

Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

☒ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

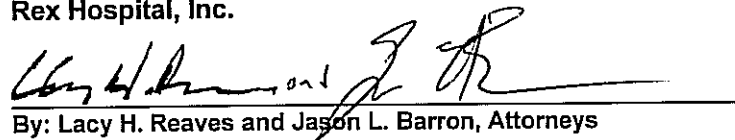
- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes
where appropriate

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

Signature(s)

Rex Hospital, Inc.


By: Lacy H. Reaves and Jason L. Barron, Attorneys

Date 10/18/07

Office Use Only	
Petition No.	Z-14-08
Date Filed:	10.19.07
Filing Fee:	\$1000.00 by CKH

591164

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print
See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s) and Property Owner(s):	Rex Hospital, Inc.	4420 Lake Boone Trail Raleigh, NC 27607-7505	
2) Contact Person(s):	Lacy H. Reaves and Jason L. Barron	KENNEDY COVINGTON 4350 Lassiter at North Hills Ave., Ste. 300 Raleigh, NC 27609	743.7304 and 743.7343; lreaves@kennedycovington.com AND jbarron@kennedycovington.com
3) Property Description:	Wake County Property Identification Number(s) (PIN): 0785-54-6220		
Please provide surveys if proposed zoning boundary lines do not follow property lines.	General Street Location (nearest street intersections): West side of Edwards Mill Road north of the Macon Pond Road intersection		
4) Area of Subject Property (acres):	17.22 acres		
5) Current Zoning District(s) Classification:	O&I-1 CUD (approximately 16.22 acres) and Residential-4 (approximately one (1) acre)		
Include Overlay District(s), if Applicable			
6) Proposed Zoning District Classification:	O&I-1 CUD (with revised conditions)		
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.			

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:
Nick Ray Harrison, Jr. Peggy H. Elliott	909 Two Brothers Run	Raleigh, NC 27603-9210	0785-43-8835
Robert M. & Mary T. Treadway, Jr.	3100 Briar Stream Run	Raleigh, NC 27612-5240	0785-44-7011
Mark W. & Stephanie H. Helms	3104 Briar Stream Run	Raleigh, NC 27612-5240	0785-44-8069
Seth & Alison Weinreb	3108 Briar Stream Run	Raleigh, NC 27612-5240	0785-44-9136
Mucie H. Watkins	900 Brick Mill Road	Coats, NC 27521-9540	0785-53-0840
Nick Ray Harrison Heirs	112 Johnston Street	Garner, NC 27529-3018	0785-53-1412
Mucie H. Watkins	900 Brick Mill Road	Coats, NC 27521-9540	0785-53-2355
Manley Dalton Jones	4105 Durham Road	Raleigh, NC 27614-8130	0785-53-3741
Mucie H. Watkins	900 Brick Mill Road	Coats, NC 27521-9540	0785-53-5616
William Kenneth Huntley, Jr.	3105 Briar Stream Run	Raleigh, NC 27612-5241	0785-54-0222
Princeton Marquis LP LTD PTNRP	800 Newport Center Drive Suite 400	Newport Beach, CA 92660- 6316	0785-54-3827
Rex Healthcare, Inc.	4420 Lake Boone Trail	Raleigh, NC 27607-7505	0785-63-6869
William L. & Jane C. Harrison	4225 Macon Pond Road	Raleigh, NC 27607-6320	0785-53-3365
CNL Retirement PC1 NC LP	P.O. Box 4920	Orlando, FL 32802-4920	0785-64-9530
Sherwood H. & Phyllis L. Jones	94 E. Deer Run	Apex, NC 27523-8402	0785-53-8330
Neil C. & Sharon Gustafson Martin L. Wachtel, III	P.O. Box 17843	Raleigh, NC 27619-7843	0785-53-6245
W. Lloyd Harrison	4309 Macon Pond Road	Raleigh, NC 27607-6331	0785-53-4453

Office Use Only	
Petition No.	2-14-08
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 subject property is located within the Northwest District Plan Area, which calls for medium to high density residential development west of Edwards Mill Road.

