



# Certified Recommendation

Raleigh Planning Commission

CR# 11368

## Case Information: Z-5-10/TW Alexander

<i>Location</i>	SE corner of Sporting Club Drive and T.W. Alexander Drive
<i>Size</i>	1.55 acres
<i>Request</i>	Amend conditions associated with property zoned Thoroughfare District Conditional Use

## Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Public Parks and Open Space
<i>Applicable Policy Statements</i>	LU 5.2 Managing Commercial Development Impacts LU 5.4 Density Transitions LU 5.6 Buffering Requirements LU 7.4 Scale and Design of New Commercial Uses PR 3.8 Pedestrian Links to Greenways EP 2.5 Protection of Water Features

☐ Consistent

☒ Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	Prohibits certain types of uses
-----------------------------	---------------------------------

## Issues and Impacts

<i>Outstanding Issues</i>	<p>The request is inconsistent with the Comprehensive Plan. The following issues should be addressed:</p> <ul style="list-style-type: none"><li>• Inconsistency with the Future Land Use Map</li><li>• Provide conditions to manage impacts of commercial development on abutting residential uses</li><li>• Provide for appropriate transition between low density uses and higher intensity commercial uses</li><li>• Include appropriate buffering measures between low and high density uses</li><li>• Address scale and design of potential new commercial uses adjacent to low density residential uses</li></ul>
<i>Impacts Identified</i>	<ul style="list-style-type: none"><li>• There are no major impacts identified as a result of this request.</li><li>• Transit easement, greenway easement, and natural protective yard will be required at the time of site plan review.</li></ul>

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
March 9, 2010	April 20, 2010	Date	Action	Date 4/27/'10	Action Recommended denial

☐ **Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use Map

## Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission recommends that this request be denied.
<i>Findings &amp; Reasons</i>	<p>1. That the petitioners are requesting denial of the request.</p> <p>The Planning Commission supported a motion for denial of the request without further discussion of the case.</p>
<i>Motion and Vote</i>	<p>Motion: Mullins</p> <p>Second: Mattox</p> <p>In Favor: Anderson, Bartholomew, Batchelor, Butler, Fleming, Haq, Harris Edmisten, Mattox, Mullins, Smith, Sterling</p>

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 attached Staff Report.

_____ Planning Director	_____ Date	_____ Planning Commission Chairperson	4/28/10 Date
----------------------------	---------------	--	-----------------

Staff Coordinator: Dhanya Sandeep [dhanya.sandeep@ci.raleigh.nc.us](mailto:dhanya.sandeep@ci.raleigh.nc.us)



# Zoning Staff Report – Z-5-10

## Conditional Use District

### Request

<i>Location</i>	SE Corner of Sporting Club Drive and T.W. Alexander Drive
<i>Request</i>	Amend conditions associated with property zoned TD CUD
<i>Area of Request</i>	1.55 acres
<i>Property Owner</i>	Brier Creek Associates, LP
<i>PC Recommendation Deadline</i>	August 18, 2010

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	TD CUD	TD CUD (amended)
<i>Additional Overlay</i>	None	None
<i>Land Use</i>	Undeveloped	Not specified
<i>Residential Density</i>	Not Permitted (unless recombined)	Not permitted (unless recombined)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	TD CUD (Z-56-96)	TD CUD (Z-65-96)	TD CUD (Z-65-96)	TD CUD (Z-65-96)
<i>Future Land Use</i>	Parks & Open Space and Regional Mixed Use	Parks & Open Space and Low Density Residential	Parks & Open Space and Private Open Space	Moderate Density Residential
<i>Current Land Use</i>	Commercial	Low Density Residential	Undeveloped	Multi-family Residential

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Public Parks and Open Space
<i>Area Plan</i>	NA
<i>Applicable Policies</i>	LU 5.2 Managing Commercial Development Impacts LU 5.4 Density Transitions LU 5.6 Buffering Requirements LU 7.4 Scale and Design of New Commercial Uses PR 3.8 Pedestrian Links to Greenways EP 2.5 Protection of Water Features

