

CITY OF RALEIGH

Z-30-09

**R-4
to
R-15 CUD**

5.11 acres

Public Hearing
July 21, 2009
(November 18, 2009)

250
Feet



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

Please check boxes where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s) John F. Bruckel
RRC Board of Directors

Date: 3-20-2009

Please type or print name(s) clearly:
JOHN F. BRUCKEL

CITY OF RALEIGH
CITY PLANNING DEPT
2009 MAR 20 AM 11: 27

EXHIBIT B. Request for Zoning Change

Office Use Only	Z - 0 3 0 - 0 9
Petition No.	
Date Filed:	3.20.09
Filing Fee:	pd 1028.00 by check # 115790

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s):	<u>Raleigh Racquet Club, Inc.</u>	<u>5516 Falls of Neuse Road</u>	_____
Note: Conditional Use District			
Petitioner(s) must be owner(s) of		<u>Raleigh, NC 27609</u>	_____
petitioned property.			_____

2) Property Owner(s):			
	<u>Raleigh Racquet Club, Inc.</u>	<u>5516 Falls of Neuse Road</u>	_____
		<u>Raleigh, NC 27609</u>	_____

3) Contact Person(s):			
	<u>Beth Trahos</u>	<u>434 Fayetteville Street</u>	<u>(919) 755-8760</u>
	<u>Smith Moore Leatherwood</u>	<u>Suite 2800</u>	<u>beth.trahos@smithmoor</u>
	<u>LLP</u>	<u>Raleigh, NC 27601</u>	<u>elaw.com</u>

4) Property

Description: Wake County Property Identification Number(s) (PIN): This tract was recombined in October 2008 and no new PIN has been assigned by Wake County. The recombination map is recorded at Book of Maps 2008, Page 2029, Wake County Registry, and a copy is attached for your reference. The PIN for the parent 11.6 acre tract is 1716 47 2665.

General Street Location (nearest street intersections): Falls of Neuse Road just north of intersection with Fairfax Drive and south of Intersection at Spring Forest Road.

5) Area of Subject Property (acres):
5.1196± acres

6) Current Zoning District(s)
Classification: R-4
 Include Overlay District(s), if Applicable _____

7) Proposed Zoning District
Classification: R-15 CUD
 Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state. _____

Adjacent Property Owner List

- A. The Falls Condominiums
5808 Nottoway Court
Raleigh, North Carolina 27609-4086
1716384447 000

Condominium Owners:

1. 1716384447 001
Wells Fargo Bank NA/ TR Option One Mortgage Loan Trust 2002-A AS
6501 Irvine Center Drive
Irvine, California 92618-2118
2. 1716384447 002
Gilbert S. Taylor Heirs
c/o David G. Taylor, Executer
1200 Falls of Neuse Road, Apartment B
Raleigh, North Carolina 27609-4078
3. 1716384447 003
Harold Weinstein
1200 Falls of Neuse Road, Apartment C
Raleigh, North Carolina 27609-4078
4. 1716384447 005
Adrienne Marie Binni
1204 Falls of Neuse Road, Apartment A
Raleigh, North Carolina 27609-4078
5. 1716384447 006
Donald and Patricia Rayl
1504 Windbur Place – Apartment B
Raleigh, North Carolina 27609-4038
6. 1716384447 007
Randall E. and Chérique D Roycroft
2538 Palmer Court
Wake Forest, North Carolina 27587-6445
7. 1716384447 008
Dennis Fulton and Michael Holahan
1204 Falls Church Road – Apartment D
Raleigh, North Carolina 27609-4079

8. 1716384447 009
James T. Hill
2538 Palmer Court
Wake Forest, North Carolina 27587-6445
9. 1716384447 010
Donald E. Jones
Dale E. Jones
1204 Falls Church Road – Apartment F
Raleigh, North Carolina 27609-4079
10. 1716384447 011
Alice G. Morse
5800 Falls of Neuse Road – Apartment A
Raleigh, North Carolina 27609-4059
11. 1716384447 012
William Bobby Land
Mary Land
4700 Cornwall Place
Raleigh, North Carolina 27612-4446
12. 1716384447 013
Ronald C. Delatorre
5800 Falls of Neuse Road – Apartment. C
Raleigh, North Carolina 27609-4059
13. 1716384447 014
Donna Elizabeth Corbett
5800 Falls of Neuse Road – Apartment D
Raleigh, North Carolina 27609-4059
14. 1716384447 015
Leslie Marie Kitchings
5800 Falls of Neuse Road – Apartment E
Raleigh, North Carolina 27609-4059
15. 1716384447 016
Margaret B. Betz
5800 Falls of Neuse Road – Apartment F
Raleigh, North Carolina 27609-4091
16. 1716384447 017
Carol K. Stahl
3017 Granville Drive
Raleigh, North Carolina 27609-6917

17. 1716384447 018
Jimmy M. Lynch
5705 Oak Forest Road
Raleigh, North Carolina 27613-1803
18. 1716384447 019
Molly C. Sanders, Trustee
2116 Camrose Street
Raleigh, North Carolina 27608-1669
19. 1716384447 020
Marilyn Jean Wise
5804 Falls of Neuse Road – Apartment B
Raleigh, North Carolina 27609-4060
20. 1716384447 021
Carlson L. and Debra T. Cobb
4209 Marvin Place
Raleigh, North Carolina 27609-5951
21. 1716384447 022
Joseph A. and Patricia L. McGuire
1511 Hemphill Drive
Raleigh, North Carolina 27609-3599
22. 1716384447 023
Adrian Daci
5804 Falls of Neuse Road
Raleigh, North Carolina 27609-4060
23. 1716384447 024
Lula P. Mangum
5804 Falls of Neuse Road – Apartment F
Raleigh, North Carolina 27609-4092
24. 1716384447 025
Patrick M. McGuire
5804 Falls of Neuse Road, Apartment G
Raleigh, NC 27609-4092
25. 1716384447 026
Dorrian Kito Stephens
5804 Falls of Neuse Road – Apartment H
Raleigh, North Carolina 27609-4092

26. 1716384447 027
Michelle A. and Joanne M. Altier Brooks
c/o Doris Hummel
5808 Falls of Neuse Road – Apartment A
Raleigh, North Carolina 27609-4061
27. 171684447 028
Robert E. Brown
Atherine R. Brown
3117 Braddock Drive
Raleigh, North Carolina 27612-2165
28. 1716384447 029
Timothy David Palmer
5808 Falls of Neuse Rod – Apartment C
Raleigh, North Carolina 27609-4061
29. 1716384447 030
Djafar Mehdian
10 Haycox Court
Durham, North Carolina 27713-7558
30. 1716384447 031
Jimmy M. Lynch
5705 Oak Forest Drive
Raleigh, North Carolina 27616-1803
31. 1716384447 032
Stanford G. Partin
Ann Campbell Partin
2901 Old Trafford Way
Raleigh, North Carolina 27606-8321
32. 1716384447 033
Anthony E. Klisurich
5808 Falls of Neuse Road – Apartment G
Raleigh, North Carolina 27609-4093
33. 1716384447 034
Rebecca Anne Mathi Faris
130 Solstice Circle
Cary, North Carolina 27513-5209

34. 1716384447 035
Tim Wadford
5801 Nottoway Court – Apartment B
Raleigh, North Carolina 27609-4083
35. 1716384447 036
Delbridge S. O'Neal
1717 Tealwood Place
Raleigh, North Carolina 27615-7429
36. 1716384447 037
Sylvia S. Starika
5801 Nottoway Court – Apartment D
Raleigh, North Carolina 27609-4083
37. 716384447 038
Marjorie A. Putnam
456 Rose Lane
Raleigh, North Carolina 27610-3645
38. 1716384447 039
Deborah L. Travis
190 Rolling Acres Road
Youngsville, North Carolina 27596-8976
39. 1716384447 040
Mark E. Donaldson
5805 Nottoway Court – Apartment A
Raleigh, North Carolina 27609-4082
40. 1716384447 041
Joseph B. Stiehm
5805 Nottoway Court – Apartment B
Raleigh, North Carolina 27609-4082
41. 1716384447 042
Jennifer M. Masat
5805 Nottoway Court – Apartment C
Raleigh, North Carolina 27609-4082
42. 1716384447 043
Neal Coleman Floyd, Jr.
7908 Audobon Drive
Raleigh, North Carolina 27615-3407

43. 1716384447 044
Brian P. Cookson
5805 Nottoway Court – Apartment E
Raleigh, North Carolina 27609-4082
44. 1716384447 045
Mary Peters
5805 Nottoway Court – Apartment F
Raleigh, North Carolina 27609-4082
45. 1716384447 046
Randall E. and Cherrette D. Roycroft
8701 Stonegate Drive
Raleigh, North Carolina 27615-2327
46. 1716384447 047
Wanda J. Brown
5809 Nottoway Court – Apartment B
Raleigh, North Carolina 27609-4081
47. 1716384447 048
Amanda and Anthony R. Damar Stout
105 Farrington Drive – Apartment F
Raleigh, North Carolina 27615-2905
48. 1716384447 049
Rachel Thompson Price
401 Deming Road
Chapel Hill, North Carolina 27514-3207
49. 1716384447 050
J. Eugene Pipas
5809 Nottoway Court – Apartment E
Raleigh, North Carolina 27609-4081
50. 1716384447 051
Lucian C. Larkin
5809 Nottoway Court – Apartment F
Raleigh, North Carolina 27609-4081
51. 1716384447 052
Jeffrey W. Mavity
5809 Nottoway Court – Apartment G
Raleigh, North Carolina 27609-4081

52. 1716384447 053
Pamela A. Stepp
5809 Nottoway Court – Apartment H
Raleigh, North Carolina 27609-4081
53. 1716384447 054
Meredith R. Ellington
5813 Nottoway Court – Apartment A
Raleigh, North Carolina 27609-4080
54. 1716384447 055
Sinnikka Smith
5813 Nottoway Court – Apartment B
Raleigh, North Carolina 27609-4080
55. 1716384447 056
William and Kathy Lynn Kreider
5813 Nottoway Court – Apartment C
Raleigh, North Carolina 27609-4080
56. 1716384447 057
Maximus E. Frederick
8809 Bluff Pointe Court
Raleigh, North Carolina 27615-4133
57. 1716384447 058
Louis F. Menditto
4701 Tanglewood Drive
Raleigh, North Carolina 27612-3141
58. 1716384447 059
Tracy Williams
5600 Falls of Neuse Road – Apartment B
Raleigh, North Carolina 27609-4051
59. 1716384447 060
John T. Swayze
c/o John D. Tichener, Jr. Capitol One
Post Office Box 18426
Raleigh, North Carolina 27619-8426
60. 1716384447 061
June Hong-Ling Yiu
5600 Falls of Neuse Road – Apartment D
Raleigh, North Carolina 27609-4051

61. 1716384447 062
James A. Correll
5600 Falls of Neuse Road
Raleigh, North Carolina 27609-4051
62. 1716384447 063
Helen P. Peitzmeyer
5602 Falls of Neuse Road – Apartment A
Raleigh, North Carolina 27609-4057
63. 1716384447 064
Sonia Ramirez
5602 Falls of Neuse Road – Apartment B
Raleigh, North Carolina 27609-4057
64. 1716384447 065
Carlos Umanzor Fuentes
5602 Falls of Neuse Road – Apartment C
Raleigh, North Carolina 27609-4057
65. 1716384447 066
Patricia Utley Lipscomb
Johnny Lipscomb, Jr.
5602 Falls of Neuse Road – Apartment D
Raleigh, North Carolina 27609-4057
66. 1716384447 067
North Carolina Services for Dentistry, Inc.
Post Office Box 4099
Cary, North Carolina 27519-4099
67. 1716384447 068
Kendall and Dionne Moragne
5602 Falls of Neuse Road – Apartment F
Raleigh, North Carolina 27609-4087
68. 1716384447 069
Linda Rae Tatum
5602 Falls of Neuse Road – Apartment G
Raleigh, North Carolina 27609-4087
69. 1716384447 070
Rita E. Anderson
5602 Falls of Neuse Road – Apartment H
Raleigh, North Carolina 27609-4087

70. 1716384447 071
Mary Margaret Haddock
5604 Falls of Neuse Road – Apartment A
Raleigh, North Carolina 27609-4062
71. 1716384447 072
Kirk J. Byerly
5604 Falls of Neuse Road – Apartment B
Raleigh, North Carolina 27609-4062
72. 1716384447 073
Daniel E. and Jean F. Harrell
460 Pitt Street
Raleigh, North Carolina 27609-5656
73. 1716384447 074
Rixie M. Vanderberry
5108 Holly Ridge Farm Road
Raleigh, North Carolina 27616-6106
74. 1716384447 075
Mary Williams Tate
5604 Falls of Neuse Road – Apartment E
Raleigh, North Carolina 27609-4088
75. 1716384447 076
Judy C. Perry
5604 Falls of Neuse Road – Apartment F
Raleigh, North Carolina 27609-4088
76. 1716384447 077
Dennis Wayne Money
5604 Falls of Neuse Road – Apartment G
Raleigh, North Carolina 27609-4088
77. 1716384447 078
Patricia McPhail
5604 Falls of Neuse Road – Apartment H
Raleigh, North Carolina 27609-4088
78. 1716384447 079
Thomas G. and Charlene L. Jeffries
6121 Bellow Street
Raleigh, North Carolina 27609-3617

79. 1716384447 080
Jonathan Richard Roach
19255 East 13 Mile Road
Roseville, Michigan 48066-1307
80. 1716384447 081
Gail G. Smith
300 Latimer Road
Raleigh, North Carolina 27609-5977
81. 1716384447 082
Deborah J. Warren
5608 Falls of Neuse Road – Apartment D
Raleigh, North Carolina 27609-4063
82. 1716384447 083
Brian C. and Leslie M. Simmons
5608 Falls of Neuse Road – Apartment E
Raleigh, North Carolina 27609-4089
83. 1716384447 084
Rose Russ
5608 Falls of Neuse Road – Apartment F
Raleigh, North Carolina 27609-4089
84. 1716384447 085
Bombay Kitchen, LLC
5608 Falls of Neuse Road – Apartment G
Raleigh, North Carolina 27609-4089
85. 1716384447 086
Sheba Jervonne Robinson
5608 Falls of Neuse Road – Apartment H
Raleigh, North Carolina 27609-4089
86. 1716384447 087
Pensco Trust Co. Custodian FBO
Post Office Box 26903
San Francisco, California 94126-6903
87. 1716384447 088
Margaret A. Smith
5612-B Falls of the Neuse Road
Raleigh, North Carolina 27609

88. 1716384447 089
Jose A. Navarro
1908 Palisade Avenue
Union City, New Jersey 07087-4428
89. 1716384447 090
Otis Thurman Williams
5612 Falls of Neuse Road – Apartment D
Raleigh, North Carolina 27609-4064
90. 1716384447 091
Deanna Jeanne Quillin
1200 Falls Church Road – Apartment D
Raleigh, North Carolina 27609-4078
91. 1716384447 092
Blair Carrieri
5612 Falls of Neuse Road – Apartment F
Raleigh, North Carolina 27609-4090
92. 1716384447 093
Michael Jones
5612 Falls of Neuse Road – Apartment G
Raleigh, North Carolina 27609-4090
93. 1716384447 094
Shane Jones
5612 Falls of Neuse Road – Apartment H
Raleigh, North Carolina 27609-4090
94. 1716384447 095
Bruce K. and Hazel M. MacNeal
Courtney M. MacNeal
1205 Manassas Court – Apartment A
Raleigh, North Carolina 27609-4052
95. 1716384447 096
Edwin Properties, LLC
1113 Silver Oaks Court
Raleigh, North Carolina 27614-9359
96. 1716384447 097
Keith Woods
1205 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4052

97. 1716384447 098
Michael Holmes
1205 Manassas Court – Apartment D
Raleigh, North Carolina 27609-4052
98. 1716384447 099
James J. Gorman
1205 Manassas Court
Raleigh, North Carolina 27609-4052
99. 1716384447 100
Regina Theresa Haggerty
1205 Manassas Court – Apartment F
Raleigh, North Carolina 27609-4052
100. 1716384447 101
Baker Family Limited Partnership of Raleigh
3121 Braddock Drive
Raleigh, North Carolina 27612-2165
101. 1716384447 102
Cuong Quoc Phung
1208 Manassas Court – Apartment B
Raleigh, North Carolina 26709-4058
102. 1716384447 103
Michael R. Gough
1208 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4058
103. 1716384447 104
Eric A. Minear
1715 Euclid Avenue Road
Durham, North Carolina 27713-2414
104. 1716384447 105
Cynthia A. Finn
3020 Hiking Trail
Raleigh, North Carolina 27615-4003
105. 1716384447 106
Rhodney T. Hamby
1502 Edgeside Court
Raleigh, North Carolina 27609-3570

106. 1716384447 107
Charles E. Morrison, III
1208 Manassas Court – Apartment H
Raleigh, North Carolina 27609-4095
107. 1716384447 108
Brian Davis
1208 Manassas Court – Apartment H
Raleigh, North Carolina 27609-4095
108. 1716384447 109
Jennifer C. Sterbens
1209 Manassas Court – Apartment A
Raleigh, North Carolina 27609-4095
109. 1716384447 110
LeVern and Francine Wilson
1209 Manassas Court – Apartment B
Raleigh, North Carolina 27609-4049
110. 1716384447 111
John Walker Moore
1209 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4049
111. 1716384447 112
Kristie Lynn Melvin
1209 Manassas Court – Apartment D
Raleigh, North Carolina 27609-4049
112. 1716384447 113
Howard Monadi
1212 Manassas Court – Apartment A
Raleigh, North Carolina 27609-4053
113. 1716384447 114
Mary Helen Pearsall
1212 Manassas Court – Apartment B
Raleigh, North Carolina 27609-4053
114. 1716384447 115
Timothy Scott Merrell
Sabrina Kay Merrell
1212 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4053

115. 1716384447 116
Nicholas D. Brown
6633 Teal Briar Drive
Raleigh, North Carolina 27615-7427
116. 1716384447 117
Robert E. Ruegger
7208 Madiera Court
Raleigh, North Carolina 27615-3328
117. 1716384447 118
Robert E. Ruegger
John R. Ruegger
1212 Manassas Court – Apartment F
Raleigh, North Carolina 27609-4053
118. 1716384447 119
Vicki B. Johnson
1213 Manassas Court – Apartment A
Raleigh, North Carolina 27609-4054
119. 1716384447 120
Doniece Richardson
1213 Manassas Court – Apartment B
Raleigh, North Carolina 27609-4054
120. 1716384447 121
Evan Vick
1213 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4054
121. 1716384447 122
Paula Totman
1213 Manassas Court – Apartment D
Raleigh, North Carolina 27609-4054
122. 1716384447 123
John B. Gale
1213 Manassas Court
Raleigh, North Carolina 27609-4054
123. 1716384447 124
Bryan Gremchuk
1213 Manassas Court
Raleigh, North Carolina 27609-4054

124. 1716384447 125
Ladislau and Rozalia Ludwig
1213 Manassas Court – Apartment G
Raleigh, North Carolina 27609-4054
125. 1716384447 126
Kim Price
1213 Manassas Court – Apartment H
Raleigh, North Carolina 27609-4054
126. 1716384447 127
Laura and Charles K. Moore
1216 Manassas Court – Apartment A
Raleigh, North Carolina 27609-4056
127. 1716384447 128
Patrick Ryan Harris
1216 Manassas Court – Apartment B
Raleigh, North Carolina 27609-4056
128. 1716384447 129
James Joseph Conder
1216 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4056
129. 1716384447 130
Michael F. Kennedy
1216 Manassas Court – Apartment D
Raleigh, North Carolina 27609-4056
130. 1716384447 131
Eileen L. Appolone
1216 Manassas Court
Raleigh, North Carolina 27609-4056
131. 1716384447 132
Schrader Properties, LLC
5862 Faringdon Place – Suite 1
Raleigh, North Carolina 27609-3931
132. 1716384447 133
Joanne E. Glassford
1216 Manassas Court – Apartment G
Raleigh, North Carolina 27609-4096

133. 1716384447 134
Leon Clark Bondurant, Jr.
1216 Manassas Court – Apartment H
Raleigh, North Carolina 27609-4096
134. 1716384447 135
Doris J. Pietrzak
1217 Manassas Court – Apartment A
Raleigh, North Carolina 27609-4055
135. 1716384447 136
Harry R. Moon
1217 Manassas Court – Apartment B
Raleigh, North Carolina 27609-4055
136. 1716384447 137
Alan Chase
Anthony and Ellen Poye
1217 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4055
137. 1716384447 138
Layal and Chawki A. Lahoud
7705 Moorgage Court
Raleigh, North Carolina 27615-3606
138. 1716384447 139
William Jeffrey Poole
1217 Manassas Court
Raleigh, North Carolina 27609-4055
139. 1716384447 140
Harold M. Williams
1217 Manassas Court – Apartment F
Raleigh, North Carolina 27609-4097
140. 1716384447 141
Valerie J. Schlitt
1217 Manassas Court – Apartment G
Raleigh, North Carolina 27609-4097
141. 1716384447 142
Douglas I. Hamer
8417 Kempton Road
Raleigh, North Carolina 27615-1914

142. 1716384447 143
Glen Franklin Whitley
5305 Clemson Court
Raleigh, North Carolina 27609-4702
143. 1716384447 144
Thomas and Lois Nielsen
911 Horsetrail Way
Wake Forest, North Carolina 27587-4604
144. 1716384447 145
Etta Elizabeth Puryear
1220 Manassas Court – Apartment C
Raleigh, North Carolina 27609-4050
145. 1716384447 146
Harlen D. Greene
1220 Manassas Court – Apartment D
Raleigh, North Carolina 27609-4050
146. 1716384447 147
Leslie R. and Toni M. Moxley
2101 Possum Trot Drive
Wake Forest, North Carolina 27587-6651
147. 1716384447 148
Gary A. King, II
1220 Manassas Court – Apartment F
Raleigh, North Carolina 27609-4050
148. 1716384447 149
Jo A. Stimac
1220 Manassas Court – Apartment G
Raleigh, North Carolina 27609-4050
149. 1716384447 150
Meredith L. Senhour
1220 Manassas Court – Apartment H
Raleigh, North Carolina 27609-4050
150. 1716384447 151
Walter and Betty B. Sizemore
5800 Nottoway Court – Apartment A
Raleigh, North Carolina 27609-4084

151. 1716384447 152
Haythem Saymeh
5800 Nottoway Court – Apartment B
Raleigh, North Carolina 27609-4084
152. 1716384447 153
Ohad and Aviv A. Oreg Applebaum
c/o Trademark Properties
1001 Wake Avenue – Suite 15
Raleigh, North Carolina 27605
153. 1716384447 154
Rita R. Kearney
5800 Nottoway Court – Apartment D
Raleigh, North Carolina 27609-4084
154. 1716384447 155
James Anthony Woolley, Trustee
Marty Elizabeth Kirick, Trustee
Post Office Box 400
Briggs, Texas 78608-0400
155. 1716384447 156
Tim J. Wadford
Mitesh Patel Wadford
5800 Nottoway Court – Apartment F
Raleigh, North Carolina 27609-4084
156. 1716384447 157
Audrey M. McCracken
Rebecca Cutrera
5800 Nottoway Court – Apartment G
Raleigh, North Carolina 27609-4084
157. 1716384447 158
Joseph and Isabel Vignone
5800 Nottoway Court – Apartment H
Raleigh, North Carolina 27609-4084
158. 1716384447 159
Louis F. Menditto
4701 Tanglewood Drive
Raleigh, North Carolina 27612-3141

159. 1716384447 160
Mitesh Patel
Timothy James Patel
3325 Dainerfield Road
Raleigh, North Carolina 27616
160. 1716384447 161
Edith H. Byrd
5804 Nottoway Court – Apartment D
Raleigh, North Carolina 27609-4085
161. 1716384447 162
Joseph and Louis F. Menditto
5804 Nottoway Court
Raleigh, North Carolina 27609-4085
162. 1716384447 163
Christopher James Richter
April Michelle Bonin Richter
5804 Nottoway Court – Apartment F
Raleigh, North Carolina 27609-4085
163. 1716384447 164
Raymond Ferguson
30 Kejaro Court
Centereach, New York 11720-3004
164. 1716384447 165
Ruth Gombatz
5804 Nottoway Court – Apartment H
Raleigh, North Carolina 27609-4085
165. 1716384447 166
Mary E. Terrell
5808 Nottoway Court
Raleigh, North Carolina 27609-4086
166. 1716384447 167
Emily E. O'Neal
1424 Opal Court
Raleigh, North Carolina 27615-2868
167. 1716384447 168
Diane B. Pergerson
5808 Nottoway Court – Apartment C
Raleigh, North Carolina 27609-4086

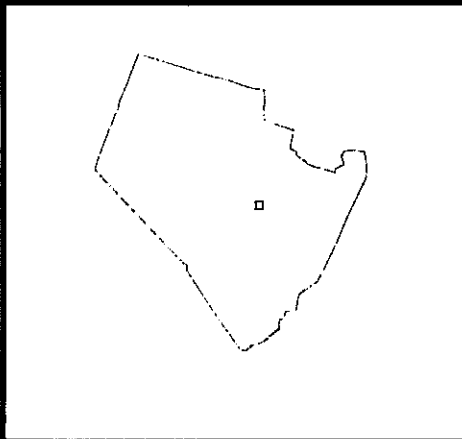
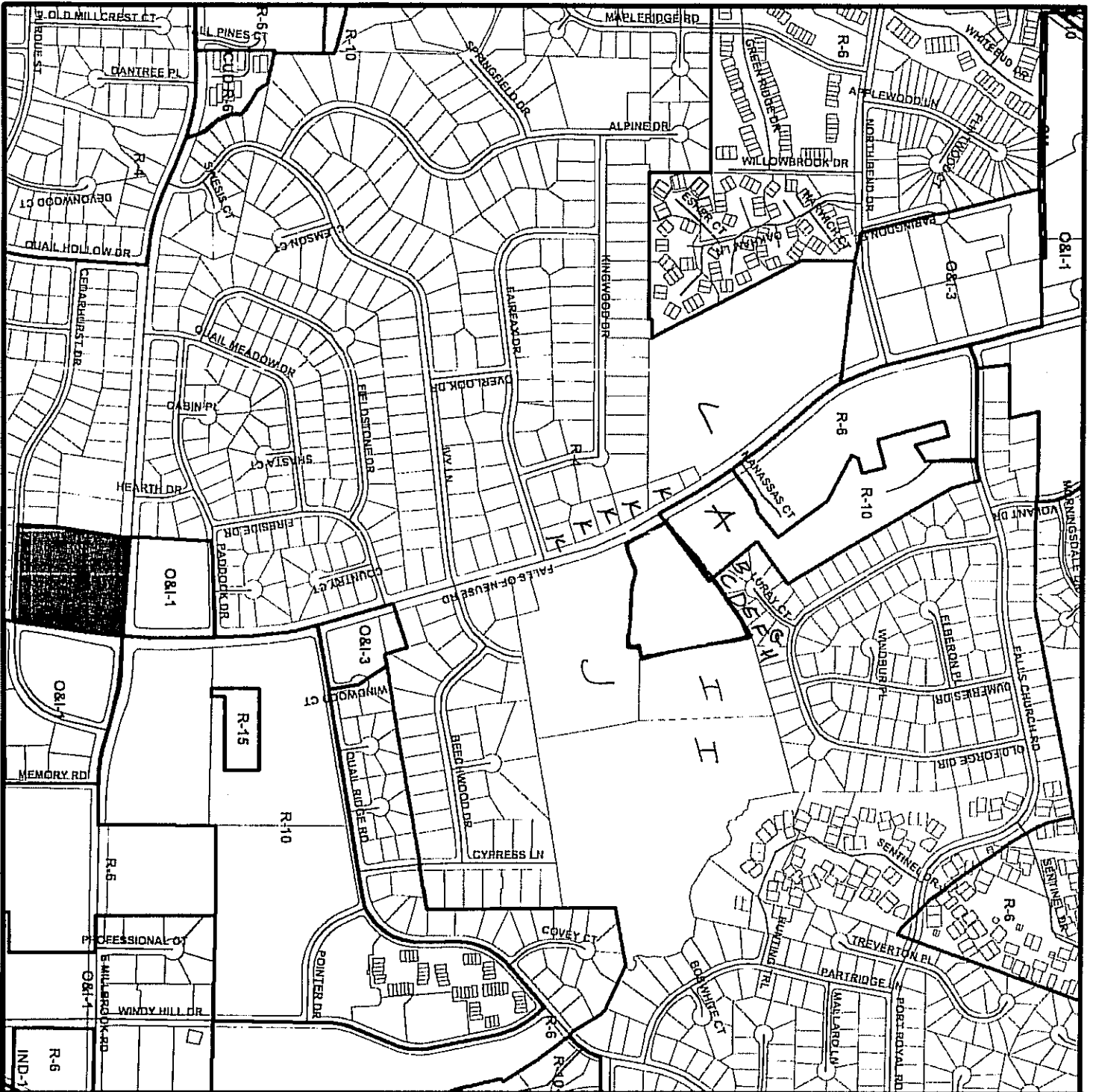
168. 1716384447 169
Brenda Carol Young
5808 Nottoway Court – Apartment D
Raleigh, North Carolina 27609-4086
169. 1716384447 170
Paul E. Cassidy
5808-E Nottoway Drive
Raleigh, North Carolina 27609
170. 1716384447 171
Carol C. and James L. Boyette, II
5808 Nottoway Court – Apartment F
Raleigh, North Carolina 27609-4086
171. 1716384447 172
John T. Swayze
c/o John D. Tichener, Jr.
Post Office Box 18426
Raleigh, North Carolina 27619-8426
172. 1716384447 173
Dan Thomas Hartley
5808 Nottoway Court – Apartment H
Raleigh, North Carolina 27609-4086
173. 1716384447 174
Deanna Jean Quillin
1200 Falls Church Road – Apartment D
Raleigh, North Carolina 27609-4078
174. 1716384447 175
Patricia R. Quick
5804 Nottoway Court – Apartment A
Raleigh, North Carolina 27609-a4085
175. 1716384447 176
The Amenities I, LLC
2633 Fairview Road
Raleigh, North Carolina 27608-1347

- B. James Goodwin, III
1301 Luray Court
Raleigh, North Carolina 27609-4020
1716378992
- C. Joseph and Marilyn Leap
1301 Luray Court
Raleigh, North Carolina 27609-4021
1716379865
- D. Maryellen Burke
1301 Luray Court
Raleigh, North Carolina 27609-4021
1716470950
- E. John B. Vitale, Jr.
1308 Luray Court
Raleigh, North Carolina 27609-4021
1716471926
- F. Robert J. Clish, II
1312 Luray Court
Raleigh, North Carolina 27609-4021
1716481091
- G. Aubrey and Barbara Fussell
1316 Luray Court
Raleigh, North Carolina 27609-4021
1716482049
- H. Donald W. Prather
5504 Old Forge Circle
Raleigh, North Carolina 27609-4030
1716483037
- I. Raleigh Racquet Club, Inc.
5516 Falls of Neuse Road
Raleigh, North Carolina 27609-4760
1716472665
- J. Friendship Baptist Church
5510 Falls of Neuse Road
Raleigh, North Carolina 27609-4760
1716472180

K. Thomas Kent Wagoner
1214 Ballyhask Place
Raleigh, North Carolina 27606-6859
1716376201
1716375345
1716374566

L. Roman Catholic Diocese of Raleigh
715 Nazareth Street
Raleigh, North Carolina 27606-2187
1716289011

RALEIGH 362424.1



3/20/2009 9:50 AM

1 inch equals 700 feet

WAKE COUNTY

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

*This document is a graphic representation only
 created from the best available materials.
 Wake County assumes no responsibility for any errors
 or omissions on this document.

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

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

A. Please state which District Plan area the subject property is located within and the recommended land use for this property:

The subject property is located within the North District, and designated for "residential (suburban)" use on the Recommended Urban Form Map. The "residential (suburban)" designation is the default designation for this area; any area that was not specifically planned for something else was left white or "residential (suburban)." The North District plan encourages higher density residential infill.

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

The subject property is not subject to any specific area plan.

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

The proposed map amendment is consistent with the Comprehensive Plan in that that the North District plan encourages residential redevelopment at higher densities. The proposal is not consistent with the Recommended Urban Form map default designation of “residential (suburban.)”

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):

The subject property is currently a part of the Raleigh Racquet Club property, and contains the swimming pool for the club.

The subject property is surrounded on three sides by institutional uses: the Friendship Baptist Church; St. Raphael the Archangel Catholic Church and Catholic School and the Raleigh Racquet Club. Other immediately adjacent uses include a seasonal sales lot for Christmas trees, pumpkins, azaleas, etc.; the Falls condominiums; Falls Church, Fairfax Hills and Whitehall neighborhoods. The surrounding community includes a bank, several office developments, apartments, and two retail shopping centers.

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

Surrounding and nearby properties are zoned Office & Institutional -3, Residential-10, Residential-6, and Residential-4. Surrounding land is used for condominiums, townhomes, single-family residences, churches, a school and a seasonal sales (Christmas trees, pumpkins, azaleas, etc.) lot. There are variety of residential densities and housing styles in close proximity to one another. Most of the property fronting Falls of Neuse Road has been used for non-residential uses permitted within residential zoning districts- churches, schools, recreational facilities and the like. Generally, there is little tree cover along Falls of Neuse Road.

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

The subject property is suitable for a senior living facility (note the conditions limit uses to a congregate care structure or congregate livings structure plus the uses permitted under the current zoning), and such a facility will be compatible with the surrounding area. A senior living facility will fit well among the churches, school, condominium and recreational facilities that front Falls of Neuse Road today.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed zoning benefits the land owner in that it allows them to sell this property and see it redevelop for a use that will coexist well with the Raleigh Racquet Club, which they will continue to operate at this location.

B. For the immediate neighbors:

Better use and redevelopment of the property will likely increase adjacent property values. The proponent of this case, Raleigh Racquet Club, is also an immediate neighbor of it, and will be most affected by the proposed rezoning

C. For the surrounding community:

The surrounding community will benefit from having this property redeveloped as a senior living facility. New investment will lend a bit of excitement to the community, and is necessary for a healthy community. Residents of the senior living facility are likely to frequent the nearby churches, offices, medical offices, restaurants and shops.

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

The proposed rezoning will provide a transition between busy Falls of Neuse Road, the Racquet Club and low density residential uses. The proposed rezoning contains significant conditions that limit the type and intensity of uses, allowing one additional use, a senior living facility (congregate care structure or congregate living structure under Raleigh's Code).

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

The proposed rezoning is reasonable because the Falls of Neuse Road corridor has changed substantially since the Comprehensive Plan for this area was drafted. Falls of Neuse Road, which is five lanes wide at this location, is now one of the busiest roads in the city. Single-family residences are no longer appropriate adjacent to this busy thoroughfare. Institutional uses, like churches, schools and recreational facilities have developed immediately adjacent to this property. Residential (suburban) is no longer an appropriate land use designation. It is in the public interest to utilize infrastructure where it is already in place rather than extending infrastructure further and further from the city center.

V. Recommended items of discussion (where applicable).

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

This question is not applicable to this application.

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

There has been significant change in Raleigh as a whole, and this area in particular, since this property was brought into the city's zoning jurisdiction and zoned R-4. Our population has more than doubled since 1980, and our city has

expanded outward from 55 to 140 square miles. In particular the North District, where this property is located, has seen this growth. Adjacent and nearby properties have developed for condominiums, townhomes, apartments, single-family homes, schools, churches, offices, shopping centers and other varied uses. The Comprehensive Plan recommends residential (suburban) for this site. This type of low density residential is no longer appropriate or desirable along busy Falls of Neuse Road.

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

A vibrant and growing community like Raleigh needs a variety of housing types and density levels to serve the varied needs of its citizens. There is demand for housing in general and senior living in particular located close to shopping areas, churches and recreational facilities, like that proposed here. Allowing these uses to locate in close proximity to one another encourages less reliance on the automobile. Further, the proposed rezoning encourages the redevelopment of urban property already served by utilities rather than encouraging sprawl.

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

Public infrastructure is in place to serve the proposed redevelopment of this portion of the Raleigh Racquet Club site. Sidewalks and a paved recreation path run along Falls of Neuse Road near the subject property. There is sufficient access to light and air, and mild topography on the subject property.

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



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-30-09 Conditional Use; Falls of Neuse Rd.

General Location: Falls of Neuse Road, east side, south of its intersection with Falls Church Road.

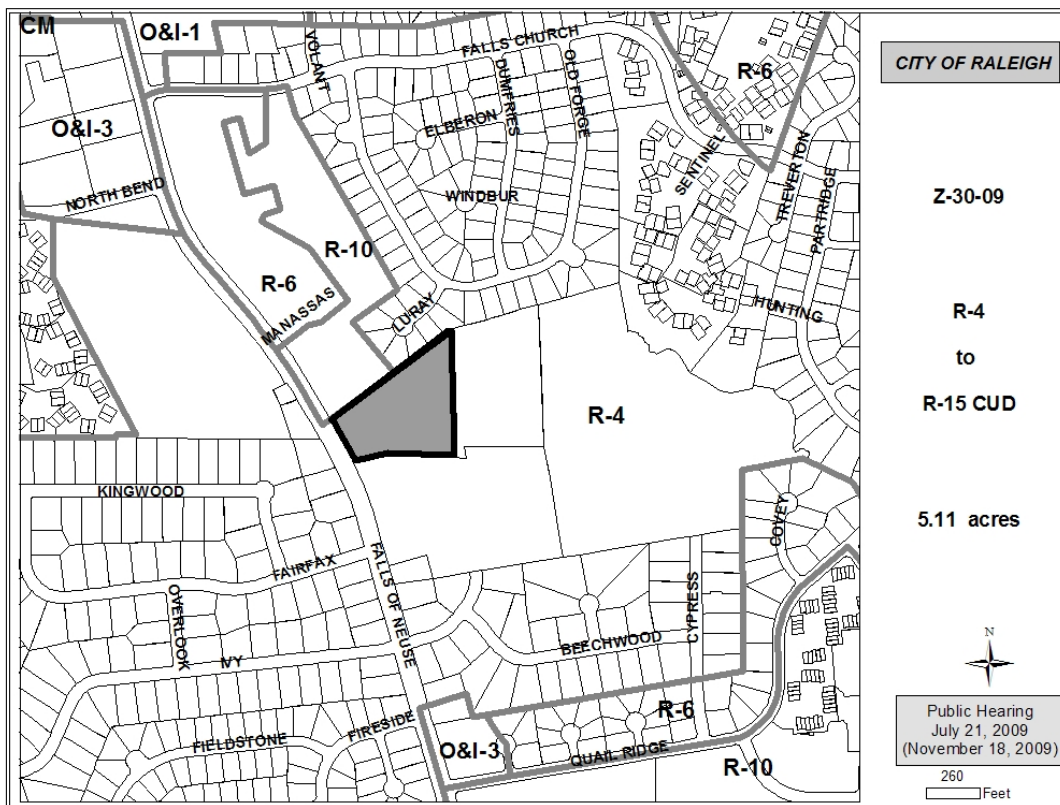
**Planning District
/ CAC:** North / North

Request: Petition for Rezoning from Residential-4 to Residential-15 Conditional Use District.

**Comprehensive Plan
Consistency:** This proposal is inconsistent with the Comprehensive Plan.

**Valid Protest
Petition (VSPP):** None.

Recommendation: The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated August 4, 2009.



CASE FILE: **Z-30-09 Conditional Use; Falls of Neuse Rd.**

LOCATION: Falls of Neuse Road, east side, south of its intersection with Falls Church Road.

REQUEST: This request is to rezone approximately 5.11 acres, currently zoned Residential-4 to Residential-15 Conditional Use District.

**CONSISTENCY WITH
COMPREHENSIVE
PLAN AND OTHER
ADOPTED PLANS:**

This proposal is inconsistent with the Comprehensive Plan.

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated August 4, 2009.

**FINDINGS
AND REASONS:**

- (1) The request is inconsistent with the Comprehensive Plan. The plan designates the site as being appropriate for low density residential uses; the proposal is conditioned to permit medium-density residential uses (in the form of congregate care facilities). However, the conditions also permit and cap single-family development at the current R-4 density.
- (2) The request is compatible with surrounding land uses and development patterns. The site is adjacent to two large-lot church/ school complexes, and in close proximity to a community focus area and neighborhood focus area.
- (3) The request is reasonable and in the public interest. Changes to adjacent land uses fronting Falls of Neuse Road in the 40 years since the site's current zoning designation call into question low-density development as an appropriate site use, while a congregate care or congregate living facility would be well suited to public needs.



Zoning Staff Report: Z-30-09 Conditional Use

LOCATION: This site is located on the east side of Falls of Neuse Road, south of its intersection with Falls Church Road.

AREA OF REQUEST: 5.11 acres

PROPERTY OWNER: Raleigh Racquet Club, Inc.

CONTACT PERSON: Beth Trahos, 755-8760

PLANNING COMMISSION RECOMMENDATION DEADLINE: November 18, 2009

ZONING:	<u>Current Zoning</u> Residential-4 <u>Current Overlay District</u> n/a	<u>Proposed Zoning</u> Residential-15 CUD <u>Proposed Overlay District</u> n/a
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u> 20 units	<u>Proposed Zoning</u> 20 single-family units, or 120 congregate care or congregate living units, as conditioned
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u> None	<u>Proposed Zoning</u> None
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u> None	<u>Proposed Zoning</u> None
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u> Tract ID Sign	<u>Proposed Zoning</u> Tract ID Sign
ZONING HISTORY:	This property has been zoned Residential-4 since 1968 (Z-29-68).	

SURROUNDING

ZONING: NORTH: Residential-10 (northwest), Residential-4 (northeast)
SOUTH: Residential-4
EAST: Residential-4
WEST: Residential-4

LAND USE: Recreational (membership swimming pool)

SURROUNDING

LAND USE: NORTH: Medium density residential; low density residential
SOUTH: Church, religious education building
EAST: Recreational use
WEST: Vacant (with seasonal sales); church

DESIGNATED

HISTORIC

RESOURCES: None on site; none within 100 feet of site.

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

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

Element	Application to case
Planning District	North
Urban Form	Residential (Suburban)
Specific Area Plan	North District Plan
Guidelines	n/a

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

This proposal is inconsistent with the Comprehensive Plan. The subject section of Falls of Neuse Road is designated as a Primarily Residential Corridor, characterized by “mostly residential adjacent land uses.” The North District plan designates the subject site for “Residential (Suburban)” development, defined as being “primarily low density residential in character, that is, six or fewer dwellings per acre.” The proposal is conditioned for up to 23 congregate care units per acre, equivalent to 11 dwelling units per acre.

The petition states that the district plan notes “Higher density residential infill development is encouraged.” That passage, however, ends a paragraph outlining and related to “planned focus areas within or bordering the North District.” The subject site is not located within a focus area, but lies approximately halfway between the Falls of Neuse/ Spring Forest Community Focus Area, and the Falls of Neuse/ Millbrook Neighborhood Focus Area.

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

The subject site is situated among a variety of large-lot, residentially-related uses lining that section of Falls of Neuse Road. Two large church campuses (19.03 acres and 11.52 acres respectively) are

situated west and south of the property; the recreational facilities of the parent tract (now 24.16 acres) border on the east. Crossing the parent tract and the southern side of the subject site is a 70-foot wide power line easement. Other adjoining parcels contain either single-family dwellings, or, on the north, a garden-condominium complex. The latter is zoned partially R-6 and partially R-10, with a total of 175 units on 22.75 acres, for a composite density of 7.6 dwelling units per acre.

With the exception of the two church sanctuaries, buildings in the immediately surrounding area are two stories or less in height. On the adjoining properties, the closest building to the street right-of-way is 50 feet, with most buildings set back 70 feet or more (immediately to the south [Friendship Baptist Church]: 100 feet; to the north [Falls Condominiums]: 50 to 100 feet). The proposal would allow 40-foot tall structures 20 feet from the right-of-way, and up to four stories in height on the property. The nearest building of similar height is an independent living facility, The Heritage, a five-story structure located 1/3 mile north of the subject site, at the southern edge of the Falls of Neuse/ Spring Forest Community Focus Area.

3. Public benefits of the proposed rezoning

Among the proposal's conditioned uses are "congregate care or congregate living structures." Congregate care facilities are projected to be in increasing demand. For more independent, mobile residents, the subject site could offer walkable proximity to many goods and services, potentially benefitting commerce and the community. Otherwise, the site may be built out with any "uses permitted under the current zoning district, R-4."

4. Detriments of the proposed rezoning

While site residents could benefit from proximity to nearby services and goods, if the property is built out as a congregate care facility, many needed services would likely be provided on site. The two existing senior housing facilities nearby (The Heritage, noted above, at the corner of Carlos Drive and Falls of Neuse Road, and Sunrise, on Spring Forest Road just west of Falls of Neuse Road) are both located within the Falls of Neuse/ Spring Forest Community Focus Area. The subject site is located approximately one-third mile south of the Focus Area. No R-15 zoning districts are contiguous to the property, and none located within a quarter mile of the site.

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

TRANSPORTATION: Falls of Neuse Road is classified as a secondary arterial (2007 ADT - 34,000 vpd) and exists as a five-lane curb and gutter section within a 90-foot right-of-way with sidewalks on both sides. City standards call for Falls of Neuse Road to be constructed as a multi-lane road with an 89-foot back-to-back curb and gutter section on 110-feet of right-of-way with sidewalks on both sides.

The subject property appears to land-lock the property to the east and may require a public through street or flag lot connection to assure all properties have adequate access. The petitioner may wish to describe how the site will be accessed. Additionally, due to the size of the subject property and allowable land use density associated with the proposed zoning a traffic assessment is recommended for this case.

TRANSIT: The location of the proposed transit easement shall be timely reviewed and approved by the Transit Division of the City, and the City Attorney or his designee shall approve the transit easement deed, prior to recordation in the Wake County Registry.

HYDROLOGY: FLOODPLAIN: No FEMA.
DRAINAGE BASIN: Marsh Creek.
STORMWATER MANAGEMENT: Part 10 Chapter 9 Stormwater Regulations would apply. There is a stream with Neuse River Buffer on site.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>10,220</u> gpd	Approx. <u>40,241</u> gpd
Waste Water	Approx. <u>10,220</u> gpd	Approx. <u>40,241</u> gpd

The proposed rezoning would add approximately 30,021 gpd to the wastewater and water treatment systems of the City. There are existing sanitary sewer and water mains in place which could serve the rezoning site.

**PARKS AND
RECREATION:**

This property is not adjacent to any greenway corridors. There is a neighborhood park search area identified for this area. This rezoning case will add approximately 75 residents to the current level of service deficiency of the area.

**WAKE COUNTY
PUBLIC SCHOOLS:**

The rezoning request is conditioned to permit only congregate care and the currently-permitted R-4 uses. As the former would include no school-age children, and the latter would represent a continuation of existing conditions, no additional demands on schools would occur from rezoning.

IMPACTS SUMMARY:

A traffic assessment is needed; site access issues also need to be resolved. Development will add to an existing deficiency of park facilities in the area.

OPTIONAL ITEMS OF DISCUSSION

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

N/A

- 2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be properly applied to it now were it being zoned for the first time.**

The petition notes that, given the changes to the City and area surrounding the subject site since the site was originally zoned, that low density residential development recommended by the Comprehensive Plan is “no longer appropriate or desirable” along Falls of Neuse Road. Nonetheless, no adjacent properties have been rezoned in the past 29 years. The most recent proposal to rezone nearby parcels to a higher intensity use (Z-25-03: R-4 to O&1-1 CUD) was denied; that site is immediately opposite Falls of Neuse Road from the subject site.

**APPEARANCE
COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZENS’
ADVISORY COUNCIL:**

DISTRICT: North
CAC CONTACT PERSON: Anne Weathersbee, 876-1807

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

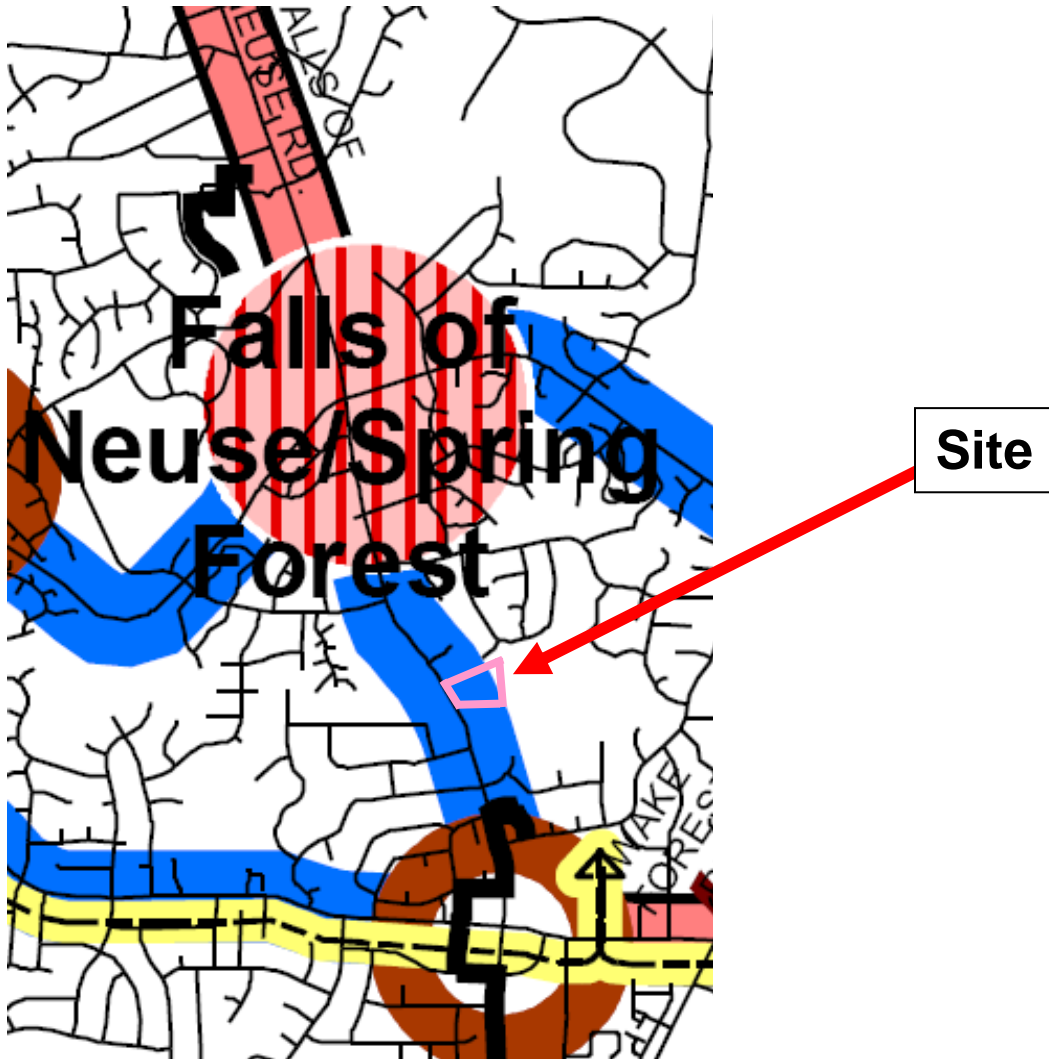
- This proposal is inconsistent with the Comprehensive Plan.

2. Suggested conditions

TRANSPORTATION:

- A traffic assessment is recommended for this case.

Urban Form— North District Plan



Recommended Urban Form - North District

