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# Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

- 1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
- 2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
- 3. That the requested zoning change is or will be in accordance 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:
  - 1) to lessen congestion in the streets;
  - 2) to provide adequate light and air;
  - 3) to prevent the overcrowding of land;
  - 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - 5) to regulate in accordance with a comprehensive plan;
  - 6) to avoid spot zoning; and
  - 7) 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.

Please check boxes where appropriate

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.

Signature(s)

Date:

Tarhokie, LLC

By: \_\_\_\_\_

Name: Jason L. Barron

Title: Attorney for Petitioner

9/19/08

# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	2-9-09
Date Filed:	9-19-08
Filing Fee:	pd by ck# 3701 162.00 + cash 4.00

Please use this form only – form may be photocopied. Please type or print

See instructions, page 6

**1) Petitioner(s):** Tarhokie LLC 1840 Bowling Green Trail (919) 870-8298  
 Note: Conditional Use District  
 Petitioner(s) must be owner(s) of  
 petitioned property. c/o Eric S. Campbell Raleigh, NC 27613 campbell\_ortho  
@bellsouth.net

**2) Property Owner(s):** Tarhokie LLC 1840 Bowling Green Trail (919) 870-8298  
c/o Eric S. Campbell Raleigh, NC 27613 campbell\_ortho  
@bellsouth.net

**3) Contact Person(s):** Jason Barron 4350 Lassiter at North (919) 743-7343  
KL Gates LLP Hills Ave. Ste 300 jason.barron@klgates  
Raleigh, NC 27619 .com  
Terry Boylan - ESP Assoc. 14001 Weston Pkwy (919) 678-1070 / tboylan  
Ste. 100 Cary NC 27513 @espassociates.com

**4) Property Description:** Wake County Property Identification Number(s) (PIN): \_\_\_\_\_  
 Please provide surveys if proposed zoning boundary lines do not follow property lines. 0788 03 8663

General Street Location (nearest street intersections): \_\_\_\_\_  
South quadrant of intersection of Westgate Road and Leesville Road

**5) Area of Subject Property (acres):** 2.06 Acres

**6) Current Zoning District(s)**  
**Classification:** CUD O&I-1 (no overlay districts)  
 Include Overlay District(s), if Applicable \_\_\_\_\_

**7) Proposed Zoning District**  
**Classification:** CUD O&I-1 (no overlay districts)  
 Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state. \_\_\_\_\_

Office Use Only Petition No. <u>2-9-09</u>
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**8) Adjacent Property Owners**

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

**(Important: Include PIN Numbers 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 in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
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See attached Exhibit B-1 for adjacent property owner information.

For additional space, photocopy this page.

**EXHIBIT B-1  
ADJACENT PROPERTY OWNERS**

**0788-14-3140**

Draymoor Manor Townhome Association, Inc.  
3739 National Drive, Suite 101  
Raleigh, NC 27612-4844  
9412 Leesville Road

**0788-04-7444**

Stewart D. Marlowe  
John D. Titchener, Jr.  
P.O. Box 20667  
Raleigh, NC 27619-0667  
9501 Leesville Road

**0788-04-7010**

Martin W. Lloyd  
9404 Treymore Drive  
Raleigh, NC 27617-5269  
9404 Treymore Drive

**0788-03-5875**

Jay & Amanda Price  
9405 Treymore Drive  
Raleigh, NC 27617-5269  
9405 Treymore Drive

**0788-03-4682**

Alan Anothly Baltrus  
Lori Ann Baltrus  
9404 Tweeds Mill Road  
Raleigh, NC 27617-5267  
9404 Tweeds Mill Road

**0788-03-4657**

Ronald L. & Rachel B. Shope  
9408 Tweeds Mill Road  
Raleigh, NC 27617-5267  
9408 Tweeds Mill Road

**0788-13-1669**

City of Raleigh  
P.O. Box 590  
Raleigh, NC 27602-0590  
9316 Leesville Road

**0788-13-0961**

Terrell B. Robinson  
13200 Ashford Park Dr.  
Raleigh, NC 27613-4143  
13200 Ashford Park Drive

**0788-13-0899**

Angela C. Bradley  
13202 Ashford Park Drive  
Raleigh, NC 27613-4143  
13202 Ashford Park Drive

