

CITY OF RALEIGH

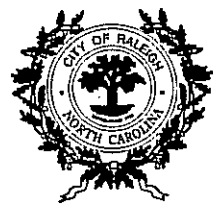
Z-5-08

**R-4
to
O&I-1 CUD**

1.77 acres

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

310 Feet



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

Please check boxes where appropriate

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

Signature(s) _____ Date: _____
Janelle S. Rayford _____ 10/8/07
 Please type or print name(s) clearly:
 Janelle S. Rayford _____

Office Use Only
 Petition No. 2-5-08
 Date Filed: 10-19-07
 Filing Fee: pd 1000.00 by CLK#2793

EXHIBIT B. Request for Zoning Change

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>Janelle S. Rayford</u>	<u>5312 Crisfield Road</u>	<u>704-494-4704</u>
		<u>Charlotte, NC 28269</u>	<u>JRAYFORD@rayfordsmith.com</u>
<hr/>			
2) Property Owner(s):	<u>Same as above</u>	<u>Same as above</u>	<u>Same as above</u>
<hr/>			
3) Contact Person(s):	<u>Malay Jindal</u>	<u>11401 Pacesferry Drive</u>	<u>919-815-8135</u>
		<u>Raleigh, NC 27614</u>	<u>JINDALM@earthlink.net</u>
<hr/>			
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): _____ <u>0797-53-1987 and 0797-54-2103</u>		
	General Street Location (nearest street intersections): <u>6600 Creedmoor Road</u> <u>and 6608 Creedmoor Road (near intersection of Creedmoor Road & Lynn Road)</u>		
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5) Area of Subject Property (acres):	<u>Total 1.77 acres — the two parcels are 0.86 and 0.91 acres, respectively</u>		
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6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>Residential-4</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>Office & Institution-1 Conditional Use</u>		
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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 along the western edge of the North District, and low-to-medium density attached housing and low intensity office uses are recommended.

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 within the Creedmoor Road Corridor Plan. The plan encourages sensitive corridor transition development of vacant or under-used frontage lots along Creedmoor Road, and discourages single-family detached residential uses fronting on Creedmoor Road. The plan allows frontage lots currently zoned R-4 to be considered for possible rezoning to encourage low-to-medium density attached housing or low-intensity office uses. Land assemblage of small transition area frontage lots for appropriate infill or redevelopment is extremely important to the success of this corridor plan. The current zoning is inconsistent with the Comprehensive Plan.

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

The proposed map amendment is consistent with the Comprehensive Plan and other City Council-adopted plans and policies.

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

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

The subject property is located on the eastern side of Creedmoor Road, a short distance to the north of its intersection with Lynn Road, and is in a Corridor Transition Area in the Creedmoor Road Corridor Plan. Immediately to the north is the Asbury United Methodist Church. Area to the east is zoned R-4 and consists of single family residences. Property to the south consists of vacant lots that are a part of the same Corridor Transition Area as the subject property. Further to the south, all additional lots up to Lynn Road are zoned Office & Institution-1. Property to the west consists of lots zoned Office & Institution-1.

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

The subject property is located near the intersection of Creedmoor Road and Lynn Road. This major intersection consists of property zoned SC, O&I-3, O&I-1, and R-20. Uses include a gas station, shopping center, offices and an apartment complex. The subject property fronts Creedmoor Road a short distance north of Lynn Road and consists of two parcels zoned R-4. One parcel contains a 2-storey single family detached house, and the other parcel is a vacant lot. Under the Creedmoor Road Corridor Plan, single family detached housing is not a recommended use for road-frontage property in this area. As a result, several lots to the south of the subject property have been zoned O&I-1. Frontage lots across the street on Creedmoor Road have also been zoned O&I-1. Property immediately to the south is a vacant lot zone R-4, and it is a part of the same Corridor Transition Area as the subject property and recommended uses for this property are the same, i.e., multi-family attached housing or low-intensity office uses. Property immediately to the north is zoned R-4 and consists of a church. Property to the northeast, across the street on Creedmoor Road, is zoned R-6 and consists of multi-family attached housing.

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

Reassemblies of lots, and redevelopment or infill development, are recommended in this Corridor Transition Area. The proposed re-zoning of the subject property is compatible with the Comprehensive Plan and provides a recommended transition between commercial and residential uses.

