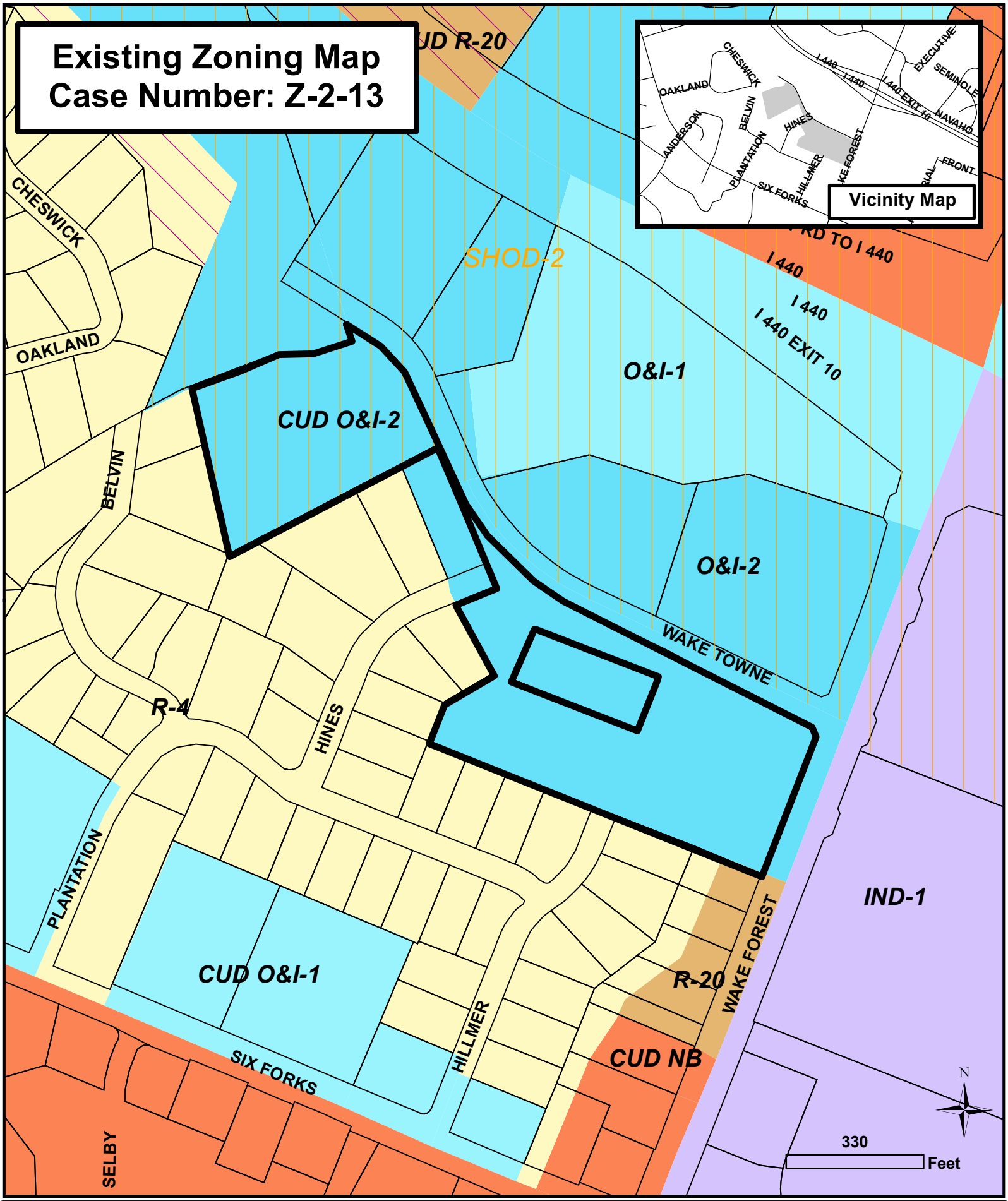
Existing Zoning Map
Case Number: Z-2-13



Request:

11.57 ac to amend O&I-2 CUD w/ SHOD-2

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)

Certified Recommendation

Raleigh Planning Commission

CR# 11509

Case Information: Z-2-13 - Wake Forest Road & Wake Towne Road

Location	Wake Towne Drive; southwest quadrant of its intersection with Wake Forest Road
Request	Amend conditions to property zoned Office & Institution-2 Conditional Use District with Special Highway Overlay District-2 (SHOD-2)
Area of Request	11.57acres
Property Owner	Gaddy Real Properties, LLC
Contacts	Jim Smith; 919-302-6874, Jsmith@hagersmith.com Myrick Howard; 919-832-3652, mhoward@presnc.org
Citizens Advisory Council	Midtown: Patrick Martin, Chair; acemar@aol.com
PC Recommendation Deadline	April 15, 2013

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	Office/ Research & Development
CONSISTENT Policies	• EP 2.1 Green Infrastructure • EP 2.3 Open Space Preservation • EP 5.3 Canopy Restoration • HP 1.1 Stewardship of Place • HP 2.7 Mitigating Impacts on Historic Sites • HP 3.7 Demolition
INCONSISTENT Policies	• LU 1.2 Future Land Use Map and Zoning Consistency

Summary of Proposed Conditions

1. Conditions 1, and 3 through 9, to remain the same as existing.
2. Condition 2 amended to allow removal of section of buffer (to facilitate moving historic house); cleared section to be replanted to SHOD-2 standards.