**0788-13-1817**

Jerry L. & Dianne T. Aiken  
Jessica R. Aiken  
13204 Ashford Park Drive  
Raleigh, NC 27613-4143

**0788-13-1844**

Andrea S. Dangelo  
13206 Ashford Park Drive  
Raleigh, NC 27613-4143  
13206 Ashford Park Drive

**0788-02-8717**

Alton B. Smith, Jr.  
Mishew E. Smith  
c/o Drucker & Falk  
11824 Fishing Point Drive  
Newport News, VA 23606-  
2679

**0788-13-3564**

Roy W. & Michelle L. Immelman  
9325 Foxburrow Court  
Raleigh, NC 27613-7505  
9325 Foxburrow Court

**0788-03-5538**

Jeanne K. Devita  
9400 Tweeds Mill Road  
Raleigh, NC 27617-5267

**0788-03-7900**

Joseph & Traci Sullivan  
9400 Treymore Drive  
Raleigh, NC 27617-5269

**0788-04-9101**

Draymore Manor Townhomes Association, Inc.  
3739 National Drive, Suite 101  
Raleigh, NC 27612-4844

**07-88-13-3733**

City of Raleigh  
P.O. Box 590  
Raleigh, NC 27602-0590

**0788-14-0013**

Melinda Allen  
13142 Ashford Park Drive  
Raleigh, NC 27613-4141

**0788-03-3044**

Alton B. Smith, Jr.  
Mishew E. Smith  
c/o Drucker & Falk  
11824 Fishing Point Drive  
Newport News, VA 23606-  
23606-2679

**0788-03-6844**

Frank W. & Cynthia M. Just  
9401 Treymore Drive  
Raleigh, NC 27617-5269

**0788-03-9354**

KC Propco LLC  
Kindercare Learning Center  
#1291  
P.O. Box 6760  
Portland, OR 97228-6760

**0788-13-3411**

Henry H. & Ann H. Rogers  
9321 Foxburrow Court  
Raleigh, NC 27613-7505

**0788-14-0007**

Basil I. Uzochukwu  
13140 Ashford Park Drive  
Raleigh, NC 27613-4141

**0788-04-9190**

James V. & Carey Lu Wisser  
13138 Ashford Park Drive  
Raleigh, NC 27613-4141

Office Use Only

Petition No. 2-9-09

Date Filed: \_\_\_\_\_

## EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

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 which District Plan area the subject property is located within and the recommended land use for this property:**

The property is located in the Northwest Planning District. The property is located within a regional focus area on the office side of a policy boundary line.

##### **B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The subject property is not located in any of the above named Plan areas. As indicated above, the property is located within a regional focus area.

**C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?**

The petitioner submits that this request is consistent with the Comprehensive Plan and other City Council-adopted plans and policies.

**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):**

North – single family residential neighborhood  
 East – City of Raleigh elevated water storage tank and single family residential  
 South – daycare center  
 West – 104 unit apartment complex

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

All existing surrounding properties are developed - with two story apartments (CUD R-10) to the west, two story single family homes (R-6) to the north, a fifty-foot (+/- ) high water tower to the east with single family (R-4) beyond, and a single story private daycare center (O&I-3) to the south of the subject tract. The entire western side of Leesville Road between Fairbanks Road and Westgate Road is zoned office and institution except for the Leesville Animal Hospital parcel, which is zoned Neighborhood Business. No overlay districts appear on City GIS mapping. Tree cover is average for an existing residentially developed area. Setbacks and buffers are assumed to be to City standards on surrounding properties.

**C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area**

The zoning of the subject property will remain the same with requested revision to some of the existing conditions from previous zoning case Z-80-94.

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

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

Benefits for the landowner in revising the conditions of the previous zoning case (Z-80-94) are more flexibility in developing his site while still meeting code requirements for buffers, streetyards and building materials.

**B. For the immediate neighbors:**

Benefits for the immediate neighbors include the development of a low impact office building with compatible height and building materials that will complement existing office uses in the immediate area.

**C. For the surrounding community:**



Benefits for the surrounding community include the development of an office building that will provide additional professional services and employment opportunities in the immediate area.

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

The proposed rezoning does not provide a significant benefit which is not available to the surrounding properties. The zoning will remain CUD O&I-1 but some of the Conditions that were part of zoning case Z-80-94 will be amended by this rezoning case to reflect the site's relationship to existing surrounding development that was not present at the time of the previous rezoning in 1994. The new conditions will allow development of this site to meet Code requirements just as the surrounding properties were required to do when they were developed.

