

CITY OF RALEIGH

Z-3-09

**SC CUD
to
R-20 CUD**

40.81 acres

Public Hearing
January 22, 2009
(May 22, 2009)

575
Feet

CITY OF RALEIGH
CITY OF RALEIGH
CITY PLANNING DEPT2008 SEP 19 AM 11:00
2008 SEP 19 AM 11:00

Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

- ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
- ☐ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
- ☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes
where appropriate

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

Signature(s)

Date:

Fox Road, LLC
By its Managing Member
Capital-Lad Investment Co.

By:

Edythe M. Poyner, President

September 19, 2008

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No. <u>2-3-09</u>
Date Filed: <u>09-16-08</u>
Filing Fee: <u>pd 1025.00 by CH 2404 + 2/05</u>

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): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Fox Road, LLC</u>	<u>4412 Delta Lake Drive</u>	
	<u>c/o Capital Land Investment Co.</u>	<u>Raleigh, NC 27612</u>	

2) Property Owner(s):	<u>Fox Road, LLC</u>	<u>4412 Delta Lake Drive</u>	
	<u>c/o Capital Land Investment Co.</u>	<u>Raleigh, NC 27612</u>	

3) Contact Person(s):	<u>Isabel Worthy Mattox</u>	<u>PO Box 946</u>	<u>919-828-7171 - phone</u>
		<u>Raleigh, NC 27602</u>	<u>919-831-1205 - fax</u>
			<u>isabel@mattoxfirm.com</u>

4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>1726799401</u>
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General Street Location (nearest street intersections): South of Sumner Boulevard
and west of Fox Road

5) Area of Subject Property (acres):	<u>Approximately 40.81± acres per Wake County Department of Revenue</u>
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6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>SC-CUD</u>
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7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>R-20-CUD</u>
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8) Adjacent Property Owners

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

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

Name(s):

Street Address(es):

City/State/Zip:

Wake Co. PIN #'s:

See Attached Exhibit B

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 Northeast Planning District.
- 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 located in the Triangle Town Center Small Area Plan and is in the Northeast Regional Center, a regional intensity area.

(continued)

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?** The Triangle Town Center SAP recommends residential and mixed uses (which include residential uses) for the subject property. All uses proposed for this site are permitted by the Comprehensive Plan. When other retail uses to the north are combined with the residential uses proposed for this site, the SAP's objective of mixed use in this area is achieved. In addition, regional centers promote high density residential uses which this map amendment would facilitate.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

- A. **Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

North and Northeast: Retail Shopping Center Uses
 East: Mixed Density Residential
 South: City Park and Progress Energy Substation
 West: Vacant

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

North –SC-CUD;
 East –R-4 and R-10 CUD; single family and multifamily residential;
 South – RR City Park and Progress Energy Substation;
 West – Thoroughfare District

- 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 surrounding area is particularly well suited to multifamily housing, as there are numerous opportunities to obtain goods and services and for employment within walking distance. In addition, the City park adjacent to this site to the South will provide recreational opportunities for residents of the proposed development. The property is also in close proximity to bus service and to the major thoroughfares of I-540 and Capital Boulevard.

III. Benefits and detriments of the proposed map amendment.

- A. **For the landowner(s):** The proposed map amendment will provide the landowner with a viable economic use. There are currently an abundance of retail uses in the area, and consequently, the highest and best use for the subject property is medium-high density residential.

(continued)

- B. For the immediate neighbors:** The more dense residential development will provide employees and customers within walking distance for the adjacent businesses. The proposed residential development will provide a better transition for the lower density residential to the east.
- C. For the surrounding community:** The development of mixed density residential will support the surrounding community by providing housing that is both pedestrian and mass transit oriented. It will facilitate the residents' work and play, given the site's proximity to many retail and employment opportunities, a City park, restaurants and shopping without significant additional automobile traffic.

- IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:** It provides for more residential density than available to the east or to the south which is a City park zoned RR. Otherwise, it will permit less intense development that is permitted to the North and West.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest. The characteristics of the subject property are established based on the property's surroundings. These surroundings include intense retail development and a City park, major roadways and mass transit, all of which support the proposed rezoning to mixed density residential.