Public Meetings

Neighborhood Meeting	*Public Hearing*	*Committee*	*Planning Commission*
9/19/12	1/15/13		1/22/13

☒ ***Valid Statutory Protest Petition***

Attachments
1. Staff report

Planning Commission Recommendation

Recommendation	The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, it recommends that the request be approved in accordance with zoning conditions dated January 22, 2013.
Findings & Reasons	1. The request is inconsistent with the Future Land Use map. The map designates the site as being appropriate for Office/ Research & Development use; the proposal would allow medium- to high-density residential development. However office uses would still be permitted under the request. 2. The request is compatible with current land uses and development patterns, with only a reversible change to a section of the conditioned buffer proposed. 3. The request is reasonable and in the public interest. Removed plant materials will be replaced, with the possibility through plant selections and placement of actually increasing buffer opacity. Most significantly, opportunity is afforded for preserving the c. 1795 Crabtree Jones House.
Motion and Vote	Motion: Schuster Second: Sterling-Lewis In Favor: Butler, Buxton, Harris Edmisten, Fleming, Fluhrer, Haq, Mattox, Sterling-Lewis, Schuster and Terando

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.

_____	1/22/13	_____	1/22/13
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Doug Hill Doug.Hill@raleighnc.gov

Zoning Staff Report – Z-2-13

Conditional Use District

Z-2-13 Wake Forest Road & Wake Towne Drive

Case Summary

Overview

The proposal seeks to modify one of the existing zoning conditions on the property (under case Z-51-95) to allow the moving and subsequent preservation of the c. 1795 Crabtree Jones House. The house is a designated Raleigh Historic Landmark and is listed on the National Register of Historic Places. A site plan (GH-4-12) has been submitted for the property which assumes the house will not remain at its present location, which is interior to the subject site. A Certificate of Appropriateness (010-12-CA) for removal of the house was approved by the Raleigh Historic Development Commission on March 5, 2012. The intention is to relocate the building to an adjacent parcel on Hillmer Drive.

To do so will require the temporary removal of an approximately 75-foot wide section of the 100-foot deep buffer conditioned along the subject site's southern edge. The affected buffer would then be replanted per SHOD-2 standards: 5 shade trees, 3 understory trees, and 16 shrubs per 100-foot by 25-foot area.

At the same time, proposed redevelopment of the larger site (as GH-4-12) may trigger adding a paved street hammerhead at the existing stubout of Hillmer Drive, per transportation infrastructure standards, within the existing wooded buffer. Such paving would permanently remove a 32' deep x131' wide area along that point of the buffer's edge.

