivision to the east. The proposed Residential-10 (R-10) zoning would allow an increase in permitted density, as well as attached house, townhouse and apartment building types, smaller setbacks, and the option for smaller lot sizes if subdivided.

Outstanding Issues

| | | | |
|---------------------------|----------------|-----------------------------|------------|
| <i>Outstanding Issues</i> | <i>(None.)</i> | <i>Suggested Mitigation</i> | <i>n/a</i> |
|---------------------------|----------------|-----------------------------|------------|

Existing Zoning Map

Z-26-2015



**Submittal
Date**

7/1/2015

Request:

0.49 acre from
R-1
to R-10

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

| | Subject Property | North | South | East | West |
|-----------------------------------|------------------------------|---|------------------------------|---------------------------|------------------------------|
| <i>Existing Zoning</i> | Residential-1 | Residential-1 | Residential-4 | Residential-4 | Residential-1 |
| <i>Additional Overlay</i> | n/a | n/a | n/a | n/a | n/a |
| <i>Future Land Use</i> | Moderate Density Residential | Moderate Density Residential | Moderate Density Residential | Low Density Residential | Moderate Density Residential |
| <i>Current Land Use</i> | Vacant | Special care facility & single family residential | Single family residential | Single family residential | Single family residential |
| <i>Urban Form (if applicable)</i> | n/a | n/a | n/a | n/a | n/a |

1.2 Current vs. Proposed Zoning Summary

| | Existing Zoning | Proposed Zoning |
|------------------------------------|----------------------------|----------------------------|
| <i>Residential Density:</i> | 1 2 Dwelling Units/acre | 4 8 Dwelling Units/acre |
| <i>Setbacks:</i> | | |
| <i>Front:</i> | 20' | 10' |
| <i>Side:</i> | 10' | 5' |
| <i>Rear:</i> | 30' | 20' |
| <i>Retail Intensity Permitted:</i> | Not permitted | Not permitted |
| <i>Office Intensity Permitted:</i> | Not permitted | Not permitted |

1.3 Estimated Development Intensities

| | Existing Zoning | Proposed Zoning* |
|---|------------------------------|------------------------------|
| <i>Total Acreage</i> | 0.49 | 0.49 |
| <i>Zoning</i> | R-1 | R-10 |
| <i>Max. Gross Building SF (if applicable)</i> | n/a | n/a |
| <i>Max. # of Residential Units</i> | 1 (2 Dwelling Units/acre) | 4 (8 Dwelling Units/acre) |
| <i>Max. Gross Office SF</i> | Not permitted | Not permitted |
| <i>Max. Gross Retail SF</i> | Not permitted | Not permitted |
| <i>Max. Gross Industrial SF</i> | Not permitted | Not permitted |
| <i>Potential F.A.R</i> | n/a | n/a |

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

The proposed rezoning is:

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

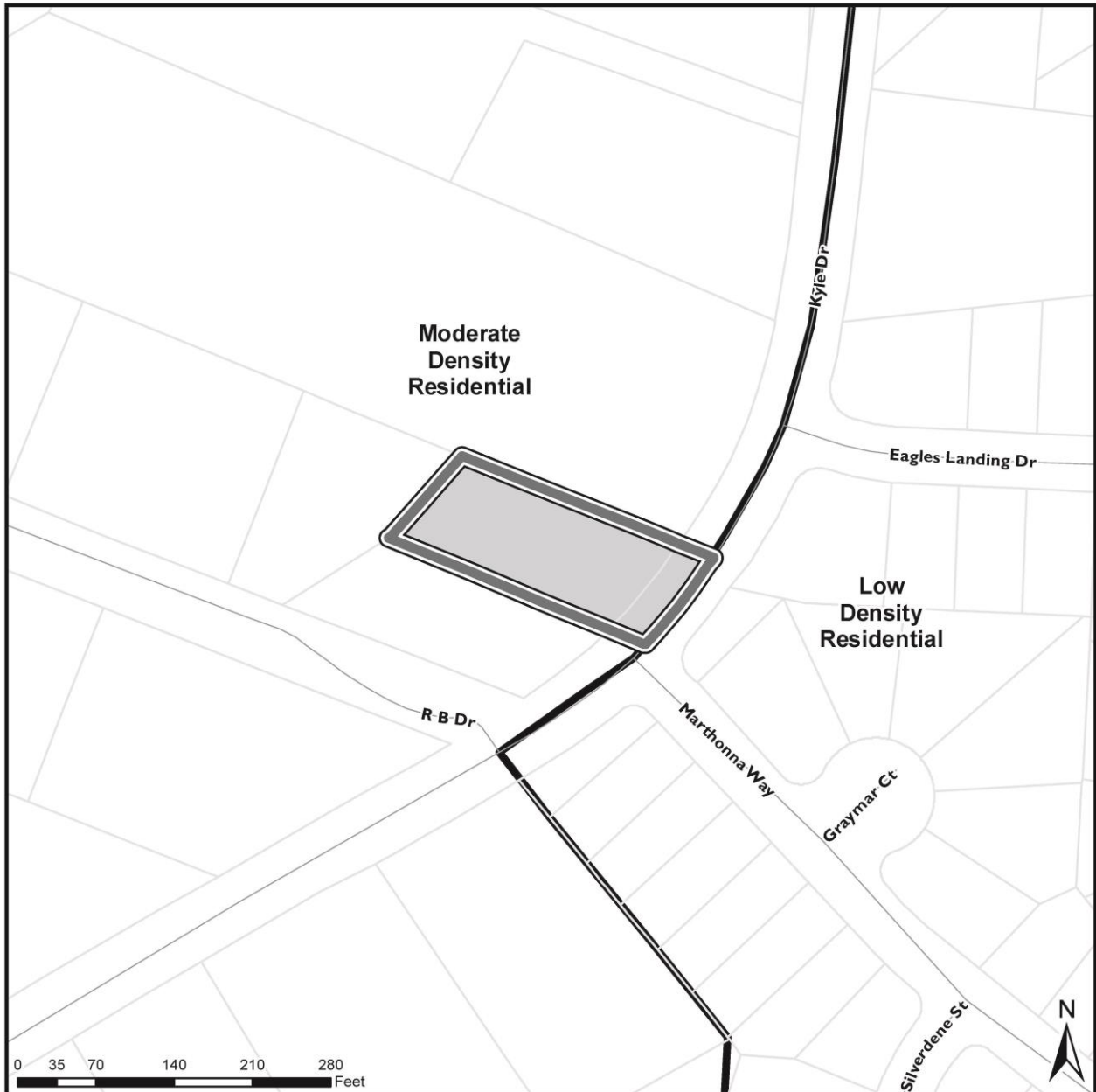
While a possible residential density of 10 dwellings per acre does not necessarily match the more rural-residential character of the immediate surrounding area, it is compatible with nearby newer housing development. The trend in the area is towards increased residential density, as evidenced by Z-19-14 (Louisburg Road) which rezoned 11 acres to the northwest of the subject property to R-10-CU and the Wynslow Park apartments – zoned R-15-CU (RX-3-PK-CU as part of the UDO Remapping) further south on Kyle Drive. In addition, the small size of the subject property effectively limits potential residential density to 8 dwellings per acre or 4 total units.

☐ **Incompatible.**

Analysis of Incompatibility:

Future Land Use Map

Z-26-2015



**Submittal
Date**

7/1/2015

Request:

0.49 acre from
R-1
to R-10

VICINITY MAP



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is consistent with the vision, themes, and policies of the Comprehensive Plan and the Future Land Use designation for the property. While the increase in density is currently not mirrored by the surrounding residential-rural land use pattern, the permitted uses and built form are commensurate with anticipated future development in the area.

The Future Land Use Map designates the site for Moderate Density Residential, which supports density up to 14 dwellings per acre. The requested Residential-10 district - which allows a maximum of 10 dwellings per acre – is consistent with this designation.

Existing community facilities and streets appear sufficient to accommodate redevelopment possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

2.3 Urban Form

Urban Form designation:

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

The rezoning request is:

☐ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

2.4 Policy Guidance

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

(None.)