- V. Recommended items of discussion (where applicable).**

- a. **An error by the City Council in establishing the current zoning classification of the property.** N/A
- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.** Since the property was last zoned, a tremendous amount of retail has been developed in this area, but there as been a lack of higher density residential housing to support the retail development.

Office Use Only	
Petition No.	2-3-09
Date Filed:	

(continued)

- c. **The public need for additional land to be zoned to the classification requested.** The public has a need for additional land to be zoned to permit supportive multi-family housing to provide customers and employees for the retail development so that these uses can be patronized and served without auto-dependency.
- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.** The proposed development will be served by existing utility infrastructure, while adding tax base to the City. The proposed development will include significant right-of-way dedication and road improvements. Public services are located nearby; the closest fire station is located at 4209 Spring Forest Road, Raleigh, NC 27616; the closest police station is located at 4501 Atlantic Avenue, Raleigh, NC 27604; and the closest park is directly adjacent to the site. Consequently, this development is not anticipated to have a material adverse impact on public services and infrastructure.

The proposed development with adjacencies to retail and a city park will not deprive properties to the north, west and south of air and light. Lower density, lower height buildings are proposed for the east side of the property. The lower heights and the thoroughfare of Fox Road will provide a sufficient division to ensure no light or air deprivation to the east.

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

Notice Neighbor list – Exhibit B-1

James H. Nichols 5905 Currin Fox Court Raleigh, NC 27616 PIN 1726884790	David John Berent 4600 Balance Fox Drive Raleigh, NC 27616 PIN 1726884479	Bok Nyeo Park Song Kuk Park 4671 Pooh Corner Drive Raleigh, NC 27616 PIN 1726895111
Freddie Scott Barker 4615 Pooh Corner Drive Raleigh, NC 27616 PIN 1726895095	Broughton Properties 1106 Marloe Road Raleigh, NC 27609 PIN 1726681771	Patricia A. Montanarella PO Box 58623 Raleigh, NC 27658 PIN 1726895254
Patricia A. Montanarella PO Box 58623 Raleigh, NC 27658 PIN 1726885947	City of Raleigh PO Box 590 Raleigh, NC 27602 PIN 1726775769	Jimmie White Rezester White 5913 Currin Fox Court Raleigh, NC 27616 PIN 1726884895
Patricia A. Montanarella PO Box 58623 Raleigh, NC 27658 PIN 1726895285	Emily Stith Parks 4605 Pooh Corner Drive Raleigh, NC 27616 PIN 1726895044	Liqing Huang Zhiwei Zhou Huang 4604 Balance Fox Drive Raleigh, NC 27616 PIN 1726885550
Angela Renee Cokley 5820 Fox Road Raleigh, NC 27616 PIN 1726885212	Raleigh Poyner Place, Inc. E Property Tax Dept. 207 PO Box 4900 Scottsdale, AZ 85261 PIN 1726797717	Wake County Board of Education 3600 Wake Forest Road Raleigh, NC 27609 PIN 1726578127
F & L Developers, Inc. 7000 Harps Mill Road, Suite 201 Raleigh, NC 27615 PIN 1726885888	Janice Latrell Dunn Lundy James Delano Lundy 5828 Fox Road Raleigh, NC 27616 PIN 1726885386	Patricia A. Montanarella PO Box 58623 Raleigh, NC 27658 PIN 1726885927
Carolina Power & Light Company Attn: W H Keith CX1G PO Box 14042 St. Petersburg, FL 33733 PIN 1726770967	Anthony L. Cocuzzo Jean D. Cocuzzo 4675 Pooh Corner Drive Raleigh, NC 27616 PIN 1726895134	Terrance D. Thayer, Sr. PO Box 58624 Raleigh, NC 27658 PIN 1726895065
Poyner Place LLC c/o Crosland, Inc. 227 W. Trade Street, Suite 800 Charlotte, NC 28202 PIN 1726790653	Terry Thayer 4224 Dunn Drive Raleigh, NC 27616 PIN 1726896016	Donald S. Prather 4602 Pooh Corner Drive Raleigh, NC 27616 PIN 1726885906
Fox Road, LLC c/o Capital Land Investment Co. 3600 Glenwood Ave, Suite 101 Raleigh, NC 27612 PIN 1726799401	Patricia A. Montanarella PO Box 58623 Raleigh, NC 27658 PIN 1726895221	Patricia A. Montanarella PO Box 58623 Raleigh, NC 27658 PIN 1726895242
Terrance D. Thayer, Sr. PO Box 58624 Raleigh, NC 27658 PIN 1726895126	Ora Lee Bennett Beverly A. Thomas 5901 Currin Fox Court Raleigh, NC 27616 PIN 1726884693	Pattington Village Homeowners Association c/o Talis Mgt. PO Box 99149 Raleigh, NC 27624 PIN 1726894085