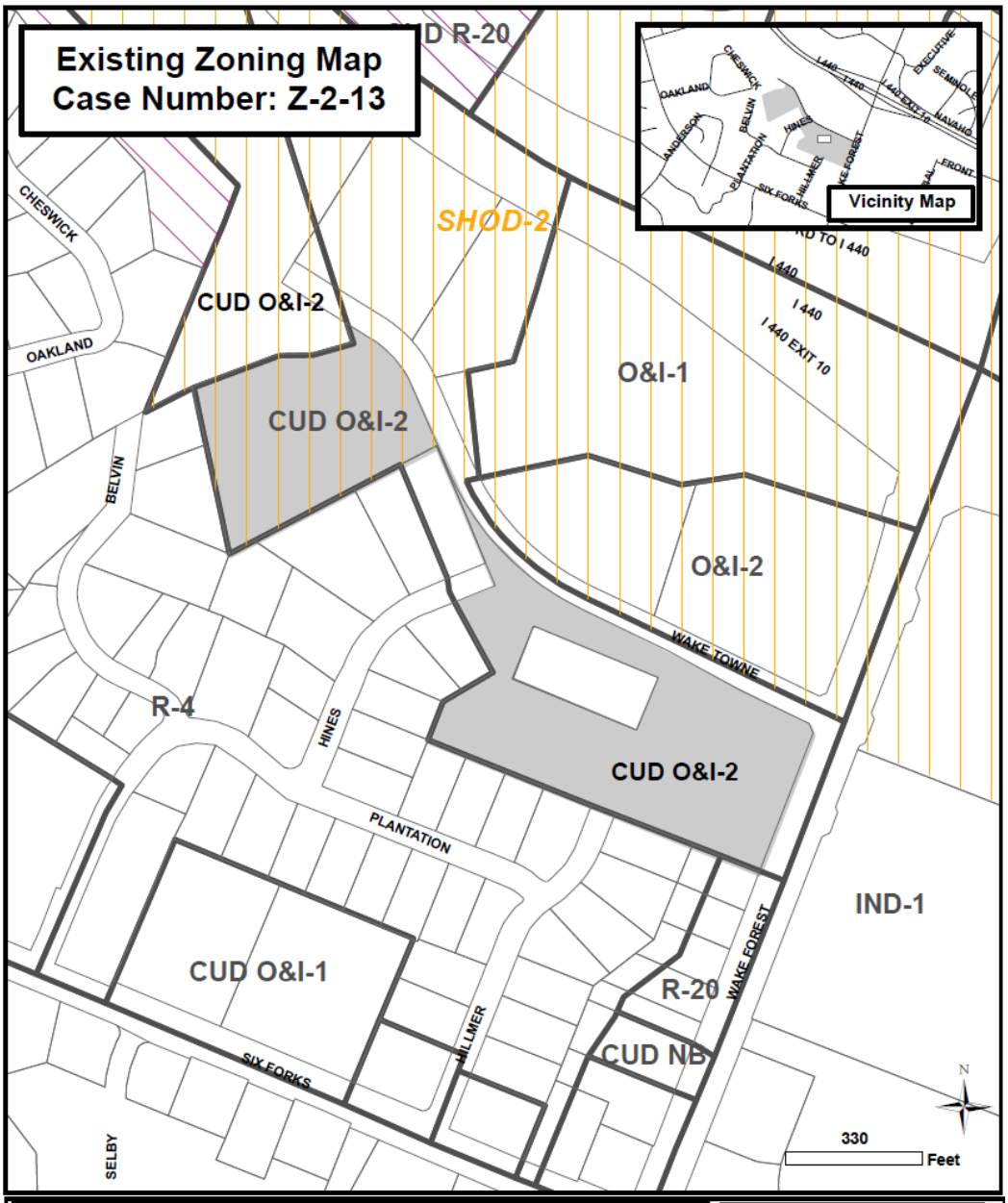
Outstanding Issues

Outstanding Issues	1. Securing tree conservation permit.	*Suggested Mitigation*	1. Amend Condition 2 (per language suggested by Urban Forestry staff)

Zoning Staff Report – Z-2-13

Conditional Use District

ZONING REQUEST



Request:

11.57 ac to amend O&I-2 CUD w/ SHOD-2

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)

Zoning Staff Report – Z-2-13

Conditional Use District

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	***North***	***South***	***East***	***West***
Existing Zoning	O&I-2 CUD	O&I-2, O&I-1	R-4, R-20	IND-1	R-4; O&I-2 CUD
Additional Overlay	SHOD-2 (far western portion only)	SHOD-2	---	SHOD-2 (northeast only)	SHOD-2 (northwest only)
Future Land Use	Office/ Research & Development	Office/ Research & Development	Low Density Residential; Office/ Research & Development	Community Mixed Use	Low Density Residential; Office/ Research & Development
Current Land Use	Vacant; Single Family Residential	Hotels; Offices	Vacant; Single Family Residential	Shopping Center	Single Family Residential, Vacant

1.2 Current vs. Proposed Zoning Summary

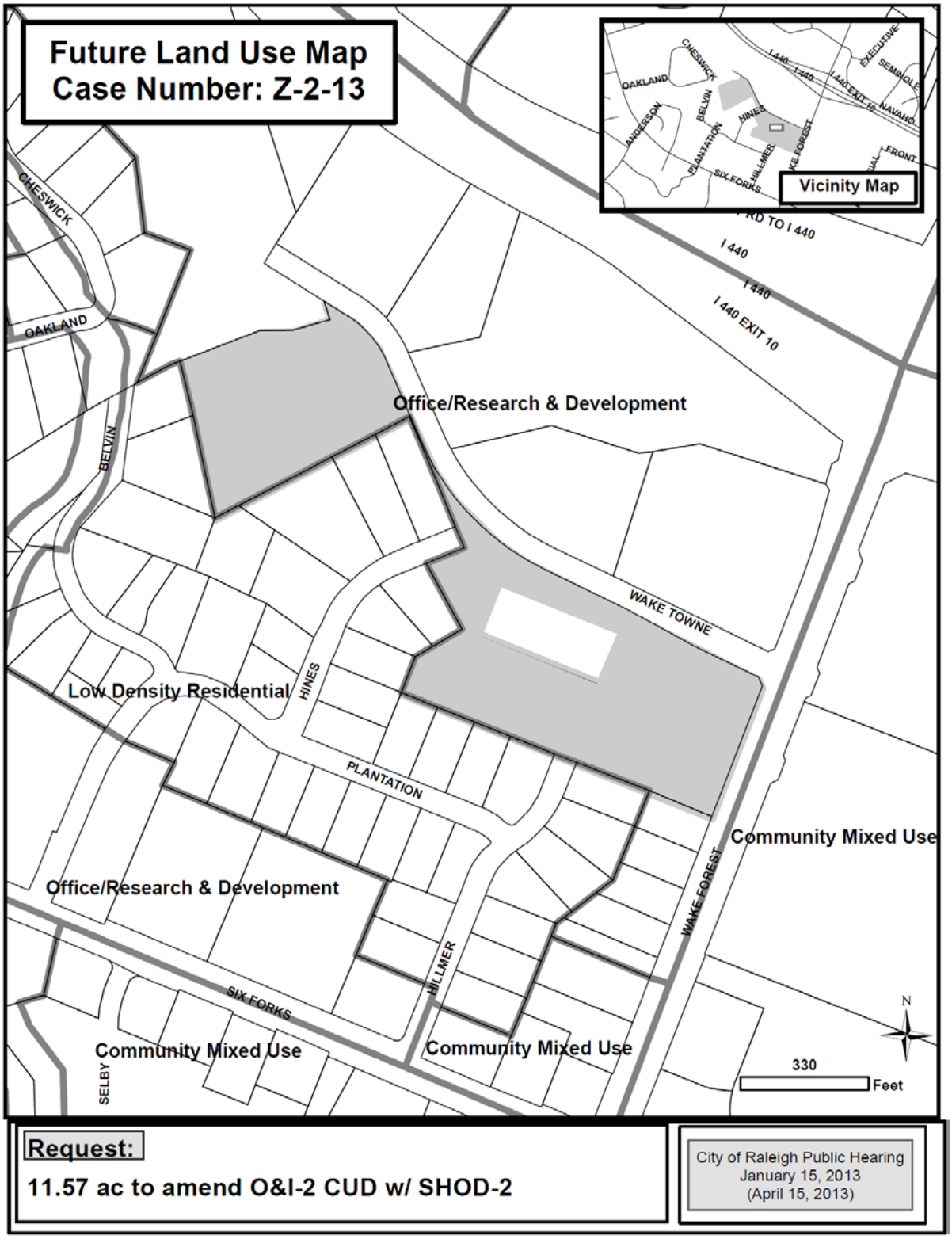
	Existing Zoning	***Proposed Zoning***
Residential Density:	15 units/ acre; up to 40 units w/ PC approval (458 units max.)	15 units/ acre; up to 40 units w/ PC approval (458 units max.)
Setbacks: *Front:* *Side:* *Rear:*	 30 feet 5 feet (10 feet aggregate) 20 feet	 30 feet 5 feet (10 feet aggregate) 20 feet
Retail Intensity Permitted:	None	None
Office Intensity Permitted:	503,989 s.f. max. (1.0 FAR)	503,989 s.f. max. (1.0 FAR)

