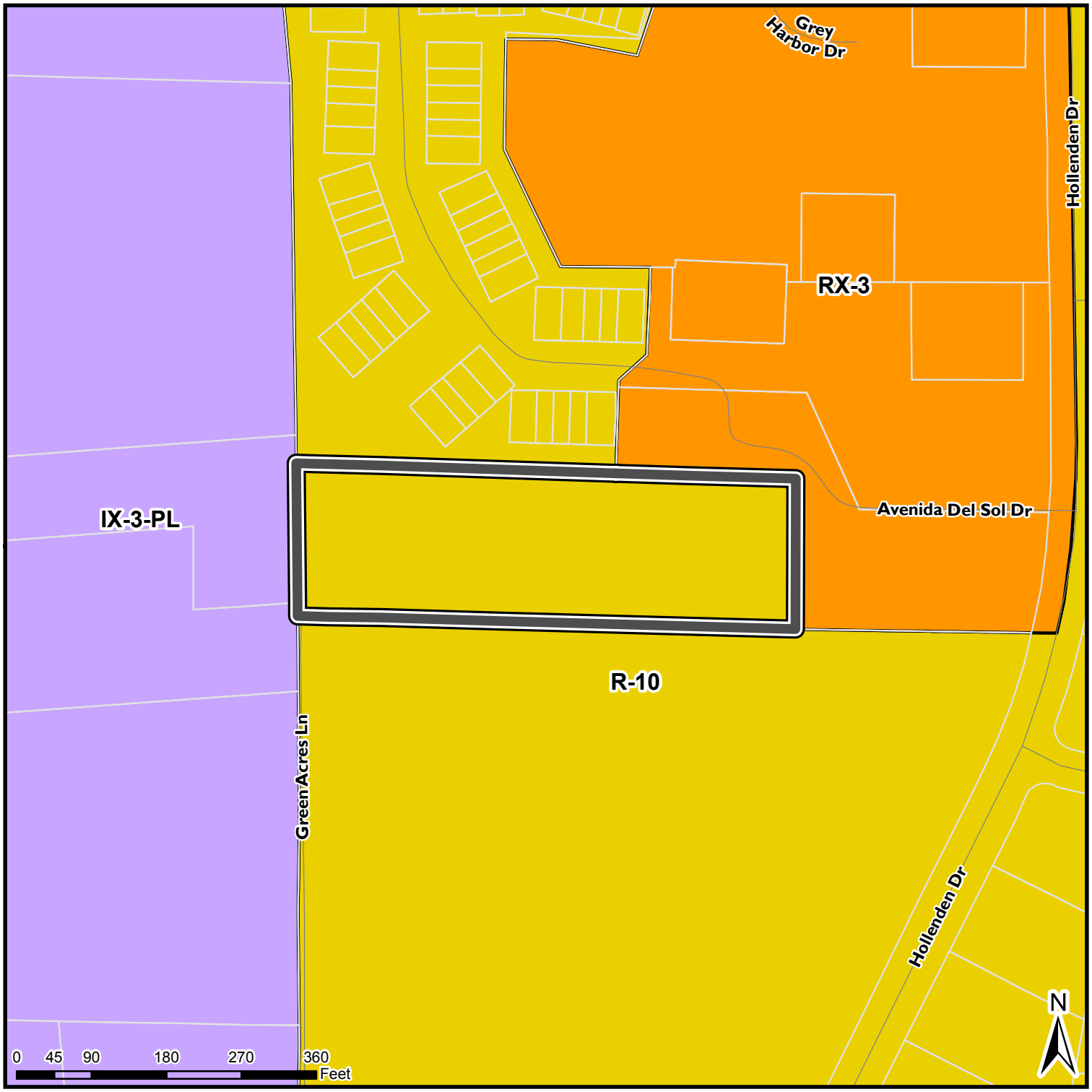
Existing Zoning Map

Z-39-2016



Submittal Date

11/10/2016

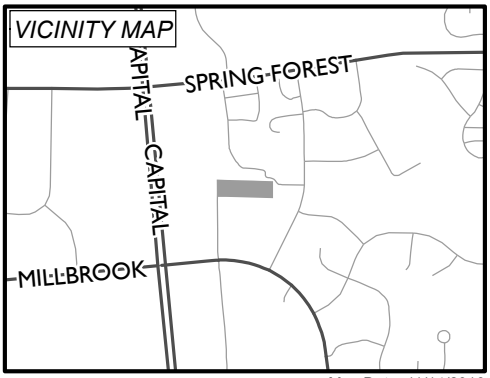
Request:

2.5 acres from

R-10

to **IX-3-CU**

w/



Map Date: 11/14/2016

Rezoning Application

RCP RALEIGH DEPARTMENT OF CITY PLANNING

Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

NOV 10 2016 PM 1:52

REZONING REQUEST	
☐ General Use ☒ Conditional Use ☐ Master Plan Existing Zoning Classification R-10 Proposed Zoning Classification Base District IX CUD Height 3 Frontage N/A	OFFICE USE ONLY Transaction # 490060
If the property has been previously rezoned, provide the rezoning case number:	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:	

490060			

GENERAL INFORMATION		
Property Address 5200 Green Acres Lane		Date 11/3/16
Property PIN 1726552333 (the "Property")	Deed Reference (book/page) Bk 944, Pg 522	
Nearest Intersection New Hope Rd and Capital Blvd		Property Size (acres) 2.5
Property Owner/Address See Exhibit A	Phone	Fax
	Email	
Project Contact Person/Address Lacy H. Reaves PO Box 2611 Raleigh, NC 27602-2611	Phone 919-821-6704	Fax 919-821-6800
	Email lreaves@smithlaw.com	
Owner/Agent Signature See Below	Email	

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

David F. Green Sr. Print Name: David F. Green, Sr.

Mary Mebane Galloway Print Name: Mary Mebane Galloway

Sherry Kerman Bunch Print Name: Sherry Kerman Bunch

REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction # Rezoning Case #

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

1. The rezoning request is not consistent with the Future Land Use Map, which designates the Property for Medium Density Residential development. However, as noted hereafter, the Property cannot legally be developed for Medium Density Residential Uses.

