

CITY OF RALEIGH

Z-6-09

O&I-1 CUD

to

O&I-1 CUD

5.98 acres

Public Hearing
January 22, 2009
(December 18, 2009)

425

Feet



SEP 19 AM 11:21

Petition to Amend the Official Zoning Map

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

Office Use Only

Petition No.

2-6-09

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:

9/19/08

Please type or print name(s) clearly:

Eric M. Braun, Attorney for the Petitioner

Michael Birch, Attorney for the Petitioner

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>2-6-09</u>
Date Filed:	<u>9.19.08</u>
Filing Fee:	<u>pd 102 F. by CKH 103/0</u>

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

See instructions, page 6

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

7101 Creedmoor Road
Suite 126
Raleigh, NC 27613

2) Property Owner(s): Stonehenge Office Partners, LLC

7101 Creedmoor Road
Suite 126
Raleigh, NC 27613

3) Contact Person(s): Eric M. Braun and Michael Birch
K&L Gates LLP

4350 Lassiter at North Hills Ave., Suite 300
Raleigh, NC 27609

(919) 743-7315
(919) 743-7314
eric.braun@klgates.com
michael.birch@klgates.com

4) Property Description:

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

Wake County Property Identification Number(s) (PIN): 0797-46-8710 and 0797-47-7096

General Street Location (nearest street intersections): Northwest corner of the intersection of Creedmoor Road and Sawmill Road

5) Area of Subject Property (acres): 5.98 acres

6) Current Zoning District(s)

Classification: Office & Institution-1 Conditional Use
Include Overlay District(s), if Applicable

7) Proposed Zoning District

Classification: Office & Institution-1 Conditional Use (amendment to conditions)
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

2-6-09

(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.

For additional space, photocopy this page.

2-6-09

Exhibit B-1

2-6-09

<u>Exhibit B-1</u>	
Adjacent Property Owners	
<u>Name and Address</u>	<u>PIN</u>
Linda S. Waldron 2601 Woodchester Court Raleigh, NC 27613-1630	0797-46-3985
Stanley E. & Karen W. Cardwell 7115 Halstead Lane Raleigh, NC 27613-1658	0797-46-4845
Benjamin Todd & Christine Roberts 7109 Halstead Lane Raleigh, NC 27613-1658	0797-46-4798
J. Kenneth & Sheila H. Lassiter 7107 Halstead Lane Raleigh, NC 27613-1658	0797-46-5720
Kelli & Derek Brandon 7105 Halstead Lane Raleigh, NC 27613-1658	0797-46-5631
James Edward Cox Susan Terry 7101 Halstead Lane Raleigh, NC 27613-1658	0797-46-5513
Lauren E. Diehl 2507 Sawmill Road Raleigh, NC 27613-1617	0797-46-4326
Vasant & Prabha Sejjal P.O. Box 31206 Raleigh, NC 27622-1206	0797-46-4375
Steven Craig Bland 2503 Sawmill Road Raleigh, NC 27613-1617	0797-46-5335
Jane E. Hallberg 2501 Sawmill Road Raleigh, NC 27613-1617	0797-46-5375

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<u>Name and Address</u>	<u>PIN</u>
Owen E. & Sherry D. Swanson 409 Lafayette Street Wilmington, NC 28411-6798	0797-46-6335
Owen E. & Sherry D. Swanson 409 Lafayette Street Wilmington, NC 28411-6798	0797-46-6385
Theresa S. Starkey 8630 Murray Hill Drive Raleigh, NC 27615-2593	0797-46-7325
Theresa S. Starkey 8630 Murray Hill Drive Raleigh, NC 27615-2593	0797-46-7385
George W. & Betty A. Lennon 3821 Yadkin Drive Raleigh, NC 27609-6328	0797-46-9335
W.C. Calton, Jr. Phillip Byron Calton 3205 Clark Avenue Raleigh, NC 27607-7031	0797-46-8176
Good Shepherd Lutheran Church Raleigh 8809 Weathersfield Court Raleigh, NC 27613-1352	0797-56-3109
Crescent State Bank P.O. Box 5809 Cary, NC 27512-5809	0797-56-2558
Ammons Inc. 140 Ammons Drive Raleigh, NC 27615-6501	0797-56-2749
7200 Creedmoor LLC c/o David Ammons 2304 Wesvill Court, Suite 310 Raleigh, NC 27607-2973	0797-57-2131

