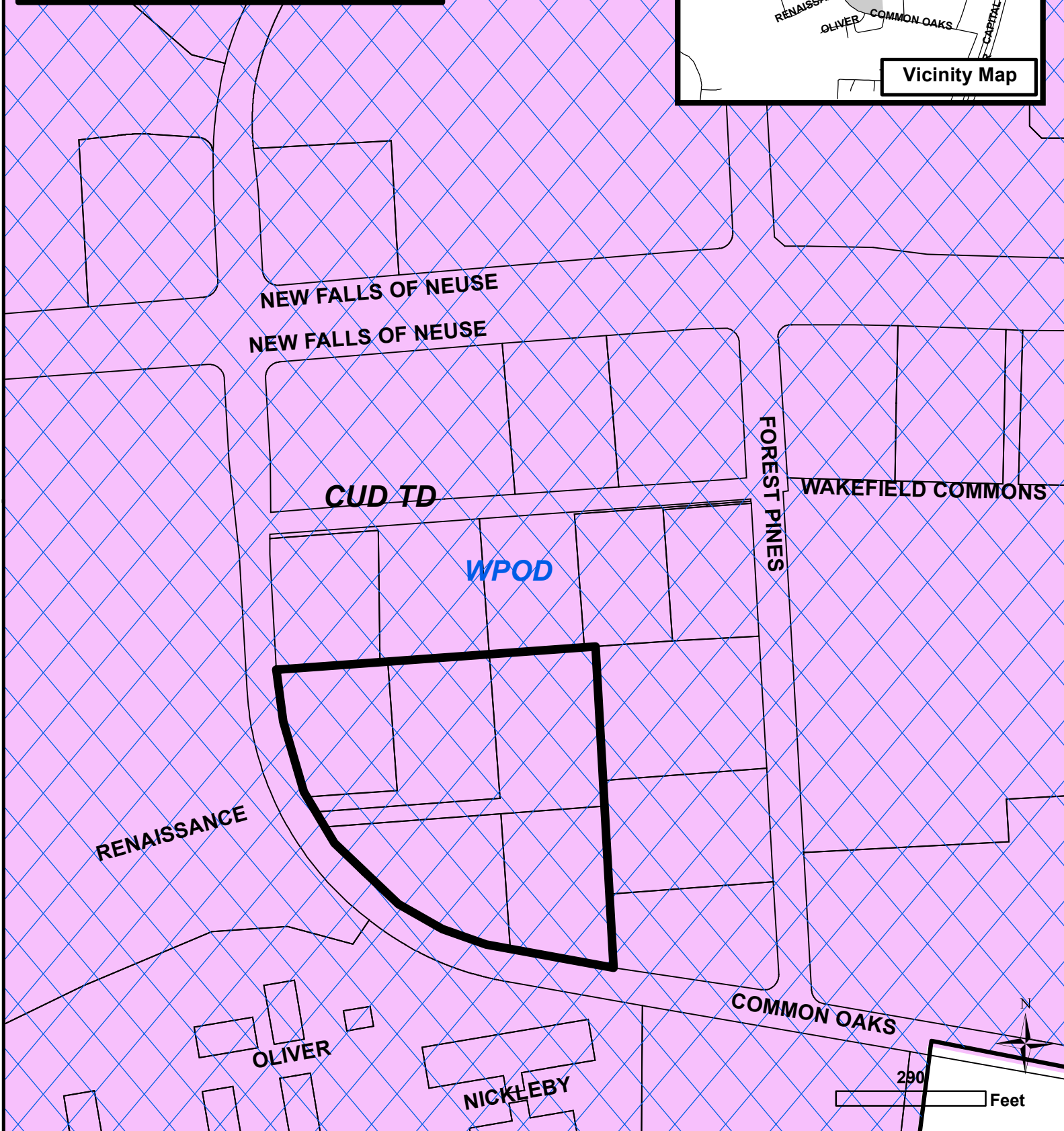
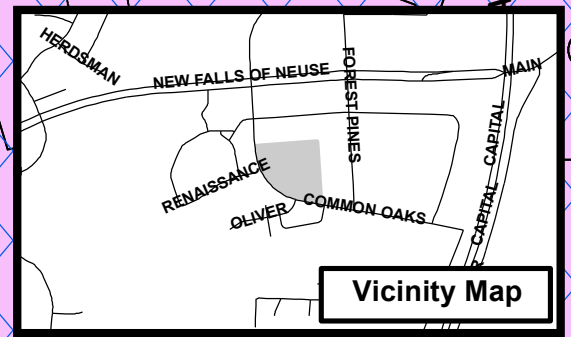