2. The rezoning request is reasonable and in the public interest because after the Property was acquired by the Owner in 1946 and developed as a single-family residence, its current use, the road network in the area changed. The Owner's deed references an abutting "county road" connecting New Hope Road to U.S. 1, which is no longer a public street. The Property does not abut a public road right of way as required by Section 8.3.3.A. of the UDO. It is accessed via a private road that connects it to New Hope Church Road. * Continued in No. 3 below

3. *(continued from No. 2 above) There is no easement of record that legally creates a right of ingress and egress to the Property. The Property is therefore a "nonconforming lot" under the UDO and its redevelopment would require a special use permit under Section 10.3.6 of the UDO. Because of the requirement of Section 10.3.6.A.4.a. that a new use can generate no more traffic than does the existing use, the Property could be redeveloped with only another single family residence. Thus, it cannot be redeveloped or used for Medium Density Residential uses.

4. The proposed rezoning is consistent with the following policies of the Comprehensive Plan: LU 5.4 (Density Transitions), LU 5.5 (Transitional and Buffer Zone Districts), and EP 8.4 (Noise and Light Impacts).

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. If the Property is rezoned as proposed, it can be recombined with the Capital Ford lot immediately to its west. That would eliminate the existing nonconforming status of the Property and allow its redevelopment for a use other than a single family residence. Because of the Property's current nonconforming status, it is doubtful that financing for any redevelopment would be possible under present circumstances.

2. The requested rezoning would facilitate the continued growth of the Capital Ford Business and the expansion of its workforce.