2-6-09

<u>Name and Address</u>	<u>PIN</u>
First Citizens Bank & Trust Co. Thomas B. Morris P.O. Box 27131 Raleigh, NC 27611-7131	0797-57-1338
First Citizens Bank & Trust Co. P.O. Box 27131 Raleigh, NC 27611-7131	0797-57-1525
BDG Creedmoor Road Associates, LLC 7000 Six Forks Road, Suite 115 Raleigh, NC 27615-6453	0797-47-7489 000
Pediatric Possibilities Services, LLC 7209 Creedmoor Road, Suite 101 Raleigh, NC 27613-1695	0797-47-7489 001
Pacific Management Group, LLC 2705 Bardeen Court Wake Forest, NC 27587-5437	0797-47-7489 002
GSD Properties, LLC 2225 Narrawood Street Raleigh, NC 27614-6803	0797-47-7489 003
Boyd & Burgess, LLC 7209 Creedmoor Road, Suite 107 Raleigh, NC 27613-1695	0797-47-7489 004
Jeaga Investments, LLC P.O. Box 30607 West Palm Beach, Florida 33420-0607	0797-47-7489 005
Ronald S. & Sylvia B. Hester 101 Nouveau Avenue Raleigh, NC 27615-2940	0797-47-7489 006
North Raleigh Pediatric Physicians 7205 Stonehenge Drive Raleigh, NC 27613-1649	0797-47-5472

2-6-09

<u>Name and Address</u>	<u>PIN</u>
David M. & Leslie J. Arthur 2500 Woodchester Court Raleigh, NC 27613-1629	0797-47-5217
Thomas J. & Barbara J. Fowler 7200 Halstead Lane Raleigh, NC 27613-1605	0797-47-4212
S. Thomas & Kleist W. Rhodes 2501 Woodchester Court Raleigh, NC 27613-1629	0797-47-6220
Raymond Jackson Payne, Jr. Betsy D. Payne 2505 Woodchester Court Raleigh, NC 27613-1629	0797-47-5057
John C. & Patricia C. Schmitt 7201 Halstead Lane Raleigh, NC 27613-1605	0797-47-2174

Office Use Only	
Petition No.	2-6-09
Date Filed:	

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 Property is located within the Northwest District Plan area. According to the recommended urban form map, the Property is located in the Stonehenge neighborhood focus area. Neighborhood focus areas provide neighborhood-oriented services and facilities, such as low-intensity offices.

- B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The Property is located within the Creedmoor Road Corridor Plan area. The corridor plan map recommends office and institutional uses for the Property. A policy boundary line separates the Property from the adjacent single family neighborhood to the west. The corridor plan provides that low intensity office and institutional uses are appropriate along Creedmoor Road as a transition to residential uses. With regard to signage, the corridor plan encourages signs to be attached to buildings or detached as a ground sign. Medium or high profile ground signs are permitted in focus areas. Also, "all signs should complement the architectural style of buildings with scale, color and texture."

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 Northwest District Plan and Creedmoor Road Corridor Plan. The district plan and corridor plan recommend low intensity office uses, and such uses are currently located on the Property. A specific policy included in the corridor plan recommends attached signage or low- to high-profile ground signage. The proposed map amendment only seeks to amend an existing condition in order to allow additional signage on the rear and sides of the existing buildings. No new buildings are planned as a result of this rezoning request.

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 Property is located at the corner of Creedmoor Road, a major thoroughfare, and Sawmill Road, a collector street.

The Property is bounded to the north by two professional office buildings. Three additional office and commercial buildings are located to the northeast of the Property, across Creedmoor Road. There are two approved site plans for development to the east of the Property, across Creedmoor Road (SP-38-05, SP-55-07). To the southeast of the Property, across Creedmoor and Sawmill Roads, is a church. Townhouses are located to the south of the Property, across Sawmill Road. Detached single family homes are located to the west of the Property.

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

Office & Institutional-1 and -3 districts are located to the north, northeast, and east of the Property. Residential-6 zoning districts are located to the southeast and south of the Property. Residential-4 districts are located to the west of the Property.