Existing Zoning Map

Case Number: Z-3-13



Request:

6.93 ac from TD CUD w/ WPOD to
O& I-1 CUD w/ WPOD

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)



Certified Recommendation

Raleigh Planning Commission

CR# 11521

Case Information -- Z-3-13 Common Oaks Drive

<i>Location</i>	Common Oaks Drive, east/north side, south of its intersection with New Falls of Neuse Road
<i>Request</i>	Rezone property from Thoroughfare Conditional Use District with Watershed Protection Overlay District (WPOD) to Office & Institution-1 Conditional Use District with Watershed Protection Overlay District (WPOD)
<i>Area of Request</i>	6.93 acres
<i>Property Owner</i>	CK Wakefield Properties
<i>Contact</i>	Jason L. Barron; 919-590-0371, jbarron@morningstarlawgroup.com
<i>Citizens Advisory Council</i>	North: Joe Corey, Chair; 919-845-1716, corey3rd@gmail.com
<i>PC Recommendation Deadline</i>	April 15, 2013

Comprehensive Plan Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use
<i>CONSISTENT Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.2 Compact Development Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 3.5 Watershed Management Policy LU 6.2 Complementary Uses and Urban Vitality Policy LU 8.10 Infill Development Policy T 5.4 Pedestrian and Bicycle Network Connectivity Policy T 6.6 Parking Connectivity Policy PU 1.1 Linking Growth and Infrastructure Policy UD 2.1 Building Orientation Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience
<i>INCONSISTENT Policies</i>	Policy EP 8.1 Light Pollution Policy UD 7.3 Design Guidelines

Summary of Proposed Conditions

1. Prohibit certain uses.
2. Maximum of 80 dwelling units on Property.
3. If developed as apartment-building type housing, minimum setback from Common Oaks Drive of 50 feet.
4. If developed as apartment-building type housing, minimum street protective yard width of 20 feet.
5. If developed as apartment-building type housing, metal fence to parallel Common Oaks Drive frontage.
6. If developed as apartment-building type housing, with more than one vehicular access, that for construction traffic confined to alignment with Oliver Road.
7. If developed as apartment-building type housing, with more than one vehicular access, southernmost to be minimum 6 feet wider than northernmost, and to include minimum 3-foot wide landscaped median.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
10/8/12	1/15/12		1/22/13 (deferred); 2/12/13 (deferred); 2/26/13

☐ ***Valid Statutory Protest Petition***

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with zoning conditions dated February 27, 2013.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and most applicable Comprehensive Plan policies. The Future Land Use Map designates this area as being appropriate for Neighborhood Mixed Use. Moderate Density Residential development, as conditioned, is consistent with that designation. 2. The proposal is reasonable and in the public interest. City infrastructure is projected to accommodate potential development. 3. The proposal is compatible with the surrounding area. The applicant has offered numerous zoning conditions to help mitigate potential impacts to existing residential development.
<i>Motion and Vote</i>	Motion: Schuster Second: Buxton In Favor: Butler, Buxton, Fluhrer, Harris Edmisten, Sterling Lewis, Schuster and Terando Recused: Mattox



Zoning Staff Report – Case Z-3-13

Conditional Use District

Z-3-13 Common Oaks Drive

Case Summary

Overview

The proposal seeks to introduce multi-family housing on currently-vacant land. Rezoning is being sought because the present zoning classification—Thoroughfare District—does not allow multi-family development on parcels less than ten acres in size. The subject site is less than seven acres. The site is located immediately across the Common Oaks Drive from two existing multi-family housing developments, and is adjacent to a variety of non-residential uses, consistent with the site's location within an area designated for mixed use.

Site topography exhibits considerable variation, with a small stream course cutting a scythe-shaped arc through the south-central part of the site. Overall, the land descends nearly 70 feet from a high point on the east lot line, downward to the property's street frontage on the west. The development of the adjacent non-residential parcels north and east has led to a reshaping of original contours into terraced site pads, stair-stepping down the respective streets. To be explored are opportunities for increasing cross-access, especially for pedestrian travel, which could further link the subject site to adjacent uses and the larger area.

