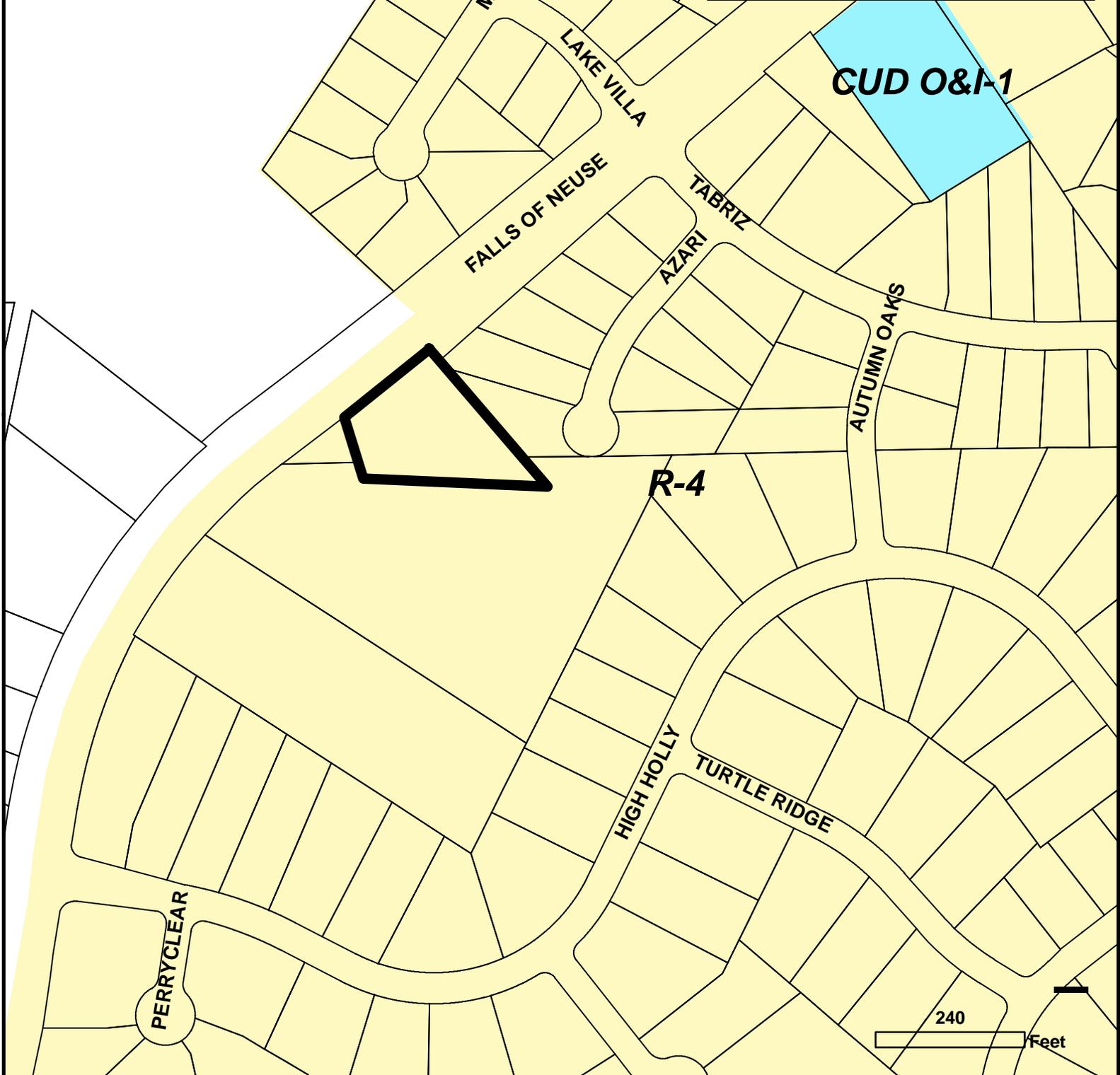
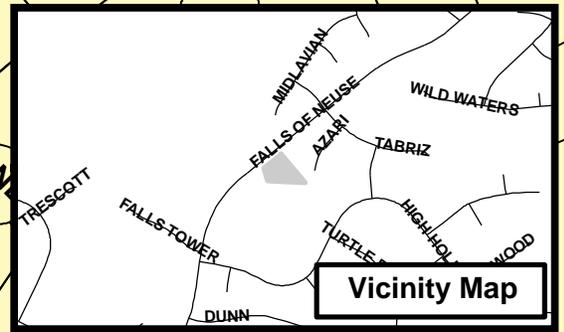


**Existing Zoning Map  
Case Number: Z-20-11**



**Request:**

**0.91 ac from R-4 w/ WPOD to O&I-1 CUD w/ WPOD**

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



# Certified Recommendation

Raleigh Planning Commission

CR# 11430

## Case Information: Z-20-11 11420 Falls of Neuse Rd.

<i>Location</i>	Falls of Neuse Road, east side, north of Raven Ridge Road
<i>Size</i>	0.91 acre
<i>Request</i>	Rezone property from Residential-4 w/ Watershed Protection Overlay District to Office & Institution-1 Conditional Use District w/ Watershed Protection Overlay District

## Comprehensive Plan Consistency

Consistent

Inconsistent

### Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Office & Residential Mixed Use
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	Policy LU 1.3 Conditional Use District Consistency Policy LU 4.5 Connectivity Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 5.4 Density Transitions Policy LU 5.6 Buffering Requirements Policy LU 7.3 Single-Family Lots on Thoroughfares Policy LU 8.5 Conservation of Single-Family Neighborhoods Policy UD 2.1 Building Orientation Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience Policy UD 7.3 Design Guidelines Policy AP-FON 1 Falls of Neuse Character Policy AP-FON 6 Falls of Neuse Residential Access Policy AP-FON 9 Falls of Neuse Corridor Parking Lots

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Max. ground floor square footage: 6,000; max. total sf: 12,000.</li> <li>2. Max. building height: 35'.</li> <li>3. Access limited to single right-in/ right-out driveway.</li> <li>4. Cross-access offered to properties to south.</li> <li>5. Max. lighting height: 25'; full cutoff fixtures.</li> <li>6. Uses limited to: accessory structures/ uses, max. 7 single-family units/ acre (detached or attached), office/ agency/ studio, supportive housing.</li> <li>7. Residential design components: roof to be of shingles, min. 6:12 pitch; exterior materials limited; architectural design features options list.</li> <li>8. Solid 6-foot tall wood fence along northeast lot line.</li> <li>9. Parking lots located to sides or rear of non-residential buildings.</li> </ol>
-----------------------------	---

## Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>1. Condition 6: New single-family residences potentially fronting thoroughfare.</li> <li>2. Condition 7: Affirming residential character (fenestration, orientation, setbacks).</li> <li>3. Condition 8: Whether fence will affect Transition Protective Yard (TPY) width.</li> </ol>	<i>Suggested Conditions</i>	<ol style="list-style-type: none"> <li>1. Prohibit any new single-family residences from fronting thoroughfare.</li> <li>2. Further address residential character (fenestration, orientation, setbacks).</li> <li>3. Specify whether fence will affect TPY width.</li> </ol>
<i>Impacts Identified</i>	(None.)	<i>Proposed Mitigation</i>	N/a