Two low intensity office buildings are currently located on the Property. The building located at the corner of Creedmoor Road and Sawmill Road is set back more than 120 feet from Halstead Lane. The nearby single family homes are located on the other side of Halstead Lane. In addition to the setback, a planted and landscaped buffer with a solid wood fence exists between Halstead Lane and the parking lot for the office building. The northern-most office building is set back at least 140 feet from Halstead Lane, with a similar buffer area. A buffer area also exists between the northern-most office building and adjacent single family homes located on Woodchester Court. This buffer area varies from 50 to 80 feet, includes a solid brick wall and an earthen berm, and is planted with trees and shrubs. These buffer areas are detailed in Z-15-97 and Z-10-00, and are included as conditions in this petition.

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

Two one-story office buildings occupy the Property. These two low intensity office uses serve as a transition from Creedmoor Road to the low density neighborhood to the west. The office buildings on the Property are also consistent with the low-intensity nonresidential uses to the north and the east. The proposed map amendment seeks only to amend an existing condition, which would permit additional signage on the rear and sides of the two office buildings. Given the current built environment of the

Property, the extensive buffer areas between the Property and the adjacent single family dwellings, and the surrounding office uses, the proposed map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment would benefit the landowner by permitting it to place signage on the sides of the buildings that do not front along Creedmoor Road or Sawmill Road. By permitting signage to be placed along additional sides of the buildings, the landowner can provide better way-finding for customers and tenants. Additional signage will help identify the offices, thereby decreasing the amount of internal traffic generated by customers looking for the correct office. A decrease in internal traffic will enhance the safety of customers and tenants and decrease the potential for pedestrian conflicts.

B. For the immediate neighbors:

The proposed map amendment would benefit the immediate neighbors by decreasing the amount of traffic generated by customers unable to find the appropriate office space, and also helping to maintain and preserve the quality of development near the adjacent residential neighborhood.

C. For the surrounding community:

The proposed map amendment will benefit the surrounding community by providing sufficient signage to help direct customers to their destination. This will reduce internal traffic generation, limit inadvertent trips onto Sawmill and Creedmoor by patrons that are unable to easily locate their intended destination, as well as enhancing safety in the area.

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 to amend an existing condition does not provide a significant benefit to the Property which is not available to the surrounding properties. Rather, this rezoning would provide the Property with the same signage benefits afforded similarly situated properties in the surrounding area.

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

The property is built-out as two free-standing, one-story office buildings. The southern-most office building is located across Halstead Lane from the single family dwellings, approximately 200 feet from the closest house. Extensive buffers exist along the western boundary of the Property, to shield the existing single family homes along Halstead Lane and Woodchester Court from the buildings. These buffer areas vary in width from 35 to 80 feet, and include a solid wood fence, a solid brick wall, an earthen berm, preservation of existing trees and vegetation, and additional plantings of shrubs and trees. The proposed map amendment maintains the existing landscaping and buffer conditions, and only seeks to allow additional signage on the office buildings. Given the extensive buffer areas on the Property, 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 recommended 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 Property was first rezoned to Office & Institution-1 Conditional Use through Z-15-97. The conditions associated with this zoning case required extensive buffering and landscaping along the western boundary of the Property, adjacent to single family detached dwellings. A condition also limited exterior signage to the Creedmoor Road and Sawmill Road frontages. A subsequent rezoning case, Z-10-00, provided additional buffering and landscaping for properties located on Woodchester Court.

Eleven years after the initial rezoning request was approved, the Property has been fully built-out. The existing vegetation and trees and the planted landscaping continue to mature. The wood fence, brick wall, and earthen berm are constructed, and screen and buffer the adjacent single family homes on Halstead Lane and Woodchester Court. Given these circumstances, the proposed amendment to allow additional signage on the office buildings is appropriate.

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

This recommended item of discussion is not applicable.

- 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 will not have any impact of public services, facilities, infrastructure, fire and safety, parks and recreation, topography, or access to light and air.

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

The Petitioner does not have any other arguments on behalf of the map amendment at this time.

CASE FILE: **Z-6-09 Conditional Use**

LOCATION: This site is located on the west side of Creedmoor Road, northwest of its intersection with Sawmill Road.