2.5 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

- Consistent with the Future Land Use Map and anticipated future development in the area.
- Provides the opportunity for additional housing.

3.2 Detriments of the Proposed Rezoning

(None identified.)

4. Impact Analysis

4.1 Transportation

The site is located at the intersection of Kyle Drive (a Mixed-Use street) and Marthonna Way (a Local street). There are no CIP projects planned for Kyle Drive. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D.

Site access is restricted to Kyle Drive. The block perimeter bounded by the rights-of-way for Kyle Drive, Louisburg Road and Fox Road is ~8,500 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for R-10 zoning is 2,500 feet. A traffic impact analysis report is not required for Z-26-2015.

Impact Identified: Case Z-26-2015 is not consistent with the block perimeter standards.

4.2 Transit

There is currently no transit available on Kyle Dr nor is it anticipated by the City of Raleigh Short Range Transit Plan or the Wake County 2040 Transit Study. Currently the closest routes are Route 25L Triangle Town Center Connector which operates northbound on Louisburg from the north segment of Fox Rd and Route 23: Millbrook Connector which operates eastbound on New Hope Rd to southbound Louisburg Rd to westbound Calvary Dr.

Both the City of Raleigh Short Range Transit Plan and the Wake County 2040 Transit Study propose a route traveling along Louisburg Rd.

Impact Identified: This development should have no impact upon the transit system.

4.3 Hydrology

| | |
|------------------------------|-----------------------------|
| <i>Floodplain</i> | No FEMA floodplain present |
| <i>Drainage Basin</i> | Beaverdam-E |
| <i>Stormwater Management</i> | Subject to Article 9 of UDO |
| <i>Overlay District</i> | None |

Impact Identified: Subject to stormwater regulations under Article 9 of UDO.

4.4 Public Utilities

| | <i>Maximum Demand (current)</i> | <i>Maximum Demand (proposed)</i> |
|--------------------|---------------------------------|----------------------------------|
| <i>Water</i> | 625 gpd | 2,500 gpd |
| <i>Waste Water</i> | 625 gpd | 2,500 gpd |

Impact Identified: The proposed rezoning would add approximately 1,875 gpg to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

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

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

4.5 Parks and Recreation

The site is not adjacent to existing or planned greenway trail, connector, or corridor. Nearest trail access is the Neuse River Trail (3.25 miles.) Park services are provided by Spring Forest Road Park (1.3 miles.)

Impact Identified: None.

4.6 Urban Forestry

The subject parcel is smaller than two acres. Compliance with UDO Article 9.1 Tree Conservation will therefore not be required when the parcel is developed.

Impact Identified: None.

4.7 Designated Historic Resources

No known historic resources.

Impact Identified: None.

4.8 Community Development

The site is not located within a Redevelopment Plan area.

Impact Identified: None.

4.9 Impacts Summary

- Existing block perimeter exceeds UDO standards.
- Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

- Address block perimeter standards at the site plan stage.
- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal is consistent with the Comprehensive Plan and the Future Land Use designation. While the increased density does not necessarily match the current rural-residential character of the immediate area, the proposal does mirror recent rezoning and development trends in the larger surrounding area. In addition, the small size of the subject property effectively limits possible density to 8 dwellings an acre or 4 total dwellings.



Planning & Development

Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

6-29-15
1:30 pm

Rezoning Application

| Rezoning Request | OFFICE USE ONLY |
|--|--------------------|
| <input checked="" type="checkbox"/> General Use <i>#5100</i> <input type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan | Transaction Number |
| Existing Zoning Classification <i>R1</i> Proposed Zoning Classification Base District <i>R10</i> Height Frontage | <i>428194</i> |
| If the property has been previously rezoned, provide the rezoning case number. <i>N/A</i> | <i>2-26-15</i> |
| Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. <i>428194 on 4-16-15</i> | |

| GENERAL INFORMATION | | |
|---|---|-----|
| Property Address <i>5305 Kyle Drive</i> | Date <i>6/29/2015</i> | |
| Property PIN <i>1736143086</i> | Deed Reference (Book/Page) <i>14959/1095</i> | |
| Nearest Intersection <i>Louisburg Rd + Kyle Drive</i> | Property size (in acres) <i>.49</i> | |
| Property Owner/Address <i>3109 Polanski drive Wake Forest NC 27587</i> | Phone <i>(919) 737-5995</i> | Fax |
| | Email <i>my.j.foster@yahoo.com</i> | |
| Project Contact Person/Address <i>Jewel Foster same as above</i> | Phone <i>(919) 737-5995</i> | Fax |
| | Email | |
| Owner/Agent Signature <i>JFoster</i> | Email <i>my.j.foster@yahoo.com</i> | |