## Contact Information

<i>Staff</i>	Dhanya Sandeep: 516. 2659; <a href="mailto:dhanya.sandeep@ci.raleigh.nc.us">dhanya.sandeep@ci.raleigh.nc.us</a>
<i>Applicant</i>	Eric Braun: 743.7315; Michael Birch: 743.7314
<i>Citizens Advisory Council</i>	Northwest; Jay Gudeman: 789.9884

## Zoning History

The applicants request amending conditions associated with an undeveloped property zoned Thoroughfare District CUD. The subject property has been zoned Thoroughfare District CUD since 1996 (Z-65-96 CUD), as part of the larger airport assemblage rezoning. Conditions organize 2,200+ acres into four (4) sections and allocate maximum acreage which may be devoted to land use types within the individual sections. Other conditions designate open space areas, stormwater provisions, access limitations to US Hwy 70, and street and utility construction. The subject property is located within Tract B. The last revised draft of the zoning conditions adopted in September 2003, specifies the following conditions for Tract B:

Land Use by Area – Maximum (as specified in Z-65-96 conditions)

Dwelling Units	3,550
Residential Acreage	670
Office/Institutional/Civic/Service Acreage	187.5
Commercial Acreage	125
Industrial Acreage	100
Open Space/Buffers and Recreational Acreage	150
TOTALS	942

More than 80% of Tract B parcels have already been developed for residential uses. The total acreage allocated for non-residential uses in Tract B has not been developed to its maximum capacity. Hence, all of the remaining undeveloped lots in Tract B can be developed for non-residential uses under the existing zoning conditions. There is no prohibition on the type of uses permitted under the Thoroughfare District.

The conditions pertaining to open space, storm water, access and utilities have no direct impacts on the subject parcel, and apply to the larger tract B. This request to amend the conditions would eliminate 'adult establishment' as an allowed use. Therefore, this request does not appear to have direct impacts on the infrastructure services and densities permitted under the current zoning conditions.

## Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

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

#### 1.1 Future Land Use

This property is designated for *Public Parks and Open Space* use on the Future Land Use Map. This applies to permanent open space intended for recreational or

resource conservation uses. Land with this designation is intended to remain in open space in perpetuity.

The property was given this designation based upon information of a greenway easement on a majority of the property. The extent of all greenway easements were mapped as public parks and open space on the future land use map.

## **1.2 Policy Guidance**

The following policy guidance is applicable with this request

### **Policy LU 5.2 Managing Commercial Development Impacts**

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

The Thoroughfare district permits a wide range of uses including high intensity uses that could have potential adverse impacts on the surrounding residential uses. Applicant is encouraged to address and mitigate such potential impacts by including appropriate zoning conditions.

### **Policy LU 5.4 Density Transitions**

Low to medium density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs in the site with the higher intensity.

The site abuts low density residential uses. Therefore, per policy recommendations, appropriate transitions should be provided on the site, to protect adjacent residential neighborhoods from the impacts of potential higher intensity development.

### **Policy LU 5.6 Buffering Requirements**

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The subject property is surrounded by low density residential uses directly to the south. Site development to a non-residential use should provide for adequate buffering and transition to the existing low density residential uses to the south. Appropriate conditions to mitigate this impact should be offered, or the petitioner should address why base code requirements for transitional protective yards are adequate.

### **Policy LU 7.4 Scale and Design of New Commercial Uses**

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The Thoroughfare district permits a wide range of uses, densities, and scale that could have potential adverse impacts on the immediately surrounding residential uses. Applicant is encouraged to mitigate these impacts by including appropriate zoning conditions.

**Policy PR 3.8 Pedestrian Links to Greenways**

Improve pedestrian linkages to existing and proposed greenway corridors. Development adjacent to a greenway trail should link their internal pedestrian network to the greenway trail where appropriate.

The properties abut a designated greenway space. Pedestrian links to the greenways should be provided during the site plan review process.

**Policy EP 2.5 Protection of Water Features**

Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management, ecological, visual, and recreational benefits.

There is a stream that passes through the rear end of the property. To encourage the protection of the stream, buffers and greenway easement may be required during the site planning process.

**1.3 Plan Guidance**

None apply.