REQUEST: This request is to rezone approximately 5.98 acres, currently zoned Office & Institution-1 CUD. The proposal is to rezone the property to Office & Institution-1 CUD with amended conditions.

**COMPREHENSIVE
PLAN CONSISTENCY:** The request is consistent with the Comprehensive Plan

RECOMMENDATION: **The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, recommend that this request be denied.**

**FINDINGS
AND REASONS:**

- (1) The property was rezoned to O&I-1 CUD in 1997. The approved conditions associated with that rezoning case (Z-15-97) contained a prohibition of wall signage on the western building façade. This prohibition was again stated in the conditions when the property was rezoned in 2000 (Z-10-00). These conditions, proffered by the applicant and agreed to by the neighbors, represent successful mitigation of identified impacts of the office building. Particular attention was paid to the landscape buffer on the common property line between the office building and Halstead Lane, which was to exist as a semi-opaque screen or buffer between the properties.
- (2) While newly proposed conditions associated with this request provide for additional plantings & screening along the residential edge, these provisions do not adequately mitigate the buffering and visibility concerns expressed by the surrounding residential property owners. The petition primarily serves to amend pre-negotiated zoning conditions, thus nullifying the time, efforts and trust built into the negotiations between the involved parties during previous rezoning approvals.
- (3) Alternatives to wall signage, such as exterior addresses and consolidated tenant signage may be of less impact to the adjacent neighborhood. These alternatives may provide adequate means of way finding around the office building, and should not pose a decrease in levels of emergency response.

To PC: 12/8/09 - recommended denial

Case History: 1/27/09 PC - applicant requested deferral. Further continued deferral requested by applicant to resolve issues with a neighboring property owner. 5/4/09 applicant requested 120-day time extension for PC recommendation that was granted by City Council. At 9/8/09 PC, applicant requested deferral; PC voted for deferral to COW and to request 90-day time extension from CC for additional review. Applicant requested further deferral at 11/3/09 COW meeting. 12/1/09 COW - recommended approval on a split 4-3 vote.

To CC: 1/5/10

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

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

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

Signatures: (Planning Dir.) (PC Chair)

date: _____ date: 12/11/09



Zoning Staff Report: Z-6-09 Conditional Use

LOCATION: This site is located on the west side of Creedmoor Road, northwest of its intersection with Sawmill Road.

AREA OF REQUEST: 5.98 acres

PROPERTY OWNER: Stonehenge Office Partners, LLC

CONTACT PERSON: Eric M. Braun, 743-7315
Michael Birch, 743-7314

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:**

December 18, 2009

ZONING: Current Zoning

Office & Institution-1 CUD

Current Overlay District

None

Proposed Zoning

Office & Institution-1 CUD

Proposed Overlay District

None

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

w / Staff approval: 89
w / PC approval: 149

Proposed Zoning

None (per zoning conditions)

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

195,366 sq.ft. (0.75 FAR)

Proposed Zoning

195,366 sq.ft. (0.75 FAR)
Type of office uses limited per conditions.

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Not permitted (per zoning conditions)

Proposed Zoning

Not permitted (per zoning conditions)

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Low profile

Proposed Zoning

Low profile

ZONING HISTORY:

The property was first rezoned to Office & Institution-1 CUD through Z-15-97, the conditions of which required extensive buffering and landscaping along the

western boundary of the property, adjacent to the single-family detached dwellings. A condition limited exterior signage to the Creedmoor Road and Sawmill Road frontages. A subsequent rezoning case, Z-10-00 provided additional buffering and landscaping for properties located on Woodchester Court. The property is currently built out and the existing vegetation and landscaping continue to mature thereby, protecting the adjacent single-family homes along Halstead Lane and Woodchester Court. The proposed map amendment maintains the existing landscaping and buffer conditions, and primarily seeks to allow additional signage on the office buildings. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby negating any potential negative impacts from the proposed amendment.

**SURROUNDING
ZONING:**

NORTH: O&I-1 CUD (Z-30-01) & O&I-3

Zoning Conditions – (Z-30-01)

A. Storm water run-off controls will comply with CR 7107; provided however that the runoff rate for the storm events referenced in CR 7107 after development shall not exceed the predevelopment runoff rate.

