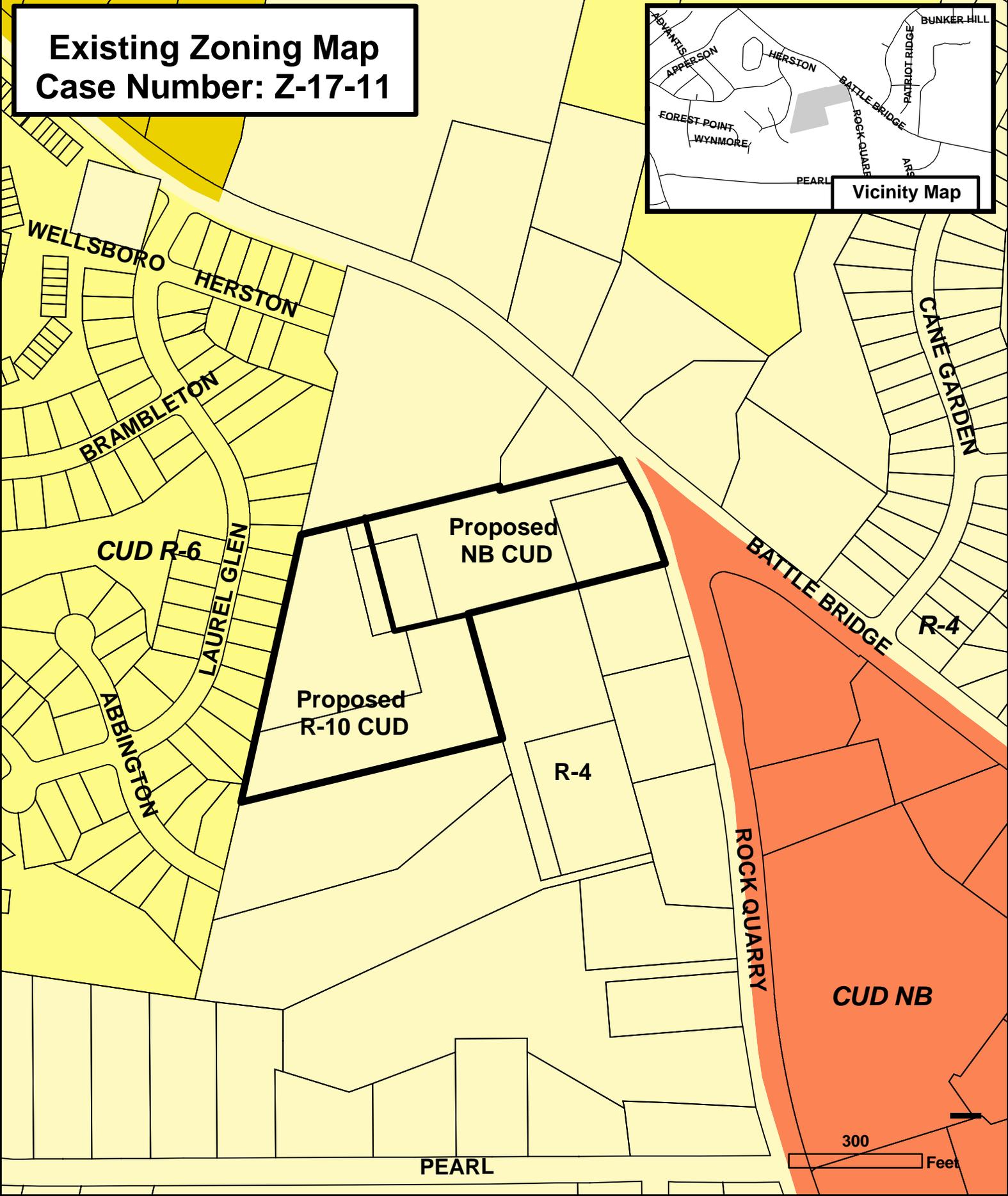
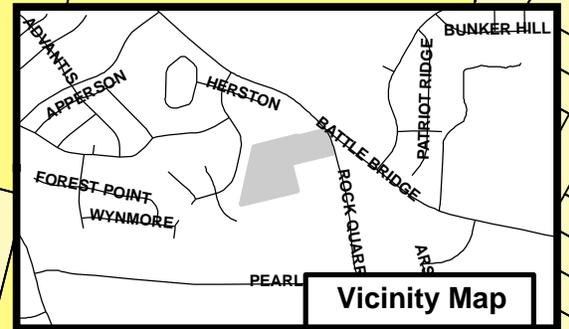


Existing Zoning Map

Case Number: Z-17-11



Request:

8.51 ac from R-4 to R-10 CUD(5.01 ac) & NB CUD(3.50 ac)

City of Raleigh Public Hearing
October 18, 2011
(January 16, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11435

Case Information: Z-17-11 Rock Quarry Rd.

<i>Location</i>	West side of Rock Quarry Rd., at its intersection with Battle Bridge Rd.
<i>Size</i>	8.51± acres
<i>Request</i>	Rezone property from Residential-4 to Neighborhood Business Conditional Use District and Residential-10 Conditional Use District

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input type="checkbox"/>	Moderate Density Residential (6-14 units per acre)
<i>Applicable Policy Statements</i>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 5.4 Density Transitions Policy LU 5.6 Buffering Requirements Policy LU 7.3 Single-Family Lots on Thoroughfares Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 7.5 High-Impact Commercial Uses Policy LU 10.6 Retail Nodes Policy UD 2.4 Transitions in Building Intensity

Summary of Conditions

<i>Submitted Conditions</i>	<p>NB CUD and R-10 CUD:</p> <ol style="list-style-type: none"> Site access limited to no more than one full movement driveway. Internal 60' right-of-way dedication through NB CUD area offered. Internal right-of-way dedication through R-10 CUD area offered. Vehicular and pedestrian cross-access offered to properties north and south, and internal to the site; pedestrian access offered to church property on north. Ground-mounted signs limited to Low Profile. All outdoor lighting limited to full cutoff (shielded) design, 25' maximum height. Transit easement offered. <p>NB CUD only:</p> <ol style="list-style-type: none"> Non-residential uses limited to 8,000 square feet gross. Certain uses prohibited. Maximum building height: 30 feet. Maximum of two bays of parking between site buildings and Rock Quarry Road.
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Zoning Staff Report – Z-17-11

Conditional Use District

Request

<i>Location</i>	West side of Rock Quarry Rd., at its intersection with Battle Bridge Rd.
<i>Request</i>	Rezone property from Residential-4 to Neighborhood Business Conditional Use District and Residential-10 Conditional Use District
<i>Area of Request</i>	8.51± acres
<i>Property Owners</i>	Donald R. & Irene G. Browning heirs; Jonathan C. & Carolyn C. Browning
<i>PC Recommendation Deadline</i>	January 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4	Neighborhood Business Conditional Use District (3.5 acres); Residential-10 Conditional Use District (5.01 acre)
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Low Density Residential	Neighborhood Retail; Moderate Density Residential
<i>Residential Density</i>	4 units per acre (34 units max.)	10 units per acre (85 units max.)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-4	R-4	R-4; NC CUD	R-6 CUD
<i>Future Land Use</i>	Moderate Density Residential	Moderate Density Residential	Low Density Residential; Neighborhood Retail Mixed Use	Low Density Residential
<i>Current Land Use</i>	Low Density Residential	Low Density Residential	Low Density Residential; Shopping Center	Low Density Residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Moderate Density Residential (6-14 units/ acre)
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.6 Zoning and Infrastructure Impacts

	Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 5.4 Density Transitions Policy LU 5.6 Buffering Requirements Policy LU 7.3 Single-Family Lots on Thoroughfares Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 7.5 High-Impact Commercial Uses Policy LU 10.6 Retail Nodes Policy UD 2.4 Transitions in Building Intensity
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Contact Information

<i>Staff</i>	Doug Hill: doug.hill@raleighnc.gov
<i>Applicant</i>	Beth Trahos: beth.trahos@smithmoorelaw.com
<i>Citizens Advisory Council</i>	South; Dr. Norman Camp: normancamp@bellsouth.net

Case Overview

The zoning petition proposes an intensification of site uses and development in two directions: moderate density housing, and neighborhood commercial development. The former meets the goals of the Future Land Use Map, as such density would complement the retail core developing on the east side of Rock Quarry Road. The NB CUD proposal, however, would introduce commercial activity into an area prescribed for residential uses.

Currently, properties on the west side of Rock Quarry Road are decidedly rural in character, with modest-sized residences widely spaced, and set back 40 to 100 feet from the road. The chief exception is the church property immediately north of the subject site, which includes a ¾-acre walled cemetery, two-story sanctuary building, a low, large-footprint multi-purpose building, and attendant parking.

Development trends, however, are moving away from such rural conditions. The Rock Quarry-Battle Bridge Area Plan supports retail development between Rock Quarry and Battle Bridge roads, north of an eastward extension of Pearl Road. A transition area of offices and retail sales/ personal services is designated between this retail Core and adjacent neighborhoods. The retail properties in the Core are zoned NB CUD, with conditions focused on compatible building scale/ height, protective yards, and compliance with the City's Design Guidelines. Commercial build-out to date has resulted in a food store-anchored shopping center, with a free-standing pharmacy set at the Rock Quarry-Battle Bridge intersection.

Nearby residential development, all of which is zoned R-4 and R-6, has tended toward small-lot single-family houses, although multi-family units are nearing completion south of the retail transition area on the east side of Rock Quarry Road, along with a townhouse development on Rock Quarry Road, further northwest of the subject site.

Exhibit C & D Analysis

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

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

1.1 Future Land Use

The proposal is inconsistent with the Future Land Use Map in requesting that non-residential uses be permitted on the portion of the site closest to Rock Quarry Road. The Future Land Use Map designates this property and the entire area east of the Abbington Ridge subdivision and west of Rock Quarry Road for Moderate Density Residential uses, with 6 to 14 dwelling units per acre. The proposed R-10 portion of the site is consistent with this classification; the NB request is inconsistent.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3 - Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

Conditions permitting non-residential uses are inconsistent with the Future Land Use Map. Additionally, as noted below, some forms or uses possible under the proposal are inconsistent with applicable policies.

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposal is consistent with this policy. Staff impact assessments below suggest development could be accommodated by existing infrastructure.

Policy LU 4.5 - Connectivity

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

The proposal is consistent with this policy. Vehicular and pedestrian connectivity is conditioned north and south. Pedestrian connectivity is also conditioned to the church property on the north. Internal connectivity between subject properties is also conditioned. In addition, the proposal offers internal right-of-way dedication the length of the NC CUD portion of the site, and through the R-10 CUD portion.

Policy LU 4.9 - Corridor Development

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for "transit intensive" investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

The proposal does not fully address this policy. Rock Quarry Road is identified on the Growth Framework Map as a Multi-Modal Corridor. A transit easement is conditioned, as is pedestrian connectivity to the north, but other aspects of related site development (e.g., building setback and orientation) are not noted. Conditions would permit a double bay of parking between site buildings and the thoroughfare.