The proposed rezoning is:

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

Amending the existing zoning would not alter uses or build-out currently afforded the property; buffer removal can be mitigated by subsequent replanting.

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: **Office/ Research and Development**

The rezoning request is:

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

☒ **Inconsistent**
Analysis of Inconsistency:

The Future Land Use map designates the site "Office/ Research and Development", of which the Comprehensive Plan states that "This category identifies major employment centers where housing is not considered an appropriate future land use. Principal uses are office parks, free-standing office buildings or corporate headquarters, banks, research and development uses, hotels, and ancillary service businesses and retail uses that support the office economy." The existing zoning--Office & Institution- 2 CUD--permits residential development, inconsistent with the Future Land Use designation. As the proposal would continue to permit residential development, it too is inconsistent with the Future Land Use map.

2.2 Policy Guidance

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

Policy LU 1.2—Future Land Use Map and Zoning Consistency
The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The proposal is inconsistent in permitting residential development on the site, inconsistent with the site's land use designation as "Office/ Research & Development".

2.3 Area Plan Policy Guidance

The rezoning request is not located 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

- Permitted land uses would be unaffected.
- Proposal would enable preservation of one of the oldest residences in Raleigh while permitting more intensive redevelopment of the subject site, which is in close proximity to established office and retail development and major transportation corridors.
- Opportunity to introduce greater buffer opacity in tree removal area through the shrub plantings required under the conditioned SHOD-2 planting standards.

3.2 Detriments of the Proposed Rezoning

- Historic building would be relocated from its original site, altering its context.
- Temporary loss of portion of established buffer.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)	2035 Traffic Volume Forecast (CAMPO)
Wake Forest Road	Secondary Arterial	31,000	48,200
Wake Towne Drive	Collector Street	N/A	N/A

Street Conditions						
Wake Forest Road	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	6	89'	Back-to-back curb and gutter section	114'	5' sidewalks on both sides	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	Minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	**YES**	**YES**	**YES**	**YES**	**YES**	**NO**
Wake Towne Drive	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	2	41'	Back-to-back curb and gutter section	65'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	Minimum 5' sidewalks on one side	N/A
Meets City Standard?	**YES**	**YES**	**YES**	**YES**	**YES**	**N/A**

Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential
AM PEAK	N/A	N/A	N/A
PM PEAK	N/A	N/A	N/A

Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: The trip generation differential report was waived for this case and a traffic impact analysis study is not recommended for Z-2-13. Development of the subject site will necessitate the need for construction of a cul-de-sac at the terminus of Hillmer Drive and the extension of Hines Drive to Wake Towne Drive.
Additional Information:	Neither NCDOT nor the City of Raleigh has scheduled roadway construction projects in the vicinity of this case.

Impact Identified: None.

4.2 Transit

This area is currently served by Routes 2 and 24L. The stops in this area have substantial ridership. Wake Forest Road is expected to be improved to a major transit corridor. Offer of a 15' x 20' transit easement is already included in a group housing proposal (GH-4-12) currently pending on the subject property.

Impact Identified: None (given provision of a transit easement on site).

4.3 Hydrology

Floodplain	None present
Drainage Basin	Big Branch/ Crabtree Creek
Stormwater Management	Subject to Part 10, Chapter 9
Overlay District	None

Impact Identified: None expected.

4.4 Public Utilities

	Maximum Demand (current)	***Maximum Demand (proposed)***
Water	86,775 gpd	86,775 gpd
Waste Water	86,775 gpd	86,775 gpd

Impact Identified: The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There are currently eight (8") inch sanitary sewer and water mains within the Wake Towne Drive right-of-way at the property. 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 water 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.

4.5 Parks and Recreation

The subject tract is not located adjacent to a Capital Area Greenway corridor. The subject tract will not impact recreation Level of Service.

Impact Identified: None expected.

4.6 Urban Forestry

Buffer A is required to be a natural protective buffer for the adjacent properties. It is recommended that the following sentence be added to the end of Condition 2: "No tree disturbing activity shall take place in Buffer A without a tree conservation permit issued by the City Forestry Specialist and in accordance with a plan that conforms to this condition and is approved by the City Forestry Specialist."

Impact Identified: The proposed impact is 7,500 square feet of area to be replanted to SHOD 2 standards.

4.7 Designated Historic Resources

The proposal is directly aimed at preserving the c. 1795 Crabtree Jones House, a Raleigh Historic Landmark which is also listed on the National Register of Historic Places. Proposed site redevelopment intends to locate new construction on the house's current (and original) location; not moving the structure could result in its loss.