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

The subject property falls under the Blue Ridge Road/Lake Boone Trail Small Area Plan (the "Small Area Plan"). The Small Area Plan designates the Property for medium to high density residential development.

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 inconsistent with the Comprehensive Plan. However, in light of development of parcels within the Small Area Plan since its adoption, the Petitioner submits that the rezoning is reasonable and in the public interest.

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):

- to the north and northwest of the subject property, there is a vast 352-unit apartment complex developed at 15 units/acre. This apartment complex, which was developed in 1995, consists of garden style apartments.

- to the southwest of the subject property there are three (3) single family detached homes on lots between 0.44 and 0.71 acres in size.

- to the south of the subject property are primarily vacant lots, with the exception of a single-family residence located across Macon Pond Road.

- to the east of the subject property is a large vacant tract owned by the Petitioner, which is separated from the subject property by Edwards Mill Road.

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

- the subject property is currently zoned O&I-1 CUD.

- the large parcel to the north and northwest of the subject property is zoned R-15 and contains three (3) story apartment buildings. The three (3) single family residences to the west of the Property are on lots zoned R-15.

- the parcels to the south of the subject property are zoned R-4, and the lone parcel containing structures is a one (1) story ranch.

- the parcel to the east is zoned O&I-1 CUD.

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 location of the subject property makes it appropriate for O&I-1 uses. Notably, the subject property is served by Edwards Mill Road, which is a 4-lane, median divided nonresidential thoroughfare. The proximity of Edwards Mill Road to Wade Avenue makes it ideal for a higher traffic generating use such as the office development proposed by this rezoning. With the existing high density apartment development to the north of the subject property and the lower density residential to the north of the apartments, locating an office use on the subject property provides for an appropriate transition of uses.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The landowner will be benefited by being able to make a higher and better use of the subject property. In particular, Rex Hospital is a well known healthcare provider in the area. Developing the subject property for office uses allows it to expand the healthcare and related services provided to the City and its residents.

B. For the immediate neighbors:

The immediate neighbors will not suffer a detriment due to this rezoning. As mentioned above, the vast majority of adjacent owners are the Petitioner and an apartment complex. The rest of the adjacent properties are either vacant or contain single family dwellings. Locating office uses on the subject property will provide employment opportunities for the residents of these adjacent properties.

C. For the surrounding community:

The subject rezoning will benefit the surrounding community by providing for employment opportunities in an area that is ideal for employment generating uses.

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

The subject rezoning does not provide a significant benefit which is not available to the surrounding properties. There is nothing unique about this rezoning request such as would allow the owner of the property to receive a significant benefit which is not otherwise available to adjacent properties.

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

The location of the subject property, with its immediate access to Edwards Mill Road and proximity to Wade Avenue, makes it ideal for an employment generating use.

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.

The subject property was last rezoned in the mid 1980s in concert with the parcel located to the east of Edwards Mill Road. At that time, the high density multifamily development to the north and northwest of the property had not been developed. Accordingly, it appears that the condition limiting the subject property to higher density residential was designed to create a buffer between the hospital and office uses along Blue Ridge Road and the lower density residential developments to the west of the property. Thus, with the construction of the apartments in 1995, the need to have a buffer has been satisfied. Accordingly, the circumstances have changed justifying the subject rezoning.

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

As indicated above, Rex Hospital provides vital services to the citizens of Raleigh. To maintain the highest level of healthcare services, Rex Hospital needs the flexibility to continue expanding its facilities and making additional facilities available to its health care providers.

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

All necessary public services are available to serve this property. There should be little impact on public services or infrastructure.

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

None at this time.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-14-08 Conditional Use; Edwards Mill Road**

General Location: This site is located on the west side of Edwards Mill Road, SW of its intersection with Duraleigh Road.