3. The requsted rezoning would allow the parking of employee and inventory vehicles in a location that would not be visible from the right of way of Capital Boulevard.

4. Because parcels to the north and south of the Property are developed for multifamily residential uses and zoned R10, the proposed rezoning and redevelopment of the Property would require neighborhood transition zones under Article 3.5 of the UDO along the northern and southern boundaries of the Property abutting the multifamily uses. This will adequately buffer the passive commercial use of the Property from those areas. Other areas immediately adjoining the Property on the northeast and east are zoned RX. While transition zones would not be required, those areas have existing vegetated buffers and are developed and used for multifamily residential parking lots.

URBAN DESIGN GUIDELINES	
If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.	
1.	*All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.*
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.*
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.*
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.*
5.	*New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.*
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.*
7.	*Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.*
8.	*If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.*
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.*
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.*
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.*
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.*
13.	*New public spaces should provide seating opportunities.*
14.	*Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*
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.*

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 cane make a significant improvement.*
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.*
18.	*Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*
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.*
20.	*It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.*
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.*
22.	*Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement 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.*
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.*
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.*
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.*
26.	*The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

EXHIBIT A

Names of Property Owners

David F. Green, Sr.
5812 Dean Avenue
Raleigh, NC 27616

Mary Mebane Galloway
5404 Trenburg Court
Knightdale, NC 27545

Sherry Kerman Bunch
1816 Sheriff Harrison Lane
Knightdale, NC 27545

The Wake County tax records and IMAPS reflect that the Property is owned by Dorothy Freeman Green, who is deceased. Attached as Exhibit A-1 are copies of Probate Documents and the Will and Codicil of Mrs. Green evidencing that the Property is now owned by the individuals listed above.

Conditional Use District Zoning Conditions		
Zoning Case Number		OFFICE USE ONLY Transaction #
Date Submitted		
Existing Zoning R-10	Proposed Zoning IX-3 CUD	

NARRATIVE OF ZONING CONDITIONS OFFERED
1. SEE EXHIBIT B
2.
3.
4.
5.
6.
7.
8.
9.
10.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature See Below Print Name

David F. Green Sr. Print Name: David F. Green, Sr.

Mary Mebane Galloway Print Name: Mary Mebane Galloway

Sherry Kerman Bunch Print Name: Sherry Kerman Bunch

EXHIBIT B

Narrative of Conditions Offered

For purposes of this Application, the "Property" refers to PIN 1726552333.

1. The Property shall be used only for (a) uses authorized in the R-10 District that are also authorized in the IX District, (b) the surface parking of vehicles driven by the employees of the business conducted on PINs 1726455688 (current owner: Capital Ford, Inc.; deed recorded at Book 6953, Page 545, Wake County Registry), 1726456309 (current owner: Capital Ford, Inc.; deed recorded at Book 3569, Page 852, Wake County Registry), and/or 1726455253 (current owner: Capital Ford, Inc.; deed recorded at Book 4237, Page 803, Wake County Registry) [the "Business"], which is now known as "Capital Ford," and vehicles held in the inventory of the Business or in the custody of the Business for service or repair, and (c) the use of the existing garage/storage building on the Property (and any replacement structure of the same size and height, or less, and in the same location as the garage/storage building when it is replaced) for the storage of files, paper products, and other supplies used in the Business. The garage/storage building may be moved if that is needed to comply with Article 3.5 of the UDO, which will require Neighborhood Transition Zoning along the southern boundary of the Property, or any other provisions of the UDO.

2. A fence eight (8) feet in height will be maintained along the boundary of the Property with PINs 1726542749 (current owner: Alton B. Smith, Jr., Trustee; deed recorded at Book 16416, Page 2731, Wake County Registry), 1726555343 (current owner: Passage Home, Inc.; deed recorded at Book 11462, Page 1750, Wake County Registry), and 1726551457 (current owner: Lincoln Villas Homeowners Assoc. Inc.; deed recorded at Book 3262, Page 762, Wake County Registry). The fence may be located anywhere within a protective yard required along any such boundary.

