

Office Use Only
Petition No. 2-24-04



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) Gail T. Durham Date: 2-17-04

Executor, Estate of Gladys Carr Heirs

Please type or print name(s) clearly: Gladys Carr Heirs

Gail T. Durham, Executor

Gladys J. Carr Heirs

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 Petition No. 2/24/04

8) Adjacent Property Owners

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

(Important: Include PIN Numbers with names, addresses and zip codes.) Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
<u>WILLIAM H & FONNIE J ADAMS</u>	<u>1319 LEGEND RD</u>	<u>RALEIGH NC 27603-4623</u>	<u>1732236388</u>
<u>JOSEPH M & BETTY H SR BOYETTE</u>	<u>5105 TOMAHAWK TRL</u>	<u>RALEIGH, NC 27610-6012</u>	<u>1732333052</u>
<u>LEON JR. & EDITH T. CHEEK</u>	<u>5709 QUITMAN TRAIL</u>	<u>RALIGH, NC 27610-6163</u>	<u>1732534578</u>
<u>DONALD H. & MARION S. EVANS</u>	<u>312 SHERRYBROOK DR.</u>	<u>RALEIGH, NC 27610-3337</u>	<u>1732429727</u>
<u>CHESTER ETAL GOODSON</u>			
<u>ROBERT E. POWEL & MARJORIE</u>	<u>2208 SANDERFORD RD.</u>	<u>RALEIGH, NC 27610-5056</u>	<u>1732239902</u>
<u>JOSELLA C. & DANNY E. GRANDISON</u>	<u>3308 PERKINS RIDGE RD.</u>	<u>RALEIGH, NC 27610-6062</u>	<u>1732534233</u>
<u>JOHN S. & FRANCES A GRFFITHS</u>	<u>5203 TOMAHAWK TRAIL</u>	<u>RALEIGH, NC 27610-6014</u>	<u>1732327905</u>
<u>SHELLEY N. & LAURA IRO HORTON</u>	<u>3143 CALUMET DR. APT D</u>	<u>RALEIGH, NC 27610-1948</u>	<u>1732427748</u>
<u>RALEIGH EAST CONGREGAT. OF JEHOVAH'S WITNESSES</u>	<u>113 NEUSE HARBOR DR</u>	<u>KNIGHTDALE, NC 27545-9727</u>	<u>1732238687</u>
<u>JOHN E. & KIMBERLEY D. JONES</u>	<u>3204 FLOWERY BRANCH R</u>	<u>RALEIGH, NC 27610-6000</u>	<u>1732534715</u>
<u>GARY LASSITER</u>			
<u>CATHERINE N. & EVANS</u>	<u>5705 QUITMAN TRAIL</u>	<u>RALEIGH, NC 27610-6163</u>	<u>1732534508</u>
<u>MWANGI MAINA MBUGUA</u>	<u>5708 QUITMAN TRAIL</u>	<u>RALEIGH, NC 27610-6162</u>	<u>1732534470</u>
<u>JEVON A. MURPHY</u>			
<u>JAMES W. JR. & MABEL S. MURRELL</u>	<u>3200 FLOWERY BRANCH R</u>	<u>RALEIGH, NC 27610-6000</u>	<u>1732534815</u>
<u>THOMAS LEE II & CONNIE R. NEWCOME</u>	<u>3208 FLOWERY BRANCH R</u>	<u>RALEIGH, NC 27610-6000</u>	<u>1732534790</u>
<u>COLUMBUS G. & VERA P. PRESSLEY</u>	<u>3880 SHAFFERS CHURCH RD</u>	<u>GLEN ROCK, PA 17327-7619</u>	<u>1732421887</u>
<u>VERA P. PRESSLEY</u>	<u>106 BLACK ANGUS RUN</u>	<u>CARY, NC 27513-5403</u>	<u>1732433866</u>
<u>GUILFORD PRICE</u>			
<u>WALTER E. & TAMI D. SCHNEIDMILLER</u>	<u>3309 BARWELL ROAD</u>	<u>RALEIGH, NC 27610-5407</u>	<u>1732439805</u>
<u>TAMI D. SCHNEIDMILLER</u>	<u>5309 TOMAHAWK TRAIL</u>	<u>RALEIGH, NC 27610-6016</u>	<u>1732522693 / 1732521702</u>
<u>YVETTE SCOTT</u>			
<u>ARCHIE L. & MARI D. SIMMONS</u>	<u>3304 PERKINS RIDGE RD.</u>	<u>RALEIGH, NC 27610-6062</u>	<u>1732534330</u>
<u>MARI D. SIMMONS</u>	<u>5704 QUITMAN TRAIL</u>	<u>RALEIGH, NC 27610-6162</u>	<u>1732533490</u>
<u>TIM & WAIZE SIT</u>			
<u>TIM & WAIZE SIT</u>	<u>3312 PERKINS RIDGE RD</u>	<u>RALEIGH, NC 27610-6062</u>	<u>1732534124</u>
<u>DALPHINE M. UPPERMAN</u>			<u>1732430855 / 1732337990</u>
<u>DALPHINE M. UPPERMAN</u>	<u>2600 ALTON PL</u>	<u>RALEIGH, NC 27610-3604</u>	<u>1732532826 / 1732436856</u>
<u>WILLIAM L. VICKERY</u>			
<u>ANTONIO & LAURA PATRICIA VILLA</u>	<u>5213 TOMAHAWK TRAIL</u>	<u>RALEIGH, NC 27610-6014</u>	<u>1732423724 / 1732425716</u>
<u>LAURA PATRICIA VILLA</u>	<u>3521 BARWELL RD.</u>	<u>RALEIGH, NC 27610-6003</u>	<u>1732332361 / 1732239277</u>
<u>JP MORGAN CHASE BANK</u>	<u>1270 NORTHLAND DR. #200</u>	<u>MENDOTA HEIGHTS, MN. 55120</u>	<u>1732339081</u>