Impact Identified: The request would permit the existing historic structure to be moved off-site, and while not retaining the house's original location, the structure would be preserved.

4.8 Community Development

The site is not located within a designated Redevelopment Plan area.

Impact Identified: None.

4.9 Appearance Commission

The proposal is not subject to Appearance Commission review.

4.10 Impacts Summary

(None.)

4.11 Mitigation of Impacts

(None.)

5. Conclusions

The proposal would enable the preservation of one of Raleigh's oldest houses, while providing greater flexibility for redevelopment of the site. Land uses and site development otherwise permitted under the existing zoning would not change. Amendment to Condition 2 is requested to assure a tree conservation permit will be obtained.

Z-2-13
Pd 1115.00 by
CK #15226

Z-02-13

Petition to Amend the Official Zoning Map

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

CITY OF RALEIGH
CITY PLANNING DEPT
2012 SEP 21 AM 10:38

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):

   X 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
[signature]	Leonard S Woodall Jr MANAGER	9/21/12
	Gaddy Real Properties LLC	

Z-02-13

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	Gaddy Real Properties, LLC	3716 National Drive, Suite 222, Raleigh, NC 27612	919 615-1195 len@woodallcpa.com
Property Owner(s)	Gaddy Real Properties, LLC	3716 National Drive, Suite 222, Raleigh, NC 27612	919 615-1195 len@woodallcpa.com
Contact Person(s)	Jim Smith	3015 Wake Forest Rd., Raleigh, NC 27609	919 302-6874 Jsmith@hagersmith.com
	Myrick Howard	Preservation NC PO Box 27644 Raleigh, NC 27611	919 832-3652 mhoward@presnc.org

Property information

Property Description (Wake County PIN)	**1715056463**
Nearest Major Intersection	Wake Towne Drive & Wake Forest Rd.
Area of Subject Property (in acres)	11.57
Current Zoning Districts (include all overlay districts)	CUD O&I-2 w/SHOD-2
Requested Zoning Districts (include all overlay districts)	CUD O&I-2 (amended condition) w/SHOD-2

EXHIBIT B. Request for Zoning Change

Z-02-13

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
42 HOTEL RALEIGH LLC C/O INTERCOASTAL PROP SERV ATTN: ALEC FRANK	10390 SANTA MONICA BLVD STE 400	LOS ANGELES CA 90025-6917	1715153242
BALES, HERBERT K & ELIZABETH H	3111 HINES DR	RALEIGH NC 27609-7813	1715057123
BARNES, TYRELLE D & RICHARD J III	3115 BELVIN DR	RALEIGH NC 27609-7801	1715047587
BAYER, JOHN F & LINDSAY D VEIT	712 TUCKER ST UNIT 450	RALEIGH NC 27603-1177	1715052514
BRE ESA P PORTFOLIO TXNC PROPERTIES EXTENDED STAY PROPERTY TAX	100 DUNBAR ST	SPARTANBURG SC 29306-5186	1715059925
BRE ESA TX PROPERTIES LP EXTENDED STAY PROPERTY TAX	100 DUNBAR ST	SPARTANBURG SC 29306-5186	1715151800
BURDEN, WILLIE JAMES & VELMA	112 OLDE TOWNE DR	STATESBORO GA 30458-1673	1715049963
CORBETT, JOYCE K GROS-PIRON, BARBARA	PO BOX 767	TROY NC 27371-0767	1715052784
COURTYARD BY MARRIOTT LTD #1 AB PARTNERSHIP	1 MARRIOTT DR DEPT 529381	WASHINGTON DC 20058-0001	1715157164
ELLIOTT, CAROLYN M	PO BOX 6054	RALEIGH NC 27628-6054	1715053238
FOSTER, JENNY M & DEREK M	3109 HINES DR	RALEIGH NC 27609-7813	1715047905
FRANK, LANIE HEIRS	6231 BLOUNT HALL RD	GRIFTON NC 28530-8516	1715048895
GADDY REAL PROPERTIES LLC	702 OBERLIN RD STE 410	RALEIGH NC 27605-1357	1715146214 1715146344 1715064029
GREEN, MALCOLM W & HELEN H	3115 HINES DR	RALEIGH NC 27609-7813	1715058177
HAMMERSTEIN, LAWRENCE J HAMMERSTEIN, NORBERTA M	3215 PLANTATION RD	RALEIGH NC 27609-7825	1715141439
JOHNSON, ATLAS D	3114 HINES DR	RALEIGH NC 27609-7814	1715048756
JONES, KIMBROUGH HEIRS C/O MARY AGNES JONES PARKER	PO BOX 717	LEXINGTON VA 24450-0717	1715055010
LITWACK, BARBARA L	3030 LEWIS FARM RD	RALEIGH NC 27607-3733	1715053403
SHAW, WARREN A & MARIAN K	1835 GUAVA CT	OXNARD CA 93033-3120	1715053101
STATE EMPLOYEES CREDIT UNION	3101 WAKE FOREST RD	RALEIGH NC 27611-6807	1715154523
STRICKLAND, WILLOWDEAN J	3108 HILLMER DR	RALEIGH NC 27609-7812	1715144451
SWAIM, ERIKA N TRUSTEE	3211 PLANTATION RD	RALEIGH NC 27609-7825	1715140532
THOMAS, JAMES ELVEY III	3207 PLANTATION RD	RALEIGH NC 27609-7825	1715049546
URQUHART, MARGARET W & WILLIAM S	3104 HILLMER DR	RALEIGH NC 27609-7812	1715144321
VALAND, CAROLINE C	3112 HINES DR	RALEIGH NC 27609-7814	1715048627
WISE, ORAL & ROBERT H CLARK JR	3219 PLANTATION RD	RALEIGH NC 27609-7825	1715142435