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

The zoning and use will remain the same as shown in the Comprehensive Plan. This rezoning will include Conditions that will allow the site to be developed to current Code requirements and in harmony with the surrounding development. The petitioner submits that the rezoning is reasonable and in the public interest based on its compliance with the Comprehensive Plan as well as its suitability for the existing built environment.

**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.**

A condition of the previous rezoning (Z-80-94) required a 50' wide protective yard along the western boundary with PIN 0788 03 6479. The adjacent tract was at that time vacant and undeveloped. It is now a 104 unit apartment complex (medium residential density). A 20' wide Type C protective yard per Code is now requested.

A condition of the previous rezoning (Z-80-94) required a 20' wide streetyard along both street frontages. The applicant requests a reduction in width of the 20' wide streetyard along Westgate Road and along Leesville Road to an average 15' wide streetyard normally required by Code. The reduction is requested because the applicant is being required by the City of Raleigh and NCDOT to dedicate 25' width of extra right of way along Leesville Road (note: Condition 2 of Z-80-94 required only a 15' wide dedication of right of way along the Leesville Road frontage) and 15' width of extra right of way along Westgate Road for future road improvements at this intersection.

A condition of the previous rezoning (Z-80-94) required that "the primary building material shall be brick, 80% minimum for all building faces, not counting doors, roof or fenestration". The applicant requests a revision to this previous condition to allow for the

2-9-09

use of materials such as stone, masonry or similar high quality building materials that are more commonly used in building design at present.

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

The petitioner submits that, as recognized in the Comprehensive Plan, there is a need for employment generating uses in this area.

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

N/A

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

The applicant desires to develop his property to existing Code requirements while using building materials that are compatible with the surrounding development and commonly used in the building industry at present.



# Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** **Z-9-09 Conditional Use; Leesville Road and Westgate Road**

**General Location:** This site is located on the west side of Leesville Road, southeast of its intersection with Westgate Road.

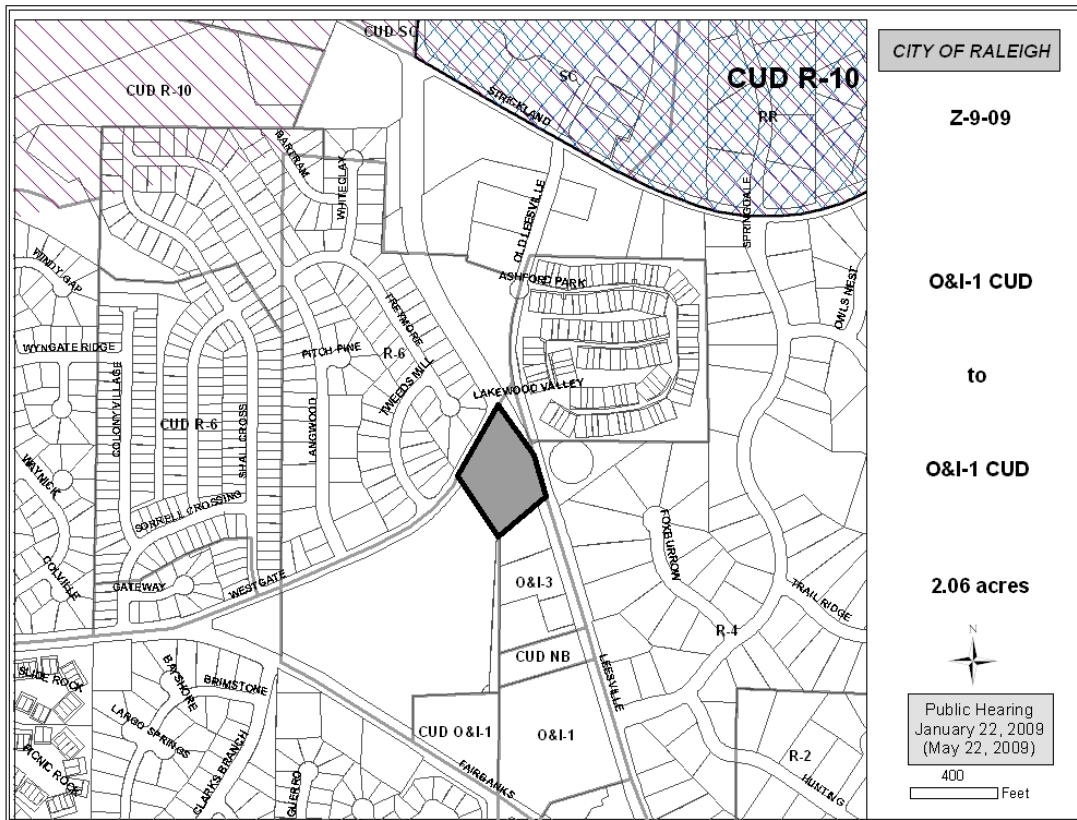
**Planning District / CAC:** Northwest / Northwest Umstead