Policy LU 5.4 - Density Transitions

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The proposal is partially consistent with this policy. Moderate-density zoning is proposed between existing low-density development to the west and the proposed NB zoning fronting Rock Quarry Road. A 30-foot undisturbed natural protective yard and residential building height cap is proposed in the R-10 CUD area, if site buildout exceeds 6 dwellings per acre. However, the NB CUD area would abut low-density residential zoning north and south. NB zoning permits zero setbacks on side and rear lot lines; under the proposed conditions, any transitions north or south (e.g., protective yard) would be dependent upon site use alone.

Policy LU 5.6 - Buffering Requirements

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

The proposal partially addresses this policy. In addition to the proposed 30-foot wide protective yard next to the Abbington Ridge subdivision, residential building height is capped at 35 feet or 3 stories. Building height within the NB CUD area is capped at 30 feet or 2 stories. However, no additional buffer or setback widths are provided for the NB CUD area beyond what Code might require.

Policy LU 7.3 - Single-Family Lots on Thoroughfares

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

The proposal is consistent with this policy. While single-family residential uses would be permitted under the proposal, site access is conditioned to one full-movement driveway.

Policy LU 7.4 - Scale and Design of New Commercial Uses

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

The proposal does not fully address this policy. While gross square footage and height of non-residential uses is capped, development mass and design are not noted. Existing buildings on adjacent properties are nearly all single-story structures; all buildings on the same side of Rock Quarry Road as the subject site have pitched roofs. Buildings on the NB CUD portion of the site are conditioned to a maximum height of two stories or 30 feet, but roof form is not noted.

Policy LU 7.5 - High-Impact Commercial Uses

Ensure that the City's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.

The proposal is consistent with this policy. Certain high-impact uses are specifically prohibited, and non-residential building square footage and height are capped.

Policy LU 10.6 - Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear "strip" pattern unless ancillary to office or high-density residential use.

The proposal is inconsistent with this policy. The properties to the southeast, between Rock Quarry and Battle Bridge Road, are the focal point of a mixed use center governed by the provisions of the Rock Quarry-Battle Bridge Area Plan. Surrounding properties are envisioned as solely containing residential uses, transitioning in density outward from the designated retail Core. No non-residential use is designated for the subject site.

Policy UD 2.4 - Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

The proposal does not fully address this policy. Multi-family dwellings are prohibited within the R-10 CUD area; a 30-foot undisturbed buffer is conditioned along the shared property line with the Abbington Ridge subdivision. Three-story/ 35-foot tall residences could be built at the inner edge of the buffer, however; Abbington Ridge houses are two stories in height, and located downhill from the subject site. Gross square footage and height of non-residential buildings are capped, but no provision made for non-residential building setback (beyond what any required protective yards would entail), massing, or form.

1.3 Area Plan Guidance

The site is not located in a portion of the City governed by an Area Plan. However, the western edge of the Rock Quarry-Battle Bridge Area Plan fronts the site across Rock Quarry Road.

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

As conditioned, the proposal could result in the moderate-density development envisioned for the site by the Future Land Use Map. Conditioned limitations on non-residential development could permit low-intensity commercial development, of building design and site configurations compatible with existing development and Comprehensive Plan policies. However, they could also provide precedence for further retail expansion on the west side of the road. Moreover, while the commercial properties on the east side of Rock Quarry Road were conditioned at their respective zoning (Z-14-04 and Z-44-04) to meet the Key Elements of the City's Urban Design Guidelines, no such provision has been included in the present proposal. Only case conditions and baseline Code provisions would thus apply to most aspects of commercial site development, within an area which by physical proximity and statement within the petition would be an extension of the existing Rock Quarry-Battle Bridge commercial Core.

3. Public benefits of the proposed rezoning

The applicant attests that the current site zoning is inconsistent with the Future Land Use Map. Staff concurs; the proposed R-10 CUD zoning is consistent with the Comprehensive Plan. While the subject properties are outside the Rock Quarry-Battle Bridge Area Plan boundaries, moderate density housing on the site would reflect the development concept the Area Plan exhibits—slightly higher-density housing transitioning from the intensive retail core on the east side the road to the low density development predominant in the wider area.

4. Detriments of the proposed rezoning

Extending commercial development to the west side of the Rock Quarry/ Battle Bridge Road intersection potentially complicates traffic patterns, and could increase light and noise impacts (particularly if future site development includes eating establishments; light fixture design and height are limited, but maximum footcandle level is not). It could also provide precedent for expanding future retail uses and development along the west side of the thoroughfare. In addition, the proposal does not address development transitions from the NB CUD area to abutting low density uses (other than building height and square footage).

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

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>				
Rock Quarry Road	Major Thoroughfare	5,000				
Battle Bridge Road	Minor Thoroughfare	5,400				
<u>Street Conditions</u>						
<u>Rock Quarry Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	41'	Curb and Gutter on one side	90'	5' sidewalks on one side	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	Minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	NO	YES	NO	NO
<u>Battle Bridge Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	53'	Back-to-back curb and gutter section	90'	5' sidewalks on both sides	None
City Standard	3	53'	Back-to-back curb and	80'	Minimum 5' sidewalks on both sides	Striped bicycle lanes

			gutter section			on both sides
Meets City Standard?	NO	YES	YES	YES	YES	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	32	103	71			
PM PEAK	38	78	40			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff has reviewed a trip generation differential for this case. Staff has determined that the expected increase in AM & PM peak period trips is less than 75 vehicles/hour. A traffic impact analysis study is not recommended for Z-17-11.				
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: No adverse impacts on the City's transportation system are expected from this rezoning.

5.2 Transit

The offer of a transit easement is conditioned.

Impact Identified: With a transit easement offered, no adverse impact on the City's transit services is anticipated.

5.3 Hydrology

<i>Floodplain</i>	Possible pockets of alluvial soils; No FEMA
<i>Drainage Basin</i>	Big Branch
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: It appears there may be a few pockets of alluvial (flood-prone) soils on site. A determination will need to be performed by a licensed soil scientist. Applicable flood regulations will apply to those areas deemed to be alluvial soils. No Neuse Riparian Buffers.

5.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	17,020 gpd	48,937 gpd
<i>Waste Water</i>	17,020 gpd	48,937 gpd

The proposed rezoning would add approximately 31,917 gpd to the wastewater collection and water distribution systems of the City. Water is in close proximity to the proposed properties. The petitioner would be required to extend sanitary sewer and water mains to and within the properties to serve the proposed development.

Impact Identified: Rezoning is not anticipated to negatively impact the City's utility systems.

5.5 Parks and Recreation

This property is not located adjacent to a greenway corridor. The property is located within a neighborhood park search area.

Impact Identified: The proposed rezoning will reduce the project recreational level of service.

5.6 Urban Forestry

This property is more than two acres in size and is wooded; therefore, compliance with 10-2082.14 (and Amendment TC-6-10) is required. A Tree Conservation Plan will be required as a component of the plan submittal package.

Impact Identified: This rezoning is not expected to have an impact on the application of the tree conservation ordinance to the property.

5.7 Wake County Public Schools

Under the existing zoning, a maximum of 34 dwelling units can be constructed on the site. The proposed zoning could permit up to 85 units. The increase could result in an additional 12 elementary school, 7 middle school, and 5 high school students being enrolled at base schools:

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Barwell Rd.	796	94.3%	808	95.7%
East Garner Middle	1,131	124.1%	1,138	124.9%
Garner	2,269	99.8%	2,274	100.0%

Impact Identified: The requested rezoning would add to the overcrowding already present at the base middle school. Base elementary and high schools could be expected to accommodate respective increases within their respective capacities.

5.8 Designated Historic Resources

There are no designated National Register properties or Raleigh Historic Landmarks located on or within 1,000 feet of the property.

Impact Identified: No impacts on the City's historic resources are anticipated from the proposed rezoning.

5.9 Impacts Summary

A determination of alluvial soils will need to be performed. The rezoning could add to overcrowding at the base middle school.

5.10 Mitigation of Impacts

Determination is needed as to whether there are alluvial soils on site; if so, they should be subsequently addressed at the site plan stage.

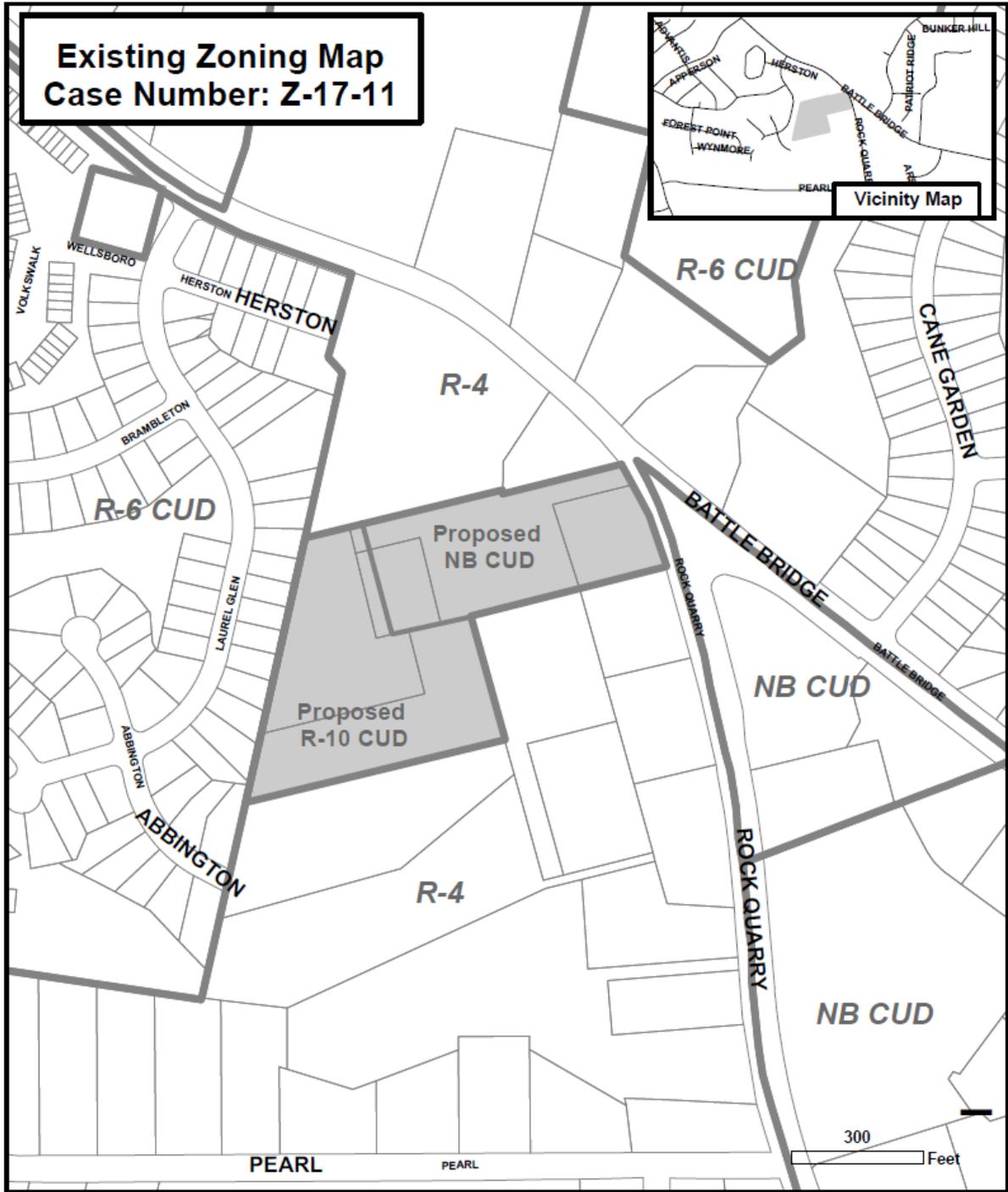
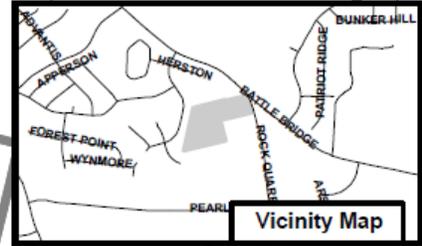
6. Appearance Commission