EXHIBIT B. Request for Zoning Change

Z-02-13

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WOODALL, LEONARD S JR GADDY, LUCY FINCH CO-TRUSTEES	2720 TOXEY DR	RALEIGH NC 27609-7643	1715059271

Z-2-13
AMENDED 1/22/13
PG. 1 OF 3

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested: CUD O&I-2

Narrative of conditions being requested:
Property at 3109 Wake Forest Rd., Raleigh, NC PIN: 1715056463 is proposed to remain CUD O&I-2 & SHOD-2 with the sole changes to those of Z-51-95 being the modification of the description of Buffer A by adding the underlined text to the current language and deletion of conditions 1 & 9 as directed by the City of Raleigh Planning Commission on 1/22/2013.

Conditions:
1. Buffer A. The owners of the Property (the "Owners") and their grantees, successors, and assigns shall keep and maintain that portion of the Exhibit E, and hereby incorporated herein by reference, in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns reserve the right, however, to remove dead, diseased, dangerous, or leaning trees from such buffer area and install sewer and drainage lines and utilities therein. The Owners and their grantees, successors, and assigns reserve the right to construct a temporary path across Buffer A on PIN 1715056463 (DB 13820 PG 0401) from PIN 1715143802 (DB 13820 PG 0401) to PIN 1715144451 (DB 05-E- PG 496) for the purpose of relocating the Crabtree Jones House, a designated Raleigh Historic Landmark, to the latter property to prevent it's demolition. The temporary path will be located approximately as indicated in Exhibit E. The maximum width of the temporary path shall not exceed 65 feet, with the maximum width of the area cleared of vegetation for the construction the path not to exceed 75 feet. Upon relocation of the house, the Owners agree to close the path, remove any stone, gravel or other materials installed in making the temporary path accommodate the movement of the house, re-grade the slope to its previous contours, evenly re-apply any topsoil removed with appropriate erosions control measures, and replant the area to the equivalent of SHOD-2 standards using only native species.

2. Buffer B. The Owners and their grantees, successors and assigns shall keep and maintain that portion of the Property identified and depicted as "Buffer B" on the map attached hereto as Exhibit E in a natural state and thereon. The Owners and their grantees, successors, and assigns may landscape portions of the Property included within such buffer area and install sewer and drainage lines and utilities therein, provided, that any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the landscaping plan (the same having been mailed to each

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)	Print Name	Date
	Leonard Sheerbill III for Morrocroft	1/22/13

Z-2-13
AMENDED 1/22/13
PG. 2 OF 3

EXHIBIT C. Request for Zoning Change

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

such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector).

3. Buffer C. The Owners and their grantees, successors, and assigns shall keep and maintain that portion of the Property identified and depicted as "Buffer C" on the map attached hereto as Exhibit E in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns may use and landscape as a construction buffer for purposes of road construction only portions of the Property included within such area, provided, that (i) any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the use and landscaping plans (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector) and (ii) all existing trees six (6) inches in diameter and larger located within such area are preserved.

4. Buffer D. The Owners and their grantees, successors, and assigns shall not build, construct or erect a building or other structure upon that portion of the Property identified as "Buffer D" on the map attached hereto as Exhibit E which exceeds more than three (3) stories in height (45 feet) above the highest natural grade adjacent to such building.

5. Buffer E. The Owners and their grantees, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the Property identified and depicted as "Buffer E" on the map attached hereto as Exhibit E which exceeds more than six (6) stories in height (90 feet) above the highest natural grade adjacent to such building.