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
6/8/11	10/18/11	N/a	10/25/11 – Recommended approval

**Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/ Vicinity Map
3. Future Land Use Map
4. Wake County planning staff comments

## Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends, based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated September 9, 2011.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. The proposal is consistent with the Comprehensive Plan. The Future Land Use Map designates this site for Office and Residential—Mixed Use. The proposal would permit both uses. The Land Use Element of the Comprehensive Plan notes that “Office and Institution zones provide the closest match” with the Future Land Use Map that designation.</li> <li>2. The request is reasonable and in the public interest. Rezoning would permit introduction of site uses which could be of service to the immediately adjoining neighborhoods, and the community at large.</li> <li>3. Conditions proposed with this rezoning provide adequate mitigation of potential impacts on adjacent low-density neighborhoods.</li> </ol>
<i>Motion and Vote</i>	<p>Motion: Batchelor Second: Fleming</p> <p>In Favor: Batchelor, Butler, Buxton, Fleming, Harris Edmisten, Haq, Lyle, Sterling Lewis</p> <p>Excused: Mattox</p>

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.

_____	_____	_____	10/25/11
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Doug Hill [doug.hill@raleighnc.gov](mailto:doug.hill@raleighnc.gov)



## Zoning Staff Report – Z-20-11

### Conditional Use District

#### Request

<i>Location</i>	Falls of Neuse Road, east side, north of Raven Ridge Road
<i>Request</i>	Rezone property from Residential-4 w/ Watershed Protection Overlay District to Office & Institution-1 Conditional Use District w/ Watershed Protection Overlay District
<i>Area of Request</i>	0.91 acre
<i>Property Owners</i>	Judith Kay Leonard, Woodrow Wilson Leonard Jr., Teresa Karen Leonard
<i>PC Recommendation Deadline</i>	January 16, 2012

#### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-4	O&I-1 CUD
<i>Additional Overlay</i>	WPOD	WPOD
<i>Land Use</i>	Residential	Office building
<i>Residential Density</i>	4 units per acre (max. 3 units)	7 units per acre (max. 6 units)

#### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-4 w/ WPOD; WC R40W	R-4 w/ WPOD	R-4 w/ WPOD	R-4 w/ WPOD; WC R40 W
<i>Future Land Use</i>	Low Density Residential	Office & Residential Mixed Use	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Low density residential; parkland	Low density residential	Low density residential	Vacant; low density residential, parkland

#### Comprehensive Plan Guidance

<i>Future Land Use</i>	Office & Residential Mixed Use
<i>Area Plan</i>	Falls of Neuse Corridor Plan

<i>Applicable Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 4.5 Connectivity Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 5.4 Density Transitions Policy LU 5.6 Buffering Requirements Policy LU 7.3 Single-Family Lots on Thoroughfares Policy LU 8.5 Conservation of Single-Family Neighborhoods Policy UD 2.1 Building Orientation Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience Policy UD 7.3 Design Guidelines Policy AP-FON 1 Falls of Neuse Character Policy AP-FON 6 Falls of Neuse Residential Access Policy AP-FON 9 Falls of Neuse Corridor Parking Lots
----------------------------	---

## Contact Information

<i>Staff</i>	Doug Hill: <a href="mailto:Doug.Hill@raleighnc.gov">Doug.Hill@raleighnc.gov</a>
<i>Applicant</i>	Robin T. Currin: <a href="mailto:robincurrin@aol.com">robincurrin@aol.com</a>
<i>Citizens Advisory Council</i>	North; Will Owen: <a href="mailto:will.s.owen@gmail.com">will.s.owen@gmail.com</a>

## Case Overview

The proposal is to rezone the subject site for potential office uses, or single-family development. The current use—single family residence—dates from at least the 1930s. By the time the property was annexed by the City (2004), large sections of the surrounding area had been subdivided into low-density suburban neighborhoods, including the immediately adjacent Falls Pointe development. The past year has brought even more-direct impact to the property in the form of the widening of Falls of Neuse Road. Highway construction has removed most of the vegetation fronting the site, leaving the house plainly visible from the road (and vice versa). Streetscape planting plans will reintroduce some frontage trees, plus a wide multi-purpose pathway. The subject house and that neighboring to the south (which likewise antedates adjacent subdivisions) both face the street; most nearby subdivisions back up to thoroughfare or are situated along collector streets which are perpendicular to the Falls of Neuse right-of-way. Directly across the road are a small parking lot and permanent wooded parkland associated with the Falls Lake reservoir/ recreation area. (It and the adjoining properties on the west side of the road, southwest of the subject site, are located in Wake County’s jurisdiction; comments from County staff regarding the subject rezoning are included below.) Rezoning conditions are aimed at reducing impacts otherwise possible under the proposed zoning. Future redevelopment must also meet the impervious surface limits of the Watershed Protection overlay.

## 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 consistent with the Future Land Use Map. The map designates the property for Office and Residential Mixed Use, both uses which the rezoning would permit.

## 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.

The conditions which are proposed are consistent with the Comprehensive Plan. However, several policies pertaining to land use and site development are not fully addressed.

### **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 request is consistent with this policy. Infrastructure capacity at the site is anticipated to be sufficient to meet the demands of the site redevelopment possible under the proposed rezoning.

### **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 request is consistent with this policy. Offers of cross-access to the properties to the south and west are conditioned.

### **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 consistent with this policy. Rezoning will permit more intensive use of the site as offices or moderate-density housing. Building mass, height, roof form and materials are conditioned to reduce visual impacts.

### **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 is partially consistent with this policy. A fence is conditioned adjacent to existing single-family parcels on the northeast. Building height and square footage

caps are provided. Setbacks, transition yards, or building step-downs are not addressed. By Code, installation of the fence could allow the width of any transitional protective yard to be cut by half.

***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. The conditions permit single-family residences, but limit site access to a single driveway, the same configuration as currently in place. Any new single family lots would have to share that access point.

***Policy LU 8.5 – Conservation of Single-Family Neighborhoods***

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

The proposal is partially consistent with this policy. Conditions address building height, and provide for a pitched roof and certain elements of residential design. Outdoor lighting height and type is also limited. Other design elements (e.g., setbacks, facade fenestration percentages) are not addressed. While maximum building square footage is conditioned for non-residential uses, the cap is significantly larger than the size of existing buildings nearby.

***Policy UD 2.1 - Building Orientation***

Buildings in mixed-use developments should be oriented along streets, plazas, and pedestrian ways. Their facades should create an active and engaging public realm.

The proposal does not address this policy. The site is located in an area designated for mixed use.

***Policy UD 6.2 - Ensuring Pedestrian Comfort and Convenience***

Promote a comfortable and convenient pedestrian environment by requiring that buildings face the sidewalk and street area. On-street parking should be provided along the pedestrian streets and surface parking should be in the rear. This should be applied in new development, wherever feasible, especially on transit and urban corridors and in mixed-use centers.