Outstanding Issues

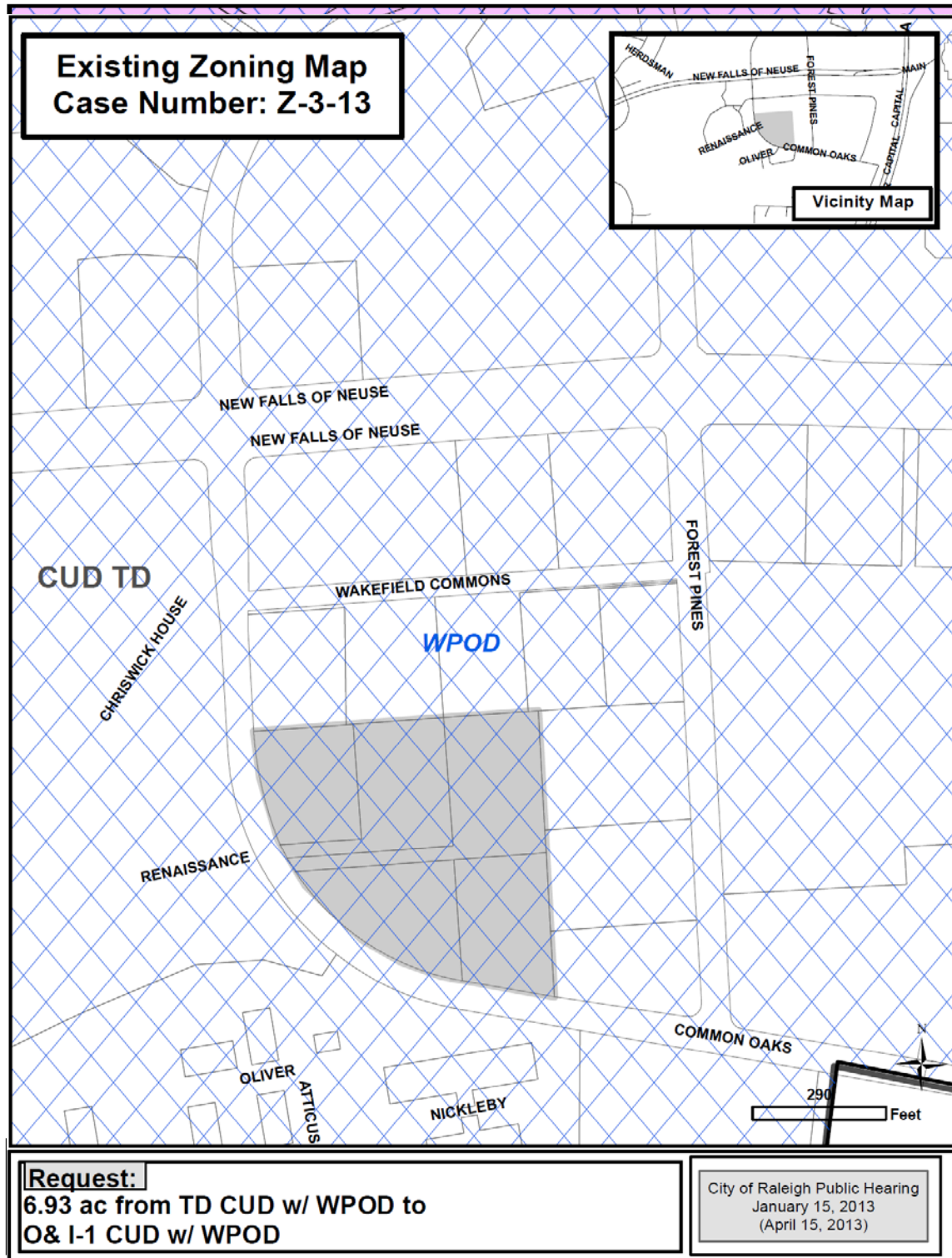
<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. Cross-access to adjacent properties.2. Potential need for downstream sanitary sewer improvement and/ or water system improvements needed to meet fire flow standards.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. Offer cross-access to adjacent vacant properties to the north and east.2. Provide downstream sanitary sewer improvements and/ or water system improvements required to meet fire flow standards (if needed).
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Zoning Staff Report – Case Z-3-13

Conditional Use District

ZONING REQUEST





Zoning Staff Report – Case Z-3-13

Conditional Use District

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	<i>Subject Property</i>	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Existing Zoning</i>	TD CUD	TD CUD	TD CUD	TD CUD	TD CUD
<i>Additional Overlay</i>	WPOD	WPOD	WPOD	WPOD	WPOD
<i>Future Land Use</i>	Neighborhood Mixed Use	Neighborhood Mixed Use	Moderate Density Residential	Neighborhood Mixed Use	Moderate Density Residential
<i>Current Land Use</i>	Vacant	Vacant, Office, Retail	Multi-family Residential	Vacant	Multi-family Residential