B. Reimbursement values for additional right of way for Creedmoor Road (if applicable) and Stonehenge Drive (if applicable) shall remain at the existing O&I-3 values.

C. The following uses, otherwise permitted within the O&I-1 District, are prohibited upon this property:

- 1) Residential dwelling units, equivalent dwelling units and congregate care structures.
- 2) Funeral home
- 3) Radio and television studio; dance, recording and music studio
- 4) School
- 5) Emergency shelter Type B, multi-unit supportive housing residence, religious shelter unit and supportive housing residence.
- 6) Telecommunications tower
- 7) Bed and breakfast inn, guest houses, rooming houses, boarding houses
- 8) Cemetery, crematory
- 9) Correctional facility, church, public library, fire station
- 10) Veterinary office, kennel or cattery
- 11) Beauty, nail and manicure, cosmetic art and barber shop
- 12) Eating establishment
- 13) Movie theater
- 14) Retail sales
- 15) Landfill, airfield, taxi cab stand
- 16) Power plant, electric utility substation
- 17) Day care facilities
- 18) Hospital, nursing home, rest home, 24-hour emergency medical facility
- 19) Outdoor pay phones and paging systems
- 20) Recreational uses (indoor and/or outdoor) – profit and not for profit and athletic clubs.
- 21) Parking deck, parking garage, parking lot (save and except parking for the use[s] developed upon the property).
- 22) Uses with drive-thrus are prohibited including without limitation banks with drive-thrus and drive-thru ATM's.

D. Buildings constructed upon this property shall not exceed two (2) occupied stories in height with a maximum height of thirty-five (35) feet, measured as per the City Code.

E. Exterior lighting, including wall pack fixtures, shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential lots along Woodchester Court, Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217). Freestanding light poles within 100 feet of Rhodes and Hines shall not exceed eighteen feet (18') in height.

F. All dumpsters and refuse receptacles will be maintained within wooden or masonry enclosures or otherwise screened in accordance with the provisions of the City Code from direct view from adjacent residential lots along Woodchester Court. No dumpster or refuse receptacles shall be located closer than 100 feet to Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217).

G. All exterior heating and air-conditioning units shall be ground mounted, shall be no closer than 50 feet to the property lines of Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217) and shall be screened within wooden or masonry enclosures and/or vegetation from direct view from the above referenced residential lots, provided however that one story building(s) may have such units mounted on the roof(s) if the 50 foot setback is observed and all such mechanical equipment is fully screened from public view and the adjacent properties and that the screening be of a design and materials compatible with those of the subject buildings(s).

H. A transitional protective yard 50 feet in width shall be located in the southwest corner of the subject property adjacent to the property lines of Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217). Storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.) gas and/or water, sanitary sewer, and other utilities approved by the appropriate local government authority also may be installed within this area.

I. The attached plan Exhibit A dated September 5, 2001 and revised September 19, 2001 entitled "Landscape Buffer Plantings Creedmoor Rd. Office Site" and the attached plan Exhibit B, dated September 19, 2001 for plantings upon the property of Payne (PIN #0797.10 47 5057) are incorporated herein and the required plantings shall be installed prior to the issuance of a Certificate of Occupancy for any use developed upon the property. The property owner may modify the plantings proposed by Exhibit A along Creedmoor Road if requested by the City during the site plan process in order to replicate the plantings along the Creedmoor Road frontage of the adjacent parcel contiguous to the south line of the property (PIN No. 0797.10 46 8708).

J. Copies of all site plan and subdivision plan applications shall be mailed first class, postage prepaid to Rhodes (PIN#0797.10 47 6220), Hines (PIN#0797.10 47 5217), Payne (PIN #0797.10 47 5057) and Fowler (PIN #0797.10 47 4212) not later than 24 hours after filing with the City of Raleigh.

K. In the site plan approval process for the development upon this property a transit easement not to exceed ten feet (10') in width and twenty feet (20') in length shall be provided near the corner of Creedmoor Road and Stonehenge Drive, if requested by the City.