**Request:** Petition for Rezoning from **Office and Institution-1 Conditional Use** to **Office and Institution-1 Conditional Use**.

**Comprehensive Plan Consistency:** This request is consistent with the Comprehensive Plan.

**Valid Protest Petition (VSPP):** NO

**Recommendation:** The Planning Commission finds that this request is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated January 28, 2009.



**CASE FILE: Z-9-09 Conditional Use**

**LOCATION:** This site is located on the west side of Leesville Road, southeast of its intersection with Westgate Road.

**REQUEST:** This request is to rezone approximately 2.06 acres, currently zoned Office and Institution-1 Conditional Use. The proposal is to rezone the property to Office and Institution-1 Conditional Use.

**COMPREHENSIVE PLAN CONSISTENCY:** This request is consistent with the Comprehensive Plan.

**RECOMMENDATION:** The Planning Commission finds that this request is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated January 28, 2009.

- FINDINGS AND REASONS:**
- (1) The request is consistent with the Comprehensive Plan. The site is within the Westgate Small Area Plan and the Pinecrest Pointe Small Area Plan, both of which designate this site as being appropriate for office uses. Both Small Area Plans also place the property on the nonresidential side of a policy boundary line.
  - (2) The request is consistent and compatible with surrounding land uses. Applicant has offered zoning conditions prohibiting drive-thru services as well as residential uses. Conditions also limit building height, building materials and offer cross access to the property to the south fronting on Leesville Road.
  - (3) The request being consistent, compatible and having no adverse impacts, could be considered reasonable and in the public interest.

**To PC:** 1/27/09  
**Case History:**

**To CC:** 2/3/09

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:** Stan Wingo

**Motion:** Butler  
**Second:** Anderson  
**In Favor:** Anderson, Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Mullins

**Opposed:**  
**Excused:**

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 Staff Report attached.

**Signatures:** (Planning Dir.) (PC Chair)

\_\_\_\_\_  
date: \_\_\_\_\_ date: 1/29/09



## Zoning Staff Report: Z-9-09 Conditional Use

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**LOCATION:** This site is located on the west side of Leesville Road, southeast of its intersection with Westgate Road.

**AREA OF REQUEST:** 2.06 acres

**PROPERTY OWNER:** Tarhokie LLC

**CONTACT PERSON:** Terry Boylan 678-1070  
Jason Barron 743-7343

**PLANNING COMMISSION RECOMMENDATION DEADLINE:** May 22<sup>nd</sup>, 2009

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<b>ZONING:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Office and Institution-1 Conditional Use	Office and Institution-1 Conditional Use
	<b><u>Current Overlay District</u></b>	<b><u>Proposed Overlay District</u></b>
	None	None
<b>ALLOWABLE DWELLING UNITS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Conditions prohibit residential.	Conditions prohibit residential.
<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	67,300 sq. ft. (0.75 FAR)	67,300 sq. ft. (0.75 FAR)
<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Retail uses not permitted (Per zoning conditions)	Retail uses not permitted. (Per zoning conditions)
<b>ALLOWABLE GROUND SIGNS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Low Profile	Low Profile
<b>ZONING HISTORY:</b>	This property has been zoned Office and Institution-1 Conditional Use since it's rezoning in 1994. (Case Z-80-94)	

Conditions: dated 11/17/94

1. A fifty foot (50 ft.) wide protective yard shall be provided along the western boundary, adjacent to PIN number 0788.13-03-6479.
2. Fifteen feet along the Leesville Road frontage, SR 1822, shall be excluded from the rezoning and in lieu shall be dedicated for road right-of-way upon site plan approval or subdivision of the subject property, whichever shall occur first.
3. A twenty-foot deep street yard shall be employed along public street frontage.
4. Building height shall not exceed two stories or 35 ft., maximum, and shall contain a pitched roof. The primary building material shall be brick, 80% minimum for all building faces, not counting doors, roof or fenestration.
5. Development plans shall include a Stormwater Management Plan meeting the intent of CR 7107.
6. Only office building and institutional uses shall be permitted; no residential use or uses requiring special use approval shall be permitted.

