

CITY OF RALEIGH

Z-15-08

**R-10
to
O&I-1 CUD**

34.29 acres

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

430 Feet



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

Please check boxes
where appropriate

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

Signature(s)

Date:

ANGELES INCOME PROPERTIES, LTD., II,
a California limited partnership

By: Angeles Realty Corporation II,
a California corporation, its managing general partner

By: Patrick Teegarden
Name: Patrick Teegarden
Title: Vice President

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>Z-15-08</u>
Date Filed:	<u>10-19-08 / AHend 11/7/07</u>
Filing Fee:	<u>Receipt 165781</u>

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	ANGELES INCOME PROPERTIES, LTD., II	Deloitte PTS Dept 208 6363 N. State Hwy 161 Suite 800 Irving, Texas 75038	
2) Property Owner(s):	(same as above)		
3) Contact Person(s):	<u>Anna P. McLamb</u>	<u>150 Fayetteville St., Ste 2100, Raleigh, NC 27601</u>	<u>amclamb@wcsr.com</u> <u>919-755-2131</u>
	<u>Pat Teegarden</u>	<u>4582 S. Ulster St. Pkwy Ste 1100 Denver, CO 80237</u>	<u>Patrick.Teegarden@</u> <u>aimco.com</u> <u>303-691-4493</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>0785932086</u> 		
	General Street Location (nearest street intersections): <u>Landmark Drive and Lake Boone Trail</u>		
5) Area of Subject Property (acres):	<u>34.29 acres</u>		
6) Current Zoning District(s)	<u>R-10</u>		
Classification: Include Overlay District(s), if Applicable	 		
7) Proposed Zoning District	<u>O&I-1 CU</u>		
Classification: 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:
<u>Rex Hospital, Inc.</u> <u>Attn: David Strong</u>	<u>4420 Lake Boone Trail</u>	<u>Raleigh, NC 27607</u>	<u>0785822820</u>
<u>The Ridgecroft Condominium</u> <u>Owners Association, Inc.,</u>	<u>221 Glenwood Avenue</u>	<u>Raleigh, NC 27603</u>	<u>0785837863</u>
<u>Rexview Medical and</u> <u>Professional Park</u>	<u>2304 Wesvill Ct., Ste. 380</u>	<u>Raleigh, NC 27607</u>	<u>0785933877</u>
<u>Melia Jane Russom</u>	<u>2817 Old Orchard Road</u>	<u>Raleigh, NC 27607</u>	<u>0785938799</u>
<u>Shawn and Kelly Weiss</u>	<u>2813 Old Orchard Road</u>	<u>Raleigh, NC 27607</u>	<u>0785938791</u>
<u>William S. Stackhouse</u>	<u>2813 Old Orchard Road</u>	<u>Raleigh, NC 27607</u>	<u>0785938791</u>
<u>Madeline L. Strum &</u> <u>Chaim J. Poran</u>	<u>2809 Old Orchard Road</u>	<u>Raleigh, NC 27607</u>	<u>0785938682</u>
<u>Edwin & Lillian Shearin</u>	<u>2805 Old Orchard Road</u>	<u>Raleigh, NC 27607</u>	<u>0785938583</u>
<u>Janet Webster Mahoney</u>	<u>2801 Old Orchard Road</u>	<u>Raleigh, NC 27607</u>	<u>0785938473</u>
<u>Sanjar Sahar</u>	<u>3421 Wembley Ct.</u>	<u>Raleigh, NC 27607</u>	<u>0785938382</u>
<u>KF Meredith LLC</u>	<u>c/o Drucker & Falk</u> <u>7200 Stonehenge Dr. Ste. 211</u>	<u>Raleigh, NC 27613</u>	<u>0795023956</u>
<u>ACH III LLC</u>	<u>2304 Wesvill Ct., Ste. 380</u>	<u>Raleigh, NC 27607</u>	<u>0785917547</u>
<u>The Summit</u> <u>at Lake Boone LLC</u>	<u>c/o Capital Associates</u> <u>1100 Crescent Green Drive</u> <u>Ste. 250</u>	<u>Cary, NC 27518</u>	<u>0785912507</u>
<u>Lake Boone Medical</u> <u>Properties LLC</u>	<u>c/o Capital Associates</u> <u>1100 Crescent Green Drive</u> <u>Ste. 250</u>	<u>Cary, NC 27518</u>	<u>0785818541</u>
<u>Leonard B. Crumpler, Jr.</u>	<u>2810 Edridge Ct., Apt. 101</u>	<u>Raleigh, NC 27612</u>	<u>0785837863</u>
<u>Eleanor R. Wheeler</u>	<u>2810 Edridge Ct., Apt. 102</u>	<u>Raleigh, NC 27612</u>	<u>0785837863</u>
<u>Erika S. Rasmussen</u>	<u>2810 201 Edridge Ct.</u>	<u>Raleigh, NC 27612</u>	<u>0785837863</u>
<u>Donald & Pamela Shirley</u>	<u>2210 Trail Wood Dr.</u>	<u>Durham, NC 27705</u>	<u>0785837863</u>
<u>Jacqueline Page Coker</u>	<u>2811 Edridge Ct., Apt. 101</u>	<u>Raleigh, NC 27612</u>	<u>0785837863</u>
<u>Boyd & Sally Gillis</u>	<u>2820 Edridge Ct., Apt. 101</u>	<u>Raleigh, NC 27612</u>	<u>0785837863</u>