The proposal does not fully address this policy. The widening of Falls of Neuse Road currently underway will include installation of an 8-foot wide multi-purpose pathway across the front of the site. Condition 9 requires that parking be at the side or rear of non-residential buildings, and responses to the Design Guidelines suggest future buildings will exhibit a "street presence" and "be placed as close to the street as possible", but building orientation is not specified.

**Policy UD 7.3 – Design Guidelines**

The Design Guidelines in **Table UD-1** shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlay Districts, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The proposal does not fully address this policy. The applicant has provided limited responses to the Design Guidelines in an attachment to the rezoning petition. Of the 26 mixed-use center guidelines in the Comprehensive Plan, only 8 are directly addressed; 9 are left to be addressed at the site plan stage, and another 9 deemed inapplicable due to circumstances of the site. The responses which are provided include several statements, which if included in the request as conditions, would provide greater consistency with the guidelines' intentions. These statements include specifying buffers to transition to adjoining residential properties (Guideline 2) and creating a "street presence" with direct pedestrian connections (Guidelines 6 & 7).

**1.3 Area Plan Guidance**

The property is subject to the provisions of the Falls of Neuse Corridor Area Plan.

**Policy AP-FON 1 - Falls of Neuse Character**

Protect the character of the corridor. Maintain the sense of place created by the extensive roadside vegetation, the Falls Lake dam, and Falls Community.

The proposal does not address this policy. The Area Plan envisions the subject section of Falls of Neuse Road as a "green corridor". Recent widening of the thoroughfare has resulted in removal of much of the vegetation along the front of the subject site; a single line of trees (Carolina Silverbells) is to be planted along the roadway by the City. No plantings are specifically conditioned in the rezoning request.

**Policy AP-FON 6 - Falls of Neuse Residential Access**

New detached single-family residences fronting Falls of Neuse Road are discouraged.

The proposal does not fully address this policy. While site access is limited to one driveway, case conditions would permit detached single-family residences; the issue of frontage is not addressed.

**Policy AP-FON 9 - Falls of Neuse Corridor Parking Lots**

Parking lots are encouraged to be located behind or beside buildings along the Falls of Neuse corridor.

The proposal appears to be consistent with this policy. The petition is conditioned such that parking for non-residential structures will be to the "side or rear" of the building. Building orientation, though, is not prescribed (and subsequently, nor are which directions the rear and sides of the building will face).

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

As conditioned, development of the site could result in low/ moderate density residences or office buildings. The majority of immediately adjacent land uses feature single-family residences; most neighborhoods are accessible only by internal collector streets. Houses are one or two stories, ranging in size from 1,400 to 3,500 square feet (with most tending toward the latter size). Building height on the subject property is limited to 35 feet, but the footprint of any non-residential building could reach 6,000 square feet, with 12,000 square feet under roof. Several measures of residential compatibility (roof form/ pitch, exterior materials, building details) are conditioned. Number of buildings is not addressed.

**3. Public benefits of the proposed rezoning**

The rezoning would permit site development consistent with the amended Future Land Use Map; the present site zoning (R-4) is inconsistent with the Map. The applicant attests that the property’s location next to an increasingly busy thoroughfare has resulted in the existing residence being vacant for 10 years. Office uses permitted under the proposal could serve to buffer existing residential districts from the thoroughfare. Building height, roof form, exterior materials, and lighting height are conditioned to reduce potential visual impacts.

**4. Detriments of the proposed rezoning**

Conditions would permit buildings of up to 12,000 square feet, nearly three and a half times larger than any on adjoining properties. Installation of the conditioned fence could allow reduction of any required transitional protective yard by half.

**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>				
Falls of Neuse Road	Secondary Arterial	25,000				
<b>Street Conditions</b>						
<u>Falls of Neuse 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	23'	none	110'	None	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?	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	12	34	<b>22</b>			

PM PEAK	5	92	87			
<b>Suggested Conditions/ Impact Mitigation:</b>		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 95 vehicles/hour. A traffic impact analysis study is not recommended for Z-20-11.				
<b>Additional Information:</b>		City of Raleigh has a major capital improvement project currently underway to widen and realign Falls of Neuse Road in the vicinity of this case.				

**Impact Identified:** The proposed rezoning is not expected to impact the City's transportation system adversely.

### 5.2 Transit

No comments.

**Impact Identified:** No adverse impacts on the City's transit system are anticipated from this rezoning.

### 5.3 Hydrology

<i>Floodplain</i>	NO FEMA Floodplain present
<i>Drainage Basin</i>	Neuse
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	WPOD subject to Part 10, Chapter 10 (new TC-09-10)

**Impact Identified:** No adverse impacts regarding stormwater are expected from this rezoning.

### 5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	1,820 gpd	2,957 gpd
<i>Waste Water</i>	1,820 gpd	2,957 gpd

The proposed rezoning would add approximately 1,137 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the property.

**Impact Identified:** No adverse impacts on the City's utilities are anticipated from this rezoning.

### 5.5 Parks and Recreation

The subject property is not adjacent to a designated greenway corridor. The subject tract is not located within a park search area.

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

**5.6 Urban Forestry**

Trees on non-residential lots less than two acres adjacent to a thoroughfare are protected prior to development. Upon submittal of a site plan, non-residential lots with groups of trees adjacent to a thoroughfare must comply with 10-2132.2(b)(20). Upon submittal of a development plan, this property must comply with the WPOD forestation requirements of 10-5006(a)(11)f.1.

**Impact Identified:** No adverse impacts on the City's urban forestry resources are expected from this rezoning.

**5.7 Wake County Public Schools**

Under the existing zoning, a maximum of 3 dwelling units can be constructed on the site. The proposal is conditioned to a cap of 7 units per acre, translating into a maximum of 6 units. The increase would not appreciably increase the estimated number of students who would enroll at base schools:

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Brassfield	784	102.1%	785	102.2%
Wakefield	1,336	105.5%	1,337	105.6%
Wakefield	2,626	93.4%	2,626	93.4%

**Impact Identified:** The requested rezoning would not appreciably change the estimated school enrollment resulting from potential development.

**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**

None identified.