Notice Neighbor list – Exhibit B-1

Triangle Town Center, LLC
c/o CBL Center
2030 Hamilton Place Blvd
Chattanooga, TN 37421
PIN 1727507505

Mardin G. Martinez
Rosa H. Martinez
5909 Currin Fox Court
Raleigh, NC 27616
PIN 1726884797

Diane L. Hinzman
4627 Pooh Corner Drive
Raleigh, NC 27616
PIN 1726896056

Patricia A. Montanarella
PO Box 58623
Raleigh, NC 27658
PIN 1726894280

George Thornton
LaRue Thornton
4600 Pooh Corner Drive
Raleigh, NC 27616
PIN 1726884977

Villages of Fox Run Owners Assoc.
2209 Hamrick Drive
Raleigh, NC 27616
PIN 1726898315

James Loyd Malone
Frances Malone
6100 Fox Road
Raleigh, NC 27616
PIN 1726895468

Rachel E. Tyler
801 Normandy Dr.
Suffolk, VA 23434
PIN 1726885977



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-3-09 Conditional Use; Sumner Boulevard

General Location: Sumner Boulevard, south side, west of Fox Road

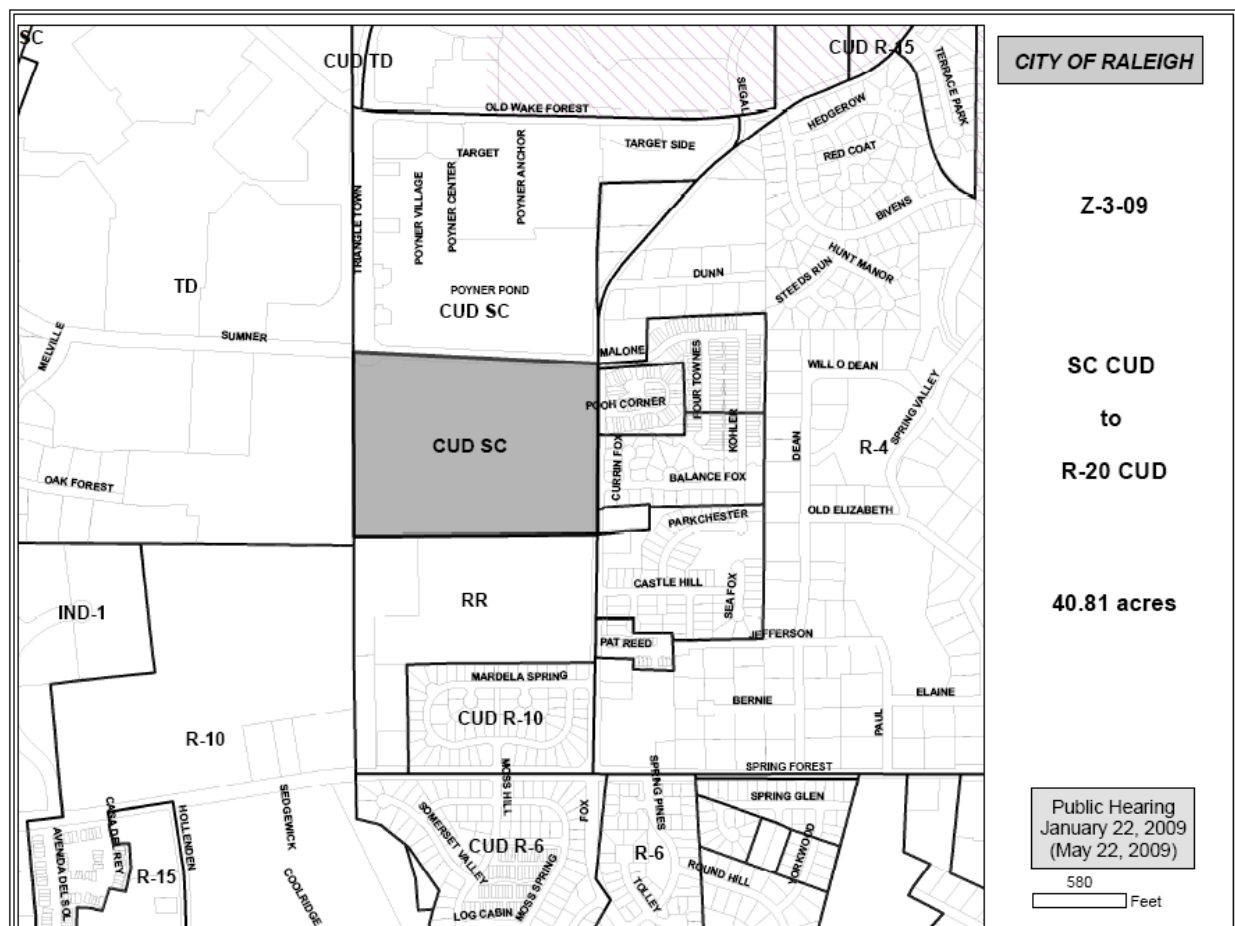
**Planning District
/ CAC:** Northeast / Northeast