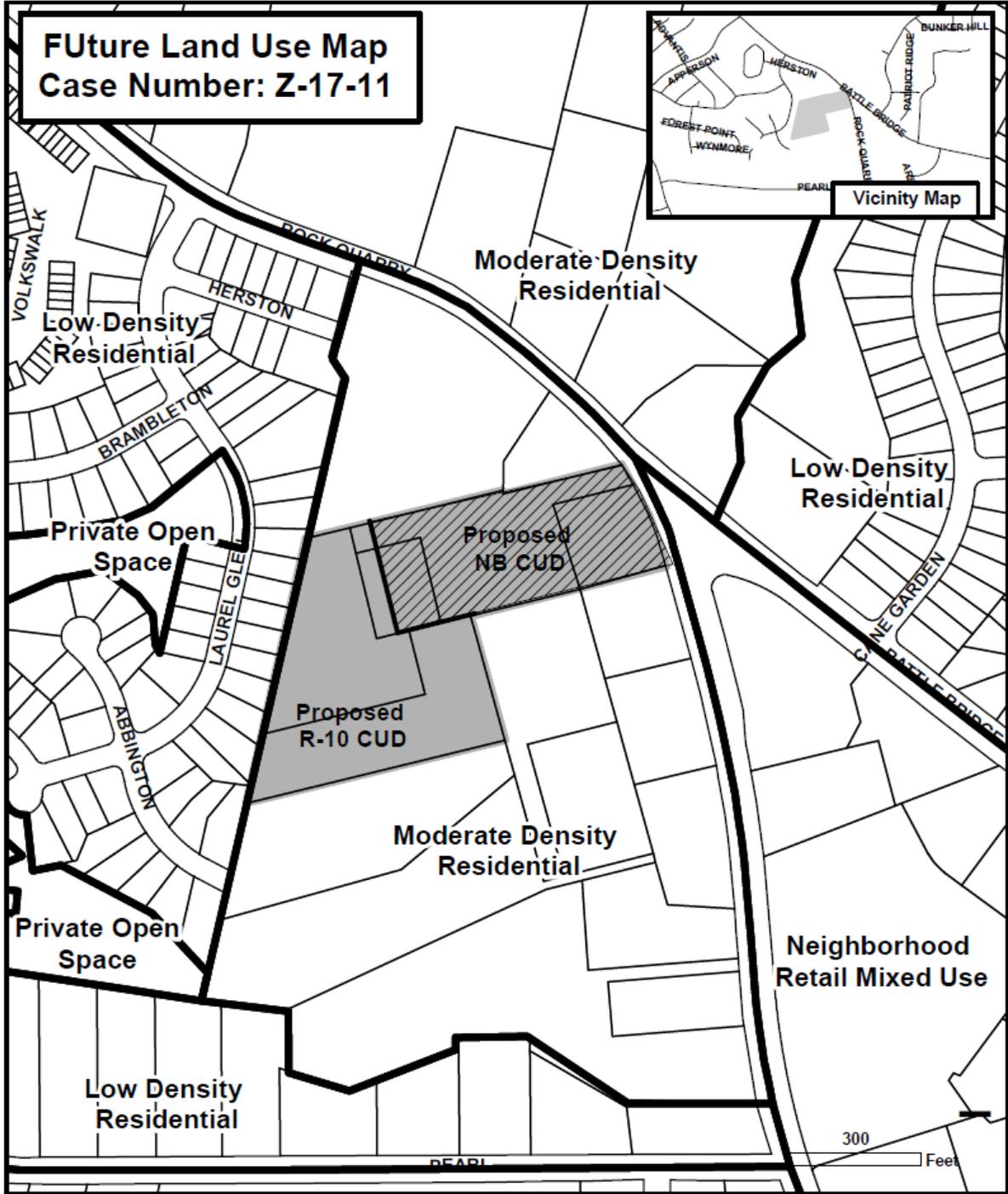
This request is not subject to Appearance Commission review.

7. Conclusions

In proposing retail uses, the request is inconsistent with the Future Land Use Map, which designates the site for Moderate Density Residential development (6 to 14 units per acre). Additionally, some policies related to urban design (e.g., commercial intensity transitions) are not fully addressed, while some aspects of possible development are inconsistent with respective polices. A determination needs to be made as to the presence of alluvial soils.

**Existing Zoning Map
Case Number: Z-17-11**







Petition to Amend the Official Zoning Map

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

Paid by CCH#2143
1064.00
Z-17-11

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

Rezoning Application Submittal Package Checklist

Completed Rezoning Application which includes the following sections:

- Signatory Page**
- Exhibit B**
- Exhibit C (only for Conditional Use filing)**
- Exhibit D**
- Map showing adjacent property owner names with PIN's**

- Application Fee**
 - \$532 for General Use Cases**
 - \$1064 for Conditional Use Cases**
 - \$2659 for PDD Master Plans**

- Neighborhood Meeting Report (only for Conditional Use filing)**

- Receipt/ Verification for Meeting Notification Mail out**

- Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division**

- (General Use ONLY) if applicant is not the petitioner must provide proof of notification to the adjacent property owners per G.S. 160A-384**

2011 JUN 16 AM 10:58
CITY OF RALEIGH
CITY PLANNING DEPT

2-17-11



Petition to Amend the Official Zoning Map

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

CITY OF RALEIGH
CITY PLANNING DEPT

2011 JUN 16 AM 10:58

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
6/13/11 <i>Raymond Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Julley Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Charles Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Sandra Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Nale Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Johany Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Carolyn Browning</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Howard E. Beasley</i>	<i>by Alice B. Beasley as Atty-in-fact</i>	
<i>Alice B. Beasley</i>		

6/14/11 *Carolyn M Brown* CAROLYN M. BROWNING



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.
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 - 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
	JOHNNY BROWNING	6/15/11

EXHIBIT B. Request for Zoning Change

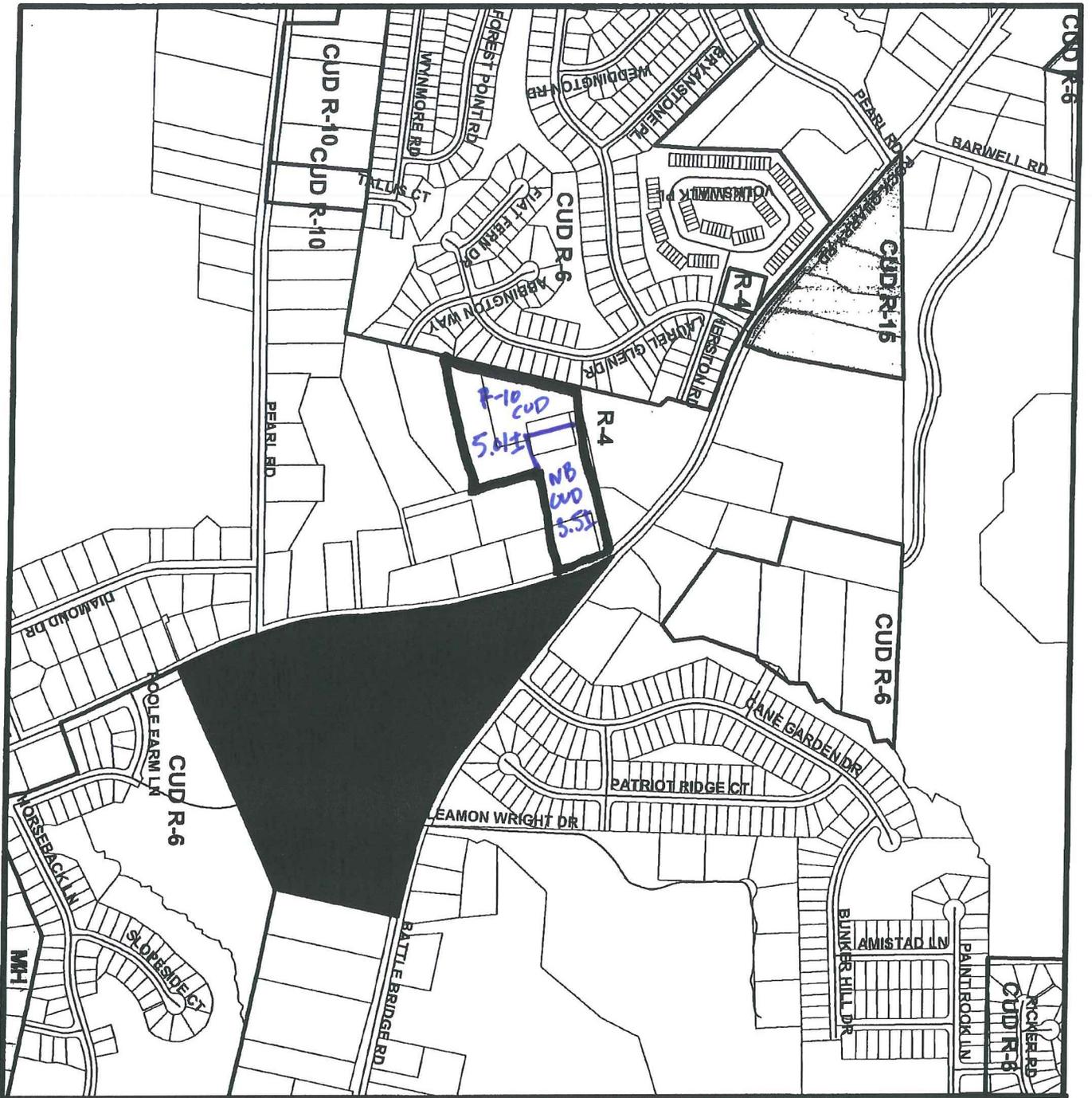
Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	Donald R. and Irene G. Browning Heirs	3085 Wilson Mills Rd. Smithfield, NC 27610-6583	
(for conditional use requests, petitioners must own petitioned property)	Jonathan C. and Carolyn M. Browning	6104 Pool Quarry Rd. Raleigh, NC 27610-6239	
Property Owner(s)	Same as above		
Contact Person(s)	Beth Trahos Attorney for Contract-Purchaser	P.O. Box 27525 Raleigh, NC 27611	919.755.8760 Beth.trahos@smithmoorelaw.com