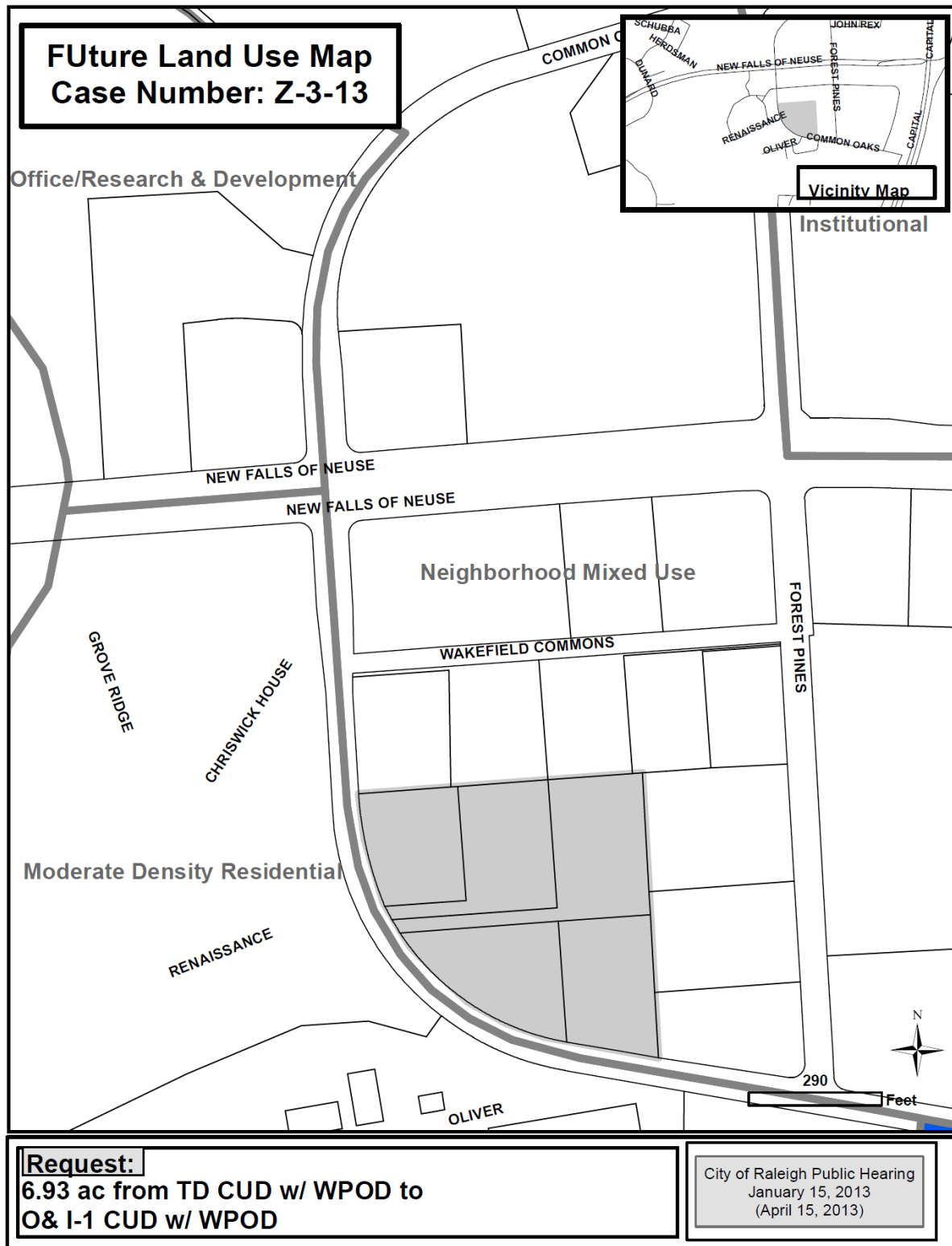
1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	Zero (not permitted within TD zoning on parcels of less than 10 acres)	80 units max.
<i>Setbacks:</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	50 feet (behind protective yard) 20 feet 20 feet	30 feet (50 feet if group housing) 5 feet (10 feet in aggregate) 20 feet
<i>Retail Intensity Permitted:</i>	(No intensity restriction.)	Uses limited.
<i>Office Intensity Permitted:</i>	(No intensity restriction.)	301,870 square feet max. (1.0 FAR)

The proposed rezoning is:

- ☒ **Compatible** with the property and surrounding area. The proposed zoning, in permitting multi-family housing, is compatible with the existing multi-family complexes across Common Oaks Drive from the subject site. Adjacent densities average approximately 8 units per acre but much of the respective sites are left in open space (including floodplain). Properties to the north and east are non-residential and thereby compatible with potential office uses on the subject site, but are upland and built out with single-story structures, minimizing potential impacts to site residential development.

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: **Neighborhood Mixed Use**

The rezoning request is:

☒ **Consistent** with the Future Land Use Map.