L. Upon final approval of a site plan upon this property, the owner of the property shall, for a period of two (2) years from and after said final approval,

offer to Stonehenge Office Partners, LLC, its successors and assigns, owner of the Tax Parcel Pin #0797.10 46 8708 adjacent to the property's south line, a cross-access drive to be located at a mutually agreed upon point along the property's south property line.

SOUTH: Residential-6 & Residential-4
WEST: Residential-4 & Residential-6
EAST: O&I-1 CUD (Z-11-99), O&I-3, R-10

Zoning Conditions – (Z-11-99)

1. Development of the Property will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission dealing with the control of stormwater.
2. Any building constructed upon the property shall not exceed four (4) occupied stories or sixty (60) feet in height, excluding mechanical equipment and elevator penthouses.
3. Development of the Property shall not exceed a floor area ratio of five tenths (.5).
4. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, where there is vehicular use area between the Creedmoor Road right-of-way and a permanent building, the streetscape shall provide a semi-opaque screen or barrier between the right-of-way and the vehicular use area. The screen or barrier may consist of plants, earthen berms, fences, walls, or any combination thereof which meets the following requirements:
 - a. The screen shall occupy 75% of the length of the vehicular use area except for sidewalks and driveways which cut through the screen to connect the vehicular use area to streets and other properties. Plant material shall be at least two feet (2') tall above ground at the time of installation, achieve four feet (4') within three years and be permanently maintained thereafter.
 - b. Berms may be used or installed in lieu of or in addition to plantings. If the berm does not meet performance standards of this section, then plant materials shall be installed which bring the screen up to these performance standards.
5. Any future dedication of rights-of-way shall be based on R-10 values.
6. In the event of the relocation of the gardening area now utilized upon the Property by the residents of the Springmoor Retirement Community ("Springmoor"), a new gardening area or areas comprising a minimum of twelve thousand (12,000) square feet shall be provided for such purpose on the premises of Springmoor (PIN 0797.11-56-8890 and/or PIN 0797.11-66-0074). Such area or areas shall be tilled and prepared for gardening use by and at the expense of the owner of the property. Such area or areas shall have a minimum of six (6) inches of topsoil and shall be fertilized and limited to proper horticultural standards following a soil test. Any relocation of the gardening area and the preparation of a new area or area shall be completed in a manner that does not unreasonably interfere with the normal growing season. Water for irrigation purposes will be provided to the site of each gardening.

LAND USE: Low intensity office uses

SURROUNDING

LAND USE: NORTH: Office (Stonehenge Office Bldg.) use

SOUTH: Low density residential use
EAST: Office uses
WEST: Residential use

**DESIGNATED
HISTORIC
RESOURCES:** None

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	Northwest
Urban Form	Neighborhood Focus Area
Specific Area Plan	Creedmoor Road CP
Guidelines	None

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

The subject properties are located within the Northwest Planning District and within the limits of a Neighborhood Focus area, generally surrounded by neighborhoods and where a mix of low intensity uses are encouraged. The properties fall within the non-residential side of a Policy Boundary Line, which delineates and protects residential neighborhoods from non-residential uses. The subject properties also fall within the plan area of the Creedmoor Road Corridor Plan that recommends office and institutional uses. Therefore, the proposed request for an O&I-1 CUD zoning with an amendment to the existing zoning conditions is consistent with the recommendations of the Comprehensive Plan.

The proposed rezoning request retain all of the existing conditions on the property, further clarify the language of the existing conditions, and amend primarily one condition that addresses the placement of signage on the property. With respect to signage, the Creedmoor Road Corridor Plan recommends that "signs be either attached to the building or detached, in the form of low-profile ground signs. All signs should complement the architectural style of buildings with scale, color, and texture. Medium or high profile ground signs should be limited to focus areas only and sign criteria adopted for multi-establishment facilities in focus area should only permit one such ground sign which would identify the development." The applicant has included a condition that addresses compatibility factor for all signage placed on the property. Added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby negating any potential negative impacts.

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

The surrounding area comprises of a mix of office and low density residential uses. There are two low intensity office buildings currently located on the subject property. The existing low intensity office uses on the subject property serve as an appropriate transition from Creedmoor Road to the low density neighborhood to the west. The edges of the property adjacent to the single-family residential uses are adequately protected with increased setbacks, planted and landscaped buffer yards required by the proposed zoning conditions.