**SURROUNDING ZONING:**

NORTH: R-6 CUD, R-10 CUD  
SOUTH: R-10 CUD, O&I-3  
EAST: R-4, R-10 CUD  
WEST: R-6 CUD, R-10 CUD

**LAND USE:** Vacant wooded land

**SURROUNDING LAND USE:**

NORTH: Single and Multifamily residential  
SOUTH: Apartments, office uses  
EAST: Water tower, single and multifamily residential  
WEST: Single family residential, Apartments

**DESIGNATED HISTORIC RESOURCES:** This site is not located within a historic district and does not contain any historic landmarks.

**EXHIBIT C AND D ANALYSIS:**

**COMPREHENSIVE PLAN SUMMARY**

**TABLE:** In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City's adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	Northwest
Urban Form	Residential Community Focus
Specific Area Plan	Westgate SAP and Pinecrest Pointe SAP
Guidelines	N/A

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

This site is located in the Northwest Planning District within an area designated as a Residential Community Focus. The property is also located within the Westgate Small Area Plan and Pinecrest Pointe Small Area Plan. Both small area plans recommend office as the designated use for this site. Both plans also place the subject property on the nonresidential side of a policy boundary line. The request to rezone the property to Office and Institution-1 Conditional Use with amended conditions is consistent with the Comprehensive Plan.

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

Applicant states that the zoning of the property will remain the same; the only change associated with this request is to current zoning conditions. Therefore the request is compatible with the surrounding area.

Staff agrees with this assessment, the proposal is consistent and compatible with surround zoning and land uses.

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

Applicant states that the proposal benefits the community by allowing for the development of an office building that will provide additional professional services and employment opportunities in the immediate area.

The property is developable as currently conditioned; therefore the request provides very little additional public benefit.

**4. Detriments of the proposed rezoning**

There are no known detriments associated with this request.

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

**TRANSPORTATION:** Leesville Road is classified as a major thoroughfare (2007 ADT 16,000) and exists as a 2-lane ribbon paved road with single turn lanes onto Westgate Road. City standards call for Leesville Road to be constructed as a 4-lane median divided roadway with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within a 90-foot right-of-way. Westgate Road is classified as a secondary arterial (2007 ADT 13,000 vpd) and exists as 2-lane road with a soft-shoulder cross section within a 70-foot right-of-way. City standards call for Westgate Road to be constructed as a multi-lane facility with an 89-foot back-to-back curb and gutter section with sidewalks on both sides within a 110-foot right-of-way. The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the property to the south.

**TRANSIT:** This site is within close proximity of current or future bus routes but does not provide an appropriate space for a bus stop. No transit easement is needed upon subdivision approval.

**HYDROLOGY:** FLOODPLAIN: Yes  
DRAINAGE BASIN: Haresnipe  
STORMWATER MANAGEMENT: Pt. 10 Ch. 9 compliance, Neuse Buffer.

**PUBLIC UTILITIES:**

	<b>Maximum Demand on Current Zoning</b>	<b>Maximum Demand on Proposed Zoning</b>
<b>Water</b>	<b>Approx. <u>6,695</u> gpd</b>	<b>Approx. <u>6,695</u> gpd</b>
<b>Waste Water</b>	<b>Approx. <u>6,695</u> gpd</b>	<b>Approx. <u>6,695</u> gpd</b>

The proposed rezoning would not impact the City’s wastewater collection or water distribution systems. There are existing sanitary sewer and water mains located adjacent to the zoning case’s boundary.

**PARKS AND  
RECREATION:**

This property is not adjacent to any greenway corridors. Park services are planned to be provided by a proposed park located on Leesville Church Road.

**WAKE COUNTY  
PUBLIC SCHOOLS:**

There will be no increase in residential density on this site. Therefore the proposal to rezone this property will not impact wake County Public Schools.