Property information

Property Description (Wake County PIN)	1731 39 5471; 1731 39 3410; 1731 39 0382 & 1731 29 8281
Nearest Major Intersection	Rock Quarry Road and Battle Bridge Road
Area of Subject Property (in acres)	8.51± acres
Current Zoning Districts (include all overlay districts)	R-4
Requested Zoning Districts (include all overlay districts)	R-10 CUD and Neighborhood Business CUD



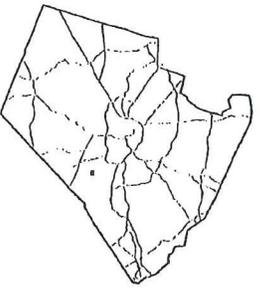
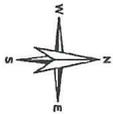
Wake County
 Geographic Information Services
 (919) 856-6370
<http://www.wakegov.com>

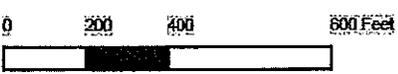
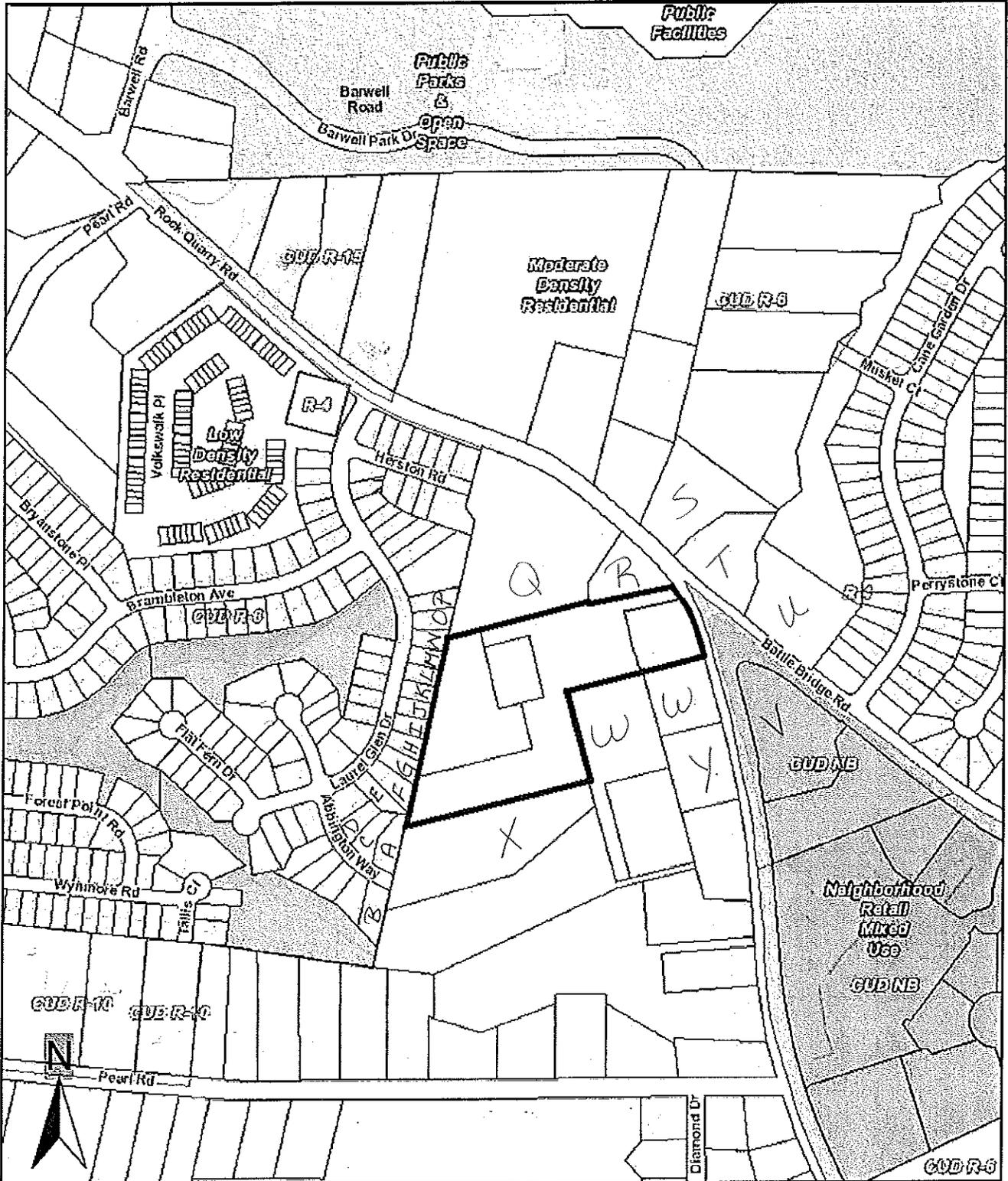


This document is a graphic representation only,
 created from the best available sources.
 Wake County assumes no responsibility for any errors,
 omissions, or misuse of this document.

1 inch = 600 feet

6/15/2011 12:16 PM





Zoning Tract 1: Neighborhood Business CUD

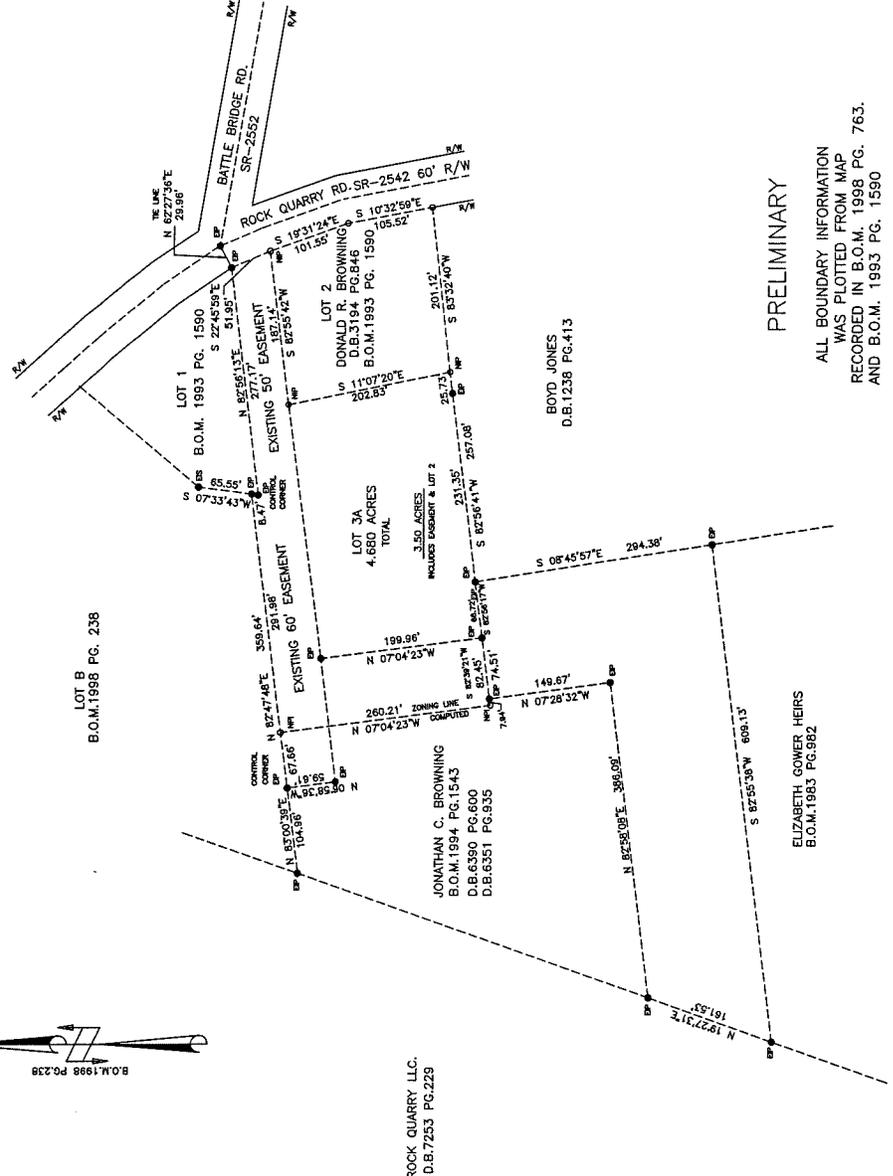
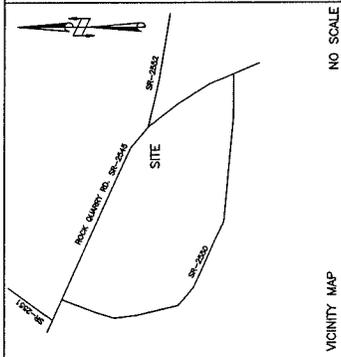
BEGINNING at a point at the intersection of the northern right of way of an existing 50' easement and Rock Quarry Road (SR 2542), said point being S 62°27'36" W 29.96 feet from the intersection of Battle Ridge Road (SR 2552) and Rock Quarry Road (SR 2542); thence along the right of way of Rock Quarry Road (SR 2542) the following three (3) calls: S 22°45'59" E 51.95 feet to a new iron pipe; S 19°31'24" E 101.55 feet to a point; S 10°32'59" E 105.52 feet to a point in the northeast corner of the now or formerly Boyd Jones property as described in Deed Book 1238, Page 413, Wake County Registry; thence leaving the right of way of Rock Quarry Road (SR 2542) and along said Jones northern line S 83°32'40" W 201.12 feet to a new iron pipe; thence continuing along the line of said Jones S 82°56'41" W 25.73 feet to an existing iron pipe; thence continuing along the line of said Jones S 82°56'41" W 231.35 feet to an existing iron pipe in the northeast corner of Zoning Tract 2 described below; thence along the line of said Tract 2 S 82°56'17" W 68.72 feet to an existing iron pipe; thence continuing along the line of said Tract 2 S 82°39'21" W 74.51 feet to an existing iron pipe; thence continuing along the line of said Tract 2 S 82°39'21" W 7.94 feet to a point; thence along the eastern line of said Tract 2 N 07°04'23" W 260.21 feet to a new iron pipe in the southern line of Lot B as shown on Book of Maps 1998, Page 238, Wake County Registry, and in the northern line of an Existing 60' Easement; thence along the southern line of said Lot B N 82°47'48" E 291.98 feet to an existing iron pipe in the western line of Lot 1 as shown on Book of Maps 1993, Page 1590, Wake County Registry; thence S 07°33'43" W 8.47 feet to an existing iron pipe and control corner in the southwest corner of said Lot 1; thence along the southern line of said Lot 1 N 82°56'13" E 277.17 feet to the POINT AND PLACE OF BEGINNING, as shown on the survey entitled, "PROPOSED RE-ZONING MAP FOR DONALD R. BROWNING AND WIFE IRENE GOWER BROWNING," dated June 6, 2011, by Gil Clark Surveying, project no. 9833 and containing 3.5±, more or less.