The subject property consists of two parcels. The current zoning only allows single family residential use which is inconsistent with the Comprehensive Plan, which discourages single family homes and individual accesses to a major thoroughfare in this transition area. The proposed use will allow assembly of the two parcels in a single low-intensity office development with common access to the thoroughfare.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment allows for a better use of the property which, given its location on a major thoroughfare, is no longer suitable for single family residential development.

B. For the immediate neighbors:

The proposed map amendment provides a buffer from a major thoroughfare and a good transition from a more intensely developed area to the west to the single family residential neighborhood to the east. It also provides a similar, but smaller, and less intense office and institutional use for neighbors to the north and south. For the neighbor immediately to the south, the proposed map amendment provides benefits such as cross access and opportunity for beneficial use of that property.

C. For the surrounding community:

The proposed map amendment will allow for a low intensity office development which will maximize the tax base for the City and provide a good transition in a Corridor Transition Area from more intense development and a major thoroughfare for the lower density properties nearby. The development will also provide service to the community such as office space, daycare, medical services, etc. in an area where the need for social and economic services has increased due to growth. For example, within three miles of this property there are estimated to be approximately 6,000 children under the age of six, while there are an insufficient number of preschools to serve the needs of these families. A preschool will serve the needs of parents who live and work in the area and provide a benefit to the surrounding community. Similarly, additional office space and medical services will also serve the growing need of the community.

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

The proposed rezoning does not provide any additional benefit to the subject property that is not available to the surrounding properties. Several of the surrounding properties have been rezoned to the same zoning as requested for this property, i.e., Office & Institution-1. This includes property to the south and west of the subject property. Also, the property immediately to the south is in the same Corridor Transition Area as the subject property and eligible for rezoning to allow multifamily attached housing or low-intensity office uses. The property immediately to the north already consists of a church.

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 because it allows for development of a property which is no longer suitable for single family use permitted by the current zoning due to its location on a busy thoroughfare and near a higher intensity development, while limiting the development to a low-intensity office use which will provide a good buffer and a good transition to the nearby single family residential area.

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.**

Wake County and the City of Raleigh have seen unprecedented growth in the past two decades. Creedmoor Road was widened to serve that need, in part, and has become a major thoroughfare. The City's future plans call for further widening of this thoroughfare to serve the continuing growth in the area. The Comprehensive Plan calls for frontage properties along this thoroughfare to be developed in a manner consistent with this growth. For example, the current zoning of the subject property, which allows single family detached housing, has become obsolete and inconsistent with the plan. Under the Creedmoor Road Corridor Plan applicable to the subject property, individual homes and direct thoroughfare access from such individual homes is strongly discouraged. Therefore, the current R-4 zoning could not be applied to this property now were it being zoned for the first time.

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

The public need has increased for the land along major thoroughfares which are zoned for single family residential use to be rezoned to allow low-intensity office or higher density residential uses to provide good transition and buffers to internal residential areas.

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

Public water and sewer are available on Creedmoor Road near the subject property. Fire and Public Safety are located in close proximity at 5525 Leadmine Road, Raleigh, NC 27612. The proposed low intensity office use will not adversely impact or deprive the neighboring properties of light and air.

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

The current zoning of the subject property is obsolete and inconsistent with the Comprehensive Plan. Development of this property as single family detached housing is discouraged. Direct thoroughfare access from individual single-family lots is strongly discouraged. The proposed use of the property involves reassembling parcels into one lot as recommended by the Comprehensive Plan for property fronting Creedmoor Road, and provides for more efficient use of the property. The proposed use reduces the number of accesses on the busy thoroughfare as recommended for frontage lots under the Creedmoor Road Corridor Plan. The proposed use is also consistent with the Transition Area requirements under this plan.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-05-08 Conditional Use; Creedmoor Road

General Location: Creedmoor Road, east side, north of its intersection with Lynn Road.