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application Addendum

| Comprehensive Plan Analysis | OFFICE USE ONLY |
|--|---|
| The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest. | Transaction Number 428194 Zoning Case Number Z-26-15 |

| STATEMENT OF CONSISTENCY | |
|--|---|
| Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan. | |
| 1. | <p>The Future Land use map recommends moderate Density Residential uses for this property. This designation calls for residential development with a density between 6-14 dwelling units per acre. The R-10 zoning district is consistent with this designation.</p> <p>The proposal is consistent with the following Comprehensive Plan policies: Policy LU 1.2 Future Land Use Map and Zoning Consistency, Policy LU 2.2 Compact Development, Policy LU 3.2 Location of Growth, Policy LU 5.4 Density Transitions, Policy LU 8.10 Infill Development.</p> |
| 2. | |
| 3. | |
| 4. | |

| PUBLIC BENEFITS | |
|---|---|
| Provide brief statements regarding the public benefits derived as a result of the rezoning request. | |
| 1. | <p>The proposed rezoning from R1 to R10 will allow the property to be developed in a way that is consistent with the 2030 Comprehensive Plan.</p> |
| 2. | |
| 3. | <p>The proposed rezoning will allow for increased opportunity for residential development in an area of the city that is experiencing growth.</p> |
| 4. | |

SUMMARY OF ISSUES

A neighborhood meeting was held on May 14, 2015 in conjunction with the CAC meeting to discuss a potential rezoning located at 5305 Kyle Drive. The neighborhood meeting was held at ^{H&C's} Moss Creek Community Center in Raleigh, NC. There were approximately 5 neighbors were in attendance. The general issues discussed were:

The property the rezoning of the property from R1 to R10.

The comprehensive 2030 Plan map for the property in question

We discussed that rezoning from R1 to R10 was Consistent with the 2030 Comprehensive Plan for the area.



Date: April 30, 2015

Re: 5305 Kyle Drive.

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on May 14, 2015. The meeting will be held at Moss Creek Community center and will begin at 6:00 pm.

The purpose of this meeting is to discuss a potential rezoning of the property located at 5305 Kyle Drive. The site is currently zoned R1 and is proposed to be rezoned to R10. 2 Single family homes proposed for this site.

The city of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning.

If you have any concerns or questions, I can be reached at:

Jewel Foster

919 7375995

A handwritten signature in black ink, appearing to read 'JFA' with a stylized flourish at the end.

Thank You

Letters sent to these 100 FT homeowners

James Johnson, Arthur Johnson
& Dorothy Johnson
5001 Kyle Drive
Raleigh NC 27616

~~met with Doug Hill~~
~~4-16-15 transaction # 428194~~
~~5-24-15 transaction #~~

Van Thily Nguyen
5958 Myawka Ct
Raleigh NC 27616-3065

~~copy of letter & log~~
~~postage~~

Sonia & Renwick B Ward
4225 Coldwater Springs Dr.
Raleigh NC, 27616-8419

Anstleigh Homeowners Assoc
3701 National Dr E Ste 101
Raleigh NC 27612-4843

Trustee for the Challura family
260 Seymour Pl
Cary, NC 27519-6461

Laura & Ralph Holloway
5300 Graymar Ct
Raleigh NC, 27616-4598

^{As}
Harry Cummings & Rosemary Ann
~~Andrew~~ Cummings &

5304 Graymar Ct
Raleigh NC 27616 4598

Reginald R Baker

Beverly M Baker
5100 Eagles Landing Dr.
Raleigh NC 27616-6170

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