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

The property is surrounded on all four sides by Thoroughfare District Conditional Use. To the north are commercial uses and to the west is an apartment complex. The property to the east is vacant and wooded. There are single-family homes bordering the southern edge of the property. The Neuse river buffer required along the southern edge provides some protection for the low density residential uses to the south. While all of the surrounding properties are zoned TD Conditional Use, the removal of existing conditions from the subject property does not appear to have major impacts on the infrastructure services and densities permitted under the current zoning conditions.

However, the Thoroughfare district permits a wide range of uses including high impact uses, which could have potential adverse impacts on the surrounding residential uses. The range of non-residential uses permitted in Thoroughfare District, could lend potential incompatibility with the immediately surrounding low density residential uses. Therefore, inclusion of conditions that provide for additional buffering and appropriate transitional elements to the surrounding residential uses are encouraged to mitigate potential compatibility issues.

**3. Public benefits of the proposed rezoning**

The applicant notes that the proposed map amendment benefits the property owner by permitting it to maintain the current Thoroughfare CUD zoning designation and preserve the development potential of the subject property.

This property is part of a much larger conditional use zoning case. The conditions associated with the larger assemblage create use areas and contain regional drainage and infrastructure requirements. The subject parcel, through this request, would not be subject to the previously approved conditions. If this request were approved, the only condition applicable to this parcel will be a prohibition on adult establishments.

#### 4. Detriments of the proposed rezoning

The range of non-residential uses permitted in Thoroughfare District could lend potential incompatibility with the immediately surrounding low density residential uses.

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

##### 5.1 Transportation

T.W. Alexander Drive is classified as a secondary arterial thoroughfare (2007 ADT - 22,000 vehicles per day) and exists as a 4-lane median divided roadway with curb and gutter and sidewalk on both sides within 121-foot right-of-way. City standards call for T.W. Alexander Drive to be constructed with six-lane median divided roadway within the existing right-of-way. By the year 2030, traffic volumes along T.W. Alexander Drive near the subject property are forecasted to increase by 68% or 37,000 vehicles per day. Sporting Club Drive is classified as residential street and is constructed to City standards as a two-lane 41' back-to-back curb and gutter section roadway with sidewalks on one side within a 60-foot right-of-way. Neither NCDOT nor the City have any projects currently scheduled in the vicinity of this case.

**Impact Identified:** There is no identified impact related to transportation.

##### 5.2 Transit

Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. 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.

**Impact Identified:** Transit easement will be required during site plan review process.

##### 5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present; There is City floodplain present limits recorded on the plat. Neuse buffer may be present.
<i>Drainage Basin</i>	Little Brier Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	N/A

**Impact Identified:** There is no impact identified related to hydrology.

##### 5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	19,375 gpd	19,375 gpd
<i>Waste Water</i>	19,375 gpd	19,375 gpd

There is an existing twelve (12") inch water main in Sporting Club Drive right-of-way and an existing eight (8") inch sanitary sewer within an easement on the property.

**Impact Identified:** The proposed rezoning request will not impact the wastewater disposal or water distribution systems of the City.

### **5.5 Parks and Recreation**

This parcel is located adjacent to a greenway corridor. The applicant will be required to dedicate/reserve greenway at the time of site plan approval for the parcel. The rezoning will not change the recreation level of service. Brier Creek Park and Community Center currently meets the Level of Service needs for the area.

**Impact Identified:** There is no identified impact to parks and recreation. However, greenway easement will be required during site plan review process.

### **5.6 Urban Forestry**

There will be a 90-foot Thoroughfare yard required along the portion of the property adjacent to T. W. Alexander Dr. This 90-foot Thoroughfare yard can be reduced to a 50-foot Thoroughfare yard. The 50' Thoroughfare yard will also be required to be a Natural protective yard if the property is non-residential use.

**Impact Identified:** There is no identified impact to urban forestry.

### **5.7 Wake County Public Schools**

Residential uses are not permitted as the tract is less than 10 acres in size.

**Impact Identified:** There is no identified impact on school facilities.

### **5.8 Designated Historic Resources**

There are no historic resources located on this site or its immediate surroundings.

**Impact Identified:** There is no identified impact on historic resources.

### **5.9 Impacts Summary**

There are no identified major impacts as a result of this rezoning request.

### **5.10 Mitigation of Impacts**

Not applicable.