**5.10 Mitigation of Impacts**

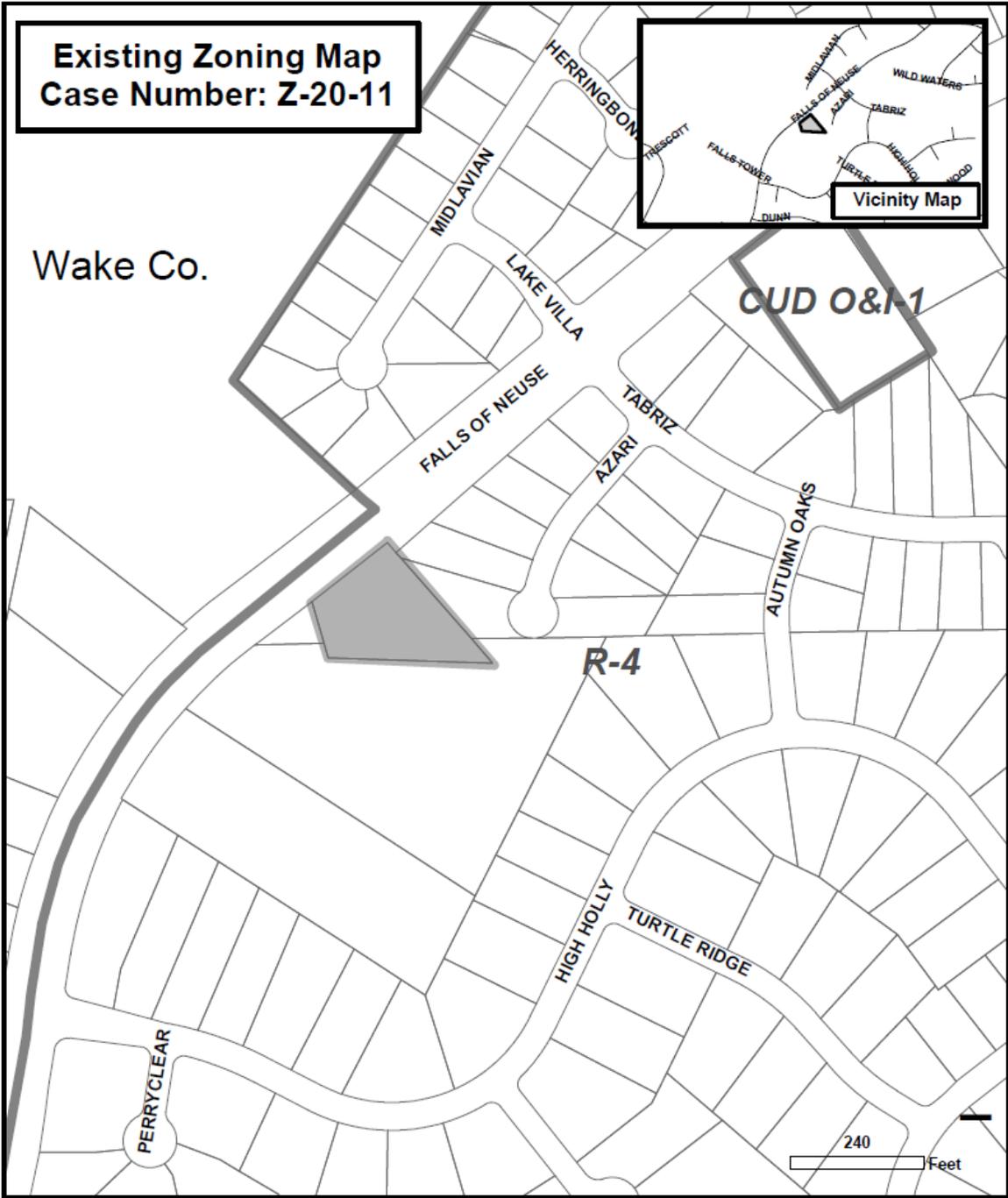
(Not applicable.)

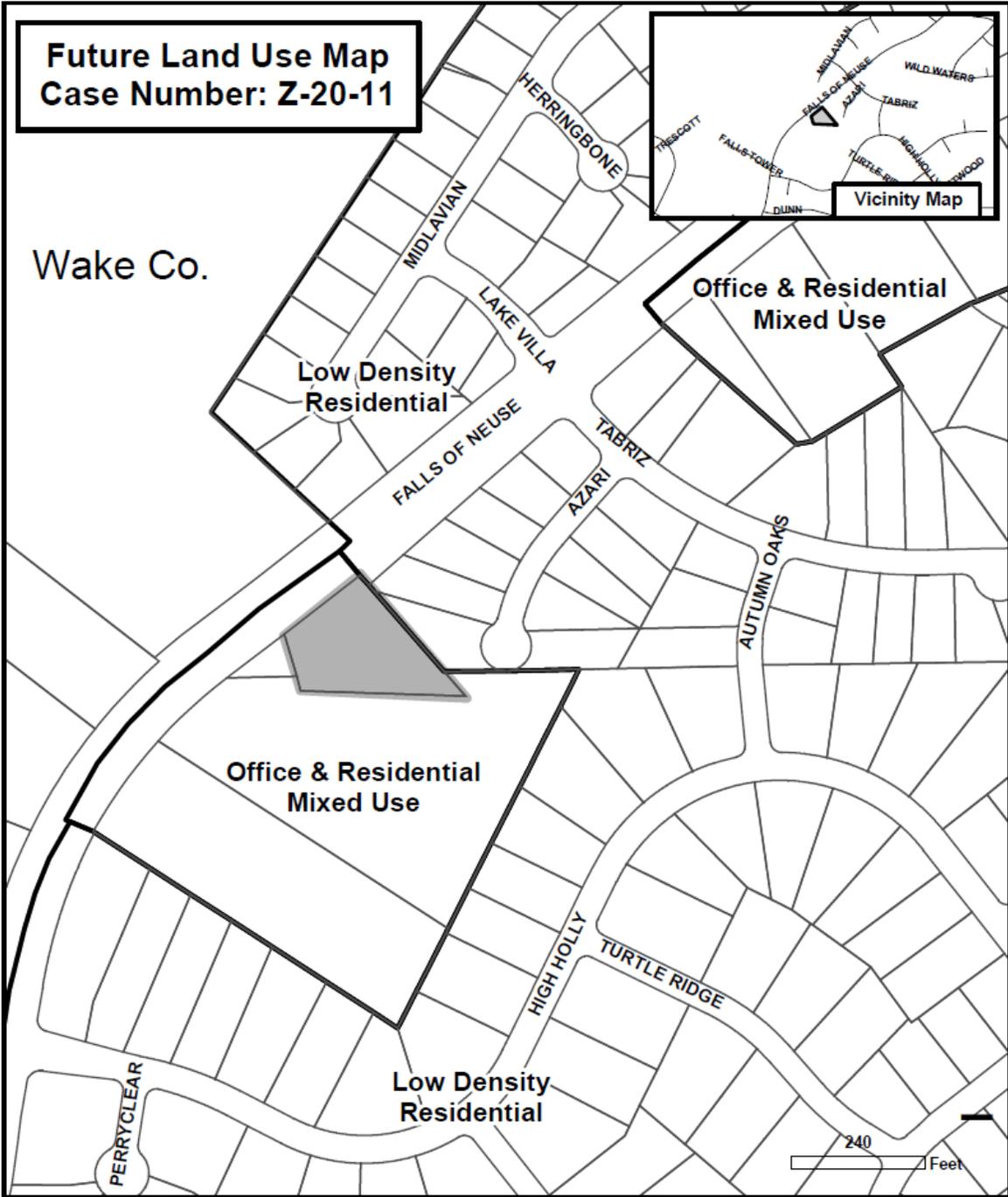
**6. Appearance Commission**

This proposal is not subject to Appearance Commission review.

**7. Conclusions**

The proposal is consistent with the Future Land Use Map and the corridor Area Plan in permitting uses of a transitional nature (office or low/ moderate density housing) to the existing low-density neighborhoods adjacent to it. Assurance of design compatibility, as provided by case conditions, similarly tends toward consistency. However, several policies pertinent to use and site development are not fully addressed. Responses provided to the Comprehensive Plan's Design Guidelines suggest intent toward greater consistency; conditions could be amended to that effect.





