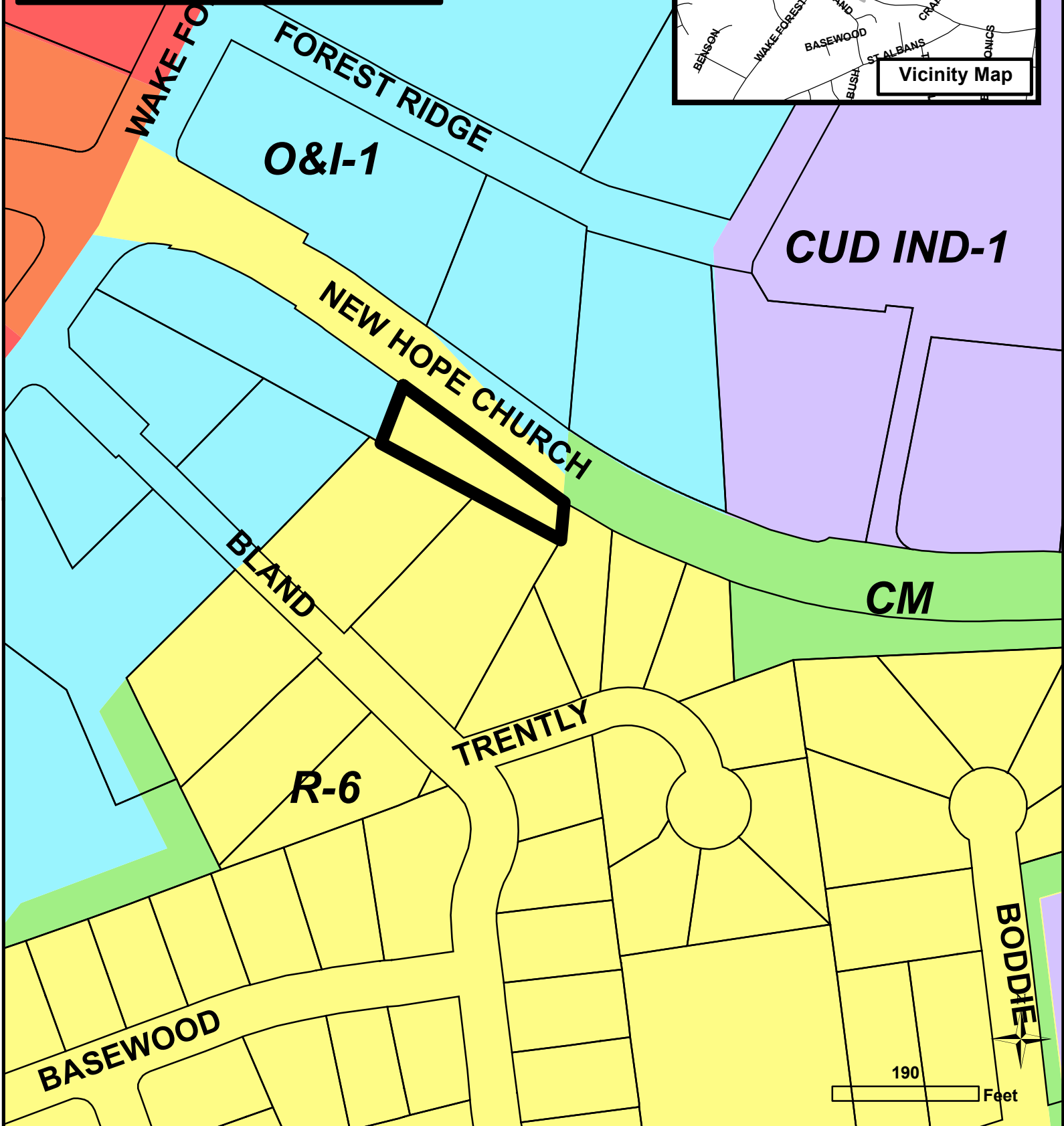
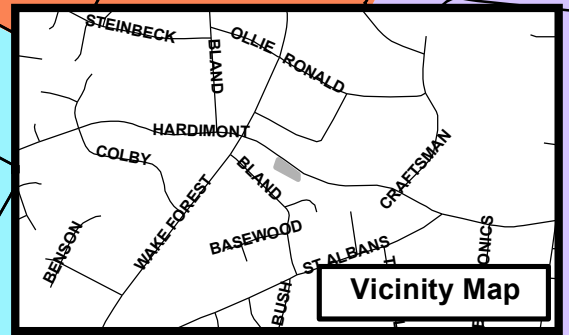