Zoning Tract 2: Residential-10 CUD

Beginning in at a point in the western line of the now or formerly Boyd Jones property as described in Deed Book 1238, Page 413, Wake County Registry, said point being at the northeast corner of the now or formerly Elizabeth Gower Heirs property as shown on Book of Maps 1983, Page 982, Wake County Registry, thence along the northern line of said Heirs S 82°55'38" W 609.13 feet to an existing iron pipe in the northwest corner of said Heirs; thence along the now or formerly Rock Quarry LLC property as described in Book 7253, Page 229, Wake County Registry, N 19°27'31" E 161.53 feet to an existing iron pipe; thence N 19°27'31" E 457.77 feet to an existing iron pipe in the southern line of Lot B as shown on Book of Maps 1998, Page 238, Wake County Registry, thence along the southern line of said Lot B N 83°00'39" E 104.96 feet to an existing iron pipe in the northwest corner of an Existing 60' Easement; thence N 82°47'48" E 67.66 feet to a point in the northwest corner of Tract 1 described above; thence along said Tract 1 S 07°04'23" E 260.21 feet to the corner southwest corner of said Tract 1; thence continuing along the southern line of said Tract 1 N 82°39'21" E 7.94 feet to an existing iron pipe; thence continuing along the line of said Tract 1 N 82°39'21" E 74.51 feet to an existing

Z-17-1)

iron pipe; thence along the line of said Tract 1 N 82°56'17" E 68.72 feet to an existing iron pipe in the northwest corner of the Boyd Jones property; thence along the western line of said Jones property S 08°45'57" E 294.38 feet to the point and PLACE OF BEGINNING, as shown on the survey entitled, "PROPOSED RE-ZONING MAP FOR DONALD R. BROWNING AND WIFE IRENE GOWER BROWNING," dated June 6, 2011, by Gil Clark Surveying, project no. 9833.



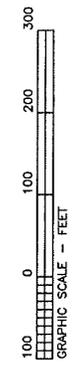
PRELIMINARY

ALL BOUNDARY INFORMATION
WAS PLOTTED FROM MAP
RECORDED IN B.O.M. 1998 PG. 763.
AND B.O.M. 1993 PG. 1590
PROPOSED RE-ZONING MAP FOR

**DONALD R. BROWNING
AND WIFE
IRENE GOWER BROWNING**

ST. MARY'S TOWNSHIP
06-06-2011
WAKE COUNTY, N.C.
SCALE: 1"=100'

- LEGEND:
- EP EXISTING IRON PIPE
 - NIP NEW IRON PIPE
 - NPI NO POINT INSTALLED



NOTE: AREA COMPUTED BY COORDINATE METHOD.
NO ADJUSTMENTS MADE WITHIN 2000'.
ALL DISTANCES ARE HORIZ. GROUND MEASUREMENTS.

GIL CLARK SURVEYING
P.O. BOX 1243 2828 HODGE RD.
KNIGHTDALE, NORTH CAROLINA 27645
TEL. (919) 286-8711 FAX (919) 286-9732

6100 ROCK QUARRY ROAD REZONING

		PIN
PIQ	Carolyn and Jonathan Clay Browning 6104 Rock Quarry Road Raleigh, North Carolina 27610-6239	1731298281
	Donald P. Browning Heirs Irene G. Browning Heirs 3085 Wilson Mills Road Smithfield, North Carolina 27577-7649	1731395471
A	Tremekia and Jermel Denny 5927 Abbington Way Raleigh, North Carolina 27610-6583	1731286755
B	Thelma M. Cherry 5928 Abbington Way Raleigh, North Carolina 27610-6582	1731285594
C	Francis C. and Uzoamaka P. Aniekwensi 5921 Abbington Way Raleigh, North Carolina 27610-6583	1731285798
D	Lesa Williams 5915 Abbington Way Raleigh, North Carolina 27610-6583	1731285853
E	Catherine D. Lewis 4073 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731286911
F	Nitin and Anuja Seth, Joint Living Trust Nitin Seth, Trustee Anuja Seth, Trustee 30551 Del Valle Place Union City, California 94587-1546 Property Address: 4069 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731286955
G	John Matthew Barker Robert M. Gavin 4065 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731296081
H	Lance M. and Mitsuko T. Miller 4061 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297007
I	James A. Davis, III 4053 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297113

J	Patrice and Kelcey Thompson 4049 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297129
K	Jason H. Massey 4045 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297234
L	Aryonna C. Williams 4041 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297259
M	Purcello Jones, Jr. Alyssa M. Phillips 4037 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297365
N	Kelvin L. and Olivia P. Harrington 4033 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297470
O	Kevin T. and Jan Wilson 4029 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297487
P	Cleveland O. Danston Johnnie M McManus 4025 Laurel Glen Lane Raleigh, North Carolina 27610-6179	1731297593
Q	Ebenezer Methodist Church 6020 Rock Quarry Road Raleigh, North Carolina 27610-6018	1731390797
R	Felix T. Pugh 6036 Rock Quarry Road Raleigh, North Carolina 27610-6018	1731393691
S	Robert Rush 4700 Kaplan Drive Raleigh, North Carolina 27606-2618 Property Address: 6027 Rock Quarry Road Raleigh, North Carolina 27610-6019	1731396857
T	Joseph W. and Diana H. Brown 6201 Battle Bridge Road Raleigh, North Carolina 27610-6201	1731396688

U	Bessie Dunn 1613 Berkshire Drive Garner, North Carolina 27529-4238 Property Address: 6215 Battle Ridge Road Raleigh, North Carolina 27610-6201	1731399540
V	CVS 8935 NC, LLC 1 CVS Drive Woonsocket, RI 02895-6146 Property Address: 6216 Battle Ridge Road Raleigh, North Carolina 27610-6202	1731399120
W	Boyd & Elizabeth G. Jones 6124 Rock Quarry Road Raleigh, North Carolina 27610-6239	1731393172
X	Boyd and Sandra L. Jones 6124 Rock Quarry Road Raleigh, North Carolina 27610-6239	1731289737
Y	Edward P. Kassa PO Box 27092 Raleigh, North Carolina 27611-7092 Property Address: 6200 Rock Quarry Road Raleigh, North Carolina 27610-6237	1731387704

1/6

Zoning Case: 2-17-11
Date of Amendment: 11/22/11

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: Neighborhood Business CUD and Residential-10 CUD

Narrative of conditions being requested: _____

Conditions applicable to both the NB CUD Property and the R-10 CUD Property:

1. Vehicular access to Rock Quarry Road for the entire property subject to this rezoning case shall be limited to no more than one (1) full movement driveway onto Rock Quarry Road, subject to approval by the City of Raleigh Public Works Department and the North Carolina Department of Transportation.
2. Prior to the issuance of a building permit or approval of a subdivision plat, whichever shall first occur, the property owner shall offer to dedicate to the City of Raleigh right-of-way sixty feet (60') in width, said right-of-way beginning at Rock Quarry Road and extending at least the length of the property zoned NB CUD for eventual use as a public street, subject to site plan approval.
3. The property owner shall offer to dedicate to the City of Raleigh a right-of-way through the property zoned R-10 CUD upon the first to occur of: (a) approval of a site plan or subdivision plat, whichever shall first occur, on the property zoned NB CUD or (b) approval of a site plan or subdivision plat, whichever shall first occur, on the property zoned R-10 CUD for eventual use as a public street, subject to City approval.
4. Prior to the issuance of a building permit or approval of a subdivision plat, whichever shall first occur, an offer of vehicular and pedestrian interconnectivity shall be made to the property to the north, known by Wake County PIN 1731 39 3691 and further described in Deed Book Page 10903, Page 1687, Wake County Registry (Pugh), to the property to the south known by Wake County PIN 1731 39 5273 and further described in Deed Book Page 2462, Page 431, Wake County Registry (Jones) and to and among the properties subject to this rezoning. Prior to the issuance of a building permit or approval of a subdivision plat, whichever shall first occur, an offer of pedestrian interconnectivity shall be made to Ebenezer Methodist Church property, known by Wake County PIN 1731 39 0797, Deed Book 8057, Page 2047.
5. Any ground-mounted sign shall be of low-profile design.
6. All outdoor lighting fixtures shall be of full cut-off (shielded) design and shall not exceed twenty-five feet (25') in height.
7. If desired by the City of Raleigh, the property owner shall offer to dedicate to the City of Raleigh prior to subdivision or site plan approval, whichever shall first occur, a transit easement along Rock Quarry Road measuring fifteen feet (15') by twenty feet (20'). The location of such easement shall be approved by the Transit Division at the time of such subdivision or site plan approval.

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
<i>Alice B. Beasley</i>	<i>Alice B. Beasley</i>	<i>11-22-11</i>
<i>Howard B. Beasley by Alice B. Beasley as Atty-in-fact</i>		<i>11-22-11</i>
<i>Charles Browning by Alice B. Beasley as Atty-in-fact</i>		<i>11-22-11</i>
<i>Sandra Browning by Alice B. Beasley as Atty-in-fact</i>		<i>11-22-11</i>
<i>Rale Browning by Alice B. Beasley as Atty-in-fact</i>		<i>11-22-11</i>
<i>Raymond Browning by Alice B. Beasley as Atty-in-fact</i>		<i>11-22-11</i>

2/6

EXHIBIT C. Request for Zoning Change

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Narrative of conditions being requested: _____

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Signature(s)	Print Name	Date
<i>Carolyn Browning</i>	CAROLYN M. BROWNING	11/22/11
<i>Johnny Browning</i>	Alice B. Beasley as Atty in fact	11-22-11
<i>Judy Browning</i>	Alice B. Beasley as Atty in fact	11-22-11
<i>Christine C. Browning</i>		11/22/11

3/6

EXHIBIT C. Request for Zoning Change

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Conditional Use District requested: Neighborhood Business CUD and Residential-10 CUD

Narrative of conditions being requested: _____

Conditions applicable to the NB CUD Property only:

8. Total building area devoted to non-residential uses shall not exceed 8,000 square feet of gross floor area. A covenant allocating the non-residential square footage among the parcels subject to the NB CUD zoning shall be recorded in the Wake County Register of Deed within forty-five (45) days of zoning approval.

9. All uses within the Neighborhood Business zoning district shall be permitted except the following uses, which shall be prohibited: adult establishment; car wash; pawn shop; bar, nightclub, tavern or lounge; gas station; convenience store; drug store; eating establishment with a drive-through, hotel/motel, mini-warehouse storage facility and vehicle sales/rental. This section shall not be interpreted to prohibit the ancillary service of alcoholic beverages as a part of a restaurant or eating establishment as defined in North Carolina General Statute Section 18B-1000.

10. No building shall exceed two-stories or thirty feet (30') in height as measured by Raleigh City Code.

11. A maximum of two bays of on-site parking with a single drive aisle is permitted between the building and Rock Quarry Road.

Conditions applicable to the R-10 CUD Property only:

12. If the property is developed at residential densities greater than 4 units per acre and property to the south, known by Wake County PIN 1731 28 9737 and further described in Deed Book 11981, Page 386 ("Jones Property") remains zoned R-4, a six foot (6') high solid fence shall be constructed at the time of issuance of a building permit along the common boundary line with the Jones Property.

13. No building shall exceed three (3) stories or thirty-five feet (35') in height as measured by Raleigh City Code.

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.