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Petition No. Z-15-08

(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.

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 adjacent to Rex Hospital within the Northwest District, in the Blue Ridge Road/Lake Boone Trail Small Area Plan (SAP). The western property line of the subject property (the common property line with Rex Hospital) is the boundary line between the land use designations (Office-Institutional and Medium-Density Residential) shown on the Small Area Plan. The subject property is currently developed as the Landmark Apartments and the SAP recognizes that the current use of the subject property is Medium-Density Residential. Likewise the SAP recognizes that the uses of properties adjacent to the subject property on its north, west and south sides are Office & Institutional uses.

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.

(continued)

As mentioned in A. above, the subject property is located within the Blue Ridge Road/Lake Boone Trail Small Area Plan. This SAP acknowledges that this area will continue growing "due to its proximity to Rex Hospital, the North Carolina Museum of Art, Research Triangle Park, RDU Airport, U.S. Interstate 40, and the Beltline." The Rex Hospital property, immediately to the west of the subject property, has been designated as an Employment Area. Because of the age of the Landmark Apartments and the Apartments' immediate adjacency to Office & Institutional uses which are located at the core of the designated Employment Area, the subject property is appropriate for either more intense residential uses, and/or for Office & Institutional-I non-residential uses.

As the Comprehensive Plan notes, growth of Employment Areas is critical to the City's economy. A more compact development pattern allowing more residential density and/or with non-residential Office & Institutional-1 uses is consistent with the goals for the Rex Employment Area. In addition, the definition of Employment Area contemplates inclusion of Office-Institutional and High-Density Residential within the Area itself, so Office-Institutional and High-Density Residential immediately adjacent to an Employment Area would be consistent with that policy.

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

As noted above in A. and B., while the SAP designates the subject property as Medium-Density Residential, (which is consistent with the current development located on the subject property), other portions of the Comprehensive Plan, as well as the immediate proximity of the subject property to the core of the Rex Employment Area (an Employment Area identified by the Comprehensive Plan as growing) suggest that the Comprehensive Plan supports the applicant's request for Office and Institutional.

Even if an interpreter of the Comprehensive Plan were to focus solely on the SAP's graphic showing the property as Medium-Density Residential (excluding the larger context of the site's proximity to the Rex Employment Area and indications in the Comprehensive Plan that this area could support higher density), a change in circumstances, consisting of the continuing growth in or near the existing core of the Rex Hospital Employment Area as well as the accelerating demand and need for medical care and housing in Raleigh, supports the applicant's 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):

Rex Hospital is to the west of the subject property (O&I-1). Ridgcroft Condominiums (R-10) lies to the north of the Rex site (northwest of the subject property). A great deal of parking on the Rex site is accommodated in parking decks; otherwise parking in this area is in surface lots. Immediately to the north of the subject property is Rexview Medical and Professional Park (O&I-1). Single-family detached residences within the Meredith Woods North Neighborhood are located to the northeast of the subject property (R-4), with the right-of-way of Landmark Drive providing a buffer between these residences and the existing garden apartments on the subject property. To the east of the subject property lies the Meredith Village Apartments (R-

(continued)

15 and R-10). To the south, across Lake Boone Trail, the properties are zoned Office & Institutional-I and contain office buildings or are in the process of being developed as offices.

Lake Boone Trail is a Minor Thoroughfare and Landmark Drive is a Collector Street. The Capital Area Transit "Rex Line" runs in front of the subject property. The existing infrastructure and transit availability further support a denser use of the subject property.

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

The existing zoning districts are described in section A, above.

The only Overlay Districts in the area are the Special Highway Overlay District (SHOD 1) applicable to the Lake Boone Shopping Center (to the east of the Meredith Village Apartments), and a Planned Development Conditional Use Overlay District, applicable to Lake Boone Commons (to the south of Lake Boone Trail, southeast of the subject property). The subject property is not located in any overlay district.