The request associated with this proposal is primarily to alter one condition regarding placement of signage; an effect which should have minimal bearing on the existing surrounding character. The applicant notes that given the existing built character subject to the required setbacks and adequate buffer yards, the proposed amendment appears to be compatible with the surrounding properties. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby eliminating any potential negative impacts from the proposed amendment. The Creedmoor Road Corridor Plan recommends that all signs should complement the architectural style of buildings with scale, color, and texture. The applicant has included a condition that addresses compatibility factor for all signage placed on the property. Given these proposed conditions, the subject request appears to be compatible with the surrounding uses and to have minimal impacts to the surrounding properties.

3. Public benefits of the proposed rezoning

The applicant notes that the proposed map amendment would benefit the landowner by permitting signage on the sides of the buildings that do not front along Creedmoor Road or Sawmill Road, which would provide better way-finding for customers and tenants.

Applicant further states that additional signage will help identify the offices, thereby decreasing the amount of internal traffic generated by customers looking for their destination. A decrease in internal traffic will enhance the safety of customers and tenants and decrease the potential for pedestrian conflicts.

Staff assessment indicates that the extensive buffer areas on the property imposed by the existing and proposed zoning conditions, if implemented, should adequately protect the adjacent neighborhoods. Therefore, the proposed amendment appears to be reasonable and to have minimal impacts to the surrounding properties.

4. Detriments of the proposed rezoning

There are no perceived detriments associated with this rezoning. The edges of the property adjacent to the single-family residential uses are adequately protected with increased setbacks, planted and landscaped buffer yards required by the proposed zoning conditions. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby eliminating any potential negative impacts from the proposed amendment.

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

TRANSPORTATION: Creedmoor Road is classified as a secondary arterial (2007 ADT 30,000 vpd) and is constructed as a 4-lane median divided roadway with an 89-foot back-to-back curb and gutter section with sidewalks on both sides within a 125-foot right-of-way. As a secondary arterial roadway Creedmoor Road is proposed to be upgraded to a 6-lane facility median divided facility. This is not scheduled, nor is current funding secured for this improvement. Sawmill Road is classified as a collector street and is constructed to City standards as a two lane roadway with 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way. Halstead Lane is classified as residential street and is constructed to City standards with a 31-foot back-to-back curb and gutter section with sidewalk on one side within a 50-foot right-of-way. Neither NCDOT nor the City have any projects currently scheduled in the vicinity of this case.

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.

HYDROLOGY: FLOODPLAIN: No
DRAINAGE BASIN: Haresnipe
STORMWATER MANAGEMENT: Pt. 10 Ch.9

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>19,435</u> gpd	Approx. <u>19,435</u> gpd
Waste Water	Approx. <u>19,435</u> gpd	Approx. <u>19,435</u> gpd

The proposed rezoning would not impact the City's wastewater collection or water distribution systems. There are existing sanitary sewer and water mains located adjacent to the zoning case's boundary.

**PARKS AND
RECREATION:**

This property is not adjacent to a greenway corridor. There is no impact upon park facilities.

**WAKE COUNTY
PUBLIC SCHOOLS:**

No school impacts as residential uses remain unaffected.

IMPACTS SUMMARY: There are no major impacts associated with this request.

OPTIONAL ITEMS OF DISCUSSION

1. An error by the City Council in establishing the current zoning classification of the property.

NA

2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be properly applied to it now were it being zoned for the first time.

The applicant notes that the property was first rezoned to Office& Institution-1 CUD through Z-15-97, the conditions of which required extensive buffering and landscaping along the western boundary of the property, adjacent to the single-family detached dwellings. A condition limited exterior signage to the Creedmoor Road and Sawmill Road frontages. A subsequent rezoning case, Z-10-00 provided additional buffering and landscaping for properties located on Woodchester Court. The property is currently built out and the existing vegetation and landscaping continue to mature thereby, protecting the adjacent single-family homes along Halstead Lane and Woodchester Court. The proposed map amendment maintains the existing landscaping and buffer conditions, and primarily seeks to allow additional signage on the office buildings. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby negating any potential negative impacts from the proposed amendment.