2.2 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

Policy EP 8.1 -- Light Pollution

Reduce light pollution and promote dark skies by limiting the brightness of exterior fixtures and shielding adjacent uses from light sources, provided safety is not compromised. Minimize flood lighting and maximize low level illumination. Promote the use of efficient, full cut-off lighting fixtures wherever practical. Full cut-off fixtures emit no light above the horizontal plane.

The proposal does not address this policy. Provisions addressing fixture type (e.g., full cutoff), and/ or maximum pole heights could help mitigate potential on- and off-site lighting impacts.

Policy UD 7.3 -- Design Guidelines

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

The proposal does not fully address this policy. As noted, the site is located within an area designated for Neighborhood Mixed Use. Of the 26 Design Guidelines, only 8 (i.e., 30%) are directly addressed by the rezoning petition. Twelve are left to be addressed at the site plan stage, and another 6 deemed inapplicable due to circumstances of the site. Certainty could be increased proportionately with added conditions; e.g., building/ parking placement: consistent with Design Guidelines 16, 23, and 24, site buildings could be conditioned to face streets, with parking grouped at the sides and rear of buildings. Additionally, Guidelines 9 and 12 provide direction regarding integrating common open space with other site components. The proposed zoning could help unify the immediate area in terms of land use; by meeting the Design Guidelines, it could also assure greater unity of built form.

2.3 Area Plan Policy Guidance

The rezoning request is not located within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Expanding housing opportunities immediately adjacent to established non-residential uses, within an area designated for mixed use development.
- Residential development of similar densities is located immediately across the shared street.
- The site is easily accessed by existing streets and sidewalks.
- If the site large were enough under the present TD zoning to permit multi-family development 20 to 40 dwelling units could be permitted per acre. The proposal caps the number at 80, equivalent to approximately 11 units per acre—consistent with the lower range recommended for Neighborhood Mixed Use (6 to 28 DUs/ acre) and existing adjacent residential development.

3.2 Detriments of the Proposed Rezoning

- The majority of the Design Guidelines for Mixed Use Areas remain unaddressed, leaving uncertain the respective aspects of future site design and urban form.

4. Impact Analysis

4.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Common Oaks Drive	Collector Street	N/A	N/A			
<u>Street Conditions</u>						
<u>Common Oaks Drive</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	41'	Curb and gutter on both sides of the street	60'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on both sides	N/A
Meets City Standard?	YES	YES	YES	YES	YES	N/A
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	146	51	-95			
PM PEAK	394	72	-322			
Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-3-13. You may wish to add a condition stating that an offer of cross-access will be provided to the vacant properties to the north and east.					
Additional Information:	Neither NCDOT nor the City of Raleigh has any scheduled roadway construction projects in the vicinity of this case.					

Impact Identified: Provide offer of cross-access to adjacent vacant properties to the north and east.

4.2 Transit

The Wake Forest Loop operates southbound on Common Oaks Dr. There are current stops at Common Oaks/ Chriswick House and Common Oaks/ Nickleby. It is anticipated that the proposed development will increase transit demand in the area but not past the capacity of the current route.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Richland Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	WPOD (Urban Water Supply Watershed Protection Area - secondary)

Impact Identified: Subject to Part 10, Chapter 9 Stormwater Regulations and Part 10, CHAPTER 10. - RESERVOIR WATERSHED PROTECTION AREA REGULATIONS (secondary urban), which restrict the percentage of site impervious surfaces.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	88,625 gpd	48,510 gpd
<i>Waste Water</i>	88,625 gpd	48,510 gpd

Impact Identified: The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There are currently eight (8") inch sanitary sewer and water mains within the Common Oaks Drive right-of-way at the property.

The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

The subject tract is not located adjacent to a greenway corridor.

Impact Identified: None.

4.6 Urban Forestry

This proposed development will be larger than two acres and has wooded areas along the perimeter boundaries therefore it is subject to Code Sec. 10-2082.14 - Establishment and Protection of Tree Conservation Areas.

Impact Identified: This rezoning is not expected to have an impact on application of the tree conservation ordinance to the property.

4.7 Designated Historic Resources

This site not within or adjacent to a National Register Historic District or Raleigh Historic Overlay District, nor does it include any individually-listed National Register properties or Raleigh Historic Landmarks.

Impact Identified: None expected.

4.8 Community Development

This site is not located within a designated Redevelopment Plan area.

Impact Identified: None.

4.9 Appearance Commission

The subject site is outside any Planned Development District, Pedestrian Business Overlay District, and the Downtown Overlay District, so is not subject to Appearance Commission review.