**Wake County planning staff comments** on Raleigh rezoning case Z-20-11:

Wake County has no opposition to the proposed rezoning of R-4 to O&I-1 CUD. The proposed moderate density residential or office uses seem reasonable within their contextual setting, especially given the limitations and mitigating effects of the proposed conditions. The retention of the WPOD standards should sufficiently address any watershed protection standards/stormwater issues. The revisions are viewed favorably, especially the reduction to only one access point, as well as the placement of parking areas to the side or rear of the building. The other proposed conditions appear adequate to mitigate any potential adverse affects of this development on the surrounding uses. Those proposed conditions address allowable density, building mass, maximum height, architectural standards, cross access easements, lighting standards (i.e.--pole height and cutoff fixtures), and the provision of opaque fencing adjacent to the residential lots.

Thank you for providing the Wake County planning staff with an opportunity to provide feedback on this rezoning request.

Keith A. Lankford, AICP, CZO  
Planner III  
Wake County Planning, Development and Inspections  
Phone: (919) 856-7569  
Fax: (919) 856-5824  
Web site: [www.wakegov.com/planning](http://www.wakegov.com/planning)

**Wake County planning staff comments** on Raleigh rezoning case Z-20-11:

Wake County has no opposition to the proposed rezoning of R-4 to O&I-1 CUD. The proposed moderate density residential or office uses seem reasonable within their contextual setting, especially given the limitations and mitigating effects of the proposed conditions. The retention of the WPOD standards should sufficiently address any watershed protection standards/stormwater issues. The revisions are viewed favorably, especially the reduction to only one access point, as well as the placement of parking areas to the side or rear of the building. The other proposed conditions appear adequate to mitigate any potential adverse affects of this development on the surrounding uses. Those proposed conditions address allowable density, building mass, maximum height, architectural standards, cross access easements, lighting standards (i.e.--pole height and cutoff fixtures), and the provision of opaque fencing adjacent to the residential lots.

Thank you for providing the Wake County planning staff with an opportunity to provide feedback on this rezoning request.

Keith A. Lankford, AICP, CZO  
Planner III  
Wake County Planning, Development and Inspections  
Phone: (919) 856-7569  
Fax: (919) 856-5824  
Web site: [www.wakegov.com/planning](http://www.wakegov.com/planning)

**Wake County planning staff comments** on Raleigh rezoning case Z-20-11:

Wake County has no opposition to the proposed rezoning of R-4 to O&I-1 CUD. The proposed moderate density residential or office uses seem reasonable within their contextual setting, especially given the limitations and mitigating effects of the proposed conditions. The retention of the WPOD standards should sufficiently address any watershed protection standards/stormwater issues. The revisions are viewed favorably, especially the reduction to only one access point, as well as the placement of parking areas to the side or rear of the building. The other proposed conditions appear adequate to mitigate any potential adverse affects of this development on the surrounding uses. Those proposed conditions address allowable density, building mass, maximum height, architectural standards, cross access easements, lighting standards (i.e.--pole height and cutoff fixtures), and the provision of opaque fencing adjacent to the residential lots.

Thank you for providing the Wake County planning staff with an opportunity to provide feedback on this rezoning request.

Keith A. Lankford, AICP, CZO  
Planner III  
Wake County Planning, Development and Inspections  
Phone: (919) 856-7569  
Fax: (919) 856-5824  
Web site: [www.wakegov.com/planning](http://www.wakegov.com/planning)

**Wake County planning staff comments** on Raleigh rezoning case Z-20-11:

Wake County has no opposition to the proposed rezoning of R-4 to O&I-1 CUD. The proposed moderate density residential or office uses seem reasonable within their contextual setting, especially given the limitations and mitigating effects of the proposed conditions. The retention of the WPOD standards should sufficiently address any watershed protection standards/stormwater issues. The revisions are viewed favorably, especially the reduction to only one access point, as well as the placement of parking areas to the side or rear of the building. The other proposed conditions appear adequate to mitigate any potential adverse affects of this development on the surrounding uses. Those proposed conditions address allowable density, building mass, maximum height, architectural standards, cross access easements, lighting standards (i.e.--pole height and cutoff fixtures), and the provision of opaque fencing adjacent to the residential lots.

Thank you for providing the Wake County planning staff with an opportunity to provide feedback on this rezoning request.

Keith A. Lankford, AICP, CZO  
Planner III  
Wake County Planning, Development and Inspections  
Phone: (919) 856-7569  
Fax: (919) 856-5824  
Web site: [www.wakegov.com/planning](http://www.wakegov.com/planning)



Z-20-11  
pd by CK #s 8289+  
for flow. 1802

# Petition to Amend the Official Zoning Map

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

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**

CITY OF RALEIGH  
CITY PLANNING DEPT  
2011 JUN 16 PM 4:12

2-20-11



# 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 PM 4:12

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
	Judith Kay Leonard	6-15-2011
	Woodrow Wilson Leonard, Jr.	6-15-2011
	Teresa Karen Leonard ( Doman)	
		6-15-2011

# 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
<b>Petitioner(s)</b> (for conditional use requests, petitioners must own petitioned property)	Judith Kay Leonard Woodrow Wilson Leonard, Jr. Teresa Karen Leonard	2131 Timber Lake Dr Raleigh, NC 27604	919-954-1151 jleonard@bbandt.com
<b>Property Owner(s)</b>	Judith Kay Leonard Woodrow Wilson Leonard, Jr. Teresa Karen Leonard	2131 Timber Lake Dr Raleigh, NC 27604	919-954-1151 jleonard@bbandt.com
<b>Contact Person(s)</b>	Robin T. Currin	127 W. Hargett St. Suite 500 Raleigh, NC 27601	919-832-1515 robincurrin@aol.com

## Property information

<b>Property Description</b> (Wake County PIN)	1729238316
<b>Nearest Major Intersection</b>	Falls of Neuse and Raven Ridge Road
<b>Area of Subject Property</b> (in acres)	.91 acre
<b>Current Zoning Districts</b> (include all overlay districts)	R-4 with WPOD
<b>Requested Zoning Districts</b> (include all overlay districts)	O&I-1 with WPOD-CUD

**EXHIBIT B. Request for Zoning Change**Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
William D. & Elizabeth F. Jackson	11312 Falls Of Neuse Road	Raleigh, NC 27614	1729238019
City of Raleigh	P. O. Box 590	Raleigh, NC 27602	1729236321
Neil H & Helen S. Frank	11500 Midlavian Drive	Raleigh, NC 27614	1729236750
Charles Wesley Shaver, Jr.	11504 Midlavian Drive	Raleigh, NC 27614	1729237645
Ralph E. Groen	11512 Azari Court	Raleigh, NC 27614	1729331450
Steven J. Kearney	11502 Azari Court	Raleigh, NC 27614	1729331373
Kenneth & Deanna Marks	11503 Azari Court	Raleigh, NC 27614	1729239344
Steve A & Kelly T. Arrington	11507 Azari Court	Raleigh, NC 27614	1729239414
Pratik & Shital Raja Patel	11511 Azari Court	Raleigh, NC 27614	1729239469
City of Raleigh	P. O. Box 590	Raleigh, NC 27602	1800102847
Wake County	10 <sup>th</sup> Floor Wake County WCOB P. O. Box 550	Raleigh, NC 27602	1800102847