Request: Petition for Rezoning from Shopping Center Conditional Use District to Residential-20 Conditional Use District.

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

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

Recommendation: That this request be denied



CASE FILE: Z-3-09 Conditional Use

LOCATION: This site is located on the south side of Sumner Boulevard, west of its intersection with Fox Road.

REQUEST: This request is to rezone approximately 40.81 acres, currently zoned Shopping Center Conditional Use District. The proposal is to rezone the property to Residential-20 Conditional Use District.

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

RECOMMENDATION: That this case be denied.

**FINDINGS
AND REASONS:** (1) The applicant has made a request for denial

To PC: 1/27/09
Case History:

To CC: 2/3/09

City Council Status: _____

Staff Coordinator: Alysia Bailey Taylor

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

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

Signatures: (Planning Dir.) (PC Chair)

date: _____

date: 1/29/09



Zoning Staff Report: Z-3-09 Conditional Use

LOCATION: This site is located on the south side of Sumner Boulevard, west of its intersection with Fox Road.

AREA OF REQUEST: 40.81 acres

PROPERTY OWNER: Fox Road, LLC

CONTACT PERSON: Isabel Worthy Mattox, 919-828-7171

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** May 22, 2009

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Shopping Center CUD	Residential-20 CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	N/A	N/A

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	w / Staff approval: 612 w / PC approval: 1224	816 Units

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No Limit	None

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	675,000 sq. ft. (<i>based on conditions</i>)	None

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	High Profile	Tract ID

ZONING HISTORY: This property was last zoned in 2001. (Z-5-2001)

Conditions of the Z-5-2001 case provided explicit guidance for the mixed use development of this property. The approval of the Z-5-01 case included approval of a pedestrian and vehicular circulation layout, transitional protective yard specifications, commitment to cross access, screened mechanical equipment,

lighting restrictions, signage restrictions, streetscape plantings, and the screening of parking areas.

**SURROUNDING
ZONING:**

NORTH: Shopping Center CUD (Z-5-2001)

Conditions:

(Conditions are more than 25 pages long. Please see summary below)

The conditions provide direction for the mixed use development of this property. The approval of the Z-5-01 case included approval of a pedestrian and vehicular circulation layout, transitional protective yard specifications, commitment to cross access, screened mechanical equipment, lighting restrictions, signage restrictions, streetscape plantings, and the screening of parking areas.