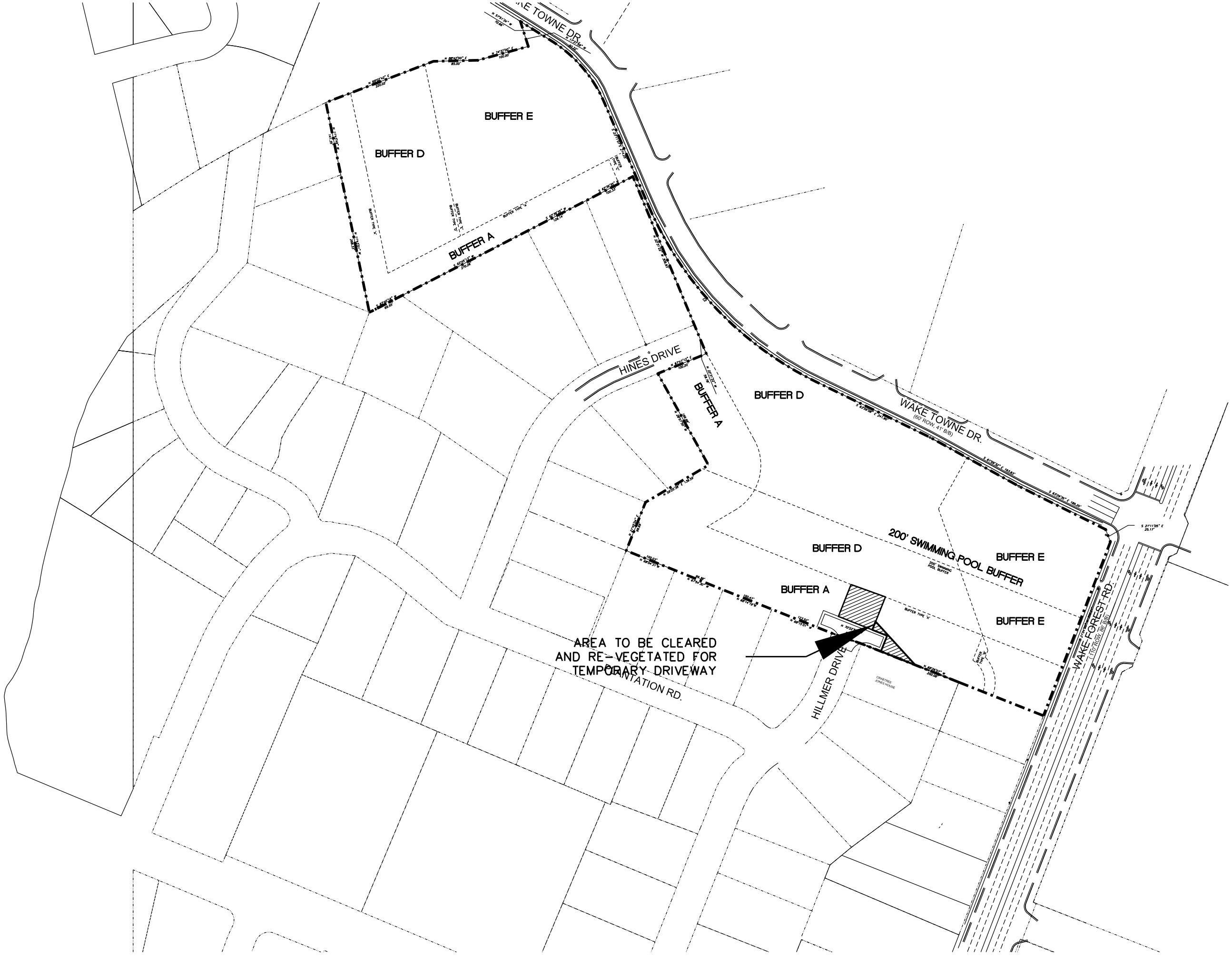
6. Motel or Hotel. The Owners and their grantees, successors, and assigns shall not operate as a hotel or motel any building or other structure situated upon that portion of the Property south of Wake Towne Drive. For purposes of this Agreement, the terms "hotel" and "motel" shall refer only to lodging facilities utilized primarily on an overnight basis by transient individuals.

7. Swimming Pool. The Owners and their grantees, successors, and assigns shall not build or construct a swimming pool within two hundred (200) feet of any residential parcel adjoining the Property to the south (Tax Parcels 1715.13-14-6344, 4451, 2435, 1439, 0532; 1715.13-04-9546, 8627, 8756, 8895, 9963; 1715.09-05-5010, 9271, 8177, 7123, 3101, 3238, 3403). In addition, any swimming pool constructed in the area more than two hundred (200) feet, but less than three hundred (300) feet from such parcels shall be screened therefrom by a building.

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)	Print Name	Date
[signature]	Leonard J Woodall Jr. Monopoly	1/22/13



HagerSmith
DESIGN PA

Architecture
Landscape Architecture
Planning
Interior Design

PO Box 1308
300 South Dawson Street
Raleigh, North Carolina 27602
Fax: 919.828.4050
919.821.5547
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Consultants

Seal

Project 888-999

REZONING
CASE Z-2-13

Client

PRESERVATION NC

Drawing Title

EXHIBIT E

Revisions

Number	Description	Date

Drawn By JWMS
Checked By JWMS
Date Issued 12/05/2012 __ of __

Z-02-13

EXHIBIT D. Request for Zoning Change

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:

This petition does not propose any change of land use from the current zoning of O&I-2, which is consistent with the Future Land Use designation of Office/Research & Development.

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 portion of property affected by the change of the definition Buffer A is not subject to any Area Plan or other City Council-adopted plans and policies.

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 petitioned change to buffer A is consistent with the Comprehensive Plan and other City Council-adopted plans and policies, and is requested to preserve a Raleigh Historic Landmark and keep it in context.

- **Policy UD 1.7 This change will allow the Crabtree Jones House to be moved so that it will be more visible and contribute to the scenic resources along Wake Forest Rd.**

EXHIBIT D. Request for Zoning Change

- **Policy HP 1.2 & HP 2.2 This change will allow the Crabtree Jones House to be moved to a location very close to its original site and maintain its compass orientation and relationship to the topography. This will likely allow it to retain its National Register of Historic Places designation.**
- **Policy HP 2.7 This change will allow the Crabtree Jones House to be moved to a location very close to its original site and maintain its compass orientation and relationship to the topography. This will likely allow it to retain its National Register of Historic Places designation.**

II. <u>Compatibility of the proposed map amendment with the property and the surrounding area.</u>

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):

Land use adjacent to the proposed modification of Buffer A is R-4 and is compatible with this modification. This petition does not amend the current zoning map.

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 of the classification of the subject property is not being modified from CUD O&I-2 with the exception of the modification of Buffer A. Buffer A is a 100' wide natural buffer between the O&I-2 area and the adjacent R-4 properties. This amendment would allow a 75' width to be cleared for the movement of the Crabtree Jones House, a Raleigh Historic Landmark, through the buffer to a new site, with the buffer replanted to SHOD-2 standards after the move.

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 affected area of Buffer A will continue to function as a buffer between the O&I-2 area and the R-4 adjacent residential area after replanting to SHOD-2 standards.