3. No public address system or other source of amplified sound will be located upon the Property.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner Signature: David F. Green Sr.
DAVID F. GREEN, SR.

Owner Signature: Mary Mebane Galloway
MARY MEBANE GALLOWAY

Owner Signature: Sherry Herman Bunch
SHERRY HERMAN BUNCH

PROPOSED REZONING

2.5 Acres – 5200 Green Acres Lane

REPORT OF NOVEMBER 1, 2016 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 6:00 p.m. on Tuesday, November 1, 2016 at the offices of Capital Automotive Group at 4900 Leigh Drive in Raleigh. Attached as Exhibit A is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as Exhibit B. The letters were mailed on or about October 14, 2016 via first class U.S. Mail.

Attached as Exhibit C is a roster of the persons in attendance at the meeting. The issues discussed at the meeting included security measures, including fencing, that will be utilized with respect to the Property, the limited access to the Property only from Capital Ford, the landscaping of the Neighborhood Transition Zones that will exist on portions of the Property, lighting of the Property, and the neighbors preference that the Property not be developed for multifamily residential use.

Respectfully submitted this 10th day of November, 2016.

Lacy H. Reaves
Attorney for Petitioner

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Exhibit A

No.	Pin #	PIN Ext	Property Owner	Owner's Mailing Address	City, State, Zip	Property Address
1	1726552333	000	GREEN, DOROTHY FREEMAN	5200 GREEN ACRES LN	RALEIGH NC 27616-4435	5200 GREEN ACRES LN
2	1726455688	000	CAPITAL FORD INC	PO BOX 58678	RALEIGH NC 27658-8678	4900 CAPITAL BLVD
3	1726456309	000	CAPITAL FORD INC	4900 CAPITAL BLVD	RALEIGH NC 27616-4407	4840 CAPITAL BLVD
4	1726455253	000	CAPITAL FORD INC	PO BOX 58678	RALEIGH NC 27658-8678	4808 CAPITAL BLVD
5	1726446827	000	MLC AUTOMOTIVE LLC	PO BOX 40110	RALEIGH NC 27629-0110	4800 CAPITAL BLVD
6	1726542749	000	SMITH, ALTON B JR TRUSTEE DCF GROVES LLC	MARVIN F POER & COMP, 3520 PIEDMONT RD NE STE 410	ATLANTA GA 30305-1512	5070 N NEW HOPE RD
7	1726555343	000	PASSAGE HOME INC	PO BOX 28165	RALEIGH NC 27611-8165	4801 AVENIDA DEL SOL DR
8	1726555544	000	ROBCOR LLC	ATTN: TAX ADMINISTRATOR, PO BOX 25965	SHAWNEE MISSION KS 66225-5965	4800 AVENIDA DEL SOL DR
9	1726551457	000	LINCOLN VILLAS HOMEOWNERS ASSOC INC	PO BOX 20969	RALEIGH NC 27619-0969	3730 SPRING FOREST RD
10	1726552468	000	DAVIS, BRENDA G	4961 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4961 AVENIDA DEL SOL DR
11	1726552438	000	LYNCH, MARY E	4963 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4963 AVENIDA DEL SOL DR
12	1726552418	000	CARVER, CHARLES OTIS	4965 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4965 AVENIDA DEL SOL DR
13	1726551498	000	HARGRO, SANDRA F	10125 PINESHADOW DR APT 207	CHARLOTTE NC 28262-1164	4967 AVENIDA DEL SOL DR
14	1726551478	000	LONGMIRE, CRYSTAL MICHELLE TALBOTT, JEANETTE FEARS	134 S FIELDS CIR	CHAPEL HILL NC 27516-7797	4969 AVENIDA DEL SOL DR
15	1726551524	000	BECK, MOLLY L	4973 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4973 AVENIDA DEL SOL DR
16	1726551502	000	IBRAHIM, JAMAL	4975 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4975 AVENIDA DEL SOL DR
17	1726550580	000	WHITE, KEESHA J	4977 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4977 AVENIDA DEL SOL DR
18	1726550468	000	COUPE, WILLIAM R COUPE, REBECCA D	4979 AVENIDA DEL SOL DR	RALEIGH NC 27616-4566	4979 AVENIDA DEL SOL DR
19	1726550622	000	MCDADE, DELPHIA L	5009 AVENIDA DEL SOL DR	RALEIGH NC 27616-4562	5009 AVENIDA DEL SOL DR
20	1726550600	000	WARD, JO ANNE	5007 AVENIDA DEL SOL DR	RALEIGH NC 27616-4562	5007 AVENIDA DEL SOL DR
21	1726459671	000	SHADES PROPERTIES-I LLC	9650 STRICKLAND RD STE 103-133	RALEIGH NC 27615-1902	5005 AVENIDA DEL SOL DR
22	1726459569	000	BUCK, LYNDA L BUCK, LAWRENCE	5003 AVENIDA DEL SOL DR	RALEIGH NC 27616-4562	5003 AVENIDA DEL SOL DR
23	1726459547	000	HAIMCHAND, OMAWATTIE GOBIN, DHANRAJ	5001 AVENIDA DEL SOL DR	RALEIGH NC 27616-4562	5001 AVENIDA DEL SOL DR

