

Z-2-08

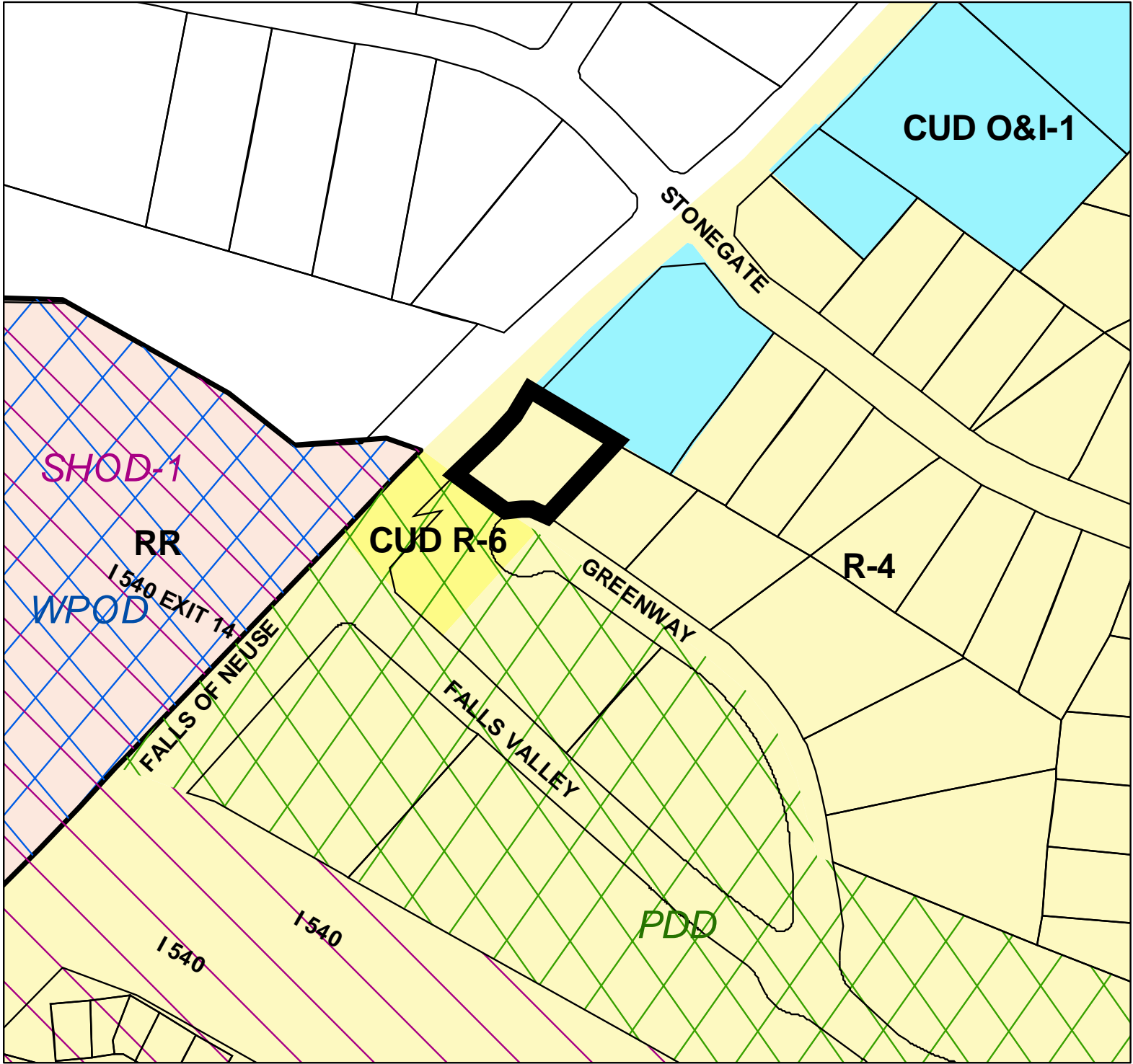
R-4
to
O&I-1 CUD

0.51 acre

Public Hearing
January 22, 2008
(May 21, 2008)

225

Feet



Revised 12/5/07



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.