**Existing Zoning Map
Case Number: Z-11-13**



Request:

0.361 ac from R-6 to O&I-1 CUD

City of Raleigh Public Hearing
April 16, 2013
(July 15, 2013)



Certified Recommendation

Raleigh Planning Commission

CR# 11533

Case Information Z-11-13 New Hope Church Rd

<i>Location</i>	Southside, Southeast quadrant of its intersection with Wake Forest Road
<i>Request</i>	Rezone property from R-6 to O&I-1 CUD
<i>Area of Request</i>	0.361 acres
<i>Property Owner</i>	Don G. Lane
<i>Applicant</i>	Lester Stancil, lstancil@embarqmail.com
<i>Citizens Advisory Council</i>	Atlantic CAC
<i>PC Recommendation Deadline</i>	July 15, 2013

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Moderate Density Residential
<i>CONSISTENT Policies</i>	Policy LU 2.2 Compact Development Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.5 Connectivity Policy LU 5.1 Reinforcing the Urban Pattern Policy LU 5.5 Transitional and Buffer Zone Districts Policy LU 5.6 Buffering Requirements Policy LU 7.3 Single-Family Lots on Thoroughfares Policy LU 8.10 Infill Development Policy LU 8.11 Development of Vacant Sites Policy T 6.6 Parking Connectivity Policy UD 3.7 Parking Lot Placement Policy UD 3.9 Parking Lot Design Policy EP 8.1 Light Pollution Policy EP 8.2 Light Screening Policy EP 8.3 Night-time Light Impacts Policy EP 8.4 Noise and Light Impacts
<i>INCONSISTENT Policies</i>	Policy LU 4.9 Corridor Development

Summary of Proposed Conditions

1. No access to and from New Hope Church Road
2. Property to be used only for parking spaces and for associated landscaping, lighting and stormwater controls
3. Recombination plat to be recorded with Wake County Register of Deeds Office to recombine parcel with adjacent office zoning district within 45 days of the effective date of this rezoning
4. Amount of new parking along with existing parking to be located on the rezoned property not to exceed 150% of the minimum amount of parking required by the City Code at the time of submittal for a zoning permit
5. All new light fixtures installed shall be full cutoff design
6. All new light fixtures located within 50 feet of a property zoned for residential purposes not to exceed 15 feet in height with shields to reduce light from shining on residential properties to the south and east. Other fixtures not to exceed 30 feet in height

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
November 10, 2012	April 16, 2013	Date: NA	4/23/13 Deferred; 5/14/13 Approved

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, the Commission recommends that the request be approved in accordance with zoning conditions dated May 8, 2013.
<i>Findings & Reasons</i>	<p>(1) That the request is inconsistent with the Comprehensive Plan. The plan designates the site as being appropriate for Moderate Density Residential uses; however, the zoning conditions limit the site for parking use only, to serve additional parking needs of the adjacent lot with which a future recombination is intended, thus minimizing the overall development impacts allowed under the current zoning.</p> <p>(2) That the request is compatible with the adjacent land uses. The site is intended to be recombined with the adjacent office use, thus facilitating a more appropriate and compatible use of the site, given its narrow, limiting size, and configuration. That the zoning conditions offered mitigate any adverse impacts to the surrounding uses.</p> <p>(3) The request is reasonable and in the public interest. The proposed rezoning would serve additional parking needs of an office use that services the larger community.</p>

<i>Motion and Vote</i>	Motion: Terando Second: Fluhrer In Favor: Braun, Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Mattox, Schuster and Terando
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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.