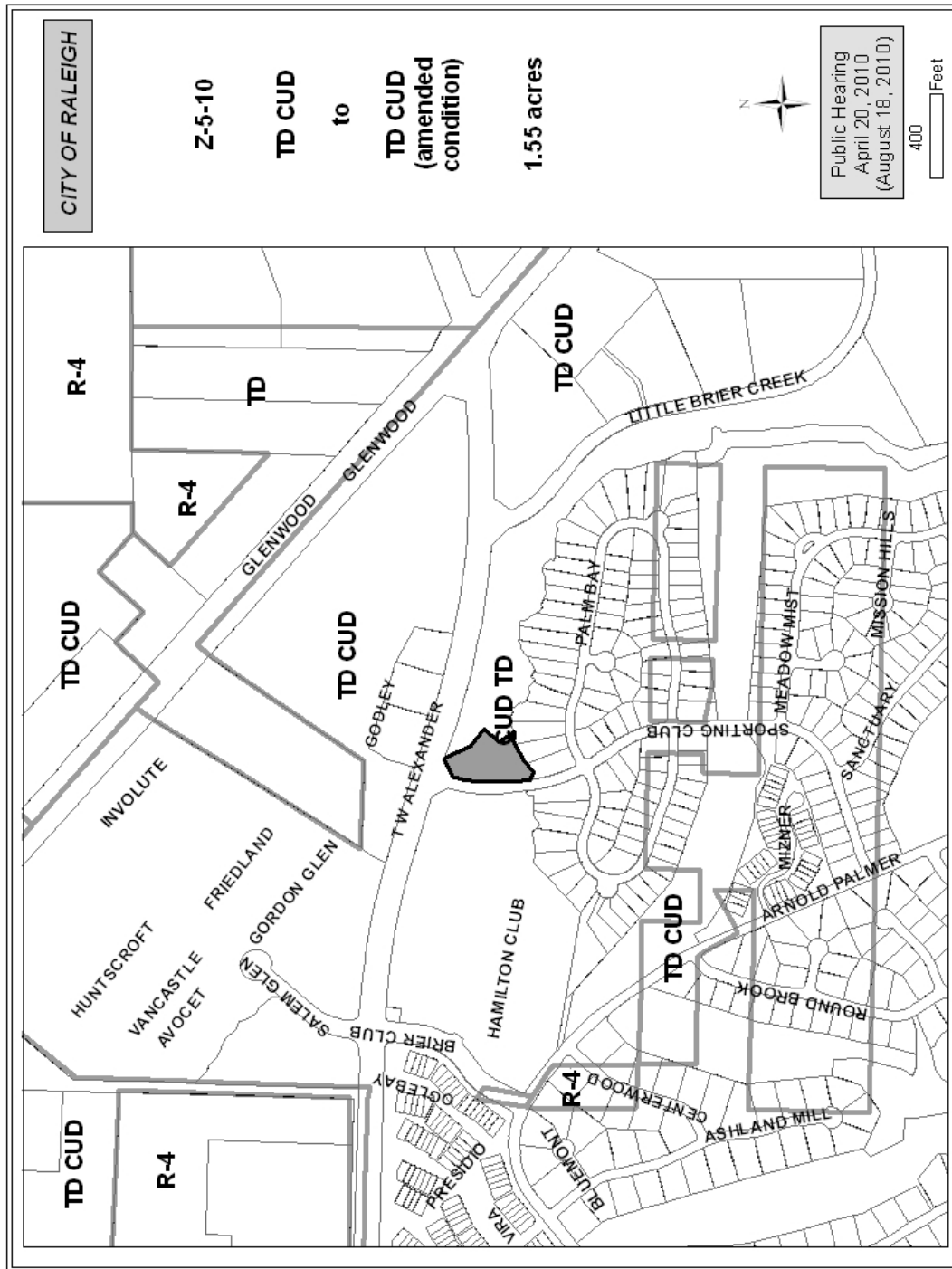
## **6. Appearance Commission**