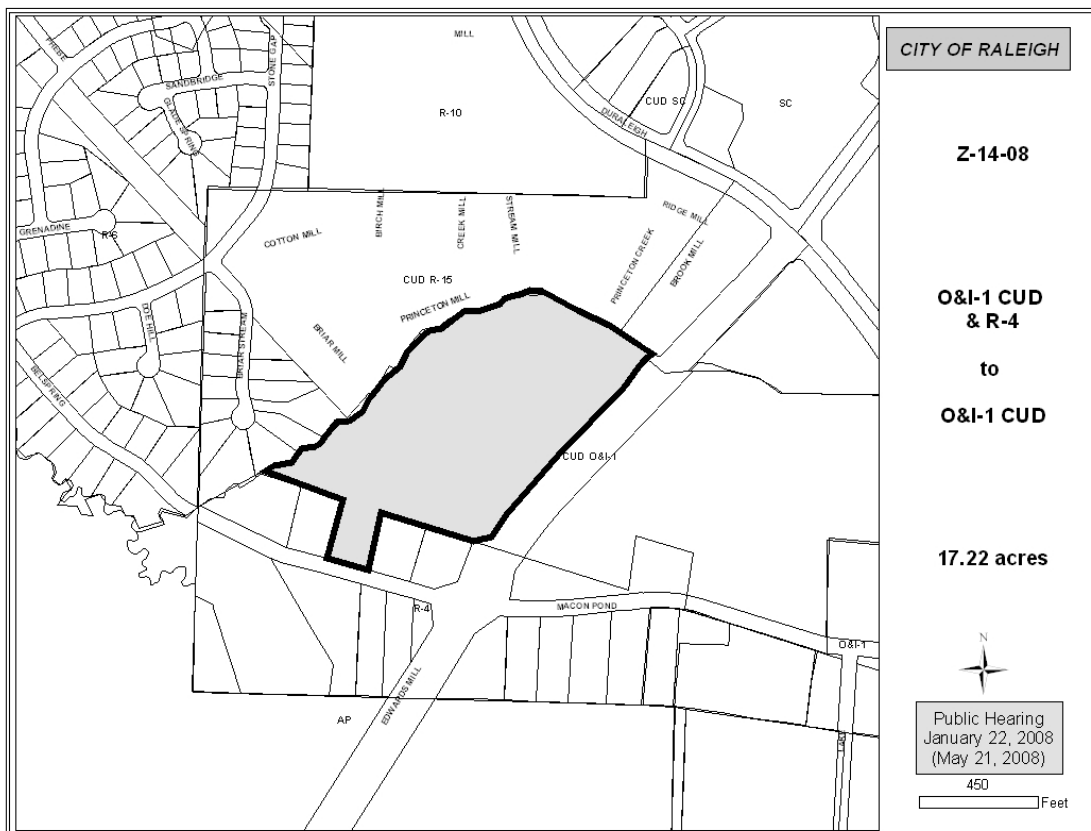
**Planning District
/ CAC:** Northwest / Northwest

Request: Petition for Rezoning from **Office and Institution-1 Conditional Use and Residential-4** to **Office and Institution-1 Conditional Use**.

**Comprehensive Plan
Consistency:** This request is inconsistent with the Comprehensive Plan.

**Valid Protest
Petition (VSPP):** NO

Recommendation: The Planning Commission finds that the proposal is inconsistent with the Comprehensive Plan. However, based on the Findings and Reasons of this document, the Planning Commission recommends that this request be approved in accordance with conditions dated March 12, 2008.



CASE FILE: **Z-14-08 Conditional Use**

LOCATION: This site is located on the west side of Edwards Mill Road, SW of its intersection with Duraleigh Road.

REQUEST: This request is to rezone approximately 17.22 acres, currently zoned Office and Institution-1 Conditional Use and Residential-4. The proposal is to rezone the property to Office and Institution-1 Conditional Use.