4.10 Impacts Summary

- Cross-access to adjacent vacant properties not conditioned.
- Downstream sanitary sewer improvement and/ or water system improvements needed to meet fire flow standards may be required.

4.11 Mitigation of Impacts

- Offer cross-access to adjacent vacant properties to the north and east.
- Provide downstream sanitary sewer improvements and/ or water system improvements required to meet fire flow standards (if needed).

5. Conclusions

The proposal would allow development of multi-family housing immediately adjacent to existing goods and services, within an area designated for mixed use. Opportunities for interconnectivity should be further explored, especially to adjacent vacant parcels. Further addressing the Design Guidelines could provide greater assure of urban form. Improvements to sewer and water systems may be required of future site development.



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

C. Patrick Crosby, Jr. for CK Wakefield, LLC

Date

10-11-12

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	CK Wakefield Properties	111 East Hargett Street, Suite 300	
(for conditional use requests, petitioners must own petitioned property)		Raleigh, NC 27601	
Property Owner(s)	CK Wakefield Properties	111 East Hargett Street, Suite 300	
		Raleigh, NC 27601	
Contact Person(s)	Jason L. Barron, Attorney	Morningstar Law Group 630 Davis Drive, Suite 200	919.590.0371 jbarron@mornginstarlawgroup.com
		Morrisville, NC 27560	

Property information

Property Description: 1739-38-8681, 1739-48-0681, 1739-48-0364, 1739-48-2599, 1739-48-3301

Nearest Major Intersection: New Falls of Neuse Road and Common Oaks Drive

Area of Subject Property (in acres): +/- 6.93 acres

Current Zoning Districts (include all overlay districts): Thoroughfare District Conditional Use and Urban Water Supply Watershed Protection Overlay District

Requested Zoning Districts (include all overlay districts): Office & Institution-1 Conditional Use with Urban Water Supply Watershed Protection Overlay District

EXHIBIT B. Request for Zoning Change

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The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

1	Guardian Wakefield, LLC The Guardian Life Ins. Co. of America 7 Hanover Square New York, NY 10004-2616 PIN: 1739-38-2629
2	Wakefield Hills Condos c/o Gregory F. Warren 113 South Wilmington Street Raleigh, NC 27601-1443 PIN: 1739-37-6941
3	Wakefield Affordable Housing LLC c/o Gregory F. Warren 113 S Wilmington Street Raleigh, NC 27601-1443 PIN: 1739-47-2842, 1739-47-2918, 1739-38-9025, 1739-38-7076, 1739-38-6062, 1739-37-3895, 1739-37-4798, 1739-37-6866, 1739-37-7758 1739-37-8818
4	Common Oaks Drive Wakefield LLC 100 Weston Estates Way Cary, NC 27513-8618 PIN: 1739-47-7952
5	CK Wakefield Properties, LLC 111 East Hargett Street, Suite 300 Raleigh, NC 27601-1482 PIN: 1739-38-8866 and 1739-48-5281
6	Loch Ness Properties LLC Bernard F. McLeod III 100 Park Avenue Fuquay-Varina, NC 27526-2039 PIN: 1739-48-5472
7	Forest Pines Center Condominium 5112 Departure Drive Raleigh, NC 27616-1814 PIN: 1739-48-5655 000

EXHIBIT B. Request for Zoning ChangePlease use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

8	Capitol Pediatrics Real Estate LLC 3801 Computer Drive Suite 200 Raleigh, NC 27609-6506 PIN: 1739-48-5655 001 and 002
9	Richard J. Forsyth 3320 Executive Drive Suite 214 Raleigh, NC 27609-7445 PIN: 1739-48-5655 003 and 004
10	Jerzy K. and Eva M. Manitus 10831 Forest Pines Drive Raleigh, NC 27614-8077 PIN: 1739-48-5655 005 and 006
11	CBC of Edenton, LLC c/o Monro Muffler Brake, Inc. 200 Hollender Pkwy Rochester, NY 14615-3808 PIN: 1739-48-4931
12	M C Enterprises LLC 11021 Wakefield Commons Drive Raleigh, NC 27614-6913 PIN: 1739-48-2950
13	Goodwill Community Foundation, Inc. 4808 Chin Page Road Durham, NC 27703-8476 PIN: 1739-48-0868

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested:

Office & Institution-1 Conditional Use

Narrative of conditions being requested:

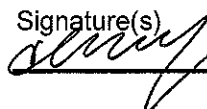
As used herein, the "Property" means and refers to all of those tracts or parcels of land containing approximately 6.93 acres and identified by the following Wake County Parcel Identification Numbers: 1739-38-8681, 1739-48-0681, 1739-48-0364, 1739-48-2599, 1739-48-3301.