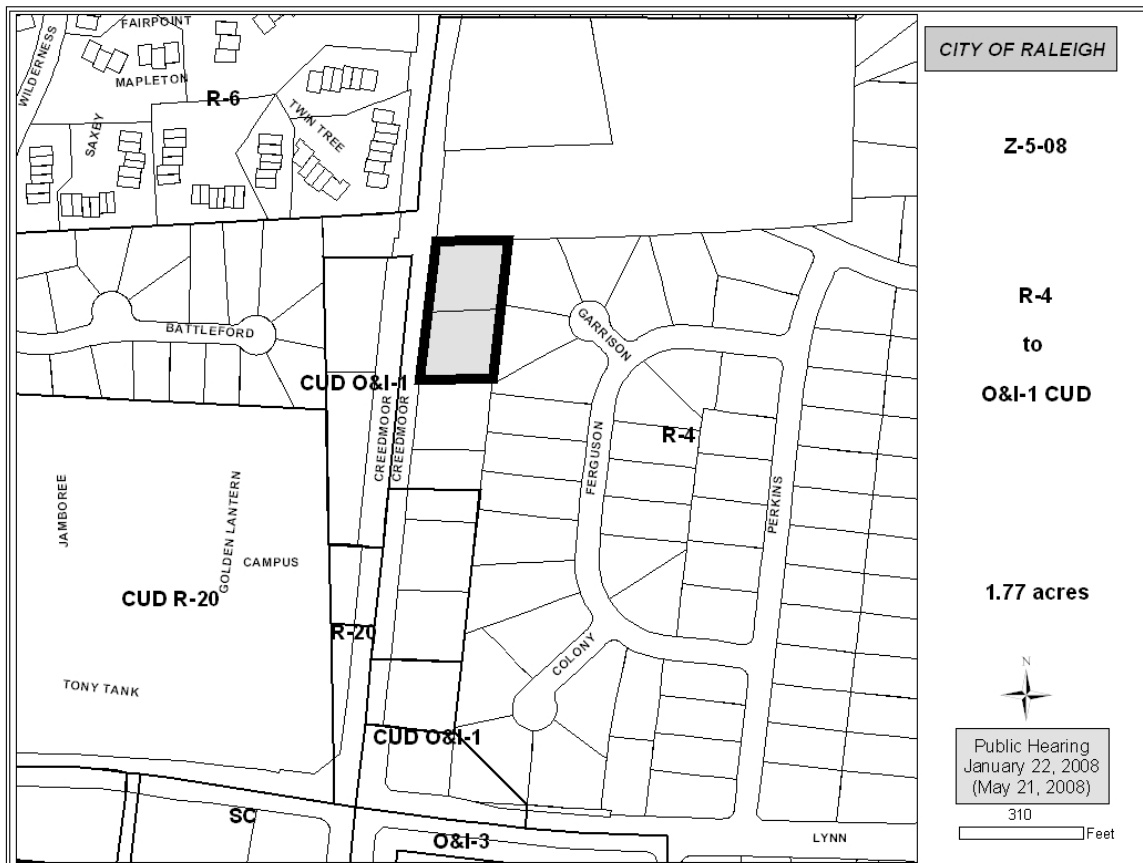
**Planning District
/ CAC:** North/ North

Request: Petition for Rezoning from Residential-4 to Office & Institution-1 CUD.

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

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

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated February 12, 2008.





Zoning Staff Report: Z-05-08 Conditional Use

LOCATION: This site is located on the east side of Creedmoor Road, north of its intersection with Lynn Road.

AREA OF REQUEST: 1.77 acres

PROPERTY OWNER: Janelle S. Rayford

CONTACT PERSON: Malay Jindal

PLANNING COMMISSION RECOMMENDATION DEADLINE: May 21, 2008

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-4	Office and Institution-1 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: 7 units w / PC approval: 7 units	w / Staff approval: 26 units w / PC approval: 44 units

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office uses not permitted	25,443.9 sf (0.33 FAR, as per conditions)

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Retail uses not permitted	Retail uses not permitted

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID sign	Low profile (Height = 3.5 feet; Area = 70 sq.ft.)

ZONING HISTORY: This property has been zoned Residential-4 since 1969 (under Z-18-69).