Exhibit B

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L. L. P.

LAWYERS

OFFICES
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

LACY H. REAVES
DIRECT DIAL: (919) 821-6704
E-Mail: lreaves@smithlaw.com

MAILING ADDRESS
P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

October 14, 2016

Dear Neighboring Property Owners:

We represent Capital Ford, Inc. and are writing to invite you to a Neighborhood Meeting to discuss the proposed rezoning of a parcel that adjoins the dealership's Capital Boulevard property on the east. The parcel is 2.5 acres in size and is located at 5200 Green Acres Lane. It is identified on the attached map. The rezoning would limit the use of the property to uses now allowed under its current zoning and to the parking of vehicles owned by Capital Ford's employees or otherwise related to its auto dealership business. Other conditions of the rezoning and provisions of the City's Unified Development Ordinance would require fencing of the parcel and vegetated perimeter buffers, limit the height of lighting to 30 feet, and require full cut-off light fixtures.

The meeting will be held at 6:00 p.m. on November 1, 2016 at Capital Ford's corporate offices at 4900 Leigh Drive in Raleigh. A map showing this location is also enclosed.

Please do not hesitate to call me if you have questions. More information is also available from the Raleigh Department of City Planning at 919-996-2626 (rezoning@raleighnc.gov; web address: www.raleighnc.gov).

We hope you will be able to attend the meeting.