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Signature(s)	Print Name	Date
<i>Carolyn Browning</i>	CAROLYN BROWNING	11/22/11
<i>Alice B. Beasley</i>	Alice B. Beasley	11-22-11
<i>Howard E. Beasley by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Charles Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Sandra Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Rele Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Raymond Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11

4/6

EXHIBIT C. Request for Zoning Change

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Conditional Use District requested: Neighborhood Business CUD and Residential-10 CUD

Narrative of conditions being requested: _____

Conditions applicable to the NB CUD Property only:

8. Total building area devoted to non-residential uses shall not exceed 8,000 square feet of gross floor area. A covenant allocating the non-residential square footage among the parcels subject to the NB CUD zoning shall be recorded in the Wake County Register of Deed within forty-five (45) days of zoning approval.

9. All uses within the Neighborhood Business zoning district shall be permitted except the following uses, which shall be prohibited: adult establishment; car wash; pawn shop; bar, nightclub, tavern or lounge; gas station; convenience store; drug store; eating establishment with a drive-through, hotel/motel, mini-warehouse storage facility and vehicle sales/rental. This section shall not be interpreted to prohibit the ancillary service of alcoholic beverages as a part of a restaurant or eating establishment as defined in North Carolina General Statute Section 18B-1000.

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11. A maximum of two bays of on-site parking with a single drive aisle is permitted between the building and Rock Quarry Road.

Conditions applicable to the R-10 CUD Property only:

12. If the property is developed at residential densities greater than 4 units per acre and property to the south, known by Wake County PIN 1731 28 9737 and further described in Deed Book 11981, Page 386 ("Jones Property") remains zoned R-4, a six foot (6') high solid fence shall be constructed at the time of issuance of a building permit along the common boundary line with the Jones Property.

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Signature(s)	Print Name	Date
<i>Judith Browning by Alice B. Beasley as Atty-in-Fact</i>	Alice B. Beasley as Atty-in-Fact	11-22-11
<i>Judith Browning by Alice B. Beasley as Atty-in-Fact</i>	Alice B. Beasley as Atty-in-Fact	11-22-11
<i>Jonathan C. Browning</i>	Jonathan C. Browning	11/22/11

5/6

EXHIBIT C. Request for Zoning Change

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Conditional Use District requested: Neighborhood Business CUD and Residential-10 CUD

Narrative of conditions being requested:

14. Upon development of the R-10 CUD property at residential densities great than 6 units per acre, a thirty foot (30') wide natural protective yard except such disturbance as may be required for the installation of a transitional protective yard along the entire west side of the subject property adjacent to Abbingtion Ridge subdivision including the following properties: 1731 29 6081 and further described in Book 12672, Page 1769, Wake County Registry (Barker); 1731 29 7007 and further described in Book 12870, Page 72, Wake County Registry (Miller); 1731 29 7113 and further described in Book 14053, Page 1257, Wake County Registry (Davis); 1731 29 7129 and further described in Book 12575, Page 114, Wake County Registry (Thompson); 1731 29 7234 and further described in Book 12475, Page 271, Wake County Registry (Massey); 1731 29 7259 and further described in Book 12817, Page 1020, Wake County Registry (Williams); 1731 29 7365 and further described in Book 12574, Page 2718, Wake County Registry (Jones); 1731 29 7470 and further described in Book 12547, Page 1186, Wake County Registry (Harrington); and 1731 28 6755 and further described in Book 13053, 566, Wake County Registry, (Denny); 1731 78 6911 and further described in Book 12816, Page 1674, Wake County Registry (Lewis); and 1731 28 6955 and Book 13233, 2043, Wake County Registry (Nitin Trust).

15. Multi-family dwellings shall be prohibited.

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
<i>Carolyn Browning</i>	Carolyn Browning	11/22/11
<i>Alice B. Beasley</i>	Alice B. Beasley	11-22-11
<i>Howard E. Beasley by Howard E. Beasley as Atty-in-fact</i>	Howard E. Beasley as Atty-in-fact	11-22-11
<i>Charles Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Landra Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Dale Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11
<i>Raymond Browning by Alice B. Beasley as Atty-in-fact</i>	Alice B. Beasley as Atty-in-fact	11-22-11

6/6

EXHIBIT C. Request for Zoning Change

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Conditional Use District requested: Neighborhood Business CUD and Residential-10 CUD

Narrative of conditions being requested: _____

14. Upon development of the R-10 CUD property at residential densities great than 6 units per acre, a thirty foot (30') wide natural protective yard except such disturbance as may be required for the installation of a transitional protective yard along the entire west side of the subject property adjacent to Abbington Ridge subdivision including the following properties: 1731 29 6081 and further described in Book 12672, Page 1769, Wake County Registry (Barker); 1731 29 7007 and further described in Book 12870, Page 72, Wake County Registry (Miller); 1731 29 7113 and further described in Book 14053, Page 1257, Wake County Registry (Davis); 1731 29 7129 and further described in Book 12575, Page 114, Wake County Registry (Thompson); 1731 29 7234 and further described in Book 12475, Page 271, Wake County Registry (Massey); 1731 29 7259 and further described in Book 12817, Page 1020, Wake County Registry (Williams); 1731 29 7365 and further described in Book 12574, Page 2718, Wake County Registry (Jones); 1731 29 7470 and further described in Book 12547, Page 1186, Wake County Registry (Harrington); and 1731 28 6755 and further described in Book 13053, 566, Wake County Registry, (Denny); 1731 78 6911 and further described in Book 12816, Page 1674, Wake County Registry (Lewis); and 1731 28 6955 and Book 13233, 2043, Wake County Registry (Nitin Trust).

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ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<i>Judy Browning by Alice B. Brasley as Atty-in-fact</i>	Alice B. Brasley as Atty-in-fact	11-22-11
<i>Judith Browning by Alice B. Brasley as Atty-in-fact</i>	Alice B. Brasley as Atty-in-fact	11-22-11
<i>Jonathan A. Browning</i>		11/22/11

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 Future Land Use Map recommends the property be utilized for "Moderate Density Residential," 6- 14 residential units per acre. We propose to rezone a portion of the property at the rear to Residential-10 CUD and a portion of the property at the intersection of Rock Quarry and Battle Bridge Roads to Neighborhood Business CUD. The portion proposed to be zoned Residential-10 is consistent with the Future Land Use Map; the portion proposed to be zoned Neighborhood Business CUD is not consistent with the recommendation of the Future Land Use Map.

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 subject property is not located within any Area Plans. It is immediately adjacent to the Rock-Quarry-Battle Bridge Neighborhood Center Plan.

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

Policy LU 2.2 Compact Development
Policy LU 2.5 Healthy Communities

EXHIBIT D. Request for Zoning Change

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

- Policy LU 7.3 Single-family Lots on Thoroughfares
- Policy LU 7.4 Scale and Design of New Commercial Uses
- Policy LU 10.1 Mixed Use Retail

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):

There are a variety of land uses in the area surrounding the subject property: a shopping center, a free-standing drug store, a church and associated recreational facility, and homes. Rock Quarry and Battle Bridge Roads intersect at this property and access to this property is planned to align with Battle Bridge Road.

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

Surrounding and nearby properties are zoned Neighborhood Business, Residential-6, and Residential-4.

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 subject property is suitable for redevelopment for low intensity commercial uses and moderate density homes. Battle Bridge Road has been realigned to intersect Rock Quarry Road in front of this property. A free-standing drug store and a shopping center are located across the street from the subject property. The proposed rezoning will provide a transition from these more intense commercial uses to Abbingdon Ridge, the moderate density neighborhood located west of the subject property.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning benefits the land owner in that it will allow them to sell the property and see it developed for a use that will coexist well with surrounding land uses.

B. For the immediate neighbors:

Better use and redevelopment of the subject property will likely increase adjacent property values.

C. For the surrounding community:

The surrounding community will benefit from having this property redeveloped for low intensity commercial uses and moderate density homes. New investment is necessary for a healthy community- especially in this economic climate- and will lend a bit of excitement to the community perhaps encouraging others to invest.

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

The subject property will not receive a significant benefit which is not available to surrounding properties. This property is located at the intersection of busy Rock Quarry and Battle Bridge Roads, across the street from a free-standing drug store and shopping center and south of a church. The proposed rezoning will provide a transition between these busy thoroughfares and existing moderate density homes at Abbingdon Ridge. The proposed rezoning contains significant conditions that limit the type and intensity of uses as a result of input from the community and city staff.

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

Battle Bridge Road has been relocated such that it intersects with Rock Quarry Road at this property. Access to the subject property is planned by extension of Battle Bridge Road, such that this property is located at the intersection. This property looks out onto the free-standing drug store and shopping center across Rock Quarry Road. Ebenezer Baptist Church located immediately to the north of this site. Low density residential uses are no longer appropriate on this property. Moderate Density Residential is no longer an appropriate land use designation for the front of this property. It is reasonable to allow a low intensity commercial use along Rock Quarry Road that transition back to moderate density residential adjacent to Abbingdon Ridge subdivision. It is in the public interest to utilize infrastructure where it is already in place rather than extending infrastructure further and further from the city center.

V. Recommended items of discussion (where applicable).

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

This question is not applicable to this application.

- 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.**

There have been significant changes in the City of Raleigh and in this community since the Residential-4 zoning designation was placed on this property. The area has been developed for a mixed-use retail center, Battle Bridge Road has been redesigned to locate this property at their intersection and the comprehensive plan has been rewritten to discourage low density residential in this area. The Residential-4 zoning classification could not be property applied to this property today.

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

There is a need for small commercial properties that are available for investment by small business owners in this area of the city. Further there is increasing demand for homes in this community. Moderate density residential zoning provides opportunities for more

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homes including the variety of housing types necessary to serve a growing community. Mixing low-intensity commercial uses, institutional uses and homes encourages a vibrant community.

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

Public infrastructure is in place to serve this property. There is sufficient access to light and air, and mild topography on the subject property.

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

North Carolina General Statute 160A-381 defines the fundamental purpose of zoning to be “. . . promoting health, safety, morals or the general welfare of the community. . .” The proposed rezoning advances this purpose by mixing uses, making efficient use of property, and providing for a transition between divergent uses.

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



April 20, 2011

Ms. Beth Trahos
Smith Moore Leatherwood, LLP
Two Hannover Square, Suite 2800
434 Fayetteville Street
Raleigh, NC 27601

Re: Rock Quarry Mixed Use Site Rezoning

Dear Ms. Trahos:

Kimley-Horn and Associates has prepared a trip generation comparison for the proposed 8 acre site in Southeast Raleigh located at the intersection of Rock Quarry Road and Battle Bridge Road. Based upon discussions with you and the City of Raleigh, the 8 acre site is currently zoned R-4 and would permit 32 single family homes. The proposed zoning is a combination of neighborhood business (2.5 acres) and R10 (5.5 acres). Under the proposed zoning, the applicant is seeking an 8,000 SF commercial building on the 2.5 acre commercial property and up to 55 townhomes on the 5.5 acre R-10 property. The table below summarizes the comparison of the trip generation of the existing zoning to the proposed zoning. We have also included a third scenario for comparison; the comprehensive plan shows this area as all R-10 and as such would allow up to 80 residential townhomes.