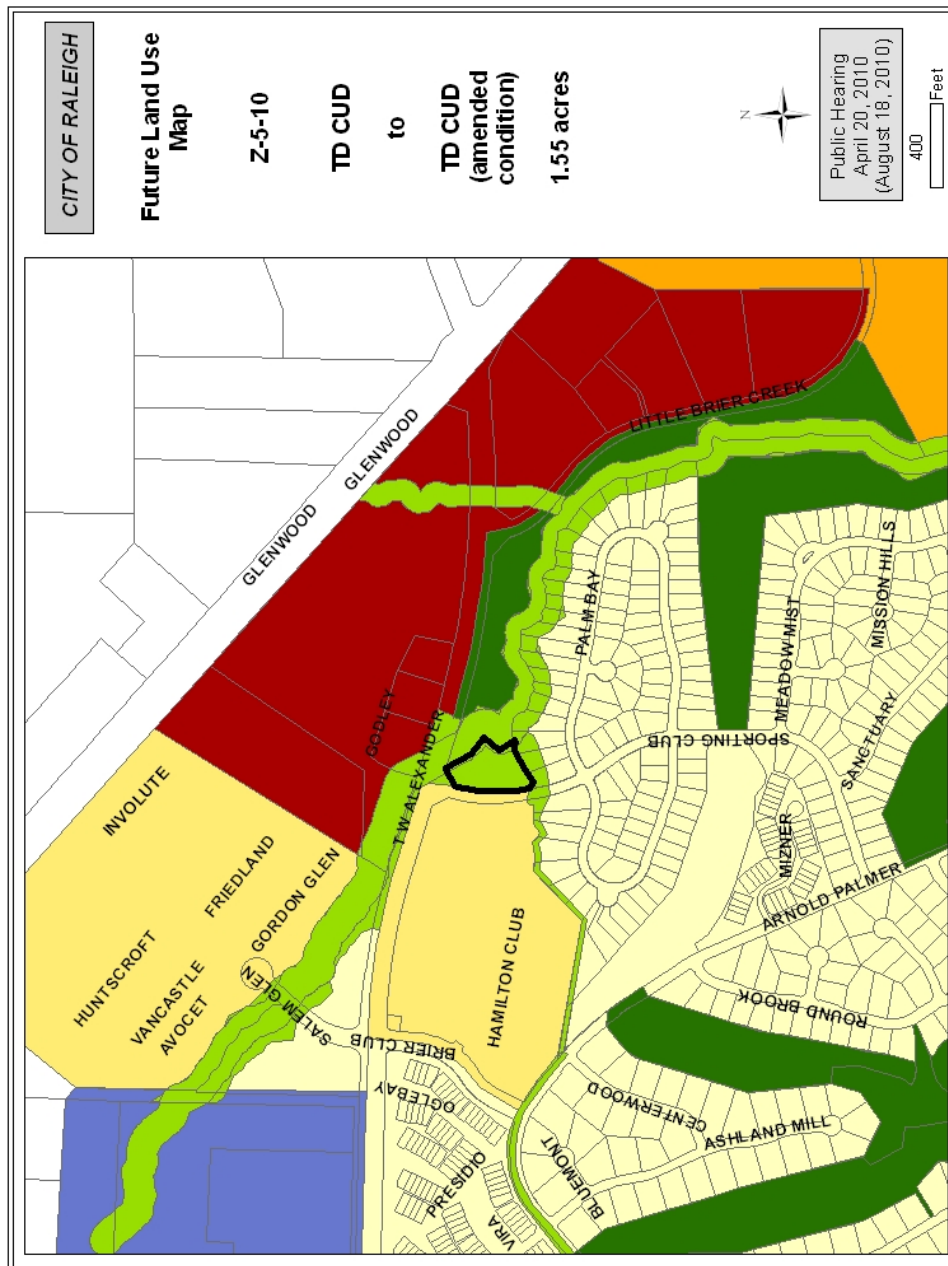
The proposed request is not subject to Appearance Commission review.