Very truly yours,

Lacy H. Reaves

LHR: kjr
Enclosures

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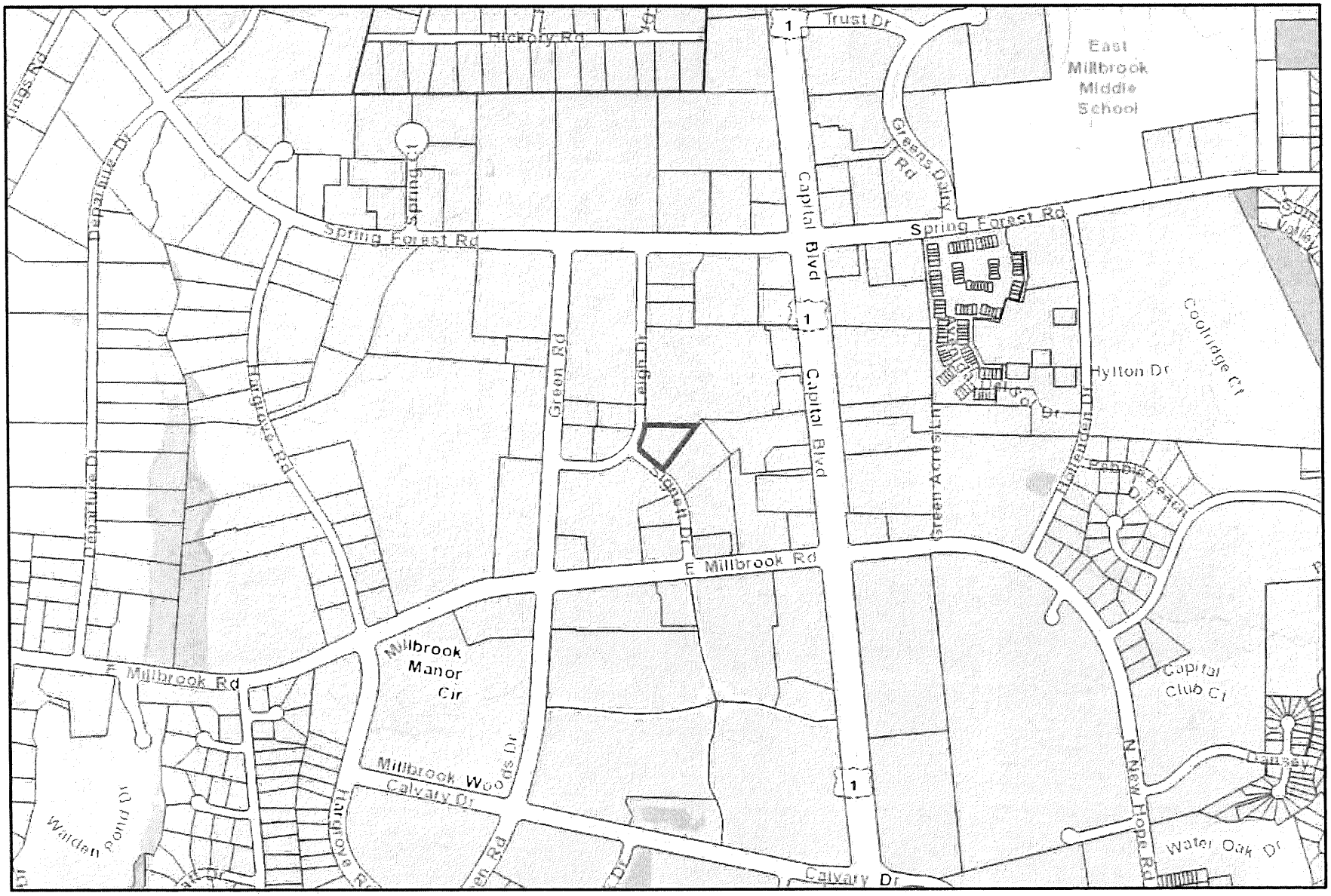