TRIP GENERATION COMPARISON SUMMARY TABLE

<u>SCENARIO</u>	<u>DAILY</u>		<u>AM PEAK HOUR</u>		<u>PM PEAK HOUR</u>	
	<u>IN</u>	<u>OUT</u>	<u>IN</u>	<u>OUT</u>	<u>IN</u>	<u>OUT</u>
<u>EXISTING ZONING</u> 8 ACRES X 4 UNITS/AC= 32 SINGLE FAMILY UNITS	182	182	8	24	24	14
<u>PROPOSED ZONING</u> 8,000 SF NEIGHBORHOOD BUSINESS(2.5AC)						
6,000 SF RESTAURANT	382	382	36	33	40	27
2,000 SF NAIL SALON	15	15	2	0	1	2
5.5 ACRES X 10 UNITS/AC= 55 TOWNHOMES	<u>191</u> 588	<u>191</u> 588	<u>5</u> 43	<u>27</u> 60	<u>25</u> 66	<u>12</u> 41
NEW TRIPS ONLY (43% PASS- BY FOR RESTAURANT)	424	424	43	60	49	29
<u>COMPREHENSIVE PLAN ZONING</u>						



8 ACRES X 10 UNITS/AC=
80 TOWN HOMES

265	265	7	36	34	16
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The summary table above indicates the lowest trip generation scenario is the existing zoning, then the comprehensive zoning, with the proposed zoning being the highest. We note that the Trip Generation Comparisons were based upon the total trips generated and not on "new" trips generated. Under the proposed zoning, the restaurant in the commercial zoning would have approximately 43 percent pass-by traffic in the daily and pm peak hour; pass-by traffic is traffic already on the roadway network. Thus when compared to the trip generation of the existing zoning and the comprehensive plan zoning, the proposed zoning would be more comparable.

If you have any questions concerning our analysis, please call me at 919-677-2062.

Sincerely,

R. Michael Horn, P.E.
Principal

KIMLEY-HORN AND ASSOCIATES, INC.
NC License # F-0102

Pre-submittal Rezoning Information Meeting Minutes

A Pre-submittal Rezoning Information Meeting was held on May 11, 2011 at Ebenezer United Methodist Church on Rock Quarry Road in Raleigh to discuss the potential rezoning of property located at 6100 and 6104 Rock Quarry Road. Beth Trahos called the meeting to order at 7:05. Ms. Trahos introduced herself to the group as the attorney representing the contract-purchasers. She let the group know that they hoped to relocate their businesses, a nail salon and a restaurant, to the subject property. She told the group that they would like to rezone a portion of the property along Rock Quarry Road to Neighborhood Business Conditional Use District (CUD) and the rear of the property to Residential-10 CUD. She noted that that Battle Bridge Road had been realigned since the city map was prepared such that it ended directly across Rock Quarry Road from the subject property.

Ms. Trahos handed out a zoning map and draft rezoning conditions. She told the group that the conditions were developed based upon discussion with adjacent and nearby property owners and city staff. She discussed each condition in detail with the group.

Several questions were raised about the proposed rezoning. One neighbor expressed concern that the property might be developed for rental homes or apartments. She was concerned that these uses would have a negative impact on her property values. Ms. Trahos indicated that they did not have plan for the residential portion of the property. A neighbor questioned the financial viability of project. Several property owners indicated they supported the proposed rezoning as a transition from the drug store and shopping center across the street.

A question was raised about the rezoning process. Ms. Trahos indicated that they planned to file a rezoning petition in June. She indicated that they would keep in contact with adjacent owners and participate in CAC meetings before the public hearing in October. Ms. Trahos indicated she was available to meet individually with adjacent property owners or to attend a meeting of home owners association, if anyone would like.

The meeting adjourned about 8:10. Ms. Trahos made herself available to the group after the meeting for questions.

Attached please find a copy of the letter setting the neighborhood meeting, a list of adjacent property owners invited to the meeting, a sign-in sheet from the meeting (although everyone who attended the meeting did not sign in) and a copy of the presentation materials from the meeting.



SMITH MOORE LEATHERWOOD

April 28, 2011

Rock Quarry Road Neighbors

Re: Possible Rezoning of Property located at the intersection of Rock Quarry Road and Battle Bridge Road in Raleigh, North Carolina

Dear Sir or Madame:

I contact you in regard to the possible rezoning of property located at the intersection of Rock Quarry Road and Battle Bridge Road. Please join us for a meeting to continue our dialogue on **Wednesday, May 11, 2011 at 7 p.m. at Ebenezer United Methodist Church located at 6020 Rock Quarry Road in Raleigh.**

I attach a map of the property. We propose a mix of uses including low intensity service businesses located adjacent to Rock Quarry Road transitioning to homes at the rear of the property. We find that working with our neighbors early in the process yields a better rezoning proposal.

Do not hesitate to contact me with questions or concerns at 919.755.8760.

Best regards,

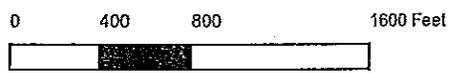
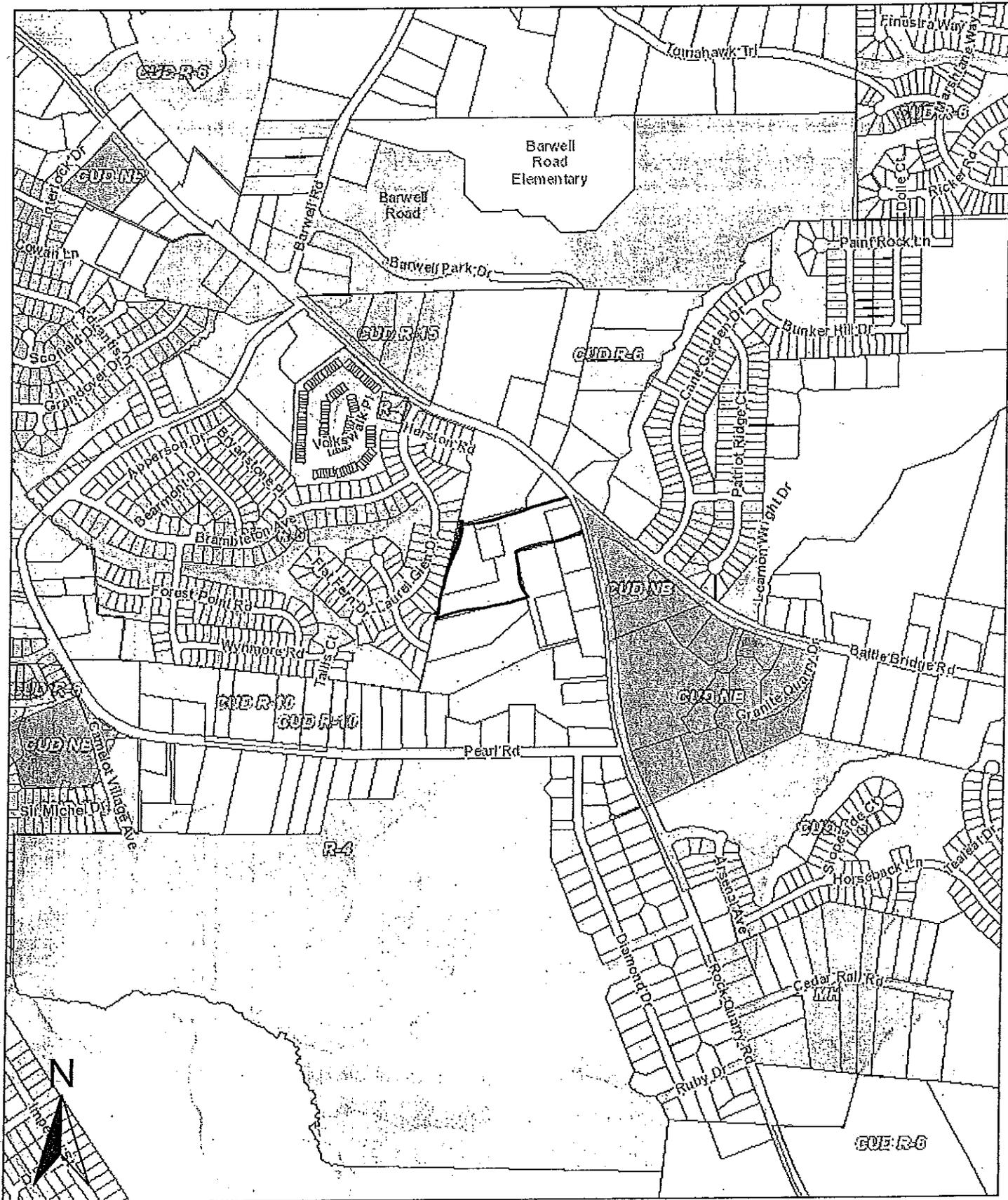
SMITH MOORE LEATHERWOOD LLP

Elizabeth C. Trahos

cc: Mr. Dan Coleman
Mr. Fleming El-Amin II

RALEIGH 410869.2

2-17-11



6100 ROCK QUARRY ROAD REZONING MAILING LIST

- PIQ Carolyn and Jonathan Clay Browning
6104 Rock Quarry Road
Raleigh, North Carolina 27610-6239

Donald P. Browning Heirs
Irene G. Browning Heirs
3085 Wilson Mills Road
Smithfield, North Carolina 27577-7649

- A Tremekia and Jermel Denny
5927 Abbington Way
Raleigh, North Carolina 27610-6583

- B Thelma M. Cherry
5928 Abbington Way
Raleigh, North Carolina 27610-6582

- C Francis C. and Uzoamaka P. Aniekwensi
5921 Abbington Way
Raleigh, North Carolina 27610-6583

- D Lesa Williams
5915 Abbington Way
Raleigh, North Carolina 27610-6583

- E Catherine D. Lewis
4073 Laurel Glen Lane
Raleigh, North Carolina 27610-6179

- F Nitin and Anuja Seth, Joint Living Trust
Nitin Seth, Trustee
Anuja Seth, Trustee
30551 Del Valle Place
Union City, California 94587-1546