SURROUNDING ZONING: NORTH: Residential-6 Conditional Use District

SOUTH: Residential-4
EAST: Residential-4
WEST: Office and Institution-1; Residential-4

LAND USE: Single-family residence (north parcel); vacant (south parcel)

SURROUNDING LAND USE: NORTH: Church
SOUTH: Vacant
EAST: Low-Density Residential
WEST: Office

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	Creedmoor Road Corridor Plan
Guidelines	Frontage Lots on Thoroughfares

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 on Creedmoor Road just north of the Creedmoor/Lynn Neighborhood Focus Area, within a Corridor Transition Area. The Comprehensive Plan notes that low intensity office development is desirable in such locations. Landscaping, sign and access control and architectural unity are stressed in transition areas to distinguish them from focus areas and to preserve the traffic carrying functions of these corridors. The guidelines for Frontage Lots on Thoroughfares (p. 3-4.10) also apply.

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

In recent years, many Creedmoor Road properties immediately north of the Lynn Road intersection have undergone rezoning from low density residential uses to more intensive multi-family and non-residential uses. The office complex now under construction (Creedmoor Lynn Commons) just to the south of the subject site provides the most recent example. (The offices’ site plan may also provide a model of site design solutions for the subject parcels and others within the Corridor Transition Area.) The rezoning behind that development also affirmed the integrity of the R-4 neighborhood to the northeast, confining non-residential uses to thoroughfare frontage lots, behind a Policy Boundary Line. The net effect has been that called for by the Comprehensive Plan—a gradation of land use intensities out from the retail area on the south side of the Lynn/Creedmoor intersection, transitioning to the established neighborhoods beyond. The current proposal is consistent with this pattern.

3. Public benefits of the proposed rezoning

The proposed rezoning would permit the type of development anticipated by the Creedmoor Road Corridor Plan. O&I-1 designation carries landscape and signage provisions consistent with providing a transition east-to-west from the thoroughfare to the adjoining residential properties. Such use also transitions from the more intensive retail, office and multi-family housing to the south and southwest, associated with the Creedmoor/ Lynn Neighborhood Center.

4. Detriments of the proposed rezoning

Rezoning of the parcel could allow greater intensity of use, in turn resulting in higher traffic impacts. The location of the future site access point could compound the issue. The narrowness of the site east to west poses requires careful attention to tree preservation and protective yards.

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

TRANSPORTATION: Creedmoor Road is classified as a secondary arterial thoroughfare (2005 ADT – 30,000 vpd) and exists as a four-lane median-divided facility on 105 feet to 110 feet of right-of-way with sidewalk on the west side. City standards call for Creedmoor Road to provide a six-lane median-divided curb and gutter facility on 130 feet of right-of-way with sidewalks on both sides. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

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

HYDROLOGY: FLOODPLAIN: None
 DRAINAGE BASIN: Haresnipe
 STORMWATER MANAGEMENT: Pt. 10 Ch. 9 compliance required.

PUBLIC UTILITIES: The proposed rezoning would add approximately 2,220 gpd to the wastewater and water treatment systems of the City. There is an existing water main adjacent to the proposed rezoning area which would serve said area. There is currently no sanitary sewer main adjacent to the proposed rezoning area. The developer of the properties would be required to extend the sanitary sewer to the properties, since the properties are outside the City, but within the City’s Utilities Service Area.

PARKS AND RECREATION: This property is not adjacent to a greenway corridor.

WAKE COUNTY PUBLIC SCHOOLS: The maximum number of dwelling units permitted under the proposed zoning is 44. The current zoning permits 7 dwelling units. The proposed zoning could result in the following increases in school enrollment: 4 elementary students, 3 middle, 2 high school. Base school assignments would be to following schools, operating at the capacities indicated:

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Lynn Road	554	98%	558	99%
Carroll	651	82%	654	83%
Sanderson *	1,977	105%	1,979	105%

IMPACTS SUMMARY: The developer will need to extend sewer service to the site. Potential school enrollment should not adversely impact the base middle school, but would tip the elementary school closer to capacity and add to over-capacity conditions at the high school.

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 property applied to it now were it being zoned for the first time.**

The site is within a Corridor Transition Area. If the present zoning (Residential-4) were being proposed today, it would be deemed inconsistent with the Comprehensive Plan.