_____	_____	_____	5/14/13
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Dhanya Sandeep, dhanya.sandeep@raleighnc.gov



Zoning Staff Report – Case Z-11-13

Conditional Use District

Case Summary

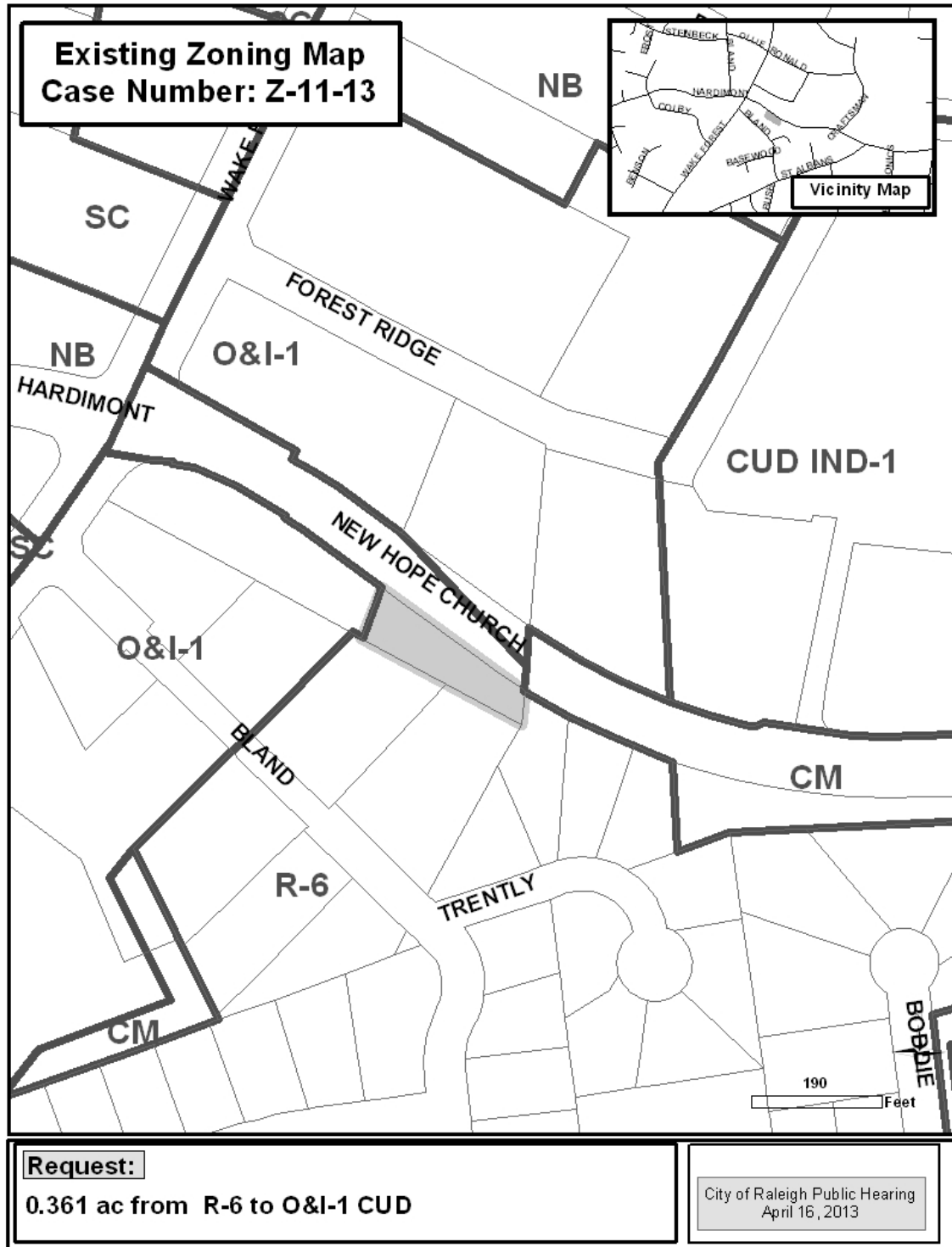
Overview

The site, approximately 0.361 acres is located to the south of New Hope Church Road, in the southeast quadrant of its intersection with Wake Forest Road. The site is currently zoned Residential-6 and remains undeveloped. The conditions offered limit the use of the property to parking. Conditions also offer to recombine this lot with the adjacent O&I-1 CUD property to serve additional parking needs of the adjacent office use. The proposed rezoning is inconsistent with the future land use map designation of moderate density residential use. The subject site is a small, narrow strip along a major thoroughfare and given its configuration and location, residential uses permitted under the current zoning and future land use map is not the highest and best use for the site. With the offered conditions that limits use to parking and associated landscaping, lighting and stormwater controls, no direct access to and from New Hope Church Road, cutoff light fixtures, and fixture height limitations, the site will remain compatible and serve to accommodate overflow parking of the adjacent office use. The zoning conditions provide for screening from potential light impacts to the abutting single-family homes.

Outstanding Issues

<i>Outstanding Issues</i>	<i>Suggested Mitigation</i>
1. Inconsistency with the Future Land Use map	

ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-6	O&I-1	Residential-6	Residential-6	O&I-1
<i>Additional Overlay</i>	NA	NA	NA	NA	NA
<i>Future Land Use</i>	Moderate Density Residential	Business & Commercial Services	Moderate Density Residential	Moderate Density Residential	Office/ Research & Development
<i>Current Land Use</i>	Vacant undeveloped	Parking lot	Single-family residential	Single-family residential	Office and parking

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	2 DU	None (per zoning conditions)
<i>Setbacks:</i>		
<i>Front:</i>	20 feet	30 feet
<i>Side:</i>	5 (aggregate 15 feet)	5 feet
<i>Rear:</i>	20 feet	20 feet
<i>Retail Intensity Permitted:</i>	Not permitted	Not permitted
<i>Office Intensity Permitted:</i>	Not permitted	Not permitted

The proposed rezoning is:

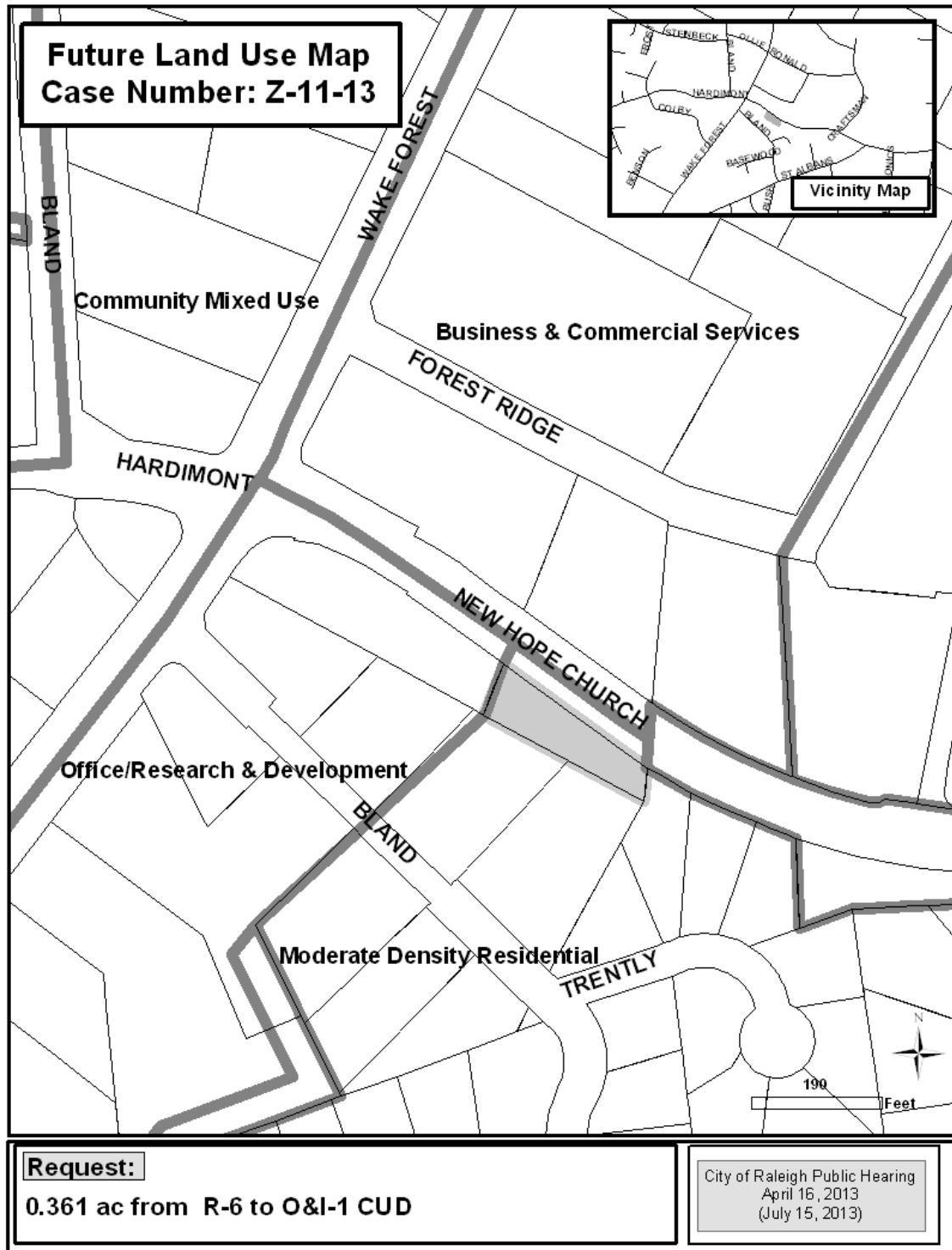
☒ **Compatible** with the property and surrounding area.

☐ **Incompatible.**

Analysis of Incompatibility:

Zoning conditions offered provide for adequate screening from light impacts to abutting residential uses, thus rendering the request compatible with its surrounding uses.

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Moderate Density Residential

The rezoning request is:

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

☒ **Inconsistent**

Analysis of Inconsistency:

The proposed request is to rezone the property to O&I-1 Conditional Use District by offering conditions that limit the use of the property for parking use only. The Future Land Use map designates the property for moderate density residential use. Therefore, the proposed rezoning request for the parcel remains inconsistent with its future land use designation.

2.2 Policy Guidance

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

Policy LU 4.9 Corridor Development

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

The site is located along New Hope Church Road, a designated multi-modal corridor. The proposed request limits the use of the property strictly for parking purposes. This encourages and supports increased automobile usage, while the Comprehensive Plan envisions pedestrian friendly and transit supportive development patterns along multi-modal corridors. The request is inconsistent with this policy.

2.3 Area Plan Policy Guidance

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

NA

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Compatibility with adjacent office zoning, with which the subject parcel is intended to be combined
- A better suited and more appropriate zoning for the narrow parcel based on its location and limiting configuration for development
- Helps alleviate overcrowded parking of the adjacent office use and free up parking in other areas used up by overflow parking of the existing office use
- Allows for recombination and uniform zoning of parcels that better serve the site development viability

3.2 Detriments of the Proposed Rezoning

- The parking lot configuration could have potential noise and light impacts to the abutting residential use from night time operations
- Proposed parking lot use will create more impervious surface area than other development options