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)

Andy Cummins

Date:

DEC 3 2007

Please type or print name(s) clearly:

CUMMINS GROUP LLC

DEC 3 2007

ANDY CUMMINS

Please check boxes where appropriate



EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>Z-2-08</u>
Date Filed:	<u>10/19/07</u>
Filing Fee:	<u>AMENDED - 12/5/07</u>

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

See instructions, page 6

Name(s)	Address	Telephone / E-Mail
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1) Petitioner(s):
Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

CUMMINS GROUP LLC

7005 NORATH RIDGE
DRIVE

RALEIGH NC 27615

**2) Property
Owner(s):**

SAME AS ABOVE

3) Contact Person(s):

C. LAMARR BUNN

6727 MIDDLEBORO DR

RALEIGH NC 27612

880-8558

LBUNN1069@AOL.CO
M

**4) Property
Description:**

Please provide surveys if proposed
zoning boundary lines do not follow
property lines.

Wake County Property Identification Number(s) (PIN):

PIN 1718622524 APPROX .535 AC

General Street Location (nearest street intersections):

9100 FALLS OF NEUSE ROAD AT GREENWAY DR

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

APPROX .535 AC

**6) Current Zoning
District(s)**

Classification:

Include Overlay District(s), if
Applicable

RESIDENTIAL 4

**7) Proposed Zoning
District**

Classification:

Include Overlay District(s) if
Applicable. If existing Overlay
District is to remain, please state.

O&I-1 CUD

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.

Office Use Only

Petition No.

2-2-08

10/19/07

AMENDED - 12/5/07

(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:

SEE ATTACHED LIST

For additional space, photocopy this page.

FALLS RIDGE WEST LLC
5204 OLD MILITARY RD
WILMINGTON NC 28409-2124

NC PIN # 1718527761

BROWN, PATRICK P & AMEE W
8705 STONEGATE DR
RALEIGH NC 27615-2327

NC PIN # 1718621925

CUMMINS GROUP LLC
7005 N RIDGE DR
RALEIGH NC 27615-7036

NC PIN # 1718622524

ROYCROFT, RANDALL E & CHERETTE
3701 STONEGATE DR
RALEIGH NC 27615-2327

NC PIN # 1718622813

BARKER, WILLIAM T
BARKER, WILLIAM T
1401 SUNDAY DR STE 116
RALEIGH NC 27607-5173

NC PIN # 1718624604

EMORY, O LUTHER
7308 LEAD MINE RD
RALEIGH NC 27615-4820

NC PIN # 1718625547

SP 1 MIAMI PROPERTIES LLC
3970 WILCOX PL STE H
DOUBLIN OH 43016-6808

NC PIN # 1718626545

FALLS RIDGE OFFICE PTNR LLC
3301 BENSON DR STE 535
RALEIGH NC 27609-7331

NC PIN # 1718621311

FALLS RIDGE DEVELOPMENT LLC
3301 BENSON DR STE 535
RALEIGH NC 27609-7331

NC PIN # 1718621453

RALEIGH PEDIATRIC REAL ESTATE
GROUP II LLC
1921 FALLS VALLEY DR
RALEIGH NC 27615-3446

NC PIN # 1718624041

WILDER, CHERYL K
2604 GREENWAY ST
RALEIGH NC 27615-2418

NC PIN # 1718624385

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

Office Use Only	
Petition No.	Z-2-08
Date Filed:	10/19/07
AMENDED -	12/5/07

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:

LOCATED IN THE NORTH DISTRICT AND THE RECCOMENDED LAND USE IS FOR LOW INTENSITY OFFICE USES AND FOR SMALL FRONTAGE LOTS TO BE COMBINED WITH OTHER SMALL LOTS FOR APPROPRIATE SUCH USES.

- 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 PROPERTY IS LOCATED IN THE I-540-FALLS SMALL AREA PLAN AND A RESIDENTIAL CORRIDOR TRANSITIONAL AREA ALONG FALLS OF NEUSE ROAD, A PRIMARILY RESIDENTIAL THOROUGHFARE. IT IS BETWEEN THE STRICKLAND/FALLS NEIGHBORHOOD FOCUS AND THE DURANT/FALLS COMMUNITY FOCUS AND CLOSE TO THE FALLS I-540 INTERCHANGE. LAND USE RECCOMENDATIONS OF THE AREA PLAN CALL FOR LOW INTENSTY OFFICE USES OR ;MEDIUM DENSITY RESIDENTIAL USES AND THAT SMALL LOTS SHOULD NOT BE REDEVELOPED INDIVIDUALLY BUT COMBINED WITH OTHER SMALL LOT AND DEVELOPED JOINTLY. THE FRONT LOT IS THE SMALLEST LOT IN THE PART OF THE CORRIDOR TRANSITIONAL AREA AND IS BEING COMBINED WITH THE SMALL LOT BEHIND AND ADJACENT TO IT TO MAKE A DEVELOPABLE PARCEL.