**COMPREHENSIVE
PLAN CONSISTENCY:** **This request is inconsistent with the Comprehensive Plan.**

RECOMMENDATION: **The Planning Commission finds that the proposal is inconsistent with the Comprehensive Plan. However, based on the Findings and Reasons of this document, the Planning Commission recommends that this request be approved in accordance with conditions dated March 12, 2008.**

**FINDINGS
AND REASONS:**

(1) The rezoning request is inconsistent with the guidelines set forth in the Comprehensive Plan. The subject property is located within the Blue Ridge /Lake Boone Small Area Plan which designates this site as appropriate for residential uses. Although inconsistent, the Commission feels that limited office is appropriate on this site due to its location on Edwards Mill Road and proximity to Rex Hospital.

(2) The zoning conditions associated with this proposal increase setbacks and buffers in relation to adjacent residential lots, provide a minimum of 20% open space and limits impervious surfaces to 60%. Office uses shall be limited to 160,000 sq. ft and building height shall be limited to four (4) stories or 65 feet. Specific plantings are provided within easements, along parking lot perimeters and along retaining walls. Lighting shall be of full-cutoff design, certain uses will be prohibited and the applicant will provide a transit easement along Edwards Mill Road. The zoning conditions provided with this proposal will also require site plan approval by the Planning Commission.

(3) The Commission feels that due to the zoning conditions offered, this proposal is reasonable and in the public interest as the revised O&I-1 CUD conditions better address potential negative impacts for the development of this property. The proposed zoning conditions insure compatibility with adjacent residential development.

ADDITIONAL NOTE: Due to the property's close proximity to Umstead Park and the fact that this property naturally drains into Richland Creek, stormwater controls, output of runoff, and water quality should be closely analyzed in the site plan review process.

To PC: 1/29/08
Case History: SPC 2/19/08, PC 2/26/08, PC 3/11/08

To CC: 3/18/2008

City Council Status: _____

Staff Coordinator: Stan Wingo

Motion: Bartholomew
Second: Haq
In Favor: Bartholomew, Chambliss, Davis, Gaylord, Harris Edmisten, Haq, Holt, Mullins, Smith
Opposed:
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: 3/13/08



Zoning Staff Report: Z-14-08 Conditional Use

LOCATION: This site is located on the west side of Edwards Mill Road, SW of its intersection with Duraleigh Road.

AREA OF REQUEST: 17.22 acres

PROPERTY OWNER: Rex Hospital, Inc.

CONTACT PERSON: Jason Barron 743-7343

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** May 21, 2008

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office and Institution-1 CUD Residential-4	Office and Institution-1 CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	None	None
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	w / Staff approval: 245 units w / PC approval: 409 units	w / Staff approval: 217 units w / PC approval: 361 units (unit reduction based on 160,000 sq. ft. of office allocation)
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office uses not permitted. (per conditions)	160,000 sq. ft. (0.22 FAR)(per conditions)
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Limited retail uses not permitted. (per conditions)	Limited Retail Uses (maximum of 10%) permitted in association with an office building exceeding 30,000 square feet.
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Low Profile (Height = 3.5 feet, Area =	Low Profile (Height = 3.5 feet, Area = 70

70 square feet) square feet)

ZONING HISTORY: This property has been zoned Office and Institution-1 Conditional Use since 1986 (Z-9-86). When the property was rezoned to O&I-1 CUD, conditions were approved to allow residential uses only on this site. The small residential portion has been zoned Residential-4 since being brought into the city's jurisdiction.