Although the "existing built environment" in the vicinity of the subject property is either fully developed or under construction, there remains considerable existing vegetation. Rex Hospital has been expanded, renovated and upgraded over the years, with a clear trend toward denser development and more intense use. The Landmark Apartments were developed at Medium Density thirty-seven (37) years ago, in 1970. While the Apartments have been updated and refurbished over the years, the property is overdue for redevelopment consistent with the trend of more dense development and intense use in the area. The properties south of the Landmark Apartments are currently transitioning to offices, many of which are associated with or related to Rex Hospital and its growth. A copy of a Wake County GIS map showing building footprints and vegetation in the area is enclosed herewith.

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 property contains 34 acres, which if the applicant's map amendment request is granted, would be used more efficiently than is currently the case. As has been referenced earlier in this petition, the subject property is immediately adjacent to the core of the growing Rex Hospital Employment Area. With 940 physicians on staff and 3,800 paid staff, Rex Healthcare is the 7th largest employer in Wake County, excluding government. Rex continues to collect accolades, and in some cases certifications, for facilities ranging from its Heart Center, Chest Pain Center, Surgery Center and Women's Center and also has been recognized as one of the 40 best places to work in the state. Granting the applicant's request is compatible with the property being located immediately adjacent to the core of this growing Employment Area.

The subject property shares a common boundary line at its northeast corner with four or five single family residences; however, these residences are effectively buffered by a strip of open land between the residences and the remainder of the subject property as well as the right of way of Landmark Drive. To the east of the subject property are apartment communities, which would be compatible with the applicant's request in the same manner as the subject property is currently compatible with Rex Hospital. To the South of the property, the property is zoned Office & Institutional-1, the same zoning district as is being requested by the applicant.

Office Use Only	
Petition No.	2-15-68
Date Filed:	

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III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment would benefit the landowner by providing the ability to redevelop the subject property consistent with the vast and multiple changes in the area which have occurred during the last thirty-seven (37) years and that are foreseeable in a medical care Employment Area. Currently, the subject property suffers from functional obsolescence. A new, planned community providing - high quality residences and amenities and/or office space and amenities would benefit the owner, the neighbors and the larger City. The redevelopment would provide -much needed residences in close proximity to the growing Employment Area, and/or it could provide additional office space to accommodate the growth emanating from the Rex Employment Area—in either case tending to reduce vehicle trips. In a City where 92% of the labor force commutes to work, with an average commute time of 22.4 minutes, locating additional housing and/or compatible uses in the same vicinity, as this application proposes, would be a clear benefit to more than the immediate area. O&I zoning will provide flexibility for residential development which may include an office component consistent with and immediately adjacent to the most intense core of the Employment Area. This flexibility permits the landowner to prepare a design plan and execute it so as to contribute most effectively to the Employment Area and thereby enhance the usefulness and value of the subject property to the community.

There are no foreseeable detriments to the landowner if its request is granted.

B. For the immediate neighbors:

The intent of the proposed map amendment is to replace the aging Landmark rental property with either a new, better designed multi-family community that would better serve existing residents (attracting new residents and satisfying a need for housing in this area), and/or with new offices to accommodate the -increasing demand for office space in the area. The immediate neighbors would benefit by the addition of -a new - high quality community. The map amendment would greatly benefit Rex Hospital because the property would either contribute more, and better quality “next door” residential opportunities for some of its workforce of more than 4700 employees, many of whom work very long hours under quite stressful conditions. It could also provide office and institutional uses to professionals and other employers and businesses which desire convenient access to the Rex Hospital Employment Area. The existing and developing office neighbors would benefit especially from the construction of new housing located in close proximity to jobs, encouraging pedestrian activity and limiting vehicle trips. The high and medium density residential uses adjacent to the subject property would benefit either from the redevelopment of the site consistent with, or better than, the quality of their own construction, or from the construction of more work environments close to their residents.

In general, concentrating intense uses adjacent to the core of an Employment Area allows growth where it can best be accommodated, relieving pressures to encroach upon or develop within existing neighborhoods. While more intense uses abutting lower intensity uses always has the possibility of creating tension, in this case, the subject property is a logical place for higher density because of the adjacent Employment Area and natural buffer zones. These buffers for neighbors include the right of way of Landmark Drive and the strip of land between

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Office Use Only	
Petition No.	2-15-08
Date Filed:	

Landmark Drive and the adjacent residences in Meredith Woods North, which mitigates the intensity of the proposed use with a natural transition to Meredith Woods North.