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

WE BELIEVE THAT THIS PROPOSAL IN CONSISTENT WITH THE PLAN AND ITS INTENT.

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 LAND USES SURROUNDING THE TRACT ARE TO THE NORTH ADJACENT IS THE STONEGATE OFFICE BUILDING O&I-1 TO THE EAST REISIDENTIAL R-4, TO THE SOUTH PDD FALLS RIDGE MASTER PLAN ;OF OFFICE AND RETAIL USES, TO THE WEST ACROSS FALLS OF NEUSE RD R-40W USES. A TRANSIT STOP IS BEING PROVIDED ON THE NORTH ADJACENT OFFICE SITE.

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

THIS PROPERTY HAS BEEN ZONED R-4 SINCE IT WAS BROUGHT INTO THE CITY'S JURSSISDICTION IN 1971. THE PDD FALLS RIDGE MASTER PLAN IS ALMOST COMPLETED WITH TWO AND THREE STORY RETAIL AND OFFICE DEVELOPMENT ADJACT TO THE SOUTH AND ESTABLISHED IN 2000. THE O&I DISTRICTS TO THE NORTH WERE REZONED IN 2003, 2004 AND DIRECTLY ADJACENT IN 2005. LARGE EXISTING TREES ADJACENT TO FALLS OF NEUSE ROAD HAVE BEEN ENCOURAGED TO BE SAVED ON SEVERAL OF THESE PROPERTIES. THIS SITE IS NOT NEAR TO ANY EXISTING PARK OR GREENWAY. THE OFFICE COMPLEX TO THE NORTH IS A THREE STORY BUILDING , NEARLY AS DEEP AS THIS SITE AND PROVIDES AN ACCESS EASEMENT TO THIS SIT , BUT WILL NOT MEET WITH THE REQUIREMENTS FOR FIRE PROTECTION ACCESS.

-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
THIS SITE IS SUITABLE FOR OFFICE USES THAT WOULD ACT AS A TRANSITION FROM THE FALLS OF NEUSE THOROUGHFARE TO THE RESIDENTIAL NEIGHBORHOOD TO THE EAST. THIS PROPOSAL IS CONSISTENT WITH THE SURROUNDING RECENT ZONING PATTERNS OF O&I AND MIXED RETAIL USES IN THE PAST SIX OR SEVEN YEARS AND THE CURRENT DEVELOPMENT PATTERNS OF ADJACENT PROPERTIES. DUE TO THE LOCATION OF THE SITE AND ITS SURROUNDING USES, THIS PROPOSAL WOULD BE COMPATIBLE WITH THE SURROUNDING AREA.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

THE PROPOSED MAP ADMENDMENT BENEFITS THE LANDOWNER BY PERMITTING HIM TO DEVELOP THIS PROPERTY CONSISTENT WITH THE EXISTING SIMILAR USES ADJACENT TO HIM ON BOTH THE NORTH AND SOUTH, AND THE HIGHEST AND BEST USE.

THERE ARE NO KNOWN DETRIMENTS TO THE APPLICANTS.

B. For the immediate neighbors:

THE PROPOSED MAP ADMENDMENT BENEFITS THE IMMEDIATE NEIGHBORS BY RENDERING THE PROPERTY CONSISTENT THE SURROUNDING OFFICE AND RETAIL USES ALONG THIS MAJOR THOROUGHFARE. IT ENSURES THAT THIS PROPERTY BETTER SERVES THE IMMEDIATE NEIGHBORS AS A TRANSITION AREA AND BUFFER FROM THE HEAVY TRAFFICITED FALLS OF NEUSE THOROUGHFARE. THE ATTACHED CONDITIONS PROVIDE THE NEIGHBORS WITH ADEQUATE PROTECTION FROM AND MITIGATION ;OF ANY IMPACT FROM DEVELOPMENT.

THERE ARE NO KNOWN DETRIMENTS TO THE IMMEDIATE NEIGHBORS.

C. For the surrounding community:

THE PROPOSED ADMENDMENT PROVIDES FOR EMPLOYMENT OPPORTUNITIES AND SERVICES TO THE RESIDENTS OF THE AREA.

THERE ARE NO KNOWN DETRIMENTS TO THE COMMUNITY.

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 CONFER A SIGNIFICANT BENEFIT TO TO THE SUBJECT PROPERTY SHICH HAS NOT BEEN AVAILABLE TO THE SURROUNDING PROPERTIES. THE REAONING WOULD PROVIDE THE SUBJECT PROPERTY EITH DIMILSR BENEFITS ALREADY PROVIDED TO THE SURROUNDING PROPERTIES.