Z-9-86 Conditions:

- 1) No more than 50% of the land area, not including area devoted to public streets will be used for residential purposes (uses defined in Code Section 10-2033(a).
- 2) The building setback from the rights-of-way of public streets shall be a minimum of 50 feet.
- 3) All land included in the rezoning on the west side of the Edwards Mill Road as constructed in the future will be used for residential purposes (uses defined in Code Section 10-2033(a).
- 4) Any future subdivision or site plan approval requests submitted for the property will include on site dedication and construction of Edwards Mill Road Extension and Forest View Drive through the project

**SURROUNDING
ZONING:**

NORTH: Residential-15 Conditional Use (Z-7-94) Conditions are:

1. Stormwater runoff following development of this property will not exceed runoff that would occur in an R-4 zoning district as per C.R. 7107.
2. There will be an 80 foot transitional protective yard contiguous to the Lightfoot group's property (PIN # 0785.10-45-6411), except for the land area indicated in Exhibit "A" which is conditioned to R-4 pursuant to Condition 4. This transitional protective yard area will be planted as if the subject property was developed with fifteen or more dwelling units per acre.
3. No more than one full access driveway will be permitted on Duraleigh Road directly across from Charles Root Wynd as shown on Exhibit A, to be approved by the North Carolina Department of Transportation. Prior to the completion of the now pending widening of the section of Duraleigh Road adjacent to the subject property, the driveway referred to in this condition shall be a right-in, right-out driveway, to be approved by the N.C. Department of Transportation.
4. The land area as shown on Exhibit "A" which is attached and made part of this condition, shall be conditioned to single family, detached housing units, at R-4 density.
5. For purposes of reimbursement, the right-of-way and construction easement values will remain at R-4 values for Duraleigh Road.

SOUTH: Residential-4

EAST: Office and Institution-1 Conditional Use (Z-9-86, see ZONING HISTORY)

WEST: Residential-6

LAND USE: Vacant and heavily wooded.

**SURROUNDING
LAND USE:**

NORTH: High density residential – apartment uses
SOUTH: Single family residential
EAST: Vacant wooded land
WEST: Single family subdivision

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	Primarily nonresidential thoroughfare
Specific Area Plan	Blue Ridge Lake Boone SAP
Guidelines	N/A

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

This proposal is inconsistent with the guidelines set forth in the Comprehensive Plan. The subject property is located within the Blue Ridge/Lake Boone Trail Small Area Plan which designates this area as appropriate for low to medium density residential uses on the southern portion of the site, and medium to high density residential along the northern portion. The property was rezoned to Office and Institution-1 Conditional Use in 1986 (Z-9-86) and was conditioned to residential uses only. Removing this condition would allow for the introduction of office uses which is inconsistent with the goals and guidelines established for this area by the Comprehensive Plan.

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

Petitioner states that the location of the property makes it appropriate for O&I uses. Due to its location on Edwards Mill Road, and its proximity to Wade Avenue, it is ideal for a high traffic generating use such as an office development. Applicant also states that locating an office use on this site would provide an appropriate transition of land use in this area.

Staff disagrees with this assessment. Land use surrounding the property includes high density residential to the north, low density residential to the south and east, and vacant land to the west that is zoned Office and Institution-1 Conditional Use. The area to the south of the property is undeveloped and large-lot low density residential. Further to the south is a large tract of AP zoning that is designated as park land. The current zoning conditions on the subject property insure an appropriate transition to these uses. An overall residential density equal to medium density would be appropriate, as the property falls between high density and low density residential.

This property was rezoned in 1986 in concurrence with a larger overall tract extending across Edwards Mill Road. The portion to the east of Edwards Mill was conditioned to allow a mix of residential and office uses, while this portion, to the west of Edwards Mill was conditioned to allow residential uses only. Applicant has offered several zoning conditions that include providing increased buffers, limitations on building size, impervious surfaces, and plantings. Conditions also limit building height, site lighting and increase open space requirements. Applicants proposed zoning conditions increase the compatibility of this proposal with the surrounding area.

3. Public benefits of the proposed rezoning

Petitioner states that the rezoning of this property will provide employment opportunities in an area that is ideal for employment generating uses. Also that the location of the office uses on this site would provide employment opportunities for adjacent neighbors.