# EXHIBIT B. Request for Zoning Change

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

United States of America	11405 Falls Of Neuse Road	Raleigh, NC 27614	1800102847
State of North Carolina	NC State Parks MSC 1615	Raleigh, NC 27699	1800102847
Zeb & Dorothy Strickland	11321 Falls of Neuse Road	Raleigh, NC 27614	1729232344
Judith K. Leonard	2131 Timberlake Drive	Raleigh, NC 27604	1729238316

# EXHIBIT C. Request for Zoning Change

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

Z-20-11  
AMENDED - 11/7/11  
PG. 1 OF 2

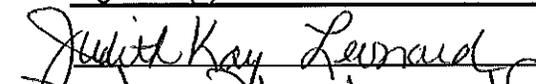
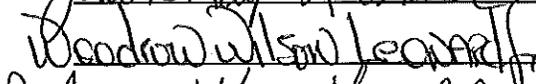
Conditional Use District requested: O&I-1-CUD

Narrative of conditions being requested:

1. For all non-residential buildings constructed after the adoption of this rezoning ordinance, the ground floors of any such buildings shall not exceed 6,000 square feet collectively and all buildings collectively shall not exceed 12,000 square feet floor area gross.
2. For all buildings constructed after the adoption of this rezoning ordinance, maximum building height shall not exceed 35 feet, as measured by City Code.
3. Following redevelopment of the subject property, direct access to and from Falls of the Neuse Road shall be limited to a single right-in, right-out access point, subject to the approval by the City of Raleigh Public Works Department and the North Carolina Department of Transportation.
4. Prior to obtaining a building permit for any parcel within the subject property, the property owner requesting the permit shall record offers of cross access to the adjoining properties to the south, PIN 1729238019, Deed Book 1810, Page 222, and west, PIN 1729236321, Deed Book 14019, Page 1686 and/or accept previously extended offers from such adjoining owners, if any.
5. Poles for free standing lighting shall not exceed 25 feet in height, and all pole mounted light fixtures shall be full cutoff type.
6. No uses other than the following shall be permitted on the property:
  - (i) Accessory structures and uses;
  - (ii) Single family detached dwelling units with a density of no more than 7 dwelling units per acre;
  - (iii) Single family attached (townhomes) dwelling units with a density of no more than 7 dwelling units per acre;
  - (iv) Office, agency, or studio of a professional or business agent, or political, labor or service association, including, but not limited to, Finance, Medical or Professional/service uses, as set forth on the Schedule of Permitted Land Uses in Zoning Districts Raleigh City Code Section 10-2071;
  - (v) Other professional or service office, studio or agency not otherwise listed as permitted in the zoning district on the Schedule of Permitted Land Uses in Zoning Districts Raleigh City Code Section 10-2071; and
  - (vi) Supportive housing residences.

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
	Judith Kay Leonard	11/7/11
	Woodrow Wilson Leonard, Jr.	11/7/11
	Teresa Karen Leonard ( Doman)	11/7/11

# EXHIBIT C. Request for Zoning Change

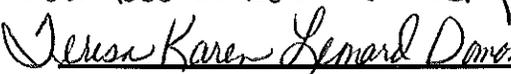
Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Z-20-11  
AMENDED - 11/7/11  
PG. 2 OF 2

7. All buildings shall be designed to include the following:
- (a) pitched, shingled roofs with a minimum pitch of 6:12;
  - (b) at least eighty percent (80%) of building siding, exclusive of roofs, windows, doors, soffits and trim, shall be comprised of wood, brick, stone, or cementitious fiberboard such as Hardiplank (and shall not consist of aluminum or vinyl); and
  - (c) at least two (2) of the following architectural features or elements shall be included:
    - (i) gable(s)
    - (ii) dormer(s)
    - (iii) square or round columns
    - (iv) window shutters;
    - (v) porch(es) or stoop(s)
    - (vi) bay or bow window(s)
8. A six-foot (6') solid wooden fence shall be installed along the boundary of the following single family developed parcels:
- PIN 1729 23 9344, Kenneth and Deanna Marks, Deed Book 13650, Page 2142  
PIN 1729 23 9414, Steve A. and Kelly T. Arrington, Deed Book 12137, Page 856
9. All parking for non-residential structures shall be located to the side or rear of the non-residential buildings.
10. The principal facade and main entrance of any non-residential building will be oriented toward Falls of Neuse Road.

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

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

<u>Signature(s)</u>	<u>Print Name</u>	<u>Date</u>
	Judith Kay Leonard	11/7/11
	Woodrow Wilson Leonard, Jr.	11/7/11
	Teresa Karen Leonard (Doman)	11/7/11

# 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](http://www.raleighnc.gov)).

**A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:**

*The current recommended land uses shown on the FLUM indicate low density residential uses; however, the Falls of Neuse Small Area Plan designates this property as a Proposed Corridor Transition Area. We understand a planned change to the FLUM will designate this area as a Corridor Transition Area with an Office Residential Mixed Use FLUM designation which will recommend moderate to medium density residential and /or low intensity office uses for this property.*

**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.**

*This property is located in the Falls of Neuse Corridor Plan within the 2030 Comprehensive Plan and is considered a "Proposed Transition Area".*

**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 proposed map amendment will be consistent with the Comprehensive Plan once the Comprehensive Plan is modified as proposed by the Planning Department.*

# EXHIBIT D. Request for Zoning Change

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

*The map amendment is or will also be consistent with the following Comprehensive Plan policies:*

*LU 1.1-1.3 Future Land Use. The proposed rezoning will be consistent with the FLUM.*

*LU 4.9 Corridor Development. New development will promote pedestrian friendly and transit supportive developments along the Falls of Neuse corridor.*

*LU 5.4 Density Transition. New development of a low intensity professional office will serve as a transition between intense traffic of Falls of Neuse and surrounding single family uses.*

*LU 5.5 Buffering Requirements. New development will provide enhanced physical buffers to protect single family detached uses from adverse effects of new development.*

*LU 7.3 Single Family Lots on Thoroughfares. Redevelopment will not provide single family residential with access to the major thoroughfare of Falls of Neuse and will restrict access of multifamily or office uses to right-in, right-out movements.*

*LU 8.12 Infill Compatibility. Infill redevelopment will require residential character elements to promote compatibility with existing single family neighborhood.*

*LU 9.4 Health Care Industry. Redevelopment will support expansion of health care opportunities.*

*T2.9 Curb cuts. New development will limit curb cuts to two right-in, right-out movements.*

*EF 8.1-8.3 Lighting. New development will prevent light trespass and mitigate lighting impacts by limiting light pole heights and using cutoff fixtures or other lighting strategies which reduce light impacts.*

*Urban Design Guidelines. Urban Design Guidelines are addressed in Exhibit D-1.*

*AP-FON 1 Falls of Neuse Character. In consideration of the existing Falls of Neuse character, new development is anticipated to include residential character and landscaping.*

