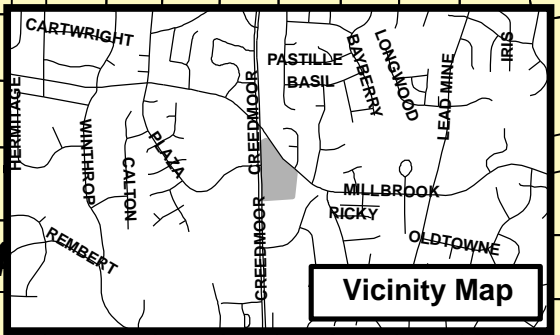
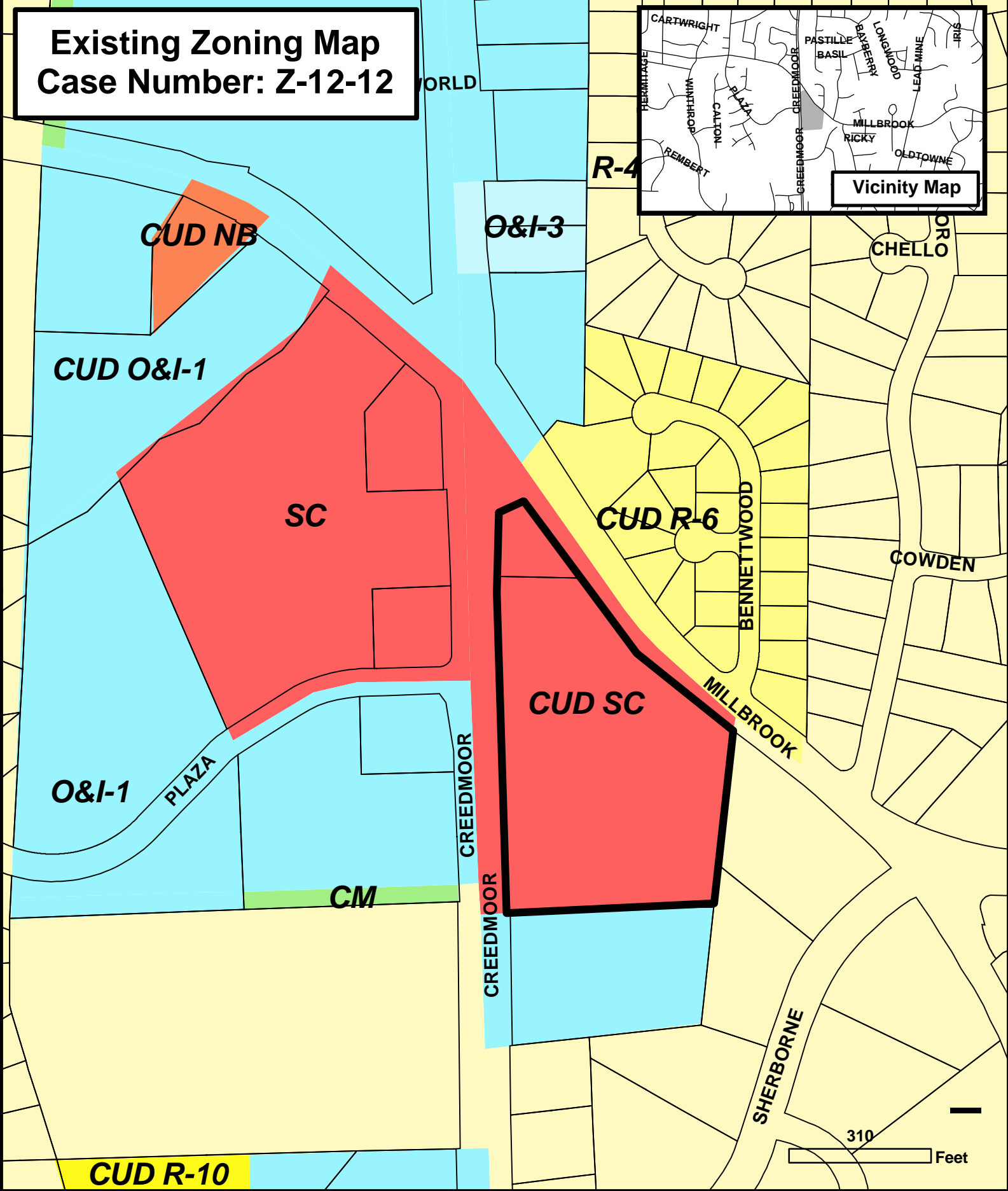


**Existing Zoning Map
Case Number: Z-12-12**



Vicinity Map



Request:

7.27 ac to amend SC CUD

City of Raleigh Public Hearing
April 17, 2012
(July 16, 2012)



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-12-12 Creedmoor Rd. and W. Millbrook Rd

<i>Location</i>	Creedmoor Road and West Millbrook Road
<i>Size</i>	7.27 acres
<i>Request</i>	Amend conditions associated with property zoned Shopping Center Conditional Use District

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Neighborhood Mixed Use
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 4.9 – Corridor Development Policy LU 5.6 – Buffering Requirements Policy LU 6.4 – Bus Stop Dedication Policy LU 7.1 – Nodal Development Policy LU 7.4 – Scale and Design of New Commercial Uses Policy LU 7.5 – High-Impact Commercial Uses Policy LU 10.6 – Retail Nodes Policy EP 8.4 – Noise and Light Impacts Policy UD 2.4 – Transitions in Building Intensity Policy UD 3.2 – Highlighting Important Intersections Policy UD 7.3 – Design Guidelines

Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> 1. Prohibit certain uses. 2. 50 foot Natural Protective Yard and tree conservation areas along eastern and southern boundaries of site. 3. Vehicular access to site limited to three access points. 4. Dedication of transit shelter easements and offer to build associated benches and shelters along Creedmoor Road and W. Millbrook Road. 5. Dedication of land and funds to build public art at tip of property near Creedmoor Road and W. Millbrook Road intersection. 6. Ground-mounted signage limited to low profile type. 7. Standards for dumpster screening and hours of operation. 8. Drive thru windows limited to one for pharmacy use. 9. Standards for exterior lighting. 10. Property owner to petition NCDOT every two years for installation of stop light at intersection of W. Millbrook Road and Bennettwood Court and pay towards cost of installation.
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Zoning Staff Report – Case Z-12-12

Conditional Use District

Request

<i>Location</i>	Creedmoor Road and West Millbrook Road
<i>Request</i>	Amend conditions associated with property zoned Shopping Center Conditional Use District
<i>Area of Request</i>	7.27 acres
<i>Property Owner</i>	Cary Development Partners, LLC
<i>PC Recommendation Deadline</i>	July 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Shopping Center Conditional Use District (SC CUD)	Shopping Center Conditional Use District (SC CUD)
<i>Additional Overlay</i>	None	None
<i>Land Use</i>	Vacant	Unknown
<i>Residential Density</i>	30 units per acre (max. 218 units)	30 units per acre (max. 218 units)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	CUD R-6, CUD O&I-1	CUD O&I-1	CUD R-6, R-4	SC, O&I-1, CM
<i>Future Land Use</i>	Low Density Residential, Office and Residential Mixed Use	Office and Residential Mixed Use	Low Density Residential	Neighborhood Mixed Use
<i>Current Land Use</i>	Low Density Residential, Office	Office	Low Density Residential	Shopping Center, Retail

Comprehensive Plan Guidance

<i>Future Land Use</i>	Neighborhood Mixed Use
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity

	Policy LU 4.9 – Corridor Development Policy LU 5.6 – Buffering Requirements Policy LU 6.4 – Bus Stop Dedication Policy LU 7.1 – Nodal Development Policy LU 7.4 – Scale and Design of New Commercial Uses Policy LU 7.5 – High-Impact Commercial Uses Policy LU 10.6 – Retail Nodes Policy EP 8.4 – Noise and Light Impacts Policy UD 2.4 – Transitions in Building Intensity Policy UD 3.2 – Highlighting Important Intersections Policy UD 7.3 – Design Guidelines
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Contact Information

<i>Staff</i>	Carter Pettibone, carter.pettibone@raleighnc.gov
<i>Applicant</i>	Cary Development Partners, LLC
<i>Citizens Advisory Council</i>	Northwest; Jay Gudeman, jay@kilpatrickgudeman.com , 919.789.9884

Case Overview

The proposed rezoning seeks to amend conditions for two parcels located at the southeast corner of the intersection of Creedmoor Road and West Millbrook Road. The parcels total 7.27 acres and are zoned Shopping Center Conditional Use District (SC CUD). Both properties are vacant, but heavily wooded. The parcels have frontage along both Creedmoor Road and West Millbrook Road.