4. Impact Analysis

4.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>			
New Hope Church	Major Thoroughfare	20,000	26,177			
Wake Forest Road	Secondary Arterial	35,000	70,269			
<u>Street Conditions</u>						
<u>New Hope Church</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	55'	Back-to-back curb and gutter section	85'	5' sidewalks on both sides	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Bicycle Accommodations
Meets City Standard?	Yes	No	YES	No	Yes	No
<u>Wake Forest Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	6	68	Back-to-back curb and gutter section	95'	5' sidewalks on both sides	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Bicycle Accommodations
Meets City Standard?	YES	No	YES	No	Yes	No
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	0	0	0			
PM PEAK	0	0	0			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff received a trip generation waiver request for Z-11-13. The zoning change will allow for a 0.36 acre parcel to be used for overflow parking. The waiver request has been approved.				
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

4.2 Transit

Current CAT Route 24L operates along this corridor and there are stops available on New Hope Church Rd close to the entrance to the shopping center.

Impact Identified: The proposed use should have little impact upon transit use in this area.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Big Branch and Marsh Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: None; no buffer, no WPOD

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	1,263 gpg	1,175 gpd
<i>Waste Water</i>	1,263 gpg	1,175 gpd

Impact Identified: The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There is currently a sixteen (16") inch water main within the New Hope Church Road right-of-way at the property. Sanitary sewer would be required to be extended by the petitioner/developer to the property. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

Impact Identified: None

4.6 Urban Forestry

1. 10-2132.2(b)(20) will apply to this parcel if a site plan applies.
2. Per 10-2165(b)(2) No condition *may* be made part of the petition which specifies the establishment and protection of tree conservation areas or tree protection areas unless the condition ensures that one hundred percent (100%) of the *critical root zones* of trees proposed for protection and located on the subject rezoned *property shall* also be *undisturbed areas*.

Impact Identified:

The 50 ft. Natural Protective Yard along New Hope Church Road will occupy most of the parcel if required under site plan review.

4.7 Designated Historic Resources

Impact Identified: None

4.8 Community Development

Impact Identified: None

4.9 Appearance Commission

The request is not subject to Appearance Commission review.

4.10 Impacts Summary

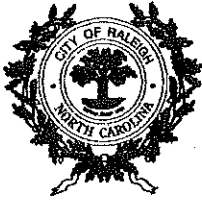
- The 50 ft. Natural Protective along New Hope Church Road will occupy most of the parcel if a site plan applies.
- Sanitary sewer would be required to be extended by the petitioner/developer to the property. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fireflow requirements will also be required.

4.11 Mitigation of Impacts

NA

5. Conclusions

The proposed request is inconsistent with the future land use map and with a few Comprehensive Plan policies. The subject site is a small, narrow strip along a major thoroughfare and given its configuration and location, residential uses permitted under the current zoning and recommended by the future land use map is not the highest and best use for the site. With the offered conditions, the site will remain compatible and serve to accommodate overflow parking of the adjacent office use.



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

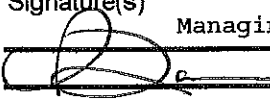
Signature(s)	Print Name	Date
	Managing Member for 4106 Old Wake Forest Road, LLC	
	Don G. Lane	

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

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	Don G. Lane	12450 Cleveland Road Suite 203 Garner, NC 27529	919-863-9763
Property Owner(s)	4106 Old Wake Forest Road, LLC	12450 Cleveland Road Suite 203 Garner, NC 27529	919-863-9763
Contact Person(s)	Lester Stancil	PO Box 730 Angier, NC 27501	919-639-2133

Property information

Property Description (Wake County PIN)	1715.07-59-0497
Nearest Major Intersection	Wake Forest Rd and New Hope Church Rd
Area of Subject Property (in acres)	0.361 Acre
Current Zoning Districts (include all overlay districts)	R-6
Requested Zoning Districts (include all overlay districts)	O&I-1 <i>CUD</i>