*AP-FON 6 Falls of Neuse Road Residential Access. New development is not contemplated to include new detached single family residences fronting on Falls of Neuse.*

*AP-FON 9 Falls of Neuse Road Corridor Parking Lots. Parking lots are expected to be located to the rear or sides of building(s) in new development.*

## **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):**

*Properties surrounding the subject property on the north, east and south are residential in character and 17,961 acres of land immediately across the street to the west are owned by the US Army Corp of Engineers and are in the Falls Lake Watershed; however, properties fronting on Falls of Neuse in this area are designated Proposed Corridor Transition Areas . Within one*

# EXHIBIT D. Request for Zoning Change

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

*tenth of a mile and within the same FLUM designated area, a 1.5 acre tract, PIN 1729335960, is located along the east side of Falls of Neuse and is already zoned O & I – 1 CUD.*

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

*North - R4 w/WPOD, single family, 1-2 story; R40W, vacant  
East - R4 w/WPOD, single family, 1-2 story  
South - R4 w/WPOD, single family, 1 story  
West - Wake County zoned R40W, vacant*

**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:**

*This property is located within the Falls of Neuse Corridor Plan in the 2030 Comprehensive Plan and is considered a "Proposed Transition Area" and is recommended for moderate to medium density residential and low intensity office uses. The proposed map amendment would facilitate redevelopment for such purposes, in keeping with the Comprehensive Plan.*

**III. Benefits and detriments of the proposed map amendment.**

**A. For the landowner(s):**

*The proposed map amendment will allow owners to sell property which has been vacant for 10 years. During this time, there have been no potential buyers for residential use due to the intensity of traffic on Falls of Neuse Road.*

**B. For the immediate neighbors:**

*The proposed rezoning will enhance the neighboring property values since the residence on the property is currently vacant and deteriorating and the map amendment will facilitate redevelopment which will improve the neighborhood.*

**For the surrounding community:**

*The proposed map amendment would facilitate the development of a modern professional office building which would add tax base, would provide convenient services, and would be more aesthetically appealing.*

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

*The proposed rezoning would permit higher density residential and office uses which are not currently allowed for neighboring properties without a rezoning; however, many of the surrounding owners enjoy similar designations under the Comprehensive Plan and similar rezonings of their properties may be appropriate.*

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

# EXHIBIT D. Request for Zoning Change

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

*The proposed rezoning is reasonable and in the public interest as it will permit redevelopment of the property and provide convenient services to the area without a significant increase in traffic, in accordance with the City's Comprehensive Plan and its policies, particularly LU 7.3 which discourages future development of single family development along Falls of Neuse Road.*

## 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.**

*Falls of Neuse has changed from being a quiet, sleepy residential community road to a major thoroughfare with multiple traffic lanes. Because of the heavy traffic and noise, the property is no longer suitable for single family detached homes.*

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

*The public has a need for additional property to be rezoned to accommodate higher density residential and office uses to support a growing population in need of goods and services on a major thoroughfare.*

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

*The property will be easily served by public utilities located within the street right-of-way and public services and facilities which are located nearby. Residential building height and impervious coverage limitations will limit the size and height of building(s) and will facilitate access to light and air. The property presently has favorable topography for construction of a commercial building and should not require severe topographical changes.*

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

*The proposed map amendment advances the fundamental purposes of zoning as set forth in the enabling legislation by allowing uses which will be more appropriate for the location and will be in accordance with the Comprehensive Plan. Such a development would facilitate more efficient development, which would reduce congestion and would allow development of the most appropriate use of the property.*

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

## EXHIBIT D-1

### Design Guidelines for Mixed Use Areas RALEIGH COMPREHENSIVE PLAN

**Policy UD 7.3**

**Design Guidelines**

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

**Elements of Mixed-Use Areas**

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

**This site is designated Office Residential Mixed Use which does not contemplate principal retail uses. It will be developed primarily as a professional office space, but there are residential uses within walking distance.**

**Mixed-Use Areas /Transition to Surrounding Neighborhoods**

2. *Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.*

**We contemplate a two-story building with a maximum 35 foot height on the subject site and will include conditions providing buffers to transition to single family residential.**

**Mixed-Use Areas /The Block, The Street and The Corridor**

3. *A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.*

**This is not applicable to this particular site as there is no property frontage on any neighborhood streets and no street network planned. The only access available is along Falls of Neuse Road.**

4. *Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.*

**If practical, when the site plan is designed, a street stub to the large tract of land to the south will be provided.**

5. *Block faces should have a length generally not exceeding 660 feet.*

**This is not applicable; the existing parcel has approximately 172 feet of frontage on Falls of Neuse Road; however, it is contemplated that the frontage**

will be broken by two right-in, right-out driveways located as determined through consultations with City and State Transportation authorities.

**Site Design/Building Placement**

- 6. *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.*

**In keeping with this guideline, it is contemplated that buildings along Falls of Neuse Road will be placed as close to the street as possible with parking areas located behind or on the side of the buildings. We contemplate that the project will be designed to have a strong street presence with pedestrian connectivity to Falls of Neuse Road as much as practical.**

- 7. *Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.*

**As stated above, the project is planned to have a street presence on Falls of Neuse Road with pedestrian connectivity to the street and parking located to the side or rear of the buildings.**

- 8. *If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

**This item is not applicable.**

**Site Design/Urban Open Space**

- 9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*

**Open space areas will be considered at the site plan stage.**

- 10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

**This item is not applicable as the open areas on-site will be for private use only.**

- 11. *The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.*

**This item is not applicable.**

- 12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

**This item is not applicable.**

**Site Design/Public Seating**

- 13. *New public spaces should provide seating opportunities.*

**This item is not applicable as there will not be public open spaces.**

**Site Design/Automobile Parking and Parking Structures**

- 14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

At the site plan stage of the project, it is contemplated that buildings will be located along Falls of Neuse Road with parking areas located behind or on the sides of the buildings as far as practical.

15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*  
**These guidelines will be adhered to as far as practical at the site plan stage of the project.**
16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*  
**Parking structures are not anticipated for this site, so this item is not applicable.**

#### **Site Design/Transit Stops**

17. *Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.*  
**This site is on Falls of Neuse Road and it is hoped that public transit will be available in this area soon.**
18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*  
**This guideline will be addressed at the site plan stage of the project.**

#### **Site Design/Environmental Protection**

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*  
**This guideline will be addressed at the site plan stage.**

#### **Street Design/General Street Design Principles**

20. *It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.*  
**There are no public streets as part of this project, so this item is not applicable.**
21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.*  
**It is contemplated that new sidewalks will be constructed as part of the redevelopment as City requirements dictate.**
22. *Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a*

*visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.*

**These requirements will be addressed to the extent practical and as municipal code dictates at the site plan design stage.**

#### **Street Design/Spatial Definition**

*23. Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.*

**This guideline will be addressed at the site plan stage of the project.**

#### **Building Design/Facade Treatment**

*24. The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.*

**This guideline will be addressed at the site plan stage of the project. The primary entrance will face Falls of Neuse Road or be as close to it as practical.**

*25. The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.*

**A design objective is to have a meaningful street presence along Falls of Neuse Road along with strong pedestrian connectivity.**

#### **Building Design/Street Level Activity**

*26. The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

**This guideline will be addressed at the site plan stage of the project.**



June 15, 2011

14460 New Falls of Neuse Road  
Suite 149-175

Raleigh, North Carolina 27614

Phone: (919) 210-5116

Fax: (866) 734-0802

christa@greenetransportation.com

**TECHNICAL MEMORANDUM**

**To:** Eric Lamb, PE  
Transportation Planning Manager

**From:** Christa Greene, PE *Christa Greene*

**Subject: Trip Generation Comparison for 11420 Falls of Neuse Road Property, Raleigh, NC**

This memorandum provides trip generation estimates for the existing and highest anticipated land use under the proposed zoning for the property located at 11420 Falls of Neuse Road in Raleigh, NC. This 0.91 acre site is currently home to one single family dwelling unit. Under the existing zoning, R-4 w/WPOD, three single family dwelling units could potentially be developed on this site. For the proposed zoning, (O&I-1 (CUD)), the highest anticipated land use is 12,000 square feet of office space.