The existing zoning conditions were established as part of Z-43-08, which rezoned the property from O&I-2 CUD to SC CUD. One of the primary effects of that rezoning was to establish a Concept Plan and associated conditions for development of the site. The Concept Plan and associated conditions specified design standards for the buildings and layout of the site.

Conditions as part of this proposal are similar to those approved as part of Z-43-08, with the exception of the removal of the Concept Plan and associated conditions for building design and site layout. Remaining are conditions for prohibited uses, the provision a 50 foot buffer along the eastern and western edges of the site, which serves as a transitional protective yard and tree conservation area, limitation of vehicular access points, reservation of transit easements along both corridors, establishment of an area for public art at the intersection, requirement for all ground signs to be low profile in type, dumpster screening and operation requirements, limitation of drive thru windows, the pursuit and partial funding of a traffic signal at West Millbrook Road and Bennettwood Court, and specifications for exterior lighting.

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 proposed rezoning is consistent with the Future Land Use Map, which designates the subject parcels as Neighborhood Mixed Use. This land use category

primarily applies to neighborhood shopping centers and pedestrian-oriented retail districts. Typical uses would include corner stores or convenience stores, restaurants, bakeries, supermarkets (other than super-stores/centers), drug stores, dry cleaners, video stores, small professional offices, retail banking, and similar uses that serve the immediately surrounding neighborhood. Most of the areas mapped with this designation are currently zoned NB (Neighborhood Business) or SC (Shopping Center).

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.2 - Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The proposal is consistent with this policy. Retail and other non-residential uses permitted under the Shopping Center zoning district are consistent with the Neighborhood Mixed Use land use category.

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 proposed rezoning is consistent with this policy. Rezoning conditions provided by the applicant are consistent with the Comprehensive Plan.

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.

It is not clear that the proposal is fully consistent with this policy. Staff has requested the applicant submit a revised traffic impact analysis in order to assess the potential traffic impact associated with the amended conditions.

Policy LU 4.5 - Connectivity

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

The proposal is consistent with this policy. The applicant has proposed cross-access to the office property directly to the south in the form of a joint driveway between the two developments.

Policy LU 4.9 – Corridor Development

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

It is unclear whether the proposed rezoning is consistent with this policy. The proposal seeks to remove the approved Concept Plan and associated conditions that address site layout and building standards.

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 consistent with this policy. The applicant has offered conditions that specify minimum 50 foot wide natural protective yards to the east alongside residentially zoned properties and to the west adjacent to less intensive Office and Institutional zoning to the south.

Policy LU 6.4 – Bus Stop Dedication

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

The proposal is consistent with this policy. The applicant has specified the dedication of easements for transit facilities on both Creedmoor and West Millbrook Roads.

Policy LU 7.1 – Nodal Development

Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

It is not clear whether the proposed rezoning is consistent with this policy. The proposed rezoning does create a node of retail at the key intersection of W. Millbrook and Creedmoor Roads, but does not provide design standards for the buildings as the previous conditions had done. It is not possible to fully assess the impact of potential development of the site on surrounding residential areas at this time.

Policy LU 7.4 - Scale and Design of New Commercial Uses

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

It is unclear whether the proposal is consistent with this policy. The revised conditions remove the design standards previously specified as part of the Concept Plan and its associated conditions.

Policy LU 7.5 – High Impact Commercial Uses

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

The proposed rezoning is consistent with this policy. The applicant has specified a large number of prohibited uses which could adversely impact the quality of life in nearby residential neighborhoods. The applicant has also chosen to limit the number of drive thru windows on the site to only one, which would only be associated with a pharmacy use.

Policy LU 10.6 – Retail Nodes

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

The proposal is consistent with this policy. The rezoning provides a potential node of retail uses at the intersection of two major streets. No additional property is considered for rezoning to a district that allows retail uses as part of this request.

Policy EP 8.4 – Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The proposal is consistent with this policy. One condition specifies that all exterior lighting be full cut off design shielded away from adjacent residential uses.

Policy UD 2.4 – Transitions in Building Intensity

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

It is not clear if the proposed rezoning addresses this policy. The revised conditions seek to remove the Conceptual Plan and associated design standards. No conditions have been offered that address building height, size, mass, or bulk, so it is not possible to gauge the relationship of buildings on the site to neighboring development.

Policy UD 3.2 – Highlighting Important Intersections

Promote the use of gateways and landmarks to highlight access points and important intersections along key corridors. Examples include the places where roadways split to become one-way pairs entering and exiting downtown.

The proposal is consistent with this policy. One of the conditions calls for reserving a portion of the site at the intersection of Creedmoor Road and Millbrook Road for public art, along with contributing money to the city for the art installation itself.

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 rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts and mixed-use designations on the Future Land Use Map, 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 is not fully consistent with this policy. The petitioner has provided responses to the Urban Design Guidelines, but a number of responses are in need of revision and the applicant has not provided a response to one guideline. The petitioner's response to Guidelines 6 - 8, 10 - 15, and 24 – 26 include the language "This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed." The draft Urban Form

Map is a proposed component of the Unified Development Ordinance, which is under development and not yet approved. As such, the draft Urban Form map would have no bearing on the review of current rezoning proposals. The applicant has also not provided a response to Guideline #23.

It is recommended the petitioner revise the responses to the Guidelines mentioned above to better address those Guidelines. Application of a number of the Urban Design Guidelines has been deferred to the site plan approval stage.

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.*

Applicant response: The proposed rezoning allows retail, office and residential uses, and all such uses are already located within walking distance to the property.

Staff Comment: The conditions of the rezoning and the current uses neighboring the property provide for a mix of uses in the area. Consistent.

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.*

Applicant response: The proposed rezoning requires a 50-foot wide natural protective yard adjacent to those properties to the east that are developed for low-density residential uses

Staff Comment: Consistent.

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.*

Applicant response: The proposed rezoning contemplates three access points, including a joint access with the property to the south. The property does not front along a neighborhood road.

Staff Comment: Consistent.

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.*

Applicant response: No cul-de-sacs or dead-end streets are contemplated for this development, and the property will share an access point with the property to the south.

Staff Comment: Consistent.

5. *New development shall 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.*

Applicant response: Based on the two access points planned for Creedmoor Road and the one access point planned for Millbrook Road, no block face should exceed 660 feet.

Staff Comment: Consistent.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: The proposed zoning conditions require that the northern-most portion of the site at the intersection of Creedmoor Road and Millbrook Road be set aside for public art.

Staff Comment: Deferred to site plan review 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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

Site Design/Public Seating

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

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: No parking structures are contemplated for this site.

Staff Comment: Noted.

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.*

Applicant response: The proposed zoning requires the dedication of two transit easements and possibly the construction of transit shelters. Moreover, City and Triangle Transit bus routes exist along Creedmoor Road and Millbrook Road.

Staff Comment: Consistent.

18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

Applicant response: This guideline can be better addressed at the site plan approval stage.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at the site plan approval stage.

Staff Comment: Deferred to site plan review 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.*

Applicant response: There are no new streets proposed as part of this development. Moreover, this guideline can be better addressed at site plan approval stage.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at the site plan approval stage.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at the site plan approval stage.

Staff Comment: Deferred to site plan review 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.*

Applicant response: <No response given>

Staff Comment: Please respond to Item #23.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

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.*

Applicant response: This guideline can be better addressed at site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Staff Comment: Deferred to site plan review stage.

1.3 Area Plan Guidance

The site is not located in a portion of the City governed by an Area Plan.

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

The property is surrounded by office and institutional uses largely to its north, west, and immediate south and by residential uses to its east, southeast and northeast. The subject property is a large undeveloped tract of land that is heavily wooded and zoned Shopping Center Conditional Use District (Z-43-08). The existing conditions on the property specify a 50 foot natural buffer along edges of the property abutting residential uses. To the north, across Millbrook Road is the Bennett Place subdivision built at R-6 density and zoned R-6 CUD. To the immediate east and southeast are predominantly single-family detached homes - the Country Life Estates subdivision built at R-4 density. Across Creedmoor Road to the immediate west is the Creedmoor Crossings shopping center, zoned SC, along with other office uses. The applicant notes that the rezoning request is compatible with the surrounding areas in that the property is surrounded by parcels which are either developed with retail, office, and institutional uses or zoned for office and institutional uses (to the north, west, south) and by low density residential uses (to the east and south).

3. Public benefits of the proposed rezoning

The applicant notes that the proposed rezoning will allow more flexibility to develop the property for its highest and best use given current market conditions and its location at the intersection of two major thoroughfares. The applicant further points out that the proposal will provide a neighborhood mixed use center offering goods and services within walking distance to the adjacent neighborhoods and nearby office uses and maximize tax base for the City.

The proposed rezoning would remove the Concept Plan for the site, which was approved as part of Z-43-08. Concept plans are no longer used as part of the rezoning process.

4. Detriments of the proposed rezoning

The subject properties have frontage along Creedmoor Road and Millbrook Road. The roadway improvements to these streets have dramatically changed the traffic patterns in the immediate area. The reclassification of both roads to Secondary Arterial Major Thoroughfares has generated a heavy traffic pattern in this area. Allowing additional retail uses at this intersection would be incompatible with the existing predominantly residential

and office uses in the general vicinity. Therefore, the traffic impacts generated by locating additional retail uses in this location should be evaluated by the DOT in the future.

While the current zoning allows for retail and other non-residential use on the property, the amended conditions remove the conditions which specify site and building design standards, including maximum building area and height. It is not clear how proposed commercial development could impact surrounding residential areas.

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>	<u>2035 Traffic Volume Forecast (ADT)</u>			
Creedmoor Road	Secondary Arterial	30,000	53,000			
Millbrook Road	Major Thoroughfare	18,000	25,100			
Street Conditions						
<u>Creedmoor 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	5	80'	Back-to-back curb and gutter section	110'	5' sidewalks on the west side of the street	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?	NO	NO	YES	YES	NO	NO
<u>Millbrook 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	5	65'	Back-to-back curb and gutter section	100'	5' sidewalks on the north side of the street	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	YES	NO	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	309	309	0			
PM PEAK	320	461	141			
Suggested Conditions/ Impact Mitigation:			Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and an update of the traffic impact analysis submitted in March 2009 associated with is case is recommended. According to the submitted trip generation report, the proposed rezoning would result in an additional 141 PM Peak hour trips through intersection of Creedmoor Road and Millbrook Road which operates at Level of Service F. Please contact Bowman Kelly at (919) 516-2160 to arrange a scoping meeting for the update of TIA. The applicant may wish to consider striking the last two sentences of condition "J", funding contributions for a future traffic signal is not an enforceable zoning condition. The applicant may also wish to add a condition stating that an offer of cross-access will be provided to the property to the south.			

Additional Information:	Neither the City of Raleigh nor NCDOT have scheduled major capital roadway improvement projects in the vicinity of this case.
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Impact Identified: Update of Traffic Impact Analysis Report. Offer of cross-access to the property to the south.

5.2 Transit

Transit easements and shelters and/or benches have been offered as part of the conditions.

Impact Identified: Development of this property has the potential to increase transit use in this area.

5.3 Hydrology

<i>Floodplain</i>	No Floodplains are present
<i>Drainage Basin</i>	Haresnipe
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: There are no buffers or floodplain present on site. Subject to Part 10, Chapter 9, Stormwater Regulations.

5.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	32,715 gpd	32,715 gpd
<i>Waste Water</i>	32,715 gpd	32,715 gpd

The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There is an eight (8") inch sanitary sewer within an easement on the western side of the southern property. Sanitary sewer would need to be extended to the northern property by the petition/developer. There are twelve (12") inch water mains within the rights-of-way of Creedmoor and W. Millbrook Roads. The petitioner/developer would be responsible to install all utility infrastructure required for the properties development.

5.5 Parks and Recreation

The site is not located adjacent to a greenway corridor. The site is not located within a park search area.

Impact Identified: None

5.6 Urban Forestry

This site, when developed, will need to comply with Code section 10-2082.14 to establish and record tree conservation areas. The applicant has elected to establish to establish a *natural protective yard* of existing trees to serve as primary tree conservation area that specifically must comply with 10-2082.14(c).

Impact Identified: None. The *natural protective yard* already exists from a previous zoning condition.

5.7 Wake County Public Schools

Under both the existing zoning and proposed zoning, a maximum of 218 dwelling units could be constructed on the site. There would be no increase in potential students at base schools as a result of this rezoning.

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Leesville Road	844	76.7%	844	76.7%
Leesville Road	1,317	109.3%	1,317	109.3%
Leesville Road	2,493	114.6%	2,493	114.6%

Impact Identified: The proposal would not result in an increase in potential students at base schools.

5.8 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District

Impact Identified: None

5.9 Community Development

The site is not located within a redevelopment plan area.

Impact Identified: None

5.10 Impacts Summary

- Potential increase in traffic.
- Potential increase in transit ridership.

5.11 Mitigation of Impacts

- Updated traffic impact analysis

6. Appearance Commission

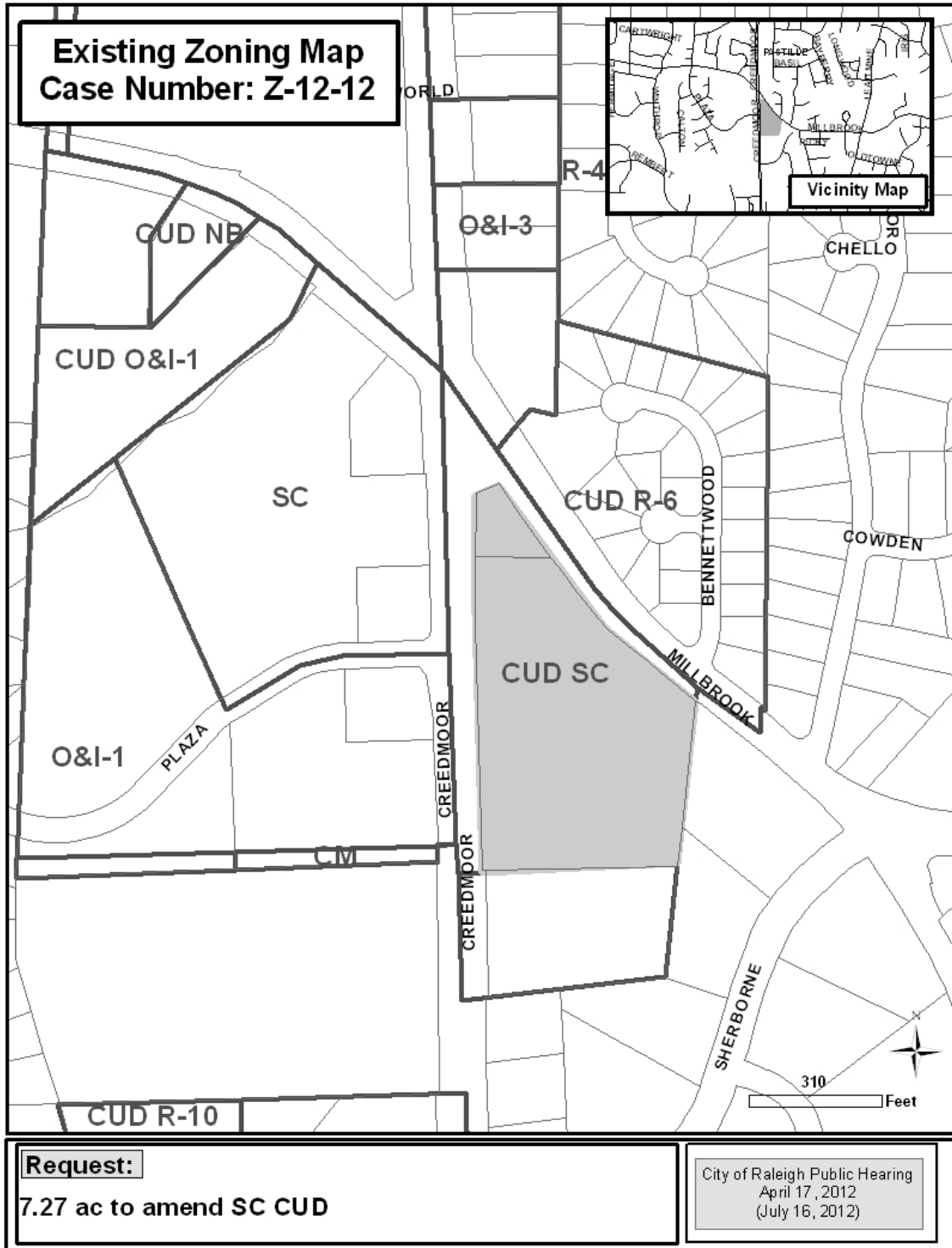
This rezoning request is not subject to Appearance Commission review.

7. Conclusions

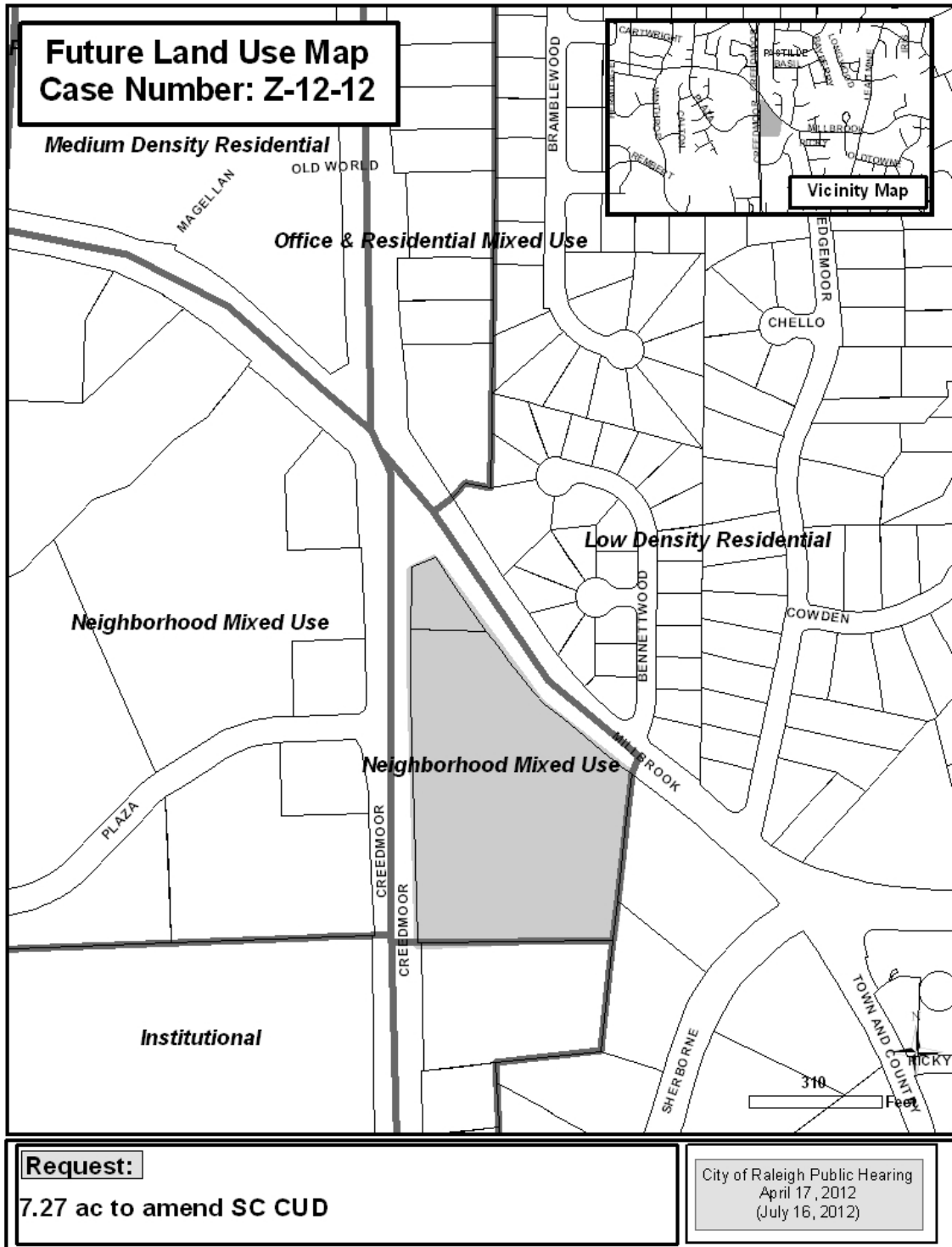
The proposed rezoning is consistent with the Comprehensive Plan's Future Land Use Map designation of Neighborhood Mixed Use. The conditions proposed by the applicant as part of the rezoning are also consistent with numerous policies of the Comprehensive Plan. However it is suggested the applicant consider additional conditions that address how potential development on the site could impact neighboring residential properties.

Impacts identified include potential increases in transit ridership and vehicular traffic in the area. The applicant has offered conditions that set aside areas for transit shelters on both adjoining roads and specify that the property owner(s) build benches and shelters for those transit stops, if the requested by the City. In order for the City to better assess traffic impacts as part of amended conditions, it is requested the applicant submit a revised Traffic Impact Analysis.

Existing Zoning Map



Future Land Use Map





Petition to Amend the Official Zoning Map

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

pd 1081.00 by
CK # 116473
Z-12-12

CITY OF RALEIGH
CITY PLANNING DEPT
2011 DEC 16 AM 11:41

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

- \$540 for General Use Cases
- \$1081 for Conditional Use Cases
- \$2702 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

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



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
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
	Doug Baumgartner Member/Manager	12/15/11
	Cary Development Partners LLC	

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	Cary Development Partners, LLC	York Development Group 11510 N. Community Road, Suite 24-C Charlotte, NC 28277	
Property Owner(s)	Same as above		
Contact Person(s)	Mack Paul and Michael Birch K&L Gates LLP	4350 Lassiter at North Hills Ave., Suite 300 Raleigh, NC 27609	(919) 743.7326 mack.paul@klgates.com (919) 743.7314 michael.birch@klgates.com

Property information

Property Description (Wake County PIN)	0796-47-8165 and 0796-47-7549
Nearest Major Intersection	Creedmoor Road and Millbrook Road
Area of Subject Property (in acres)	7.27 acres
Current Zoning Districts (include all overlay districts)	Shopping Center – Conditional Use (Z-43-08)
Requested Zoning Districts (include all overlay districts)	Shopping Center – Conditional Use

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
Dixie E. Bennett	2108 W Millbrook Rd	Raleigh, NC 27612-6335	0796-57-0487
Deryl Raynor Jr. & Lindsay H. Smith	5605 Bennettwood Ct	Raleigh, NC 27612-6059	0796-57-1474
Kelli & Scott Worley	5609 Bennettwood Ct	Raleigh, NC 27612-6059	0796-57-1572
Crosspointe Investments LLC	PO Box 5411	Asheville, NC 28813-5411	0796-46-3967
NC Licensing Board for General Contractors	PO Box 17187	Raleigh, NC 27619-7187	0796-46-8665
Katherine L. Baker	5705 Hedgemoor Dr	Raleigh, NC 27612-6323	0796-57-4224
Garry & Belinda Schoonover	2616 Sherborne Pl	Raleigh, NC 27612-2953	0796-56-3941
JME Wake Offices LLC GSE Wake Offices LLC	2620 Louis Stephens Rd	Cary, NC 27519-7679	0796-47-4198
Hardees Food Systems Inc CKE Restaurants Inc.	Attn Tax Dept PO Box 4349	Anaheim, CA 92803-4349	0796-47-5401
Douglas B. & Monica M. Saunders	2112 Tulare Ct	Raleigh, NC 27612-3840	0796-47-9691
Kemp Neal & Frances C. Hunt	2608 Sherborne Pl	Raleigh, NC 27612-2953	0796-56-2637
Congregation Beth Or Inc.	5315 Creedmoor Rd	Raleigh, NC 27612-6305	0796-46-0652
Charles & Helen H. S. Chong	5608 Bennettwood Ct	Raleigh, NC 27612-6029	0796-57-3411
Patricia Ann Becker	2108 Tulare Ct	Raleigh, NC 27612-3840	0796-57-0606
Dixie E. Bennett	2108 W Millbrook Rd	Raleigh, NC 27612-6335	0796-47-9718
Elizabeth W. Paddock	5701 Hedgemoor Dr	Raleigh, NC 27612-6323	0796-57-4136
Ian P. & Aaron Snider	5604 Bennettwood Ct	Raleigh, NC 27612-6029	0796-57-3313
J T Hobby & Son Inc.	c/o Franklin Holmes Hobby Properties Inc. PO Box 18506	Raleigh, NC 27619-8506	0796-47-2700
Dixie E. Bennett	2108 W Millbrook Rd	Raleigh, NC 27612-6335	0796-57-0533
Dixie E. Bennett	2108 W Millbrook Rd	Raleigh, NC 27612-6335	0796-57-3204
Dixie E. Bennett	2108 W Millbrook Rd	Raleigh, NC 27612-6335	0796-57-1366

EXHIBIT B. Request for Zoning Change

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

James E. Busbee & April D. Anthony	5709 Hedgemoor Dr	Raleigh, NC 27612-6323	0796-57-4342
Creedmoor Development Co LLC	Walgreen Co Store #15019 Attn Tax Dept PO Box 901	Deerfield IL 60015-0901	0796-47-4892
Sandra C. & William C. Faison	5656 Bennettwood Ct	Raleigh, NC 27612-6029	0796-47-9921
Fifth Third Bank	38 Fountain Square Plz	Cincinnati, OH 45202-3102	0796-48-7092

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested: Shopping Center – Conditional Use

Narrative of conditions being requested:

a) The following uses shall be prohibited:

- i) Automotive service and repair facility;
- ii) Hotel/motel;
- iii) Movie (theater - indoor and outdoor);
- iv) Schools (elementary, middle, and high, public, private or parochial);
- v) Carwash facility - all types
- vi) Emergency shelter type B;
- vii) Landfill (debris from on-site);
- viii) Manufacturing-custom;
- ix) Manufacturing-specialized;
- x) Mini-warehouse, storage facility;
- xi) Outdoor storage of recyclable material;
- xii) Special care facility;
- xiii) Telecommunication tower – all;
- xiv) Adult establishment;
- xv) Airfield or landing strip;
- xvi) Kennel/cattery;
- xvii) Riding stable;
- xviii) Correctional/penal facility;
- xix) Heliport – all types;
- xx) Outdoor stadium/theater – all types;
- xxi) Bed and breakfast inn.

b) A natural protective yard area at least 50 feet in width shall be maintained along the property line adjoining those properties with Wake County Parcel Identification Numbers 0796-56-2637 (Deed Book 2454, Page 368) and 0796-56-1425 (Deed Book 5279, Page 306). This natural protective yard area may be used as primary tree conservation area so long as it complies with the requirements of Raleigh City Code section 10-2082.14(c). Also, the width of this natural protective yard area may be increased in order to capture additional tree cover to qualify as primary tree conservation area. To the extent the natural protective yard areas described above are not used for primary tree conservation area, they may be disturbed subject to the provisions of Raleigh City Code section 10-2082.12(c), a copy of which is attached hereto as Exhibit A.

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

Doug Baumgartner

3-8-12

EXHIBIT C. Request for Zoning Change

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

c) Only to the extent necessary to achieve 10% total tree conservation area based on gross parcel acreage, natural protective yard areas at least 50 feet in width may be maintained along the property line adjoining that property with Wake County Parcel Identification Number 0796-46-8665 (Deed Book 12939, Page 2468). The width of these natural protective yard areas may be increased in order to capture additional tree cover to qualify as primary tree conservation area. These areas may be used as primary tree conservation area so long as they comply with the requirements of Raleigh City Code section 10-2082.14(c), a copy of which is attached hereto as Exhibit A.

d) Unless otherwise required or authorized by the City of Raleigh or State of North Carolina, vehicular ingress and egress to the property from public streets shall be limited to no more than (1) a right-in only access from Creedmoor Road; (2) a full service access on West Millbrook Road directly across from Bennettwood Court; and (3) the joint driveway access from Creedmoor Road described in that Cross Access and Easement Agreement recorded in Book 13665, Pages 363-384 of the Wake County Registry.

e) Prior to subdivision approval or the issuance of any building permit for new construction on the property, whichever shall first occur, the owner of the property shall deed to the City: (i) a transit easement measuring twenty (20) feet adjacent to Creedmoor Road by fifteen (15) feet wide; and (ii) a transit easement measuring twenty (20) feet adjacent to West Millbrook Road by fifteen (15) feet wide to support a bus stops for current and/or future transit services in the area. The location of the easements shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easements deed prior to recordation.

f) The northernmost tip of the subject property bounded by West Millbrook Road and Creedmoor Road shall be reserved for use by the City of Raleigh for installation and maintenance of public art. The area to be reserved shall be that land north of a line created by connecting two points, each fifty (50) feet from their respective property corners, south along Creedmoor Road and east along West Millbrook Road, and representing approximately 3,000 square feet. The owner or developer of the subject property shall not be permitted to install any ground signs or vertical structures on this portion of the subject property; however the City of Raleigh or its designee may install public art on this portion of the subject property. Any public art installed on this portion of the subject property shall be maintained by the City of Raleigh. The owner of the subject property shall retain the right to maintain this portion of the property in a safe condition and shall be permitted to use this portion of the subject property as open space. Upon receiving thirty (30) days notice from the City of Raleigh of its intent to install public art pursuant to this Condition (f), the owner of the subject property shall contribute \$2,500 to the City of Raleigh for the public art display.

g) All ground mounted signage shall be low profile signage.

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ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS


Signature(s)	Print Name	Date
	Doug Baumgartner	3-8-12

EXHIBIT C. Request for Zoning Change

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

h) All dumpsters on the property shall be screened from view from West Millbrook Road with a solid closed wall or fence which is at least eight (8) feet in height and is the same or compatible in terms of texture and quality with the material and color of the principal buildings, and the emptying of dumpsters shall not occur before 7:00 am or after 7:00 pm.

i) If requested by the City at the time of site plan review, the owner of the subject property shall construct a bench and shelter in association with each transit easement described in above Condition (e).

j) Only one drive-thru establishment shall be permitted on the subject property, and it may only be associated with a principal or accessory pharmacy use.

k) Within ninety (90) days after the adoption of this rezoning ordinance and every two years thereafter, the property owner shall request the North Carolina Department of Transportation (NCDOT) to install a traffic signal at the intersection of West Millbrook Road, Bennettwood Court, and the access to the subject property. The owner of the subject property shall provide written notice of this request to all owners of property located within the Bennett Place - Phase Two neighborhood, as platted on Book of Maps 1998, Page 2253 in the Wake County Registry. Within five (5) years of the date of the first site plan approval for any portion of the subject property or upon 100% occupancy, whichever is later, and after receiving written notice from NCDOT regarding its decision to permit the installation of the traffic signal at the intersection of West Millbrook Road, Bennettwood Court, and the access to the subject property, the then owner(s) of the subject property shall pay up to \$100,000 toward the cost of the installation of the traffic signal. If there are multiple owners of the subject property at the time the obligation to pay toward the cost of the installation of the traffic signal arises, then each owner of the subject property shall be jointly and severally responsible for the \$100,000, with a right of contribution from the other owners of the subject property on a pro rata share of the acreage owned divided by the total acreage of the subject property.

l) Upon development, all exterior flood, display and parking lot lighting shall be full cut-off (shielded) design and directed away from the adjacent residential uses.


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

 _____
Doug Baumgartner
3-8-12

When preserving a natural area outside of the required *street protective yard* in accordance with option (1) above, the preserved trees within this natural area *may* also be credited toward any *vehicular surface area* planting requirements in accordance with §10-2082.6 and/or *transitional protective yard* planting requirements in accordance with §10-2082.9 which are located adjacent to the preserved natural area.

When a slope easement is existing or required to be provided as part of the proposed development, the land area located within the slope easement *may* be utilized to fulfill the *street protective yard* width and tree preservation requirements of this section. If any future public improvement of a *street* removes or causes any of the vegetation within the slope easement to die or to become *unhealthy*, it *shall* be the *property owner's* responsibility to replace vegetation at the same rate as required in §10-2082.12(d)(2) within one hundred eighty (180) days of completion of the public *street* improvement.

(Ord. No. 2000-804-TC-195, TC-11-99, §3, 5-16-00; Ord. No. 2005-762-TC-264, §15, TC-7-04, 1-4-05)

(c) Tree conservation permits.

No *person* within any *street protective yards* set forth in subsection (b) above *shall* grade, remove, clear, cut, in whole or in part, any tree without a tree permit. No tree conservation permit *shall* be issued if the cumulative grading and tree removal exceeds thirty (30) per cent of any *street protective yard* set forth in subsection (b).

(1) Permits will be issued for one (1) or more of the following:

- a. A certified arborist, certified by the International Society of Arboriculture, or a forester registered by *the State of North Carolina*, or a landscaped architect licensed by *the State of North Carolina* first certifies *in writing* to the *City* that the tree is either unsafe or is *unhealthy* as set forth in §10-2001(1) through (5). Provided, no certification *shall* be required if it can be shown to the *City* that the tree died of natural causes and the dead tree is replaced in accordance with the substitution standards of subsection (d) below.
- b. Tree removal and grading is being done to install a driveway in accordance with §10-7001(f); provided that the width of such driveways does not exceed thirty-six (36) feet. Within the driveway area cable, electric, gas, sewer, telephone and water utilities *may* be installed.

- c. Tree removal and grading is being done to remove a visual obstruction from a sight triangle as set forth in the North Carolina Department of Transportation's **Policy on Street and Driveway Access to North Carolina Highways Manual**, and all subsequent amendments thereto.
- d. Tree removal and grading is being done in accordance with governmental easements which prohibit trees.
- e. Tree removal and grading is being done to install necessary storm drainage devices in naturally occurring drainage areas.
- f. Tree removal and grading is being done to install in *single-family dwelling* areas an *earthen berm* meeting the characteristics established in §10-2061(e)(2)a.3, provided the removal area is not a tree conservation area established pursuant to §10-2082.14.
- g. The removal and grading is being done to install public improvements made pursuant to Part 10 Chapter 3, including *street* construction.

(2) *Following* the submittal of additional information as part of a *site plan*, *plot plan*, or subdivision plan, a tree conservation permit *may* be issued for areas of the *street protective yard* that fail to contain existing vegetation meeting the general requirements of the applicable zoning districts and §10-2082.5(c)(3); provided that:

- a. Such areas contain a minimum dimension of fifty (50) linear feet as measured along the abutting *street* right-of-way; and
- b. The applicant substantiates by aerial photographs, witnesses, or other means that vegetation of the *street protective yard* was not diminished in quantity *following* the application of this ordinance.

Editor's note: This provision first became applicable on April 7, 1996.

(3) In those portions of thoroughfare yards not designated a tree conservation area, where existing vegetation meets the minimum *street protective yard* tree planting requirements for the applicable zoning district, a tree conservation permit *may* be issued for wooded area clean-up for *shade trees* fifteen and five-eighths (15 $\frac{5}{8}$) inches in circumference (five (5) inch caliper) or less and understory trees six and one-quarter (6 $\frac{1}{4}$) inches in circumference (two (2) inch caliper) or less. No permit for such tree removal will be issued unless



and until a plan is submitted showing how the work will be undertaken without compacting soils and damaging preserved trees and maintaining minimum applicable requirements. Said plan shall show the nature and extent of all trimming.

- (4) Following the submittal to the City of a written report explaining why any grading and tree removal not otherwise authorized by subsections (1) and (3) above is necessary, a tree conservation permit may be issued. No permit pursuant to this subsection shall be issued without a tree replacement plan that conforms to subsection (d) below.

(Ord. No. 2005-762-TC-264, §15, TC-7-04, 1-4-05; Ord. No. 2011-831-TC-340, §§12, 13, TC-6-10, 1-18-11, eff. 2-1-11)

(d) Replacement Trees.

Whenever a tree removal permit is issued in accordance with subsection (c)(4), the property owner shall install replacement trees in one (1) of two (2) ways:

- (1) One (1) or more natural areas of equal size containing vegetation similar in size and quantity as that which is being removed is preserved outside the street protective yard, between the principal building and the public street right-of-way provided that the street protective yard conforms to the applicable landscaping requirements for that zoning district.

When preserving a natural area outside of the required street protective yard, the preserved trees within this natural area may also be credited toward any vehicular surface area planting requirements in accordance with §10-2082.6 and/or transitional protective yard planting requirements in accordance with §10-2082.9 located adjacent to the preserved natural area.

- (2) For each one hundred (100) square feet of disturbed land area, nine (9) inches of tree circumference (three (3) inch caliper) is added back into the street yard.

During construction, the protected ground area adjacent to the trees to be preserved shall be delineated by a protective fence in the field.

(Ord. No. 2000-804-TC-195, TC-11-99, §4, 5-16-00)

(e) Maintenance of Landscaping.

Trees which are installed or preserved in accordance with this section shall be maintained in the same manner as set forth in §10-2082.3(d)(3). During construction, the protected ground area adjacent to the trees to be preserved shall be delineated by a protective fence in the field.

(f) Prohibitions.

The clearing or damaging of any tree from, in whole or in part, of any property or portion thereof within any street protective yard of a Resource Management Zoning District except in accordance with the provisions of this chapter shall be illegal, and it is declared a violation of this Code. A violation of this subsection or of subsection (e) shall subject the offender to a civil penalty of one hundred dollars (\$100.00) per every fifteen (15) linear feet of tree cleared or tree damaged land which shall be processed as set forth in §10-2152(5). In addition to this civil penalty, the land owner of any property within a Resource Management District on which tree clearing or tree damaging, in whole or in part, has occurred shall install within all street protective yards plantings equivalent to twice the number and size of plantings required in §10-2058(e)(2)a. Prior to any replanting, the City Forestry Specialist shall first approve a replacement planting and maintenance plan. These plantings shall be installed within the time limit specified by the Chief Zoning Inspector; in setting the time limit for compliance, the Chief Zoning Inspector shall take into consideration the quantity of work, planting season, and the consequences of delay.

State law reference: 1985 Session Laws, Chapter 556.

(Ord. No. 1996-851-TC-128, §26, TC-23-95, 4-2-96; Ord. No. 1999-616-TC-181, §58, TC-3-99, 8-3-99; Ord. No. 2005-762-TC-264, §15, TC-7-04, 1-4-05)

**Sec. 10-2082.13.
SCREENING REQUIREMENTS FOR PERMANENT
STORMWATER RETENTION PONDS AND
DETENTION BASINS.**

(a) Purpose.

Due to their nature as service features, some stormwater control facilities can have a negative visual impact upon properties where they are located as well as upon adjacent properties and the adjacent public realm. As a result of these factors, the purpose of this section is to:

- (1) Mitigate the negative visual impact from certain stormwater control facilities by requiring screening from on-site and off-site views;
- (2) Recognize that a stormwater control facility may include elements which allow it to function as a site amenity;
- (3) Explain the conditions under which a stormwater control facility could be considered as a site amenity, and therefore not require screening; and

EXHIBIT D. Request for Zoning Change

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

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

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

The property is designated "Neighborhood Mixed Use" on the Future Land Use Map. This category envisions a neighborhood shopping center development with uses that serve the surrounding neighborhoods. The proposed map amendment is consistent with the Neighborhood Mixed Use category because it permits a wide-range of residential, office and commercial land uses, which is consistent with the land uses and intensities envisioned by the future land use map category.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The property is not located within any area plan or other City Council-adopted policy document.

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 is consistent with Policy LU 1.2 "Future Land Use Map and Zoning Consistency" and Policy LU 1.3 "Conditional Use District Consistency" because the proposed land uses are similar to those envisioned by the Neighborhood Mixed Use category and the proposed conditions are consistent with the Comprehensive Plan. The proposed map amendment is consistent with Policy LU 2.6 "Zoning and Infrastructure Impacts" based on the roadway improvements required by the 2009 traffic impact analysis and the commitment in Condition (j) to request a signal off Millbrook Road and pay up to

EXHIBIT D. Request for Zoning Change

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

\$100,000.00 for installation of the signal. The proposed map amendment is consistent with Policy LU 4.5 “Connectivity” based on the joint access easement between the property and the parcel to the south. The proposed map amendment is consistent with Policy LU 5.6 “Buffering Requirements” based on Condition (b) that requires a 50 feet wide buffer to the properties to the east. The proposed map amendment is consistent with Policy LU 6.4 “Bus Stop Dedication” and Policy T 4.8 “Bus Waiting Areas” because Condition (d) requires dedication two transit easements and Condition (h) requires the construction of a bus shelter in these easements areas if requested by the City during the site plan process.

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):

A strip shopping center development with retail, auto-oriented outparcels are located to the west, across Creedmoor Road, which is a secondary arterial. This shopping center is set back from the road with a large, intervening parking lot. An apartment complex is located to the northwest, and a bank is located to the north, across Millbrook Road, which is a major thoroughfare. A new office building is located to the south of the property. Single-family detached dwellings are located to the east of the property.

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

Property to the west is zoned Shopping Center and Office & Institution-1. Property to the south is zoned Office & Institution-1 CUD. Property to the east is zoned Residential-4 and Residential-6 CUD. Property to the north is zoned Office & Institution-1 CUD and Residential-6 CUD.

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 proposed map amendment is compatible with the surrounding area because the proposed uses are similar to those permitted in the shopping center to the west and the parcels developed for office to the north and south. The proposed map amendment is compatible with the single-family detached dwellings to the east given the 50 feet wide buffer along the property’s eastern boundary. The property is suitable for commercial development given its location at two thoroughfares and its proximity to residential and office uses that can take advantage of the proposed commercial uses.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment provides the landowner will more flexibility to develop the property for its highest and best use given the current market conditions and the property’s location at the intersection of two major thoroughfares.

B. For the immediate neighbors:

The proposed map amendment will provide a neighborhood mixed use center offering goods and services within walking distance to the adjacent neighborhood and nearby office uses.

EXHIBIT D. Request for Zoning Change

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

C. For the surrounding community:

The proposed map amendment will facilitate development of a mixed use neighborhood center that will maximize tax base for the City and provide goods and services conveniently located at the corner of two major thoroughfares.

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

No, the rezoning of this property does not provide a significant benefit that is not available to the surrounding properties given that the property to the west is similarly zoned and has the same development opportunities. Moreover, the property is already zoned Shopping Center CUD and this proposed map amendment only seeks to alter the applicable conditions.

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

The proposed map amendment is reasonable and in the public interest based on its consistency with the Future Land Use Map and applicable Comprehensive Plan policies. Further, the proposed map amendment is reasonable and in the public interest because it proposes commercial land uses in close proximity to residential and office uses with appropriate buffering to less intense land uses. Finally, the proposed map amendment is in the public interest because it sets aside land at a prominent intersection for public art and obligates the property owner to contribute to the public art installation.

V. Recommended items of discussion (where applicable).

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

Not applicable.

- 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.**

Since the property was last rezoned, the Future Land Use Map was amended to reclassify this property to Neighborhood Mixed Use. Moreover, the use for which the property was initially zoned for retail uses is no longer likely to locate on the property.

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

Not applicable.

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

Not applicable.

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

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

The rezoning advances the fundamental purposes of zoning as set forth in the state enabling legislation because it regulates the use of land consistent with the comprehensive plan and because it proposes commercial land uses that are most appropriately located at the intersection of two major thoroughfares.

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

The applicant has no other arguments on behalf of the proposed map amendment at this time.

Design Guidelines for Mixed Use Areas

RALEIGH COMPREHENSIVE PLAN

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.*

Response: The proposed zoning allows retail, office and residential uses, and all such uses are already located within walking distance to the property.

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.*

Response: The proposed zoning requires a 50-foot wide natural protective yard adjacent to those properties to the east that are developed for low density residential uses.

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.*

Response: The proposed zoning contemplates three access points, including a joint access with the property to the south. The property does not front along a neighborhood 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.*

Response: No cul-de-sacs or dead-end streets are contemplated for this development, and the property will share an access point with the property to the south.

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

Response: Based on the two access points planned for Creedmoor Road and the one access point planned for Millbrook Road, no block face should exceed 660 feet.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: The proposed zoning conditions require that the northern-most portion of the site at the intersection of Creedmoor Road and Millbrook Road be set aside for public art.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

Site Design/Public Seating

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

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: No parking structures are contemplated for this site.

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.*

Response: The proposed zoning requires the dedication of two transit easements and possibly the construction of transit shelters. Moreover, city and Triangle Transit bus routes exist along Creedmoor Road and Millbrook Road.

18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

Response: This guideline can be better addressed at the site plan approval stage.

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.*

Response: This guideline can be better addressed at the site plan approval 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.*

Responses: There are no new streets proposed as part of this development. Moreover, this guideline can be better addressed at the site plan approval stage.

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.*

Response: This guideline can be better addressed at the site plan approval stage.

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.*

Response: This guideline can be better addressed at the site plan approval 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.*

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

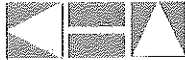
25. *The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.

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.*

Response: This guideline can be better addressed at the site plan approval stage. Moreover, this is a suburban location, and this intersection is not identified on the draft Urban Form map as an area to which these guidelines should be imposed.



Kimley-Horn
and Associates, Inc.

December 16, 2011

☒
P.O. Box 33068
Raleigh, North Carolina
27636

Mr. Eric Lamb, P.E.
City of Raleigh Public Works Department
One Exchange Plaza
219 Fayetteville Street, Suite 300
Raleigh, North Carolina 27601

Re: Creedmoor/Millbrook Rezoning
Raleigh, North Carolina

Dear Mr. Lamb:

Kimley-Horn and Associates, Inc. has reviewed the traffic generation potential for the proposed rezoning of the property located on the southeast quadrant of the intersection of Creedmoor Road at Millbrook Road in Raleigh, North Carolina. The property is a 7.27 acre tract that is currently zoned Shopping Center - Conditional Use with conditions that limit the commercial square footage to 40,000 square feet (SF) and the trip generation to the PM peak hour thresholds set in the March 2009 Traffic Impact Analysis (TIA). The proposed rezoning does not incorporate these conditions.

Trip Generation

The traffic generation potential of the proposed rezoning was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Eighth Edition, 2008) and is included in Table 1. While the exact uses for the property have yet to be determined, it is estimated that the site could consist of up to 115,000 SF of commercial space. The traffic generation potential of the existing zoning from the March 2009 TIA is also shown in the table below.

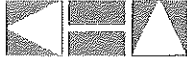


Table 1 ITE Trip Generation Comparison									
Land Use	Size	Daily		AM			PM		
		In	Out	Total	In	Out	Total	In	Out
Existing Zoning									
Net New External Trips From 2009 TIA		1,267	1,267	309	197	112	320	138	182
Proposed Zoning									
General Retail	115,000 s.f.	3,719	3,719	167	102	65	699	343	356
Pass-By Capture		1,190	1,190	0	0	0	238	117	121
Net New External Trips		2,529	2,529	167	102	65	461	226	235
Difference - Proposed vs. Existing		1,262	1,262	-142	-95	-47	141	88	53

Table I shows that when compared to the existing zoning, the proposed rezoning has the potential to result in an increase of 2,524 net new trips during a typical weekday (1,262 entering, 1,262 exiting), 142 fewer trips during the AM peak hour (-95 entering, -47 exiting), and an increase of 141 net new trips during the PM peak hour (88 entering, 53 exiting).

If you have any questions concerning our analysis, please do not hesitate to contact me at (919) 653-2948.

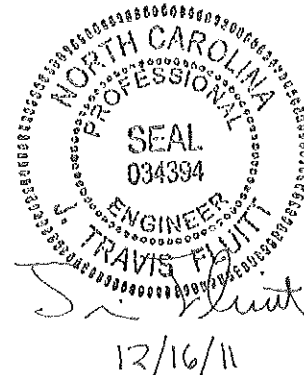
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Project Engineer

RMH/tf

CC: Michael Birch, K&L Gates LLP



ZONING CASE Z-__-12

REZONING OF PROPERTY CONSISTING OF +/- 7.27 ACRES LOCATED IN THE
SOUTHEAST CORNER OF THE INTERSECTION OF CREEDMOOR ROAD AND
MILLBROOK ROAD, IN THE CITY OF RALEIGHREPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON DECEMBER 15, 2011

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, December 15, 2011, at 6:00 p.m. The properties subject to this proposed zoning total approximately 7.27 acres, located in the southeast corner of the intersection of Creedmoor Road and Millbrook Road, in the City of Raleigh, having Wake County Parcel Identification Number 0796-47-8165 and 0796-47-7549. This meeting was held at the office of K&L Gates LLP, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, NC 27609. A copy of the meeting notice is attached hereto as **Exhibit A**. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit B** is a copy of the City Code required mailing list for the meeting invitations. Attached hereto as **Exhibit C** is a copy of the file-stamped letter enclosing the addressed, stamped envelopes, which was delivered to the City for mailing. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**. Attached hereto as **Exhibit E** is a list of individuals who attended the meeting. No changes were made to the rezoning petition as a result of this meeting.

EXHIBIT A
MEETING NOTICE
(See Attached)

2 mailed out 12/11/2/11 (10/11)

K&L | GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047
T 919.743.7300 www.klgates.com

December 2, 2011

R. Michael Birch Jr.
D 919.743.7314
F 919.516.2014
michael.birch@klgates.com

Via Hand Delivery

DeShele Sumpter
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

Re: Neighborhood Meeting Notices for Potential Rezoning for 5550 and 5624 Creedmoor Road

Dear DeShele:

In accordance with provisions of the City Code, I am enclosing stamped, addressed envelopes containing neighborhood meeting notices for a potential rezoning case, to be mailed by the City. I am also attaching a copy of the notice and the list of property owners to whom the notices are being sent.

The meeting is scheduled for Thursday, December 15th, so please place the notices in the mail this afternoon.

Please feel free to call me should you have any questions or comments.

Sincerely,



R. Michael Birch Jr.

Enclosures

CITY OF RALEIGH
CITY PLANNING DEPT
2011 DEC -2 PM 3:25

MEMORANDUM

To Neighboring Property Owners

From Mack Paul and Michael Birch

Date December 2, 2011

Re Notice of meeting to discuss potential rezoning of property located in the southeast corner of the intersection of Creedmoor Road and Millbrook Road, containing approximately 7.27 acres, and having Wake County Parcel Identification Numbers: 0796-47-7549 and 0796-47-8165 (the “Property”).

We are counsel for York Development Group (“York Development”), which is considering rezoning the Property. As some of you may recall, York Development rezoned the Property in 2009 to Shopping Center Conditional Use. York Development is considering rezoning the Property to Shopping Center Conditional Use, with changes to the zoning conditions.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, December 15, 2011 at 6:00 p.m. This meeting will be held at the offices of K&L Gates, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, NC 27609. The office is located at North Hills Mall, above Moe’s Restaurant, and can be accessed through the doors located off the breezeway between the surface parking lot along Six Forks Road and the main street.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7326 or mack.paul@klgates.com and (919) 743-7314 or michael.birch@klgates.com.

EXHIBIT B

List of Property Owners Contacted About Meeting

BENNETT, DIXIE E
2108 W MILLBROOK RD
RALEIGH NC 27612-6335

SMITH, DERYL RAYNOR JR & LINDSAY H
5605 BENNETTWOOD CT
RALEIGH NC 27612-6059

WORLEY, KELLI & SCOTT
5609 BENNETTWOOD CT
RALEIGH NC 27612-6059

CROSSPOINTE INVESTMENTS LLC
PO BOX 5411
ASHEVILLE NC 28813-5411

NC LICENSING BOARD FOR GENERAL CONT
PO BOX 17187
RALEIGH NC 27619-7187

BAKER, KATHERINE L
5705 HEDGEMOOR DR
RALEIGH NC 27612-6323

SCHOONOVER, GARRY & BELINDA
2616 SHERBORNE PL
RALEIGH NC 27612-2953

JME WAKE OFFICES LLC GSE WAKE OFFICES LLC
2620 LOUIS STEPHENS RD
CARY NC 27519-7679

HARDEES FOOD SYSTEMS INC CKE RESTAURANTS INC
ATTN TAX DEPT
PO BOX 4349
ANAHEIM CA 92803-4349

SAUNDERS, DOUGLAS B & MONICA M
2112 TULARE CT
RALEIGH NC 27612-3840

HUNT, KEMP NEAL & FRANCES C
2608 SHERBORNE PL
RALEIGH NC 27612-2953

CONGREGATION BETH OR INC
5315 CREEDMOOR RD
RALEIGH NC 27612-6305

CHONG, CHARLES & HELEN H S
5608 BENNETTWOOD CT
RALEIGH NC 27612-6029

BECKER, PATRICIA ANN
2108 TULARE CT
RALEIGH NC 27612-3840

BENNETT, DIXIE E
2108 W MILLBROOK RD
RALEIGH NC 27612-6335

PADDOCK, ELIZABETH W
5701 HEDGEMOOR DR
RALEIGH NC 27612-6323

SNIDER, IAN P & AARON
5604 BENNETTWOOD CT
RALEIGH NC 27612-6029

JT HOBBY & SON INC
C/O FRANKLIN HOLMES HOBBY PROPERTIES INC
PO BOX 18506
RALEIGH NC 27619-8506

BENNETT, DIXIE E
2108 W MILLBROOK RD
RALEIGH NC 27612-6335

BENNETT, DIXIE E
2108 W MILLBROOK RD
RALEIGH NC 27612-6335

BENNETT, DIXIE E
2108 W MILLBROOK RD
RALEIGH NC 27612-6335

BUSBEE, JAMES E & APRIL D ANTHONY
5709 HEDGEMOOR DR
RALEIGH NC 27612-6323

CREEDMOOR DEVELOPMENT CO LLC
WALGREEN CO STORE #15019
ATTN TAX DEPT
PO BOX 901
DEERFIELD IL 60015-0901

FAISON, SANDRA C & WILLIAM C
5656 BENNETTWOOD CT
RALEIGH NC 27612-6029

FIFTH THIRD BANK
38 FOUNTAIN SQUARE PLZ
CINCINNATI OH 45202-3102

CARY DEVELOPMENT PTNR LLC
15009 LANCASTER HWY
CHARLOTTE NC 28277-2010

CARY DEVELOPMENT PTNR LLC
YORK DEVELOPMENT GROUP
14120 BALLANTYNE CORPORATE PL
CHARLOTTE NC 28277-2858

EXHIBIT C

FILE-STAMPED ENLOSURE LETTER

(See Attached)

EXHIBIT D

SUMMARY OF DISCUSSION ITEMS

On Thursday, December 15, 2011, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. The following items were discussed:

1. Proposed land uses and conditions
2. Changes to existing conditions
3. Proposed location of access points
4. Ability to install traffic signal at Bennettwood Court
5. Projected traffic flow internal to the site
6. Infrastructure improvements along Creedmoor and Millbrook
7. Ability to expand commercial development to parcels along Sherborne Place
8. Width of buffer along properties to the east
9. Cross-access requirements to property to the south
10. Development of pharmacy across Creedmoor Road
11. Public hearing process

EXHIBIT E

NEIGHBORHOOD MEETING ATTENDEES

Garry Schoonover
2600 & 2616 Sherborne Place
Raleigh, NC 27612

Gerry Bennett
5805 Bramblewood Drive
Raleigh, NC 27612