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

THE PROPOSED ADMENDMENT IS REASONABLE AND IN THE PUBLIC INTEREST BECAUSE IT ALLOWS THEIS PROPERTY TO BE DEVELOPED IN A MANNER CONSISTENT WITH SIMILAR PROPERTIES ALONG FALLS OF NEUSE ROAD AND PERMITS THIS PROPERTY TO BETTER SERVE AS A TRANSITION AND BUFFER TO THE NEIGHBORS TO THE EAST.

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.

CIRCUMSTANCES AND LAND USE PATERNS HAVE SO CHANGED SINCE 1971 WHEN THIS PROPERTY WAS LAST ZONED WITH THE COMPREHENSIVE PLAN'S DEVELOPMENT TO PROMOTE LOW INTENSIVE OFFICE USES ALONG THIS CORRIDOR, THE CONSTRUCTION OF I-540 AND ITS INTERCHANGE WITH FALLS OF NEUSE ROAD, THE WIDENING OF FALLS OF NEUSE ROAD TO A MAJOR THOROUGHFARE AND THE DEVELOPMENT OF RETAIN AND OFFICE USES ON MOST OF THE SURROUNDING PROPERTIES THAT THE CURRENT ZONING IS NOT APPROPRIATED FOR THIS SITE.

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

THERE IS A PUBLIC NEED FOR OFFICES USES ON THIS SITE TO PROVIDE SERVICES TO THE NEIGHBORHOOD AND TO ACT AS A TRANSITION AND BUFFER FROM THE THOROUGHFARE TO THE NEIGHBORHOOD TO THE EAST.



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Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-02-08 Conditional Use; Falls of Neuse Road

General Location: Falls of Neuse Road, east side, on the north side of the Greenway Street cul-de-sac.

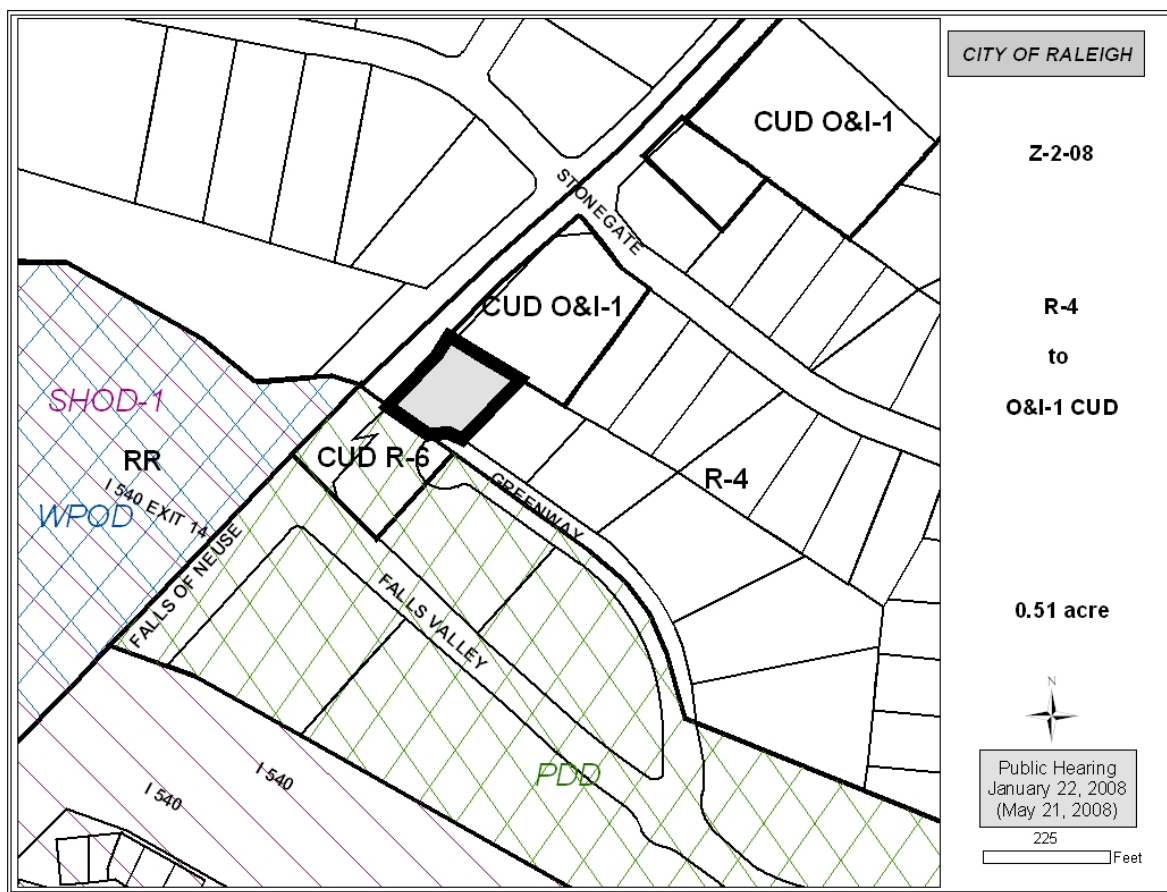
**Planning District
/ CAC:** North/ North