The following tables summarize the trip generation potential for the existing and proposed zoning conditions. The results are presented in daily trips, AM peak hour trips (entering & exiting) and PM peak hour trips (entering & exiting).

Table 1 ITE Trip Generation Existing Land Use							
Land Use (code)	Daily	AM	AM IN	AM OUT	PM	PM IN	PM OUT
3 single family dwelling units (210)	41	12	3	9	5	3	2

11420 Falls of Neuse Road Development  
Trip Generation Memorandum  
Page 2

Table 2 ITE Trip Generation Highest Anticipated Land Use							
Land Use (code)	Daily	AM	AM IN	AM OUT	PM	PM IN	PM OUT
12,000 sf general office space (820)	261	34	30	4	92	16	76

Table 3 ITE Trip Generation Trip Generation Difference for Zoning Conditions							
Land Use (code)	Daily	AM	AM IN	AM OUT	PM	PM IN	PM OUT
Existing Zoning	41	12	3	9	5	3	2
Proposed Zoning	261	34	30	4	92	16	76
<b>Difference in Trips Generated</b>	<b>+220</b>	<b>+22</b>	<b>+27</b>	<b>-5</b>	<b>+87</b>	<b>+13</b>	<b>+74</b>

As illustrated in these tables, the proposed zoning could potentially generate about 220 more trips throughout the day than the existing zoning. There could be an additional 22 trips entering and exiting in the AM peak hour and an additional 87 trips entering and exiting in the PM peak hour. Depending on what is actually constructed on this site, the number of trips actually generated could potentially be less than what is illustrated for this worst case scenario.

Please feel free to contact me if there is any additional information I can provide for you.

cc: Ryan Galligan, DDS  
Robin Currin  
Isabel Mattox

2-20-11

**CURRIN & CURRIN**

ATTORNEYS AT LAW

**GEORGE B. CURRIN**  
**ROBIN T. CURRIN**

TELEPHONE (919) 832-1515  
FAX (919) 836-8484  
EMAIL GEORGECURRIN@AOL.COM  
ROBINCURRIN@AOL.COM  
MAILING ADDRESS  
POST OFFICE BOX 86  
RALEIGH, NORTH CAROLINA 27602

June 17, 2011

OFFICE  
THE PROFESSIONAL BUILDING  
127 W. HARGETT STREET, SUITE 500  
RALEIGH, NORTH CAROLINA 27601

Mr. Doug Hill, Planner  
Planning Department  
City of Raleigh  
One Exchange Plaza, Suite 204  
Raleigh, NC 27601

RE: **REPORT OF MEETING** Regarding Rezoning Petition of Judith Kay Leonard, Woodrow Wilson Leonard, Jr. and Teresa Karen Leonard (Doman) (collectively, the "Owner").

Dear Mr. Hill:

In connection with the above referenced rezoning case and in accordance with the requirements of Raleigh City Code Sec. 10-2165, I submit this Report of Meeting for our Neighborhood Meeting held at 11081 Forest Pines Drive, Suite 104, Raleigh, NC 27614 at 7:00 p.m. on the evening of Wednesday, June 8, 2011.

I am submitting this Report of Meeting in behalf of the Owner of the properties which are the subject of this rezoning petition. In accordance with the above referenced ordinance of the Raleigh City Code, I report to you the following regarding this meeting:

1. **Persons/organizations contacted about the meeting.** Attached please find a complete list of all persons and/or organizations notified by the City of Raleigh on or about May 26, 2011.

2. **Manner and date of contact:** By letter to each addressee dated May 26, 2011, and provided to the City of Raleigh on May 26, 2011.

**The Neighborhood Meeting was held** on Wednesday, June 8, 2011 at 11081 Forest Pines Drive, Suite 104, Raleigh, NC at 7:00 pm.

4. **Attendance roster:** In attendance at this meeting were the following persons:

Robin T. Currin	Attorney for Owner
Ryan Gallagan	Contract Purchaser Representatives
Victoria Gallagan	
Judi Leonard	Owners and spouses
Miller Sigmon	
Woodrow Leonard	
Teresa Leonard	

Mr. Doug Hill  
June 15, 2011  
Page 2

Neil H. Frank	Neighbors
Charles Wesley Shaver, Jr.	
Ken Marks	
Kelly Arrington	
Steven J. Kearney	
N. Kearney	
Lisa K. Ryan	
Kevin Ceglowski	

5. **Summary of issues discussed:** After addressing preliminary matters concerning the rezoning process and the timetable for this case, there was a general discussion about property and the rezoning.

a. Increased traffic. There was a discussion about potential increased traffic congestion due to lane changes. We informed neighbors that we would provide a Trip Generation Report with the Application and conform to City requirements, including limiting access points to right-in right-out movements.

b. Impervious surface and run-off. Questions were asked about stormwater run-off. We will comply with City of Raleigh ordinances.

c. Building size and height. Our proposed building size and height is two (2) stories/35 feet and 12,000 sf total (maximum 6,000 sf ground floor). A few neighbors thought this was too large, but we believe it is reasonable, given the size of the site.

d. Increased lighting. There was discussion about the potential for lighting to be obtrusive to a neighbor's home. We agreed to work on conditions that would address lighting.

e. Buffer/Fence. Neighbors adjoining on the northeast side of the subject property on Azari Court would like to be buffered by a solid wood fence. We agreed to do this.

f. Residential characteristics. There was discussion about making the appearance of the office building more consistent with residential design. We agreed to include a condition that would require this.

g. Parking lot orientation. Neighbors do not want to see the parking lot. We agreed to consider additional screening but made no definite commitments at this time.

h. Future usage. There was discussion about future usage of the property if the building has a 12,000 square footage capacity. We confirmed that any future use would be restricted to a building of that maximum size.

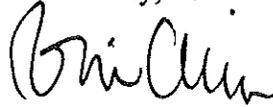
6. **Additional Neighbor's Meetings.** None have been scheduled at this time.

2-20-11

Mr. Doug Hill  
June 15, 2011  
Page 3

7. **Changes to Petition.** Changes to our draft Application have been made to reflect items e and f above.

Sincerely,



Robin T. Currin

Enclosure