There will be many aesthetic benefits of redevelopment, from the neighbors' perspective. Landmark Apartments, constructed in 1970, was acquired by the applicant in 2000 with substantial deferred maintenance. Although the owner has performed extensive repairs and improvements on the property, there remain many problems associated with the property's age, its original construction methods and materials and its dated site planning. The result is a rental property that is currently unable to contribute to the positive changes that are taking place within the area. The possible uses under the proposed O&I-1 CU would be complementary to surrounding uses, whether that be apartments or condominiums for workers at Rex or in nearby office buildings, or additional office space to serve tenants attracted to the Rex/Lake Boone Trail corridor.

C. For the surrounding community:

The main benefit of this map amendment to the surrounding community would be to promote more intense and higher quality uses closer to the core of this Employment Area, Rex Hospital. The benefits of this pattern of development are many – fewer transportation trips, more compatible uses, accommodation of the future growth recognized in the Comprehensive Plan, lessening the likelihood of the concentrated uses sprawling out of the core of Employment Area and more efficient use of already scarce land available for development adjacent to the core of the Employment Area.

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

Rezoning the subject property allows the development of residences and/or offices complementary to the Rex Employment Area, immediately adjacent to the core of the Employment Area. As such, the subject property is in a significant location relative to other surrounding properties.

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

The proposed map amendment encourages redevelopment of an ideally located property, which is now burdened with an obsolete design as well as dated housing structures. The proposed use is consistent with the level and intensity of development in the surrounding area, and is complementary to uses along Lake Boone Trail. This map amendment would channel density close to jobs and transportation corridors while providing additional economic development and tax revenue to the area. It may also spur redevelopment of neighboring apartments and retail structures. The new development would attract users who desire convenience to the Rex campus and to major transportation corridors.

V. Recommended items of discussion (where applicable).

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

(continued)
N/A

Office Use Only	
Petition No.	2-15-08
Date Filed:	

- 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.**

Substantial and various circumstances have changed since the property was zoned for Medium-Density Residential development. The property was built in 1970, at which time Meredith Village Apartments had been in place for four years. Development on the south side of Lake Boone Trail did not begin until 1982, and until the early 1990s, development south of Lake Boone Trail was not significant. Rex's campus also has increased significantly over this time period, probably attributable to the population growth in the area and in the City as a whole and increased demand for quality healthcare.

From the 2000 census to July 1, 2007, the City's population increased by 33%. Over a slightly shorter period—from the 2000 census to July 1, 2006—the population of the Northwest Planning District alone increased by 26%. The projected population trend in the Northwest Planning District between 2002 and 2030 is an increase of 31.3%.

As small part of the Northwest Planning District, the Rex area has grown during the nearly four decades since Landmark was constructed and uses have intensified significantly around the subject property. If Landmark Apartments had not been built, the expansion of the core of the Employment Area eastward to include the subject property may have occurred. Because Landmark's construction predated much of the Rex expansion, over the years the Employment Area has been forced to undeveloped tracts across Lake Boone Trail and Blue Ridge Road from Rex Hospital. The proposed map amendment allows the Landmark site to integrate better with the uses in the Employment Area that have emerged in the more than 35 years since construction of Landmark.

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

In addition to the reasons stated above, the existing development located on the subject property was designed and built for a foregone era in Raleigh. The zoning map change requested allows redevelopment of the subject property to the type and quality of development commensurate with the desires and expectations today in Raleigh and in the Blue Ridge/Lake Boone Area. Additionally, other public benefits are foreseeable, such as reduced transportation trips, more appropriate land use for a growing population and better integration of complementary uses.

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

Public services, infrastructure, fire, safety, parks, and recreation have already been planned and/or implemented in recognition of the growth of the Rex Employment Area. While the applicant's request to rezone the subject property would cause a marginal increase in use of public services, this increase would be easily absorbed by the existing services, facilities and infrastructure provided to the Employment Area. Further, granting

(continued)

the rezoning would likely reduce or delay sprawling of the Employment Area to undeveloped tracts across Blue Ridge Road from Rex Hospital.

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

Like the redevelopment in the Downtown, redevelopment of certain key properties in the Rex Hospital Employment Area will have a greater positive impact than simply updating properties elsewhere in the City. The subject property is immediately adjacent to the core of the Employment Area, Rex Hospital.

The subject property is currently developed at a residential density close to the upper limit of Medium Density. It is unforeseeable that the subject property will be redeveloped at the same or similar density as it was developed thirty-seven (37) years ago. For the reasons stated above in response to the items in the petition, granting the applicant's request is in the interest of the public and consistent with principles of good planning and design.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-15-08 Conditional Use; Landmark Road**

General Location: This site is located on the north side of Lake Boone Trail, west and east of its intersection with Landmark Drive