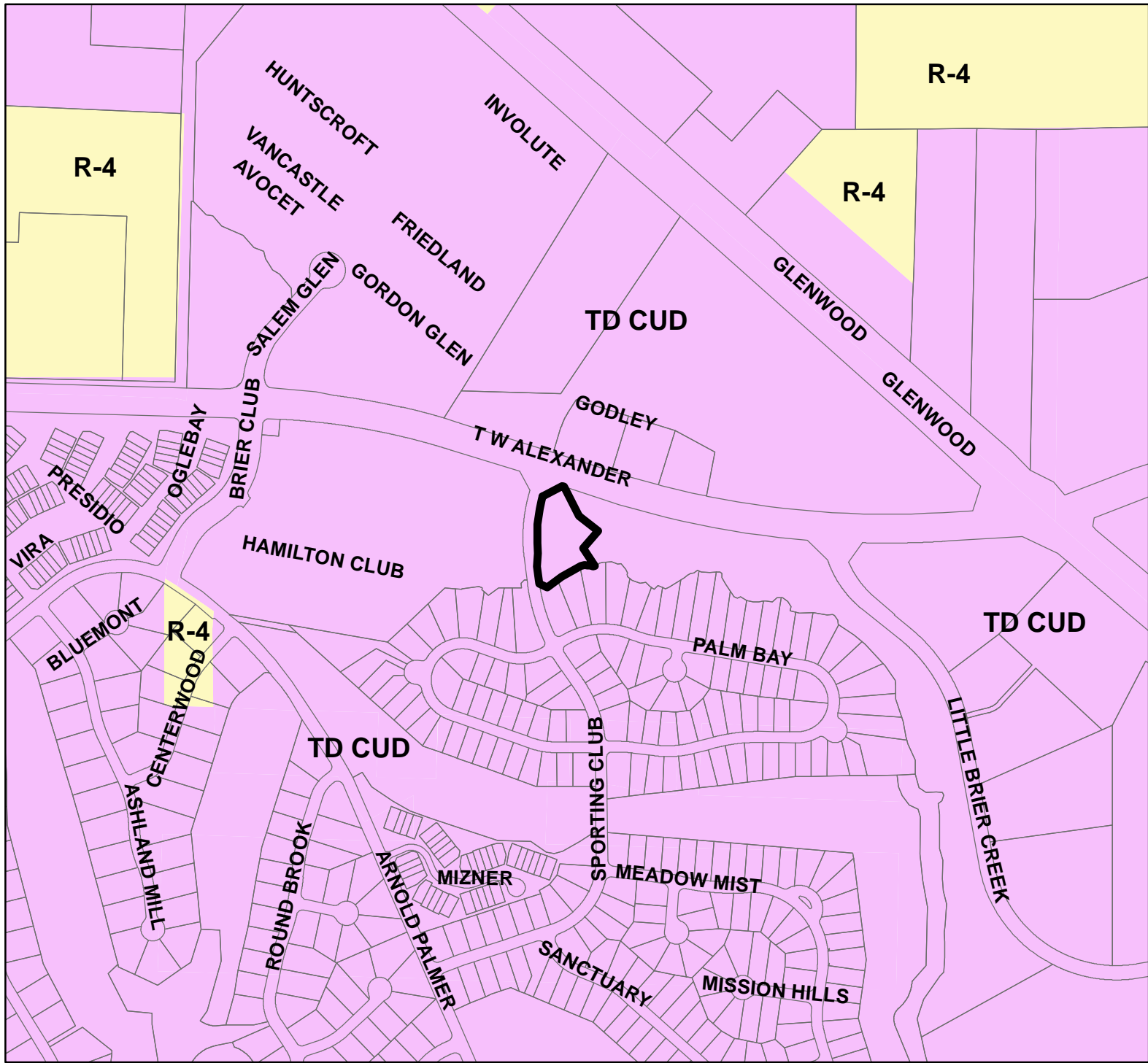
## **7. Conclusions**

The applicant is requesting a rezoning to amend the conditions originally approved in 1996 with the Airport assemblage. The request is inconsistent with the Future Land Use Map and several key policies in the Comprehensive Plan. The request will amend the previously-approved conditions, mostly related to regional development, and introduce a prohibition of adult establishments. The applicant is encouraged to include conditions which may mitigate the impacts of higher intensity development on the adjacent single-family dwellings.



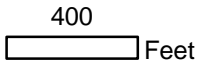






**Z-5-10**  
**TD CUD**  
**to**  
**TD CUD**  
**(amended**  
**conditions)**  
**1.55 acres**

Public Hearing  
April 20, 2010  
(August 18, 2010)





## 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:

- 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.