SOUTH: Rural Residential

EAST: Residential-10 CUD (Z-72-2000)

Conditions:

1. Uses will be limited to single family detached residential homes and townhomes, and any accessory uses and other uses allowed in R-4 districts, approved under Part 10 of the City Code.
2. Development will comply with CR-7107 limited stormwater runoff to R-4 levels.
3. A building setback of 35 feet is to be maintained along the East property line. Within this setback, a 25-foot natural protective yard will be provided.
4. Townhomes shall be limited to buildings of 2 stories with a height limit of 32 feet.
5. Townhomes will be limited to the northeast portion of the site and shall not extend beyond the Neuse River Basin stream buffer area.
6. Total density will not exceed 7 units per acre of which a maximum of 40 units may be townhomes.
7. Reimbursement for any future right-of-way dedication shall be based on R-4 values.
8. The developer will provide a public street to serve this property connecting Fox Road with the planned public street to the north, in accordance with an alignment approved by the City's Transportation and Engineering Departments. If required by the City's Transportation Department, a public street stub-out or an offer of cross access shall also be provided to the adjacent property to the south.
9. Developer will provide an access easement (to City of Raleigh standards) to provide for pedestrian traffic between this site and the Willo-Dean Acres subdivision which is directly adjacent to the east of this site. The exact location of this easement will be determined upon submittal of preliminary submission plans for this site.

WEST: Thoroughfare District

LAND USE: Vacant, heavily wooded lot

**SURROUNDING
LAND USE:**

NORTH: Retail

SOUTH: Spring Forest Road Park

EAST: Pattington Village (Townhomes) & Meadows at Fox Run (Single-family Residential)
WEST: Vacant, heavily wooded lot

DESIGNATED HISTORIC RESOURCES: N/A

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	Northeast
Urban Form	Regional Center
Specific Area Plan	Triangle Town Center Small Area 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 site is designated as part of the Northeast Regional Center located in the Northeast Planning District. Specific recommendations for the subject property are provided in the Triangle Town Center Small Area Plan (SAP). The SAP recommends that the area have a mix of neighborhood oriented retail, attached residential and office uses.

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

Spring Forest Road Park is located south of the subject property. The Triangle Town Center Mall and the Poyner Place retail development are located to the north, a combination of single and multi-family residential development is located to the east of the property, and there is a wooded, vacant parcel located on the west. The applicant indicates that the surrounding area is well suited for multifamily housing because there are numerous opportunities to obtain goods, services, and employment within walking distance and the property is within close proximity to public transportation service. The applicant also states that the adjacent City Park provides recreational opportunities for future residents of the proposed development. Staff found that the Triangle Town Center Plan's goal for the subject property was retail uses that would serve neighboring residents, and a transition in scale and use with pedestrian connections along Fox Road and the existing lower density residential areas to the east. The proposed rezoning does provide a transition from the lower density residential areas to the east and the non-residential uses and potential higher density residential development located to the north and west of the property. However, the proposed rezoning falls short of providing provisions for pedestrian connections between existing development and development that may occur in association with this rezoning.

3. Public benefits of the proposed rezoning

The applicant points out that the abundance of existing retail uses in the area makes rezoning the subject property to the requested Residential-20 zoning the highest and best use. The applicant goes

on to explain that the requested rezoning will provide a better transition to the lower density residential to the east, and that development of mixed density residential will support the surrounding community by providing housing that is both pedestrian and mass transit oriented.

While these statements may have merit, the existing zoning addresses the pedestrian and mixed use goals of the Triangle Town Center Plan. The existing zoning also offers the opportunity for a transition to the residential development to the east.

4. Detriments of the proposed rezoning

The applicant states that the lower density, smaller-scale buildings are proposed for the east side of the property, however, no conditions have been provided committing to a specific building height. Furthermore, the proposal could potentially result in poor pedestrian and vehicular connectivity between sites and surrounding uses, which is a matter that is addressed under the existing zoning for the property.

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

TRANSPORTATION: Sumner Blvd is classified as a collector street and is constructed to City standards as a 3-lane street, with a 41-foot back-to-back curb and gutter section within an 80-foot right-of-way.