III. <u>Benefits and detriments of the proposed map amendment.</u>

A. For the landowner(s):

Benefit: Allow the preservation of the Crabtree Jones House, a Raleigh Historic Landmark, in as close to it's original context as possible.
Detriment: None

B. For the immediate neighbors:

Benefit: Provide a compatible relocation of the historic house into the neighborhood, provide asset to neighborhood and raise property values.
Detriment: House will be vacant for some period of time till a buyer is found and it is restored. Buffer will take time to fully regrow.

C. For the surrounding community:

Benefit: Allow the preservation of the Crabtree Jones House, a Raleigh Historic Landmark, in as close to it's original context as possible.
Detriment: None

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

No.

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

As noted, the proposed map is not being amended, only the conditions of Buffer A are being amended. Allowing the clearing of the buffer for movement of the historic house and replanting to SHOD-2 standard is reasonable to allow the preservation of this Raleigh Historic Landmark structure in context.

V. Recommended items of discussion (where applicable).

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

N/A

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.

At the time the CUD O&I-2 zoning was approved, an application for a demolition permit had not been submitted for the Crabtree Jones House and the allowed 365 day moratorium started, and therefore, City Council was not aware that allowing a temporary path through buffer A would be in the public interest.

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.

Preservation of Raleigh Historic Landmark will be enhanced.

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

The rezoning advances the preservation of historic resources in keeping with NC GS 160A.400.1 to 400.15.

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

REPORT OF NEIGHBORHOOD MEETING

Z-02-13

SUBMITTED DATE: September 20, 2012
Submitted by Jim Smith, AIA

SUMMARY OF ISSUES

A neighborhood meeting was held at 7:00 PM on September 19, 2012 to discuss a potential rezoning located at 3109 Wake Forest Rd. The neighborhood meeting was held at the home of Molly Urquhart at 3104 Hillmer Drive, Raleigh, NC. There were approximately 7 neighbors in attendance. The general issues discussed were:

The proposed move of the Raleigh Historic Landmark and National Register Listed Crabtree Jones House to the lot at 3108 Hillmer Dr. and the need to amend the conditions of Buffer A in the CUD O&I-2 zoning (Z-51-95) to allow the removal of trees and replanting of the buffer after the move.

Summary of Issues:

- The property where the Crabtree Jones House is located is to be redeveloped as apartments and will require the demolition or moving of the house.
- There is a lot on Wake Towne Drive to which it could be moved but it almost certainly will not be able to maintain the National Register Listing at that site as it will be totally out of the context in which it was built. It would be located in between apartments and hotels.
- Moving the house to 3108 Hillmer Dr. would provide a site that is
    - Very close to the original location
    - Keeps the same orientation to the East and similar context in terms of topography
    - Assist in maintaining the National Register Nomination which makes the renovation of the house eligible for 30% of renovation cost NC tax credits.
    - The intent would be to locate the house so that the front is appromately in line with the existing east side of the Strickland house which would keep leave approximately 80 feet from the house to the property line at Hillmer,and so that the North Side was close to the north property line.
- Preservation NC would put protective covenants on the house requiring it to be restored in a definite period of time and in accord with the Secretary of the Interiors Standards.
- The following concerns were raised:
    - Bobby Clark was concerned that he would be looking across the street at the back of a house and about how long it would be before it was sold and renovated. He was also concerned about the scale with respect to the adjacent houses. Jim Smith indicated that most of the trees on the lot would be saved and that the gallery porches could be reopened and glazed to become a new "front" for the house. He suggested that Bobby talk to Myrick Howard with Preservation NC to discuss the length of time from move to restoration issue. Jim is going to prepare a photographic

montage to show how the Crabtree Jones house would appear in an elevation view adjacent to the Urquhart's house.

- Leland and Jackie Cottle were concerned about the view to the apartments from their house through the area cleared for the move, and about the effect on property values. Jim Smith pointed out that it is a football field's length from their house to the far side of the Buffer and that trees and landscaping on the two intervening lots and the houses would provide additional screening of the apartments from their house and lot. Jim Smith estimated that restored the house would appraise at $500,000 or more which would benefit their property values.
- Jen Foster was concerned about the possible extension of Hines Dr. to Wake Towne Drive. Jen was also interested in knowing what was proposed for the existing house on 3108 Hillmer and was told that it was hoped to move it to a lot close by or donate it to Builders of Hope for one of their developments. She also said that the house next to hers had recently be demolished and a large two story house built, and she does not feel that the larger house causes here any concerns now that it is built.
- Mollie and Bill Urquhart, next door neighbors to 3108 Hillmer Dr., were supportive of amending the zoning to allow the move and believe that the restored house will be an asset to the neighborhood.
- Linwood Strickland indicated that he was there to hear what the neighbors thought as he would consider that in determining if the sale of the property to Preservation NC would be the right thing to do. He raised the issue of how a garage could be located on the site.

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ATTENDANCE AT NEIGHBORHOOD MEETING 9/19/2012

NAME	ADDRESS	EMAIL ADDRESS
JEN FOSTER	3109 HINES DR RALEIGH 27609	JENJMCLEAN @ HOTMAIL.COM
Bobby Clark	3219 Plantation Rd. 27609	rclark1@nc.rr.com
Leland Cottle	3100 Hillmer Dr.	lcottle3@nc.rr.com
Jackie Cottle	3100 Hillmer Dr.	
Linwood Strickland	3108 Hillmer Dr.	lstrickland@homegrownbickerson.com
BILL + MOLLIE URQUHART	3104 HILLMER DR.	