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:

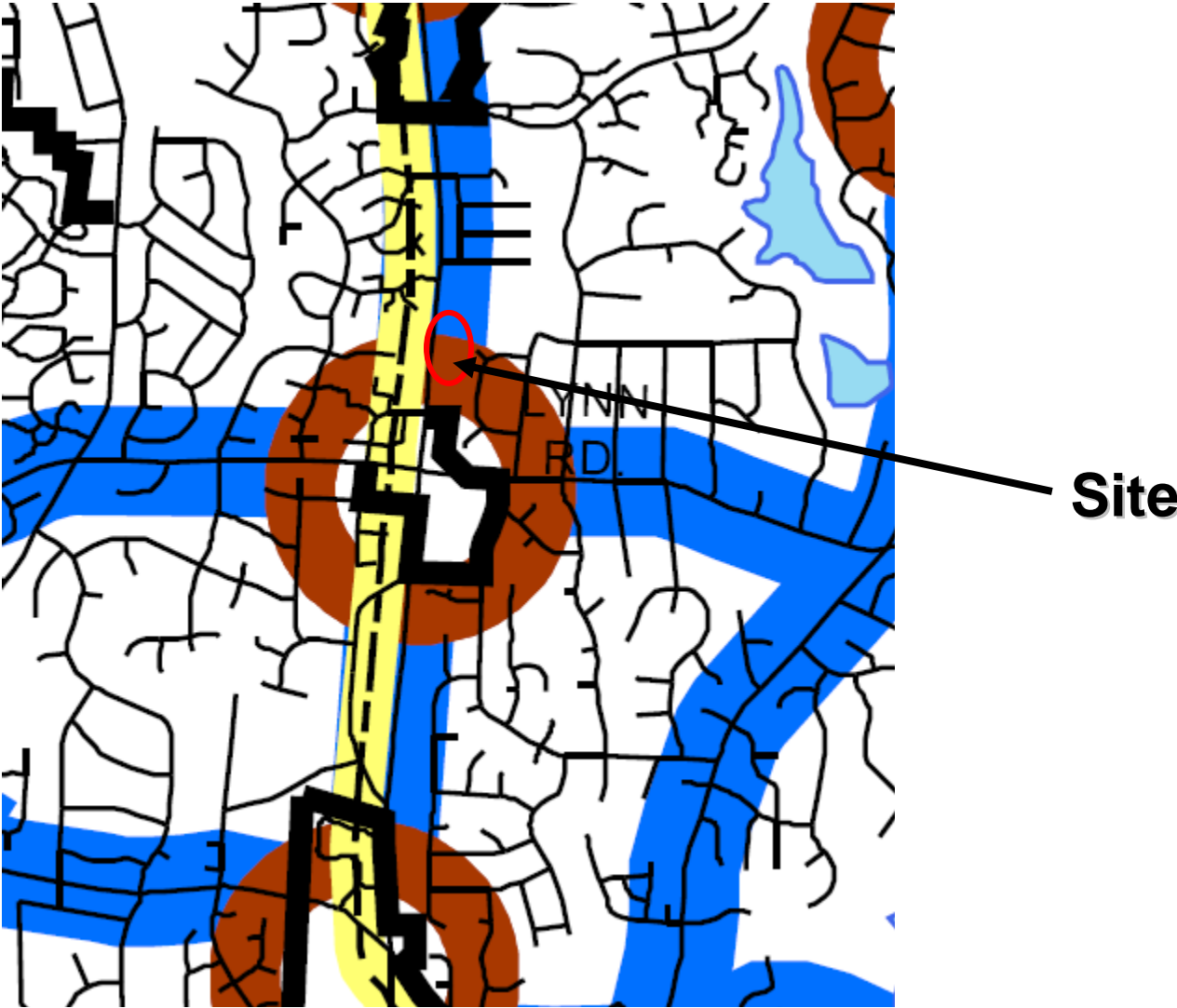
1. **Outstanding issues**

None. The applicant has submitted amended conditions (dated 2/12/08) which address issues previously noted by staff and the Planning Commission.

2. **Suggested conditions**

None. The applicant has submitted amended conditions (dated 2/12/08) which incorporate suggestions offered by staff and the Planning Commission.

NORTH DISTRICT PLAN



CREEDMOOR ROAD CORRIDOR PLAN