1. The following uses shall be prohibited upon the Property:
 - a. Cemetery
2. The maximum residential density permitted upon the Property shall not exceed fourteen (14) dwelling units per acre.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)



Print Name

CK Wakefield Properties, LLC

Date

10-11-12

By: C. Patrick Crosby, Sr. Manager

EXHIBIT D. Request for Zoning Change

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The Future Land Use Map designates the Property as Neighborhood Mixed Use. This category encourages commercial uses, such as professional offices, and residential uses, usually in the moderate (6-14 units per acre) to medium (14-28 units per acre) density range. The land uses permitted by the proposed map amendment are consistent with the Neighborhood Mixed Use designation because the Office & Institution-1 zoning district permits professional office uses and the zoning conditions limit residential density to 14 units per acre, which is within the suggested moderate density range.

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

The Property is not located within any Area Plan or other City Council-adopted plans.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

The Neighborhood Mixed Use designation encourages residential development at less than 28 units per acre. The proposed rezoning, as conditioned to a maximum residential density of 14 units per acre, is consistent with the density recommendation of the Future Land Use Map. As a result, the proposed map amendment is consistent with policies LU 1.2 "Future Land Use Map and Zoning Consistency" and LU 1.3 "Conditional Use District Consistency." Given the condition on residential density and the

EXHIBIT D. Request for Zoning Change

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elimination of many high-traffic generating retail uses as compared to the current zoning district, the proposed map amendment reduces the infrastructure impact on public facilities and is consistent with LU 2.6 “Zoning and Infrastructure Impacts.” Based on the above, the proposed map amendment is consistent with the Comprehensive Plan.

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):

There are multifamily residential uses to the south and west of the Property. The property to the west, across Common Oaks Drive, is developed for a 320-unit development consisting of 14 three-story building with large surface parking areas. The property to the south, across Common Oaks Drive, is developed for 176 units in nine two- and three-story buildings, with large surface parking lots serving each building. The areas north and east of the Property include a mixture of uses, including office, day care, and retail, all of which have large surface parking lots between the building and the right-of-way. New Falls of Neuse Road, located north of the Property, is a secondary arterial. Forest Pines Drive, located east of the Property, and Common Oaks Drive, which borders the Property to the west and south, are collector streets.

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

All of the property adjacent to and abutting the Property is zoned Thoroughfare District Conditional Use (Z-69-1995) with an Urban Water Supply Watershed Protection Overlay District (Z-53-08). Properties to the west and south are developed for moderate density residential uses in mid-rise buildings. The properties to the north and east are developed for single-story retail and office/institution uses with large setbacks from the public right-of-way and minimal tree cover.

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 Property is suitable for moderate-to-medium residential development given the two collector streets and secondary arterial streets providing access to the Property as well as the topography and site features, which lend to such residential density. The proposed zoning map amendment is compatible with the character of the surrounding area because the rezoning permits residential density of the same range developed to the west and south of the project. It also permits development for uses and building types and forms that are consistent with the one- to three-story buildings surrounding the Property.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment provides a benefit to the landowner because it allows the property to be developed for a residential use.

B. For the immediate neighbors:

EXHIBIT D. Request for Zoning Change

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The proposed map amendment will benefit the immediate neighbors by permitting residential use at an appropriate density within walking distance to employment opportunities and retail uses.

C. For the surrounding community:

The proposed map amendment benefits the surrounding community by permitting the type and density of residential density envisioned by the City's plans and which are consistent with the nearby multifamily uses and complimentary to the adjacent mixture of non-residential uses.

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

No, the rezoning of the Property does not provide a significant benefit that is not available to surrounding properties. In fact, much of the surrounding property is developed for moderate density residential uses. Those surrounding lots that are zoned Thoroughfare District but are less than ten acres in size could be rezoned, consistent with the Future Land Use Map, to permit residential uses on such lots. However, if those lots remain zoned Thoroughfare District, those lots will continue to enjoy a wider range of permitted uses as compared to the Property under the proposed map amendment.

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

The proposed map amendment is reasonable and in the public interest based on the location of the Property, the surrounding transportation network, the surrounding residential and non-residential uses and the City's future development plans. The Property is located in one of the highest-growth areas of the City. The Property can be accessed from a secondary arterial and two collector streets, which provide adequate transportation infrastructure to accommodate the development permitted by the rezoning. The Property is surrounded by property developed for moderate density multi-family uses and office and retail uses that can benefit and benefit from the uses permitted on the Property under the proposed map amendment. Finally, the City's plans call for moderate-to-medium density residential uses on the property, and the proposed map amendment is consistent with this vision. Based on the above, the proposed map amendment is reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

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

This item of discussion is 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.**

The surrounding area has been developed for a mix of residential and commercial (office and retail) uses, but not the more intense retail, manufacturing and industrial uses permitted in the Thoroughfare District. In order to permit the mix of uses, including residential uses, on the Property, consistent with and complimentary to the surrounding uses, the City could not properly zone the Property Thoroughfare District because residential uses are not permitted on the Property given the gross development site size.