EXHIBIT B. Request for Zoning Change

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

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

Name	Street Address	City/State/Zip	Wake Co. PIN
Claude David Brown & Barbara B. Burns	104 Bunn Avenue	Rocky Mount, NC 27804	1715.06-49-9316
Mary E. Allred Heirs	104 Beechwood Drive	Youngsville, NC 27596	1715.07-59-0299
Min C. Hsu and Chi Jou Hsu	6408 Winthrop Drive	Raleigh, NC 27612	1715.07-59-2228
Steven Duong	245 18th St. Apt. 2	Brooklyn, NY 11215	1715.07-59-1169
John E. Huckleby & Pearl K. Huckleby	1609 Trently Court	Raleigh, NC 27609	1715.07-59-3218
Bank of Hampton Roads	112 Corporate Drive	Elizabeth City, NC 27909	1715.06-49-8418
Capital Properties of Raleigh, LLC	PO Box 6192	Raleigh, NC 27628	1715.06-49-8418
Paul M. Simson and James F. Hanley	3824 Bland Road or 7417 Spyglass Way	Raleigh, NC 27609 Raleigh, NC 27615	1715.06-49-8418 1715.06-49-8418

2-11-13

EXHIBIT C. Request for Zoning Change

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

CITY OF RALEIGH
CITY PLANNING DEPT

2012 SEP 24 AM 10: 25

Conditional Use District requested:

Narrative of conditions being requested:

Parcel to be used for parking only.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

Date

Don G. Lane

9-21-2012

EXHIBIT D. Request for Zoning Change

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The future land use is moderate density residential. The proposed land use is office and institutional, however it is a small tract of land being recombined with tract that is already zoned office and institutional.

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.

This tract is not located in any Area Plan or other City Council adopted plans.

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

The proposed map amendment is inconsistent with the Comprehensive Plan, however the tract is so small it could not be used for residential development and the proposed use is consistent with current development in the general area.

EXHIBIT D. Request for Zoning Change

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

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 tracts to the west are commercial tracts used for offices and a dental office with parking areas and multi-story buildings. New Hope Church Road is to the north. The tracts to the east and south are single family dwellings.

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

No overlay districts exist. The tract adjoins the proposed rezoning class and development will be consistent with the current development in the general area.

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 amendment is compatible with the tract of land it is being recombined to.

III. Benefits and detriments of the proposed map amendment.**A. For the landowner(s):**

It allows for the existing overcrowded parking area to be expanded.

B. For the immediate neighbors:

It will clean up and develop and landscape a piece of land consistent with the City of Raleigh Ordinances

C. For the surrounding community:

Parking will be on-site and "free up" parking where people are parking in other parking areas not designated for this business.

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

This tract is so small it can not be developed as is and the other tracts are already developed. This will allow additional parking in an area where it is needed.

EXHIBIT D. Request for Zoning Change

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

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

This tract is small and could not be used for any kind of development by itself. By recombining and rezoning this tract it allows for development.

V. Recommended items of discussion (where applicable).

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

N/A

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

The general area is being developed as commercial and offices and has not been residential development as it has been in the past.

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

Will allow for additional parking where it is needed.

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

The impact on any type of public services will be minimal and may even improve as it will be developed and landscaped.

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

It allows for the development of an otherwise unusable parcel of land.

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

ATTENDANCE SHEET FOR
NEIGHBORHOOD MEETING HELD AT
4106 WAKE FOREST RD. ON
NOVEMBER 10, 2012

2-11-13

Claude D. Brown *11/10/12*
Claude D. Brown and Barbara B. Burns

_____ R. Daniel Brady, Adm. For Mary E. Allred Heirs

_____ Min C. and Chi Jou Hsu

_____ Steven Duong

_____ John E. and Pearl K. Huckleby

_____ Bank of Hampton Roads representative

_____ Capital Properties of Raleigh, LLC representative

_____ Paul M. Simson and James F. Hanley

Met with Mr Brown
No Problems
Meeting Ended approx. 10:35 AM
Claude D. Brown
only person to show
10-10-2012

Justin Grant