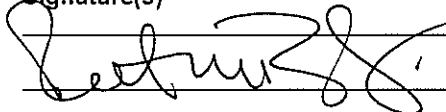
Please check boxes  
where appropriate

CITY OF RALEIGH  
CITY PLANNING DEPT

2009 DEC 14 PM 2:27

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:

12/14/2009

Please type or print name(s) clearly:

Eric M. Braun, Attorney for the Petitioner/Owner

Michael Birch, Attorney for the Petitioner/Owner

# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	2-5-10
Date Filed:	12-15-09
Filing Fee:	pd 1028.00 by CLK #20184

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

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Brier Creek Associates, Limited Partnership</u>	<u>c/o AAC Real Estate Services, Inc. 3800 Arco Corporate Drive, Suite 200 Charlotte, NC 28273</u>	
<b>2) Property Owner(s):</b>	<u>Brier Creek Associates, Limited Partnership</u>	<u>c/o AAC Real Estate Services, Inc. 3800 Arco Corporate Drive, Suite 200 Charlotte, NC 28273</u>	
<b>3) Contact Person(s):</b>	<u>Eric M. Braun, K&amp;L Gates</u> <u>Michael Birch, K&amp;L Gates</u>	<u>4350 Lassiter at North Hills Avenue, Suite 300 Raleigh, NC 27609</u>	<u>(919) 743-7315</u> <u>eric.braun@klgates.com</u> <u>(919) 743-7314</u> <u>michael.birch@klgates.c</u> <u>om</u>
<b>4) Property Description:</b> Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>0768-08-4863</u>      General Street Location (nearest street intersections): <u>Southeast Corner of</u> <u>Sporting Club Drive and T. W. Alexander Drive</u>		
<b>5) Area of Subject Property (acres):</b>	<u>+/- 1.55 acres</u>		
<b>6) Current Zoning District(s)</b> <b>Classification:</b> Include Overlay District(s), if Applicable	<u>Thoroughfare District – Conditional Use</u>  		
<b>7) Proposed Zoning District</b> <b>Classification:</b> Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>Thoroughfare District – Conditional Use, with amendment to conditions</u>  		

**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:
Godley Group of Raleigh LLC c/o Doug Godley	667 E. Bay Street	Charleston, SC 29403-5643	PIN: 0768-19-0075
CAH Holdings LLC	1521 E. 3rd Street	Charlotte, NC 28204-3231	PIN: 0768-09-5264
Brier Creek Retail Ventures LLC	667 E. Bay Street	Charleston, SC 29403-5643	PIN: 0768-09-7187
Brier Creek Associates Limited Partnership c/o AAC Real Estate Services, Inc.	3800 Arco Corporate Drive Suite 200	Charlotte, NC 28273-3410	PIN: 0768-18-4675
Cynthia D. and Michael G. Schnupper	9264 Palm Bay Circle	Raleigh, NC 27617-7778	PIN: 0768-08-6577
Shayne M. and Kerrie A. Grant	9268 Palm Bay Circle	Raleigh, NC 27617-7778	PIN: 0768-08-5589
Bennie S. Jones, Jr. Thomas E. Forester III	9272 Palm Bay Circle	Raleigh, NC 27617-7778	PIN: 0768-08-4596
Timothy M. and Leah H. Stansberry	9276 Palm Bay Circle	Raleigh, NC 27617-7778	PIN: 0768-08-4512
David and Kianoush B. Haeussler	9300 Palm Bay Circle	Raleigh, NC 27617-7756	PIN: 0768-08-2496
Michael P. and Martha Langlois	9308 Palm Bay Circle	Raleigh, NC 27617-7756	PIN: 0768-08-2414
William A. and Heidi Erwin	9312 Palm Bay Circle	Raleigh, NC 27617-7756	PIN: 0768-08-1447
Carrington Apartment Properties LLC	6485 Centerville Business Parkway	Centerville, OH 45459-2673	PIN: 0758-98-5883
Brier Creek Associates, Limited Partnership c/o AAC Real Estate Services, Inc.	3800 Arco Corporate Drive, Suite 200	Charlotte, NC 28273-3410	PIN: 0768-08-4863

For additional space, photocopy this page.