Request: Petition for Rezoning from **Residential-4** to **Office & Intitution-1 Conditional Use District**.

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

**Valid Protest
Petition (VSPP):** No..

Recommendation:



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CASE FILE: **Z-02-08 Conditional Use**

LOCATION: This site is located on the east side of Falls of Neuse Road, and on the north side of the Greenway Street cul-de-sac.

REQUEST: This request is to rezone approximately 0.535 acre, currently zoned Residential-4. The proposal is to rezone the property to Office and Institution-1 Conditional Use District.

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

RECOMMENDATION: **xxxx**

FINDINGS
AND REASONS: (1) xxxxx;
(2) xxxxx;

To PC: 1/29/08
Case History:

To CC: xxxxx City Council Status: _____

Staff Coordinator: Doug Hill

Motion: xxxxx
Second: xxxxx
In Favor: xxxxx
Opposed: xxxxx
Excused: xxxxx

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.) (PC Chair)

date: _____ date: _____



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Zoning Staff Report: Z-02-08 Conditional Use

LOCATION: This site is located on the east side of Falls of Neuse Road, and on the north side of the Greenway Street cul-de-sac.

AREA OF REQUEST: 0.535 acres

PROPERTY OWNER: Andy Cummins, Cummins Group LLC

CONTACT PERSON: C. Lamarr Bunn

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** May 21, 2008

ZONING: Current Zoning

Residential-4

Current Overlay District

n/a

Proposed Zoning

Office and Institution-1 CUD

Proposed Overlay District

n/a

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

2 units

Proposed Zoning

w / Staff approval: 8 units
w / PC approval: 13 units

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Office uses not permitted.

Proposed Zoning

Maximum of 6,000 sf (0.26 FAR)
(as provided in Condition I.).

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Retail uses not permitted.

Proposed Zoning

Retail uses not permitted.

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Tract ID Sign

Proposed Zoning

Low Profile (3 ½ feet in height, 70 sq. ft.
in area)

ZONING HISTORY: This property has been zoned Residential-4 since 1971(Z-59-71).

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SURROUNDING ZONING:

NORTH: Office and Institution-1 Conditional Use District (Z-30-05)
Conditions:

a. THE FOLLOWING USES SHALL BE PROHIBITED:

- | | |
|------------------------------------|-------------------------|
| i) Camp | vii) Airfield |
| ii) Coliseum/theatre | viii) Sub-station |
| iii) Stadium track | ix) Communication tower |
| iv) Rifle range | x) Manufacturing |
| v) Fraternity house/sorority house | xi) Taxi stand |
| vi) Kennel/cattery | xii) Guest house |

b. Reimbursement for ROW dedication for all parcels, if applicable, shall be at a rate consistent with the current R-4 zoning of the parcels.

c. Future buildings shall be limited to no more than three (3) floors of conditioned space with a maximum building height of forty-five (45) feet.

d. Site lighting for parking areas shall not exceed sixteen feet (16') in height, unless located in a Natural Protective Yard, where height of lighting fixtures shall not exceed twelve feet (12') in height.

e. Guidelines for the building design shall include the following:

i) The dominant building materials (eighty percent (80%) of building siding material exclusive of doors and windows) shall be masonry (brick, pre-cast concrete, stone, stucco).

ii) The fenestration shall be no less than fifty percent (50%) of the surface of the overall building elevation.

iii) If a pitched roof is utilized, a minimum roof pitch shall be no less than 5:12.

f. Prior to any development, the lots will be combined into a single parcel.

g. An offer of cross-access will be provided to the adjacent Poteat property to the south (Wake PIN: 1718-62-2524).

h. Prior to any development, the site shall make available a ten foot (10') (adjoining the right-of-way) x six foot (6') (deep) easement along Falls of Neuse Road to support a transit stop for transit services in the area. Prior to any approvals or development, the City Attorney shall review and approve the easement document and the Transit Administrator shall review and approve the location.