In the City's Comprehensive Plan and Thoroughfare Map there are a number of planned collector streets that will directly impact the subject property. Oak Forest Drive is planned to extend to Fox Road along the southern boundary of the subject property. Additionally, Poyner Center Lane is planned to be extended through the subject property and connect to the planned extension of Oak Forest Drive. Triangle Town Blvd is also planned to extend to the planned extension of Oak Forest Drive along the western boundary of the subject property. The system of collector street alignments intersecting the subject property will provide for two distinct lots when this network is completed. Given these considerations the petitioner may wish to describe how the site will be accessed. The petitioner may also wish to consider a condition stating that right-of-way dedication shall be provided for the planned collector streets per the City's Comprehensive Plan on the subject property. Due to the proposed land use development intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

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

HYDROLOGY: FLOODPLAIN: There is no FEMA floodplain on this property. There are 2 alluvial soil areas in the NW quadrant of the property
DRAINAGE BASIN: Perry
STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>183,645</u> gpd	Approx. <u>428,505</u> gpd
Waste Water	Approx. <u>183,645</u> gpd	Approx. <u>428,505</u> gpd

The proposed rezoning would add approximately 244,860 gpd to the City's wastewater collection or water distribution systems. There are existing sanitary sewer and water mains located adjacent to the zoning case's boundary.

PARKS AND

RECREATION:

This property is adjacent to a greenway connector that is to be located along the western edge of Triangle Town Boulevard, the western boundary of this property. The developer will be required to dedicate a greenway easement at the time of subdivision or site plan approval if the dedication is not included as a condition of this case.

Park needs will be met by Spring Forest Road Park located to the south of this property.

WAKE COUNTY

PUBLIC SCHOOLS:

Based on the Wake County data, students living in this area may be assigned to attend either: Green Elementary, East Millbrook Middle, or Millbrook High. Development of the subject property at the requested rezoning could potentially lead to a decrease in the projected number of students assigned to the schools listed.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Green	576	91.9%	316	50.4%
East Millbrook	1,116	95.3%	1,025	87.5%
Millbrook	2,344	96.2%	2,249	92.3%

IMPACTS SUMMARY: The rezoning could result in a reduction in the number of students that would attend the aforementioned schools. The proposed rezoning creates the need for a dedicated greenway easement, and a traffic impact analysis to determine how much this development will affect vehicular travel in this 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 applicant states that since the property was last zoned a tremendous amount of retail has been developed in this area, but there has been a lack of higher density residential housing to support the retail development. The applicant further states that the multi-family housing that can be provided will provide less auto-dependant customers and employees in close proximity to the existing retail development. These are valid arguments, but they do not explain how the current zoning could not be properly applied were it being zoned for the first time.

APPEARANCE

COMMISSION:

This request is not subject to Appearance Commission review.

CITIZENS'

ADVISORY COUNCIL:

DISTRICT: Northeast

CAC CONTACT PERSON: Bob Mulder, 919-876-2828

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues:

- a. The Triangle Town Center SAP recommends that the subject property have a mix of retail, attached residential and office uses.
- b. Conditions from zoning case Z-5-01 provided explicit guidance for the mixed use development of this property. The approval of the Z-5-01 case included approval of a pedestrian and vehicular circulation layout, transitional protective yard specifications, commitment to cross access, screened mechanical equipment, lighting restrictions, signage restrictions, streetscape plantings, and the screening of parking areas. Staff strongly recommends that the conditions of this zoning case be reviewed to determine how these items will be addressed by the proposed rezoning.

2. Suggested conditions:

Please be aware that making the suggested modifications to the proposed zoning conditions for this case **will not** alter its inconsistency with the Comprehensive Plan.

- a. The suggested conditions provided below are based on the recommendations provided in the Triangle Town Center SAP.
 1. Consider adding conditions that address building materials, scale, and orientation. *(The SAP recommends that buildings not exceed four stories in height. The plan also suggests that multi-family development be architecturally compatible to existing residential development.)*
 2. Consider adding a condition requiring residential development to address the street with architectural features like a front porch.
 3. A condition should be added that restricts parking to locations *(ie. side or rear of the building)* that are not visible from the public street.
 4. Consider providing a condition that requires sidewalks on both sides of the street.

TRANSPORTATION:

The petitioner may also wish to consider a condition stating that right-of-way dedication shall be provided for the planned collector streets per the City's Comprehensive Plan on the subject property. Due to the proposed land use development intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

TRANSIT:

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

PARKS AND RECREATION:

Staff recommends that a condition be added stating that the developer will be required to dedicate a greenway easement at the time of subdivision or site plan approval.