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

Additionally, the future development plans of the City designates this area as Neighborhood Mixed Use, and the Thoroughfare District is not the most appropriate zoning district to implement this vision.

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

The proposed map amendment will permit the development of residential uses in an area that is well suited for such uses, is consistent with surrounding residential uses and complimentary to the surrounding office, institutional and retail uses. Further, with the continued credit crisis, there is a need for additional multifamily uses in the City.

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

The proposed map amendment significantly reduces the residential density permitted on the Property and the range of uses permitted on the Property by the current zoning. As a result of this downzoning, the Petitioner anticipates that there will be no material adverse impact to the City's infrastructure.

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

The proposed map amendment advances the fundamental purpose of zoning focused on regulating in accordance with a comprehensive plan. As noted above, the proposed map amendment is consistent with the Future Land Use Map and Comprehensive Plan. Also, as discussed above, the proposed map amendment regulates with reasonable consideration to the character of the district and the suitability of the land for particular uses. Moreover, as set forth above, the proposed map amendment is reasonable and in the public interest.

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

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

Design Guidelines for Mixed Use Areas

RALEIGH COMPREHENSIVE PLAN

Policy UD 7.3

Design Guidelines

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Elements of Mixed-Use Areas

1. *All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office and residential within walking distance of each other. Mixed Uses should be arranged in a compact and pedestrian-friendly form.*

Response: The proposed rezoning is consistent with this guideline because it permits residential and non-residential uses.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

2. *Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.*

Response: This guideline is inapplicable because the property is not adjacent to lower density neighborhoods.

Mixed-Use Areas /The Block, The Street and The Corridor

3. *A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.*

Response: The proposal is consistent with this guideline, as the property has frontage along collector streets; there are no neighborhood roads in the vicinity.

4. *Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.*

Response: This guideline is not applicable, because the surrounding development is non-residential and direct connections to a residential development would be incompatible.

5. *New development should be compromised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.*

Response: Two cuts onto Common Oaks Drive is anticipated, which will result in a block length less than 660 feet, consistent with this guideline.

Site Design/Building Placement

6. *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.*

Response: This guideline is more appropriately addressed at the time of site plan approval. It is important to note that surrounding development must comply with a 50-foot wide setback, and usually includes at least a single-bay of parking between the building and street.

7. *Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.*

Response: This guideline is not applicable because the adjoining street is not a high-volume corridor and is not a pedestrian-oriented street.

8. *If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

Response: This guideline is not applicable because the property is not located at a street intersection.

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

11. *The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

Site Design/Public Seating

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

Response: This guideline is more appropriately addressed at the time of site plan approval.

Site Design/Automobile Parking and Parking Structures

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

Response: This guideline is not applicable because Common Oaks Drive is not a pedestrian-oriented street.

15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*

Response: No parking structures are contemplated for development of the property.

Site Design/Transit Stops

17. *Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.*

Response: The rezoning is consistent with this guideline, because Triangle Transit stops exist on the south and west side of Common Oaks Drive, directly across the street from the property.

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

Response: The rezoning is consistent with this guideline, as sidewalks currently exist along both sides of Common Oaks Drive, and connect the property with the existing bus service stops.

Site Design/Environmental Protection

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*

Response: This guideline is inapplicable because there appear to be no natural resources or sensitive landscape areas on the property.

Street Design/General Street Design Principles

20. *It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.*

Response: No public streets are anticipated as part of development of the property. This guideline is more appropriately addressed at the time of site plan approval.

21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.*

Response: There is currently a 5-foot wide sidewalk along the frontage of the property, consistent with this guideline.

22. *Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.*

Response: This guideline is inapplicable, because no new public streets are anticipated as part of the development of the property.

Street Design/Spatial Definition

23. *Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

Building Design/Facade Treatment

24. *The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

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

Response: This guideline is more appropriately addressed at the time of site plan approval.

Building Design/Street Level Activity

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

Response: This guideline is more appropriately addressed at the time of site plan approval.

EXHIBIT D**SUMMARY OF DISCUSSION ITEMS**

On Monday, October 8, 2012, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. No adjacent property owners attended the meeting, so no items were discussed.

EXHIBIT E

NEIGHBORHOOD MEETING ATTENDEES

No adjacent property owners attended the meeting.