**APPEARANCE
COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZENS'
ADVISORY COUNCIL:**

DISTRICT: Northwest
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884
Nancy Murray, 845-8845

SUMMARY OF ISSUES:

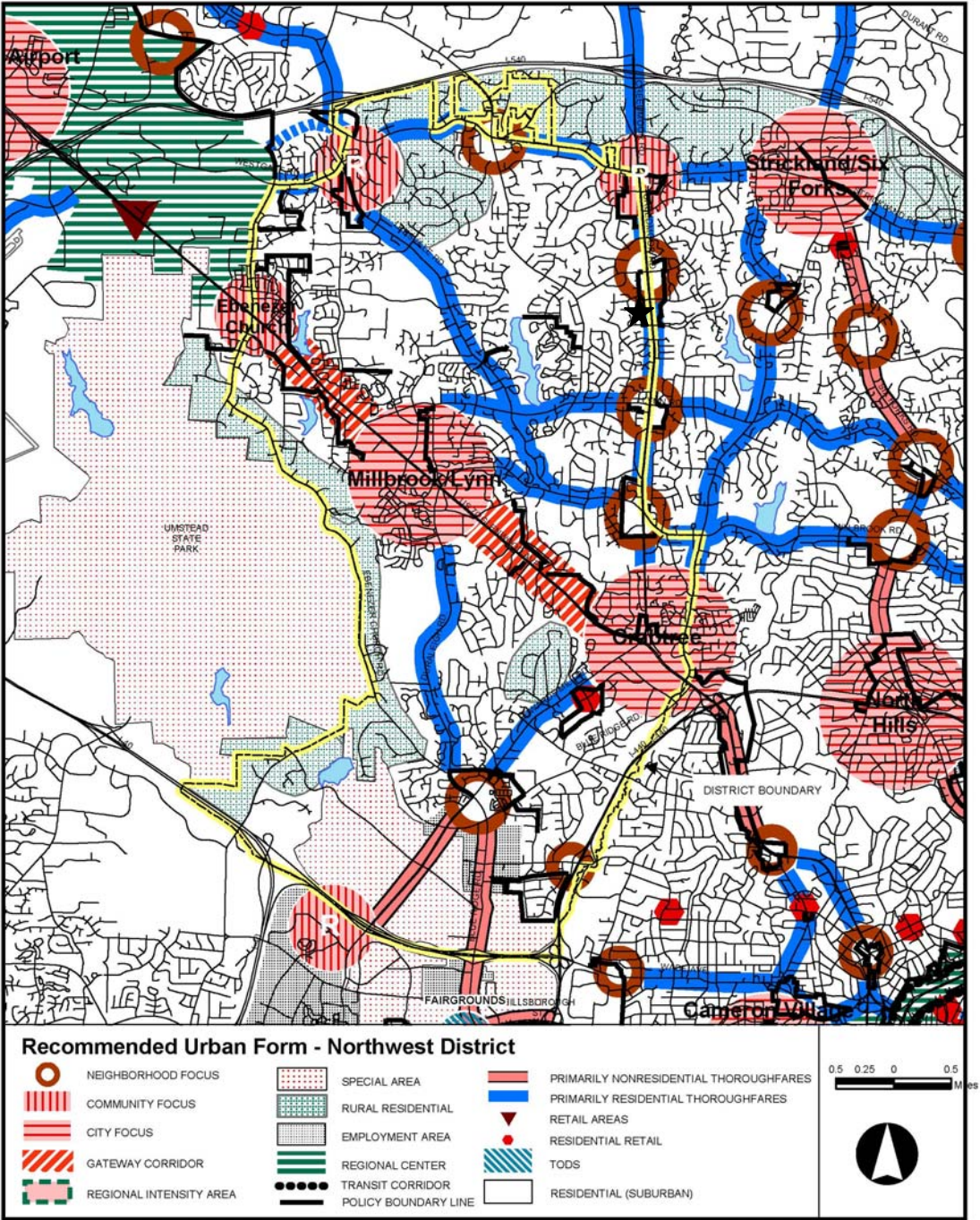
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

- The request is consistent with the Comprehensive Plan.

1. Outstanding issues

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.



6/06 Raleigh Comprehensive Plan

Northwest District 5-5.F