4900 Leigh Drive

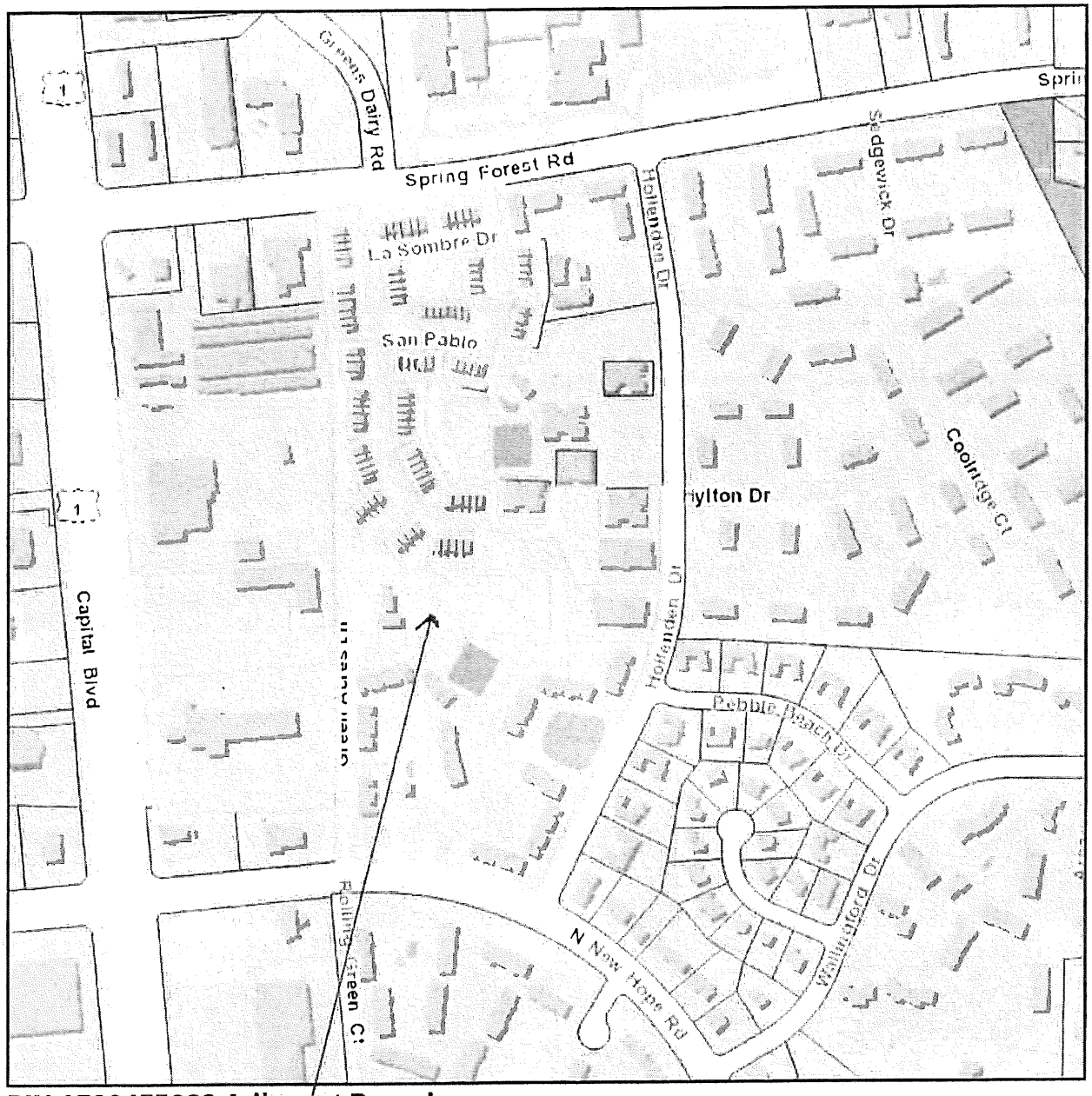
N

0 430 860 1,720 ft

1 inch = 800 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



PIN 1726455688 Adjacent Parcels

Parcel proposed for rezoning.

N

0 220 440 880 ft

1 inch = 400 feet

Disclaimer
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*

Exhibit C

ATTENDANCE ROSTER	
NAME	**ADDRESS**
Timothy Michael	4900 Leigh Dr, Raleigh, NC 27616
Keesha White	4977 Avenida Del Sol Dr. Raleigh, NC 27616
Bill + Becky Coupe	4979 Avenida Del Sol Dr Raleigh
David & Jeanne Khea	[redacted] 5812 Dean Ave, Raleigh
Renée Pakkala	4900 Leigh Drive Raleigh 27616
Lacy Reaves	150 Fayetteville St., Raleigh, NC
Keesha White	keeshajwhite@yahoo.com
Bill Coupe	bibeco@bellsouth.net