## EXHIBIT C. Request for Zoning Change

Office Use Only

Petition No. 2-5-10

Original Date Filed: 12.14.09

Amended Date: \_\_\_\_\_

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

1) Conditional Use Zone Requested: Thoroughfare District – Conditional Use

2) Narrative of conditions being requested:

As used herein, the "Property" refers to all of that certain tract or parcel of land containing approximately 1.55 acres located at the southeastern quadrant of the intersection of T. W. Alexander Drive and Sporting Club Drive, and having Wake County PIN 0768-08-4863.

(a) The following uses shall be prohibited upon the Property:

- adult establishment

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

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Brier Creek Associates Limited Partnership

By: \_\_\_\_\_

Printed Name: Joseph G. Dye

Title: Vice President

Date: 12.14.09

## 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 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 subject property is designated Public Parks & Open Space. However, it is so designated because it is within a greenway corridor designated by the Comprehensive Plan, and such designation is subject to greenway dedication through the site plan process not the rezoning process. The proposed map amendment is inconsistent with the Future Land Use Map.

- 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 subject property is not located within any Area Plan. A portion of the property is subject to the Greenway Master Plan, and the dedication of such greenway may be required during the site plan process.

- 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").**

Policies EP 2.3 and 2.5 encourage the preservation and protection of open space and natural features. Also, the Future Land Use Map designates the subject property for Public Parks & Open Space.



Although the preservation and protection of open space is accomplished through the site plan process, the proposed map amendment is inconsistent with the Future Land Use Map designation.

## **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 bordered to the south by single-family residences. To the west, on the other side of Sporting Club Drive, is an apartment complex. To the north, across T.W. Alexander Drive, are various retail uses, including a car wash, Frankie's Fun Park (go-cart race tracks), and in-line retail storefronts. To the east of the subject property is vacant, wooded land. T.W. Alexander is a secondary arterial.

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

The entire surrounding area is zoned Thoroughfare District – Conditional Use. The surrounding area, including the subject property, was rezoned in 1996 as part of the Airport Assemblage (1996).

### **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 proposed zoning map amendment is compatible with the suitability of the property for commercial uses and is compatible with the character of the surrounding area, which includes intense commercial uses. The subject property fronts on T.W. Alexander Drive, a secondary arterial. Commercial uses already exist to the north of the subject property. Moreover, the existing single-family homes are buffered from the subject property by a Neuse buffer area. Given the surrounding retail uses and the buffer from nearby residential uses, the proposed zoning map amendment is compatible with the character of the surrounding area and the suitability of the property for uses allowed in the Thoroughfare District.

## **III. Benefits and detriments of the proposed map amendment.**

### **A. For the landowner(s):**

The proposed map amendment benefits the property owner by permitting it to maintain the current Thoroughfare District zoning designation and preserve the development potential of the subject property.

### **B. For the immediate neighbors:**

Because the subject property and the immediately adjacent properties are currently zoned Thoroughfare District, there are no known detriments of the proposed map amendment for the immediate neighbors.

### **C. For the surrounding community:**

There are no known detriments of the proposed map amendment for the surrounding community.

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

No, the rezoning of this property does not provide a significant benefit that is not available to the surrounding properties. All of the surrounding properties are currently zoned Thoroughfare District. Moreover, the properties to the north are already developed for commercial uses.

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

The subject property is already zoned Thoroughfare District, as are the surrounding properties. The subject property is located along a secondary arterial. Moreover, commercial uses are located immediately north of the property, across T. W. Alexander Drive. Given the current zoning of the property, the current zoning of the surrounding property, and the uses located in the surrounding area, 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.

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.

Not applicable.

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

Not applicable.

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

Not applicable.

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

The proposed map amendment promotes the health, safety and general welfare of the City by permitting a mix of uses in a developing mixed use center as well as . Moreover, the proposed map amendment promotes the fundamental purposes of zoning by preserving the development potential of the subject property so that they may be developed for a mix of uses in accordance with the Comprehensive Plan.

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

There are no other arguments on behalf of the map amendment.