i. All trees twenty-four inches (24") DBH or greater and within thirty feet (30') of Falls of Neuse Road shall be retained; two (2) oak trees (thirty inches (30") DHB; thirty-six inches (36") DBH) located along the eastern property line, adjacent to the Emory Tract (Wake PIN: 1718-62-5547) shall be retained. (SEE "EXHIBIT A".) The protected root zone prescribed by the City of Raleigh Tree Conservation Ordinance shall not be a committed element of this zoning condition. Retained trees shall be protected during construction with tree protection fencing; application of four inch (4") mulch to root zone; application of nutrients and irrigation per report of certified arborist; pruning per report of certified arborist.

j. No vehicular driveway shall be permitted onto Falls of Neuse Road from the recombined parcel (refer to Condition #6 above).

k. Signage shall be limited to a single, low profile ground sign in Falls of Neuse Street Yard.

l. Prior to any development, legal agreements for shared facilities including dumpster, parking, stormwater facility, and cross-access, shall be reviewed and approved by the City Attorney.

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- m. Stonegate Drive shall be landscaped as a neighborhood entry point, and the landscaping plan shall be reviewed by the adjacent homeowner's association (HOA) as applicable.
- n. All sidewalks shall be five feet (5') width minimum.
- o. Trash receptacles/dumpsters shall be enclosed in a masonry structure, with the siding material to be the same or compatible with the building material used on the principal building; opaque doors shall screen the opening. The dumpster enclosure shall be located behind the building and the enclosure screened from view of off-site neighbors with evergreen shrubs that shall be forty-eight inches (48") height at time of installation. Hours of operation shall only be from 7:00 a.m. to 7:00 p.m. Monday – Friday. Operation hours of dumpster shall be described in a restrictive covenant and recorded on the plat of the property.
- p. All outdoor lighting fixtures shall be full cut-off design and directed away from residential properties.
- q. The site shall be developed with only a single building, and the building shall be limited to a maximum of twenty-two thousand square feet (22,000 SF) in gross floor area.
- r. No parking, driveway or other vehicular surface area shall be located between Falls of Neuse Road right-of-way and the building(s).
- s. No drive-through window shall be allowed.
- t. The City of Raleigh Planning commission shall approve any/all site plans prior to receiving building permits.

SOUTH: Residential-6 Conditional Use District, with Planned Development District

EAST: Residential-4

WEST: Wake County zoning Residential-40W (Watershed)

LAND USE: Low density residential

**SURROUNDING
LAND USE:**

NORTH: Office

SOUTH: Mixed use (office/retail)

EAST: Low density residential

WEST: Vacant and low density residential

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	Corridor Transition Area
Specific Area Plan	I-540/Falls Small Area Plan
Guidelines	Frontage Lots on Thoroughfares

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

This proposal is consistent with the Comprehensive Plan. The parcel is situated within a Corridor Transition Area on Falls of Neuse Road, which is designated in this section as a residential (Type B) thoroughfare. While the Plan notes such sites can be residential (with medium density residential preferred), low intensity office is also considered a desirable use. Landscaping, signage and access control and architectural unity are special concerns in Transition Areas, as is preserving the traffic-carrying functions of the corridors. The design guidelines for Frontage Lots on Thoroughfares (p. 3-4.10) also apply.

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

Over the past decade, properties on the east side of Falls of Neuse Road have undergone a steady transition from residential to office zoning—a change consistent with the I-540/Falls Small Area Plan. The nearly-completed Stonegate Office Building situated on the property to the north (PIN 1718624604) anticipates a similar course for the subject site in providing a stub-out for potential cross access. In turn, the proposed rezoning borrows many of its conditions verbatim from the rezoning petition which was the basis for the adjoining Stonegate site's change to office use (Z-30-05). Designation of the subject site for non-residential use is also compatible with the mixed-use Falls Ridge Planned Development District to the south, which provides a transition from the I-540 corridor to the Woodstone neighborhood to the north, and is the location of a Residential Retail center. To be resolved is the subject site's transition to the adjacent residential uses, both in terms of access and provision of protective yard.

3. Public benefits of the proposed rezoning

The proposal calls for conservation of existing mature trees near the right-of-way. Building design provisions limit the size of the future building, and lighting is to be of pedestrian scale. Demands on public infrastructure should be minimal.