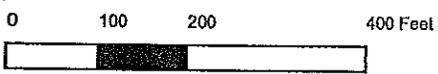
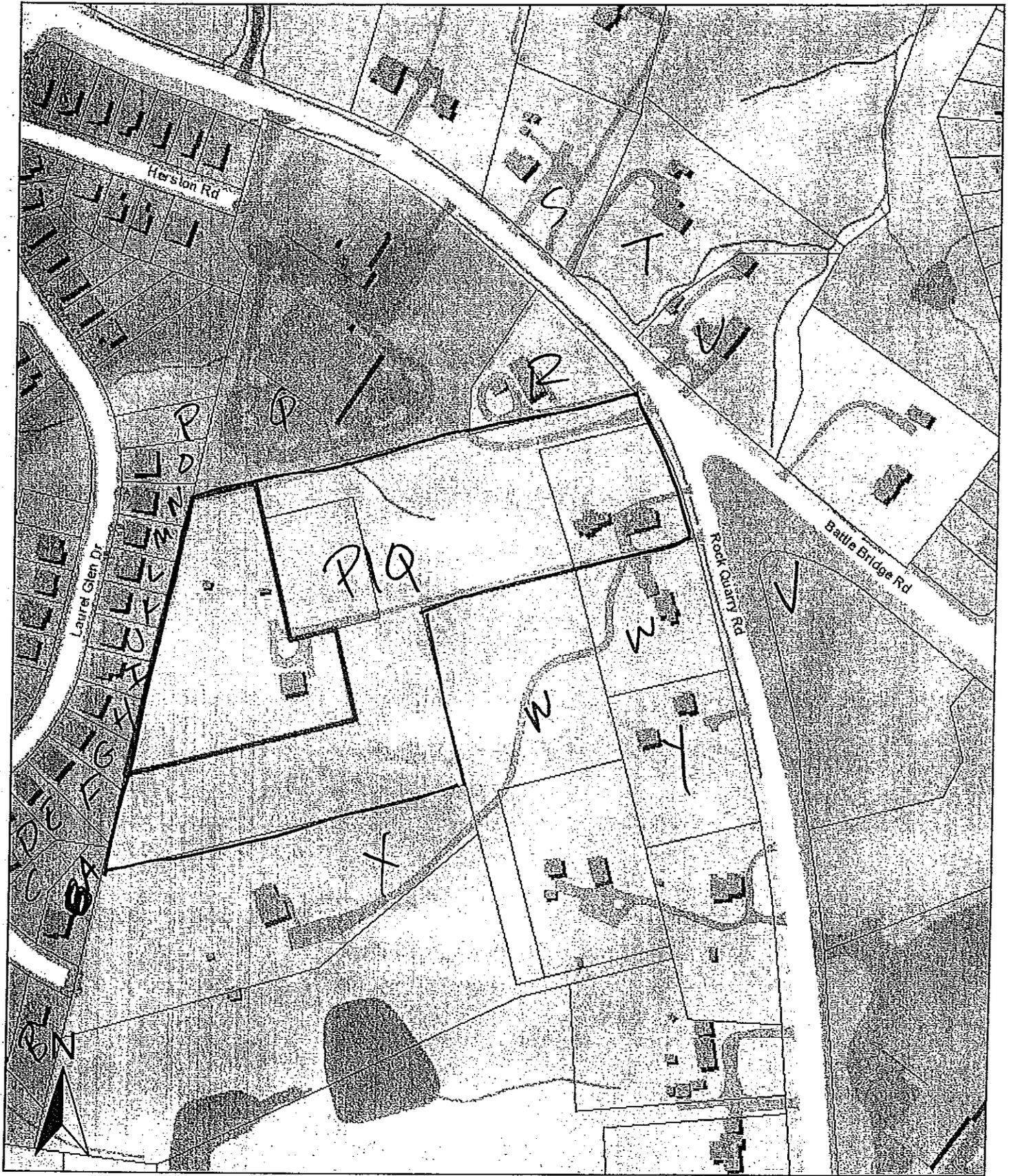
- G John Matthew Barker
Robert M. Gavin
4065 Laurel Glen Lane
Raleigh, North Carolina 27610-6179

- H Lance M. and Mitsuko T. Miller
4061 Laurel Glen Lane
Raleigh, North Carolina 27610-6179

- I James A. Davis, III
4053 Laurel Glen Lane
Raleigh, North Carolina 27610-6179

- J Patrice and Kelcey Thompson
4049 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- K Jason H. Massey
4045 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- L Aryonna C. Williams
4041 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- M Purcello Jones, Jr.
Alyssa M. Phillips
4037 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- N Kelvin L. and Olivia P. Harrington
4033 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- O Kevin T. and Jan Wilson
4029 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- P Cleveland O. Danston
Johnnie M McManus
4025 Laurel Glen Lane
Raleigh, North Carolina 27610-6179
- Q Ebenezer Methodist Church
6020 Rock Quarry Road
Raleigh, North Carolina 27610-6018
- R Felix T. Pugh
6036 Rock Quarry Road
Raleigh, North Carolina 27610-6018
- S Robert Rush
4700 Kaplan Drive
Raleigh, North Carolina 27606-2618
- T Joseph W. and Diana H. Brown
6201 Battle Bridge Road
Raleigh, North Carolina 27610-6201
- U Bessie Dunn
1613 Berkshire Drive
Garner, North Carolina 27529-4238

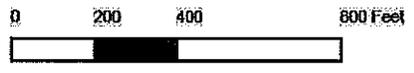
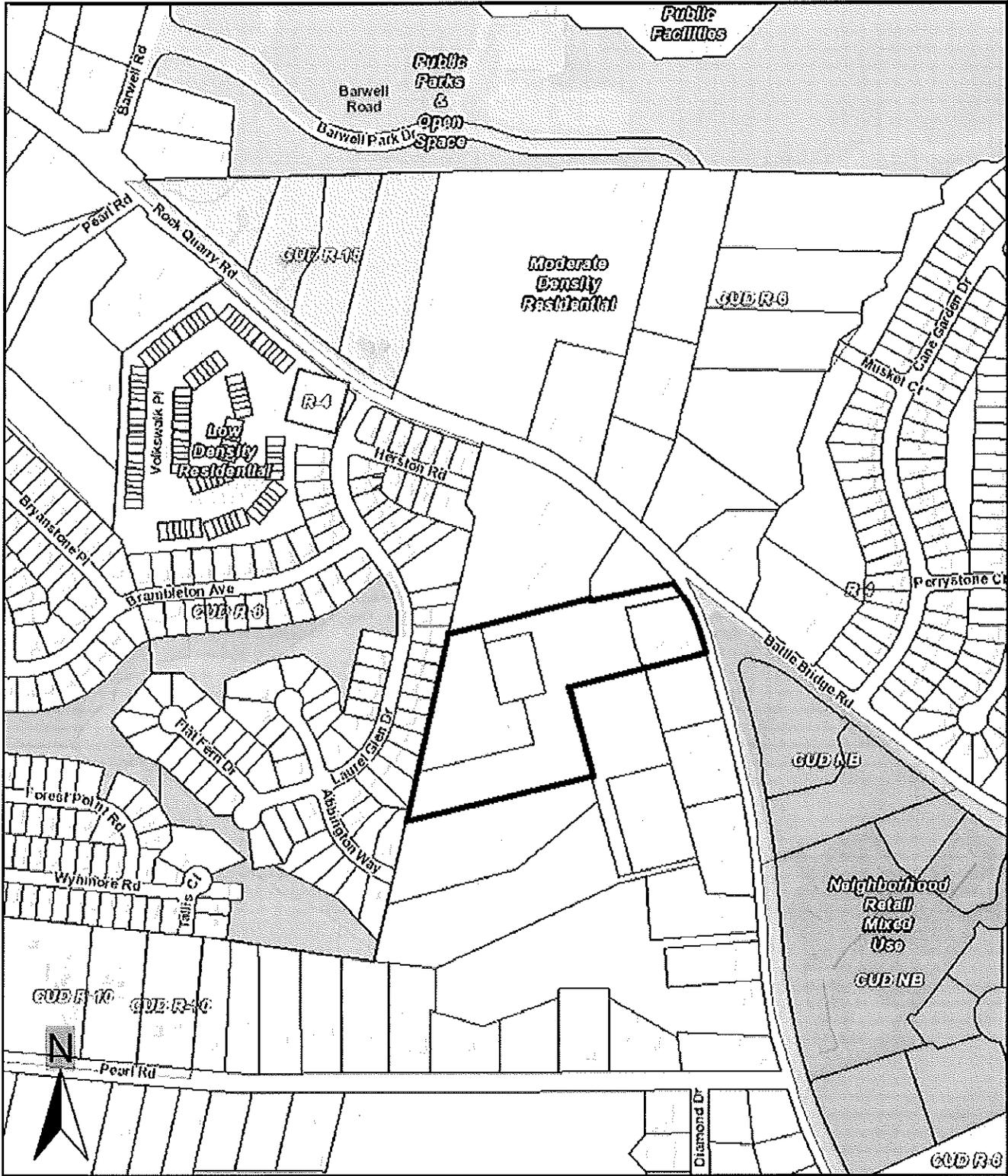
- V CVS 8935 NC, LLC
1 CVS Drive
Woonsocket, RI 02895-6146
- W Boyd & Elizabeth G. Jones
6124 Rock Quarry Road
Raleigh, North Carolina 27610-6239
- X Boyd and Sandra L. Jones
6124 Rock Quarry Road
Raleigh, North Carolina 27610-6239
- Y Edward P. Kassa
PO Box 27092
Raleigh, North Carolina 27611-7092



Neighborhood Meeting - 5/11/11 2-17-11

<u>Name</u>	<u>Address</u>	<u>E-mail or telephone #</u>
Carolyn Brown	6104 Rock Quarry Rd	cell 919-744-6905
Dan Coleman	517 Rock Quarry Pl	cell 919-524-1655
Willie Pugh	6036 Rock Quarry Rd	Call - 919-662-8508
MIKE HORN	3001 WESTON PARKWAY, CARY	677-2000
Klemay El-Amin	3855 Cave Garden Dr	539-1269
Thelma Cherry	5928 Abbington Way	240-694-6103
Sam & Sandie Harper	6124 Rock Quarry Rd	919-602-6490

2-17-11



2-17-11

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: Neighborhood Business CUD and Residential-10 CUD

Narrative of conditions being requested: DRAFT- These conditions have not been approved by the property owners and are for discussion purposes only.

Conditions applicable to both the NB CUD Property and the R-10 CUD Property:

1. Vehicular access to Rock Quarry Road shall be limited to one (1) full movement driveway on Rock Quarry Road, subject to approval by the City of Raleigh Public Works Department and the North Carolina Department of Transportation.
2. Vehicular interconnectivity shall be offered to the property to the north, known by Wake County PIN 1731 39 3691 and further described in Deed Book Page 10903, Page 1687, Wake County Registry (Pugh), and the property to the south known by Wake County PIN 1731 39 5273 and further described in Deed Book Page 2462, Page 431, Wake County Registry (Jones). Pedestrian interconnectivity shall be offered to the Ebenezer Methodist Church property, known by Wake County PIN 1731 39 0797, Deed Book 8057, Page 2047.
3. Any ground-mounted sign shall be of low-profile design.
4. All outdoor lighting fixtures shall be of full cut-off (shielded) design.

Conditions applicable to the NB CUD Property only:

5. Total building area devoted to retail sales uses shall not exceed 8,000 square feet of gross floor area.
6. All uses within the Neighborhood Business zoning district shall be permitted except the following uses, which shall be prohibited: adult establishment, car wash, pawn shop and bar, nightclub, tavern or lounge without food service. This section shall not be interpreted to prohibit the ancillary service of alcoholic beverages as a part of a restaurant or other eating establishment.
7. Dumpsters and HVAC equipment shall be screened from view of the adjacent cemetery.

Conditions applicable to the R-10 CUD Property only:

8. If the property is developed at residential densities greater than 4 units per acre, a six foot (6') high solid fence shall be constructed at the time of issuance of a building permit along the common boundary line with property to the south, known by Wake County PIN 1731 28 and 9737 and further described in Deed Book 11981, Page 386 (Jones).

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
DRAFT- These conditions have not been approved by the property owners and are for discussion purposes only.		