Staff agrees that increased office uses in this area would provide a needed increase in employment opportunities. The primary land use in this area is residential, and additional office uses would be beneficial and convenient.

4. Detriments of the proposed rezoning

The proposal to introduce office uses on this site would not be an appropriate transition to the surrounding uses and land use in this area. As the amendment is inconsistent with the guidelines set forth in the small area plan, a mixture of low, medium and high residential uses would be more appropriate. With high density residential adjacent to the north, and low density to the east and south, an overall residential build out in the medium density range would be most compatible. Conditions have been included to help insure more compatibility.

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

TRANSPORTATION: Edwards Mill Road is classified as a secondary arterial major thoroughfare (2005 ADT - 18,000 vpd) and exists as a five-lane curb and gutter section on 150 right-of-way. Sidewalks exist on both sides of Edwards Mill Road between Duraleigh Road and Macon Pond Road and on one side between Macon Pond and Reedy Creek Road. City standards call for Edwards Mill Road to provide six lanes on an 89-foot back-to-back curb and gutter section on 110 feet of right-of-way with sidewalks on both sides. Macon Pond Road is classified as a collector street and exists as a two-lane shoulder section on a 60 foot right-of-way. City standards call for Macon Pond to provide a 41-foot back-to-back curb and gutter section on 60 feet of right-of-way with sidewalk on one side.

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: Alluvial soils in and around Neuse Buffered stream
DRAINAGE BASIN: Richland
STORMWATER MANAGEMENT: Pt. 10 Ch. 9 compliance required.

PUBLIC UTILITIES: The proposed rezoning would not impact the wastewater or water treatment systems of the City. There are no existing sanitary sewer and water mains adjacent to the proposed rezoning area which would serve said area. The developer of the property would be required to extend the public mains to the property and also be responsible for the installation of the internal wastewater collection and water distribution systems.

PARKS AND RECREATION: This property is not adjacent to any greenway corridors.

WAKE COUNTY PUBLIC SCHOOLS: The current rezoning proposal would only increase residential density on the R-4 portion of the subject property. With the R-4 portion being 0.83 acre in size, the proposal could result in an increase of 4 residential dwelling units. There would

be very little added impact on the public school system associated with this rezoning proposal. As projected, the increase could result in the addition of approximately one elementary school student. The current and future capacities are as follows:

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Stough	515	84%	516	84%
Daniels	1,006	80%	1,006	80%
Broughton	2,180	105%	2,180	105%

IMPACTS SUMMARY: Public services, safety and fire are adequately served in this area. There would be very little impact on the Wake County Public School System due to this rezoning request. This proposal would introduce office uses on the western side of Edwards Mill Road, which in this location is surrounded by residential uses. This could place office uses directly adjacent to low density residential, located to the south and west of the property. Overall build out of medium density residential, with a mix of residential uses would have less of an impact and be more appropriate in this location.

OPTIONAL ITEMS OF DISCUSSION

1. **An error by the City Council in establishing the current zoning classification of the property.**
N/A
2. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be property applied to it now were it being zoned for the first time.**

Applicant states that the subject property was last rezoned in the mid 1980s in concert with the parcel located to the east of Edwards Mill Road. At that time, the high density multifamily development to the north and northwest of the property had not been developed. Accordingly, it appears that the condition limiting the subject property to higher density residential was designed to create a buffer between the hospital and office uses along Blue Ridge Road and the lower density residential developments to the west of the property. Thus, with the construction of the apartments in 1995, the need to have a buffer has been satisfied. Accordingly, the circumstances have changed justifying the subject rezoning.

Staff disagrees with this assessment, the current zoning on the subject property serves as an appropriate buffer to surrounding land uses.

APPEARANCE

COMMISSION: This request is not subject to Appearance Commission review.

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Northwest
CAC CONTACT PERSON: Jay Gudeman 571-0444

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

Outstanding issues:

- Proposal is inconsistent with the guidelines set forth in the Comprehensive Plan.