4. Detriments of the proposed rezoning

Transportation has ruled that direct access to the site from Falls of Neuse Road will not be permitted (see 5. below). While cross-access from the adjoining property could supply alternative ingress/egress, if primary access is from Greenway Street, traffic volume could increase through the adjacent residential area.

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 major thoroughfare (2005 ADT - 38,000 vpd) and exists as a median divided roadway with a five-lane curb and gutter section on 100 feet of right-of-way and sidewalks on both sides. City standards call for Falls of Neuse Road to provide 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 is not permitted direct access to Falls of Neuse Road. Road frontage and site access for this property is available from Greenway Street. There is an existing offer of cross-access from the adjacent development that should be reciprocated with the development of this property.

Greenway Street is classified as a residential street and exists as a 31-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way. Due to the adjacent commercial use of the property, this roadway would qualify as a commercial street, which requires a 41-foot back-to-back curb and gutter roadway on 60 feet of right-of-way with sidewalk on one side. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case. The

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petitioner may wish to add a condition stating that an offer of cross access will be provided to the adjacent property to the north.

TRANSIT: The site is within close proximity of current bus routes and/or a proposed regional rail transit station. No transit easement is needed.

HYDROLOGY: FLOODPLAIN: no flood hazard areas
DRAINAGE BASIN: Neuse
STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code. No downstream drainage complaints on record.

PUBLIC UTILITIES: The proposed rezoning would add approximately 1320 gpd to the wastewater and water treatment systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area which would serve said area.

PARKS AND RECREATION: This property is not adjacent to a greenway corridor. A greenway connector is located on Falls Valley to the south.

WAKE COUNTY PUBLIC SCHOOLS: The maximum number of dwelling units permitted under the proposed zoning is 13. The current zoning permits 2 dwelling units. The proposed zoning could result in the following increases in school enrollment: 1 elementary student, 1 middle school student, and 1 high school student. Base school assignments would be to following schools, operating at the capacities indicated:

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
North Ridge	835	111%	836	111%
West Millbrook	1,087	104%	1,088	104%
Millbrook	2,246	94%	2,247	94%

IMPACTS SUMMARY: Access will not be permitted from Falls of Neuse Road; applicant should consider offering cross-access with property to the north. Base schools are at present over capacity or nearly so.

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 section of Falls of Neuse Road is designated as a Corridor Transition Area. The I-540/Falls of Neuse Small Area Plan, which was adopted in 2002, calls for low-intensity office or medium-density residential uses on the subject site. If the current zoning were proposed today, it would be deemed inconsistent with the Comprehensive Plan.

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OTHER PLANNING NOTES:

- **Access.** The proposal does not specify anticipated point(s) of site access. The Frontage Lot guidelines state that “Direct thoroughfare access from individual, redeveloped former single family lots is strongly discouraged.” The guidelines also note that “Direct access points to the thoroughfare shall be no closer than 400 feet apart,” adding that “Access points may be varied due to topographic conditions” but that “Development should be oriented towards interior roads where possible.”

The guidelines further provide that “Cross access and shared parking should be used where appropriate.” A stub out already extends to the parcel from the property to the north (PIN 178624604). However, it is unclear whether connecting to the stub out would conflict with provisions of Condition f. (all trees 24 inches dbh or greater within 30 feet of Falls of Neuse Road shall be retained).

- **Transition Yard.** The Frontage Lot guidelines also note that “Transition yards shall be provided in transition areas for nonresidential uses and shall consist of a minimum area of 50 feet extending from rear property line. The minimum transition yard may be varied due to topographic conditions or existing lot configuration and should not exceed 30 percent of the area of the lot.”

APPEARANCE

COMMISSION: This request is not subject to Appearance Commission review.

CITIZEN’S

ADVISORY COUNCIL: DISTRICT: North
CAC CONTACT PERSON: Tom Slater, 846-0584

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

Outstanding issues:

Although consistent with the Comprehensive Plan, compliance with the Guidelines for Frontage Lots on Thoroughfares could be strengthened by addressing the following 2 elements:

1. The proposal does not specify anticipated point(s) of site access.
2. The proposal does not note provision of a transitional protective yard along the rear (east) property line.

Suggested conditions:

PLANNING:

- Specify anticipated street access.
- Specify that a transitional protective yard shall be provided along the rear (east) property line of the parcel, not to exceed 30 percent of the area of the lot.
- **Condition a.** – Delete “Kennel/cattery” from the list of prohibited uses as this is not permitted in the O&I-1 district. Include “Heliport” along with “Airfield”; clarify “Manufacturing” prohibition as “Manufacturing (specialized)”.
- **Condition d.** – Rewrite to state as “Natural or Transitional Protective Yard”.