**IMPACTS SUMMARY:**

There are no known impacts associated with this request.

**OPTIONAL ITEMS OF DISCUSSION**

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

N/A

- 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 be property applied to it now were it being zoned for the first time.**

Applicant states that the surrounding land uses in the area have changed since the previous rezoning in 1994 and the current zoning conditions are no longer necessary due to these changes. Previous conditions provided a 50’ wide protective yard along the western boundary and required a 20’ streetyard along both street frontages.

Staff agrees with the applicant’s position. When rezoned in 1994, the adjacent tract to the west was at that time vacant and undeveloped. It has since been developed as a medium density residential apartment complex and will be buffered by the required 20’ wide Type C protective yard. Applicant will be required to provide right of way dedication along both street frontages at time of site plan submittal.

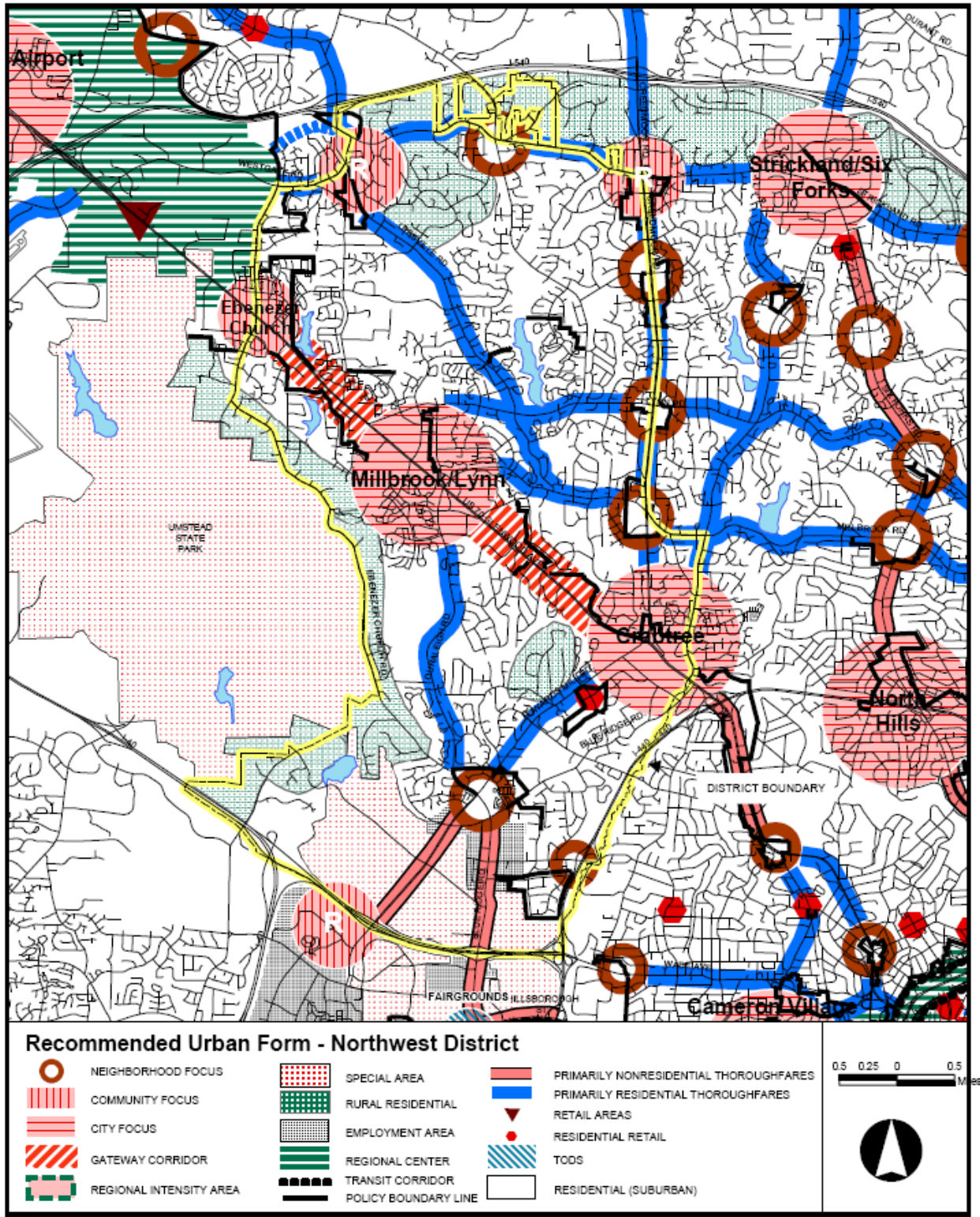
**APPEARANCE  
COMMISSION:**

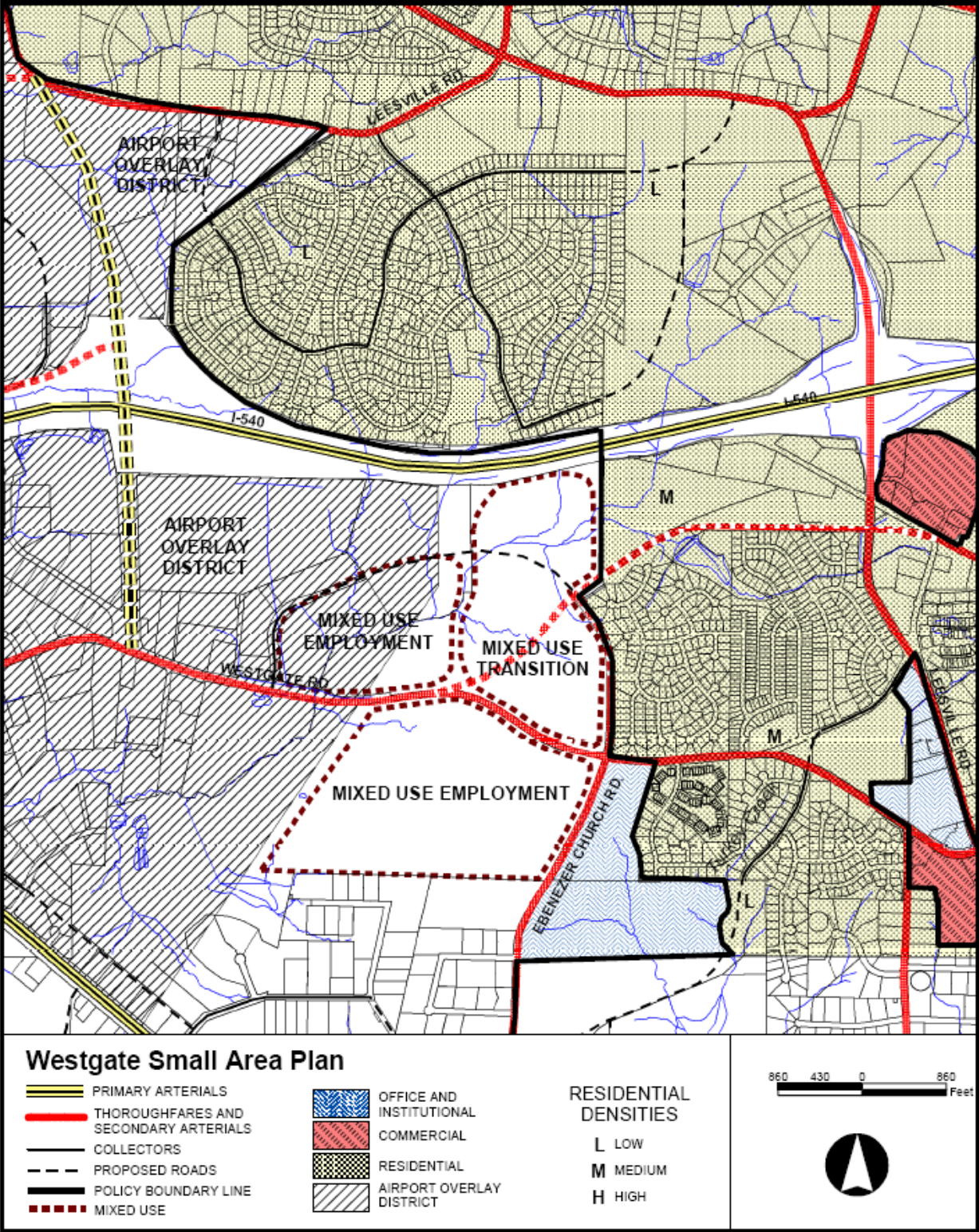
This request is not subject to Appearance Commission review.

**CITIZENS’  
ADVISORY COUNCIL:**

DISTRICT: Northwest Umstead  
CAC CONTACT PERSON: Jay Gudeman 789-9884

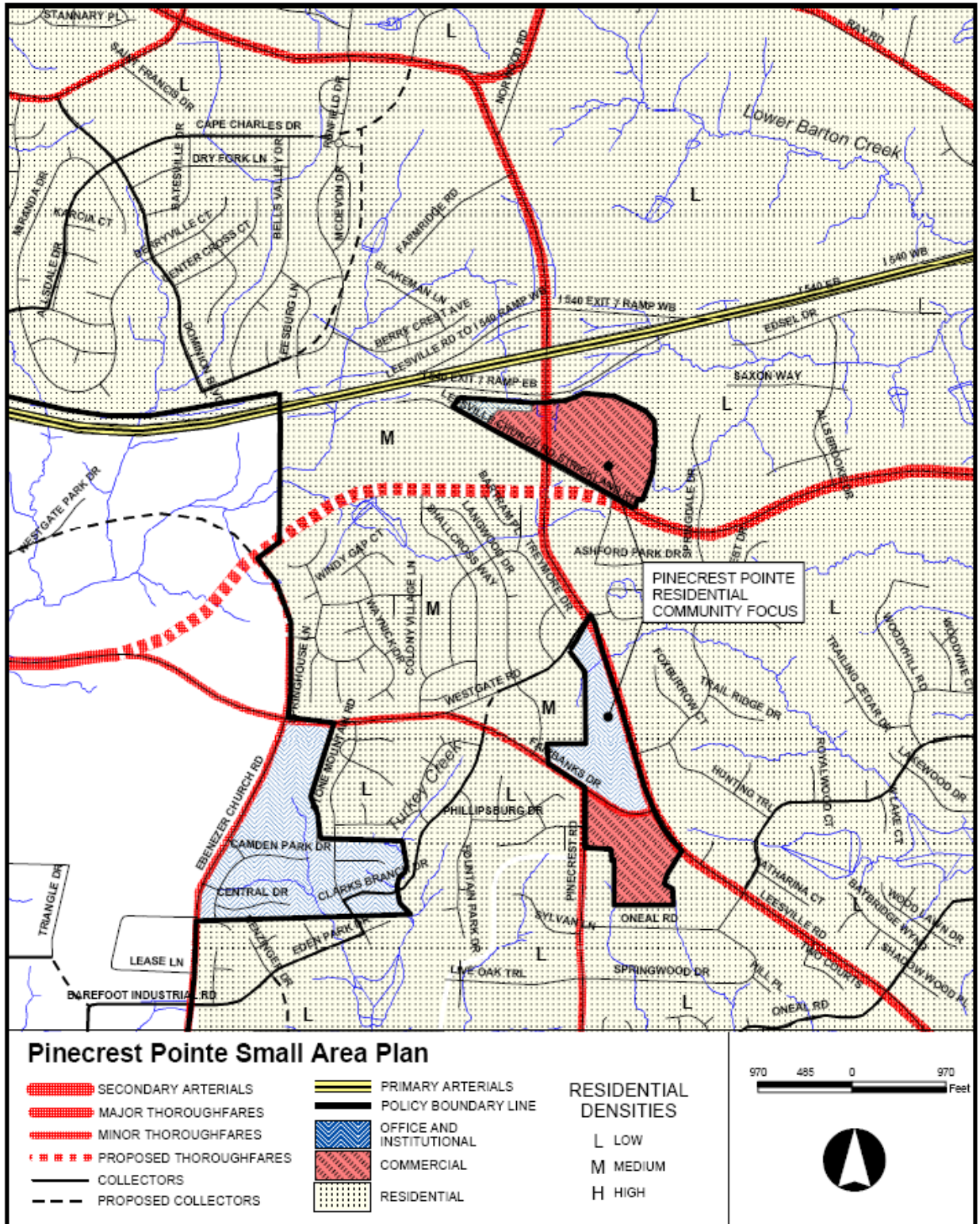






Westgate Small Area Plan 11-20.2

Raleigh Comprehensive Plan 10/02



Pinecrest Point Small Area Plan 11-13.2

Raleigh Comprehensive Plan 12/06