For additional space, photocopy this page.

EXHIBIT B. Request for Zoning Change

Office Use Only
 Petition No. 2-24-04
 Date Filed: 2/20/04
 Filing Fee: pd: 500.00 by ck #3746

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

See instructions, page 6

	Name(s)	Address	Telephone / Fax
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Gail T. Durham, Executor</u>	<u>5304 Tomahawk Trail Raleigh, N.C. 27610</u>	_____
	_____	_____	_____
	_____	_____	_____
2) Property Owner(s):	<u>Gladys J. Carr Heirs</u>	<u>5304 Tomahawk Trail Raleigh, N.C. 27610</u>	_____
	_____	_____	_____
	_____	_____	_____
3) Contact Person(s):	<u>Axel Granholm, Wake Estates, LLC</u>	<u>P.O. Box 312 Wake Forest, N.C. 27587</u>	<u>(919) 696-5935</u>
	_____	_____	_____
	_____	_____	_____
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	<u>Wake County Property Identification Number(s) (PIN): 1732431474 & 1732332523</u>		

	General Street Location (nearest street intersections): _____		
	<u>Barwell Road & Tomahawk Trail</u>		

5) Area of Subject Property (acres):	<u>+/- 30.5 acres</u>		

6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>R-4</u>		

7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>CUD R-6</u>		

Office Use Only	
Petition No.	<u>2-24-04</u>
Original Date Filed:	_____
Amended Date:	_____

EXHIBIT C. Request for Zoning Change

Please use this form only -- form may be photocopied -- please type or print. See instruction, page 8.

1) Conditional Use Zone Requested: R-6

2) Narrative of conditions being requested:

- Reimbursement values for any required right-of-way shall be based on R-4 values.
- Development on this tract shall be limited to single family detached homes on individual lots and single family townhomes as allowed by City Code.

Note: If additional space is necessary, attach extra page(s) signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 7 through 9 of the Zoning Application Instructions.

Signature(s) April J. Durhan, Executor
Heidi J. Coan Estate Heirs

Date: 2-17-04

Office Use Only

Petition No.

2-24-04

Date Filed:

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

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

This section is reserved for the applicant to state factual information in support of the rezoning request. Suggested items of discussion are:

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 surrounding area that the uses permitted within the requested district would create. Include but do not necessarily limit yourself to the following: transportation, utilities, stormwater drainage, fire and safety, parks and recreation, topography, access to light and air, etc.
5. The impact on public services, facilities, and infrastructure.
6. The benefits to the community at large.
7. Compliance with the Comprehensive Plan.

The City of Raleigh Comprehensive Plan for the Southeast District states " Existing zoning in the Southeast District and Urban Services Areas is not totally compatible with the urban form recommendations. For example, much of the zoning in the district is for low density residential development, which is not appropriate in areas that the Comprehensive Plan supports higher density". Major water and sanitary sewer lines planned for the Southeast District have been completed and will accommodate additional growth. Based upon the fact that this area is within the Urban Services Growth area and the fact that supporting utilities are in place, help support the rezoning request. Adjacent property is currently zoned CUD R-6 and land within 1000 feet of the site is zoned R-10. The proposed zoning change would be consistent with uses of adjoining properties.