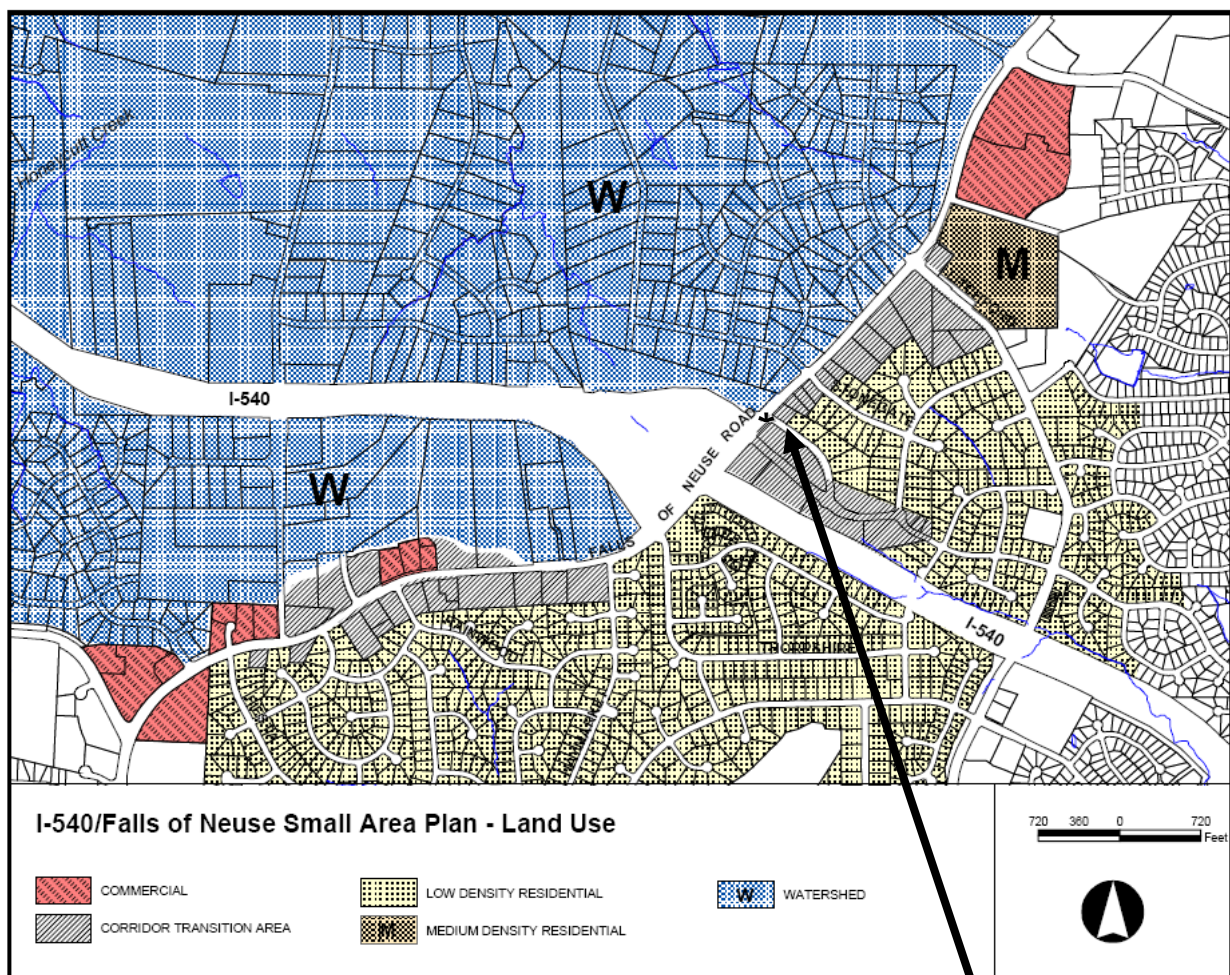
DRAFT

- **Condition f.** – Confirm the trees to be retained within 30 feet of the Falls of Neuse Road right-of-way, while providing the driveway connection to the existing stub out to the north.

TRANSPORTATION:

- The petitioner may wish to add a condition stating that offers of cross access will be provided to the adjacent property to the north. There is an existing offer of cross-access from the adjacent development that should be reciprocated with the development of this property.

I-540/FALLS OF NEUSE SMALL AREA PLAN



** NOTE: The Greenway Street connection to Falls of Neuse Road depicted on the map has been abandoned; the western end of the street is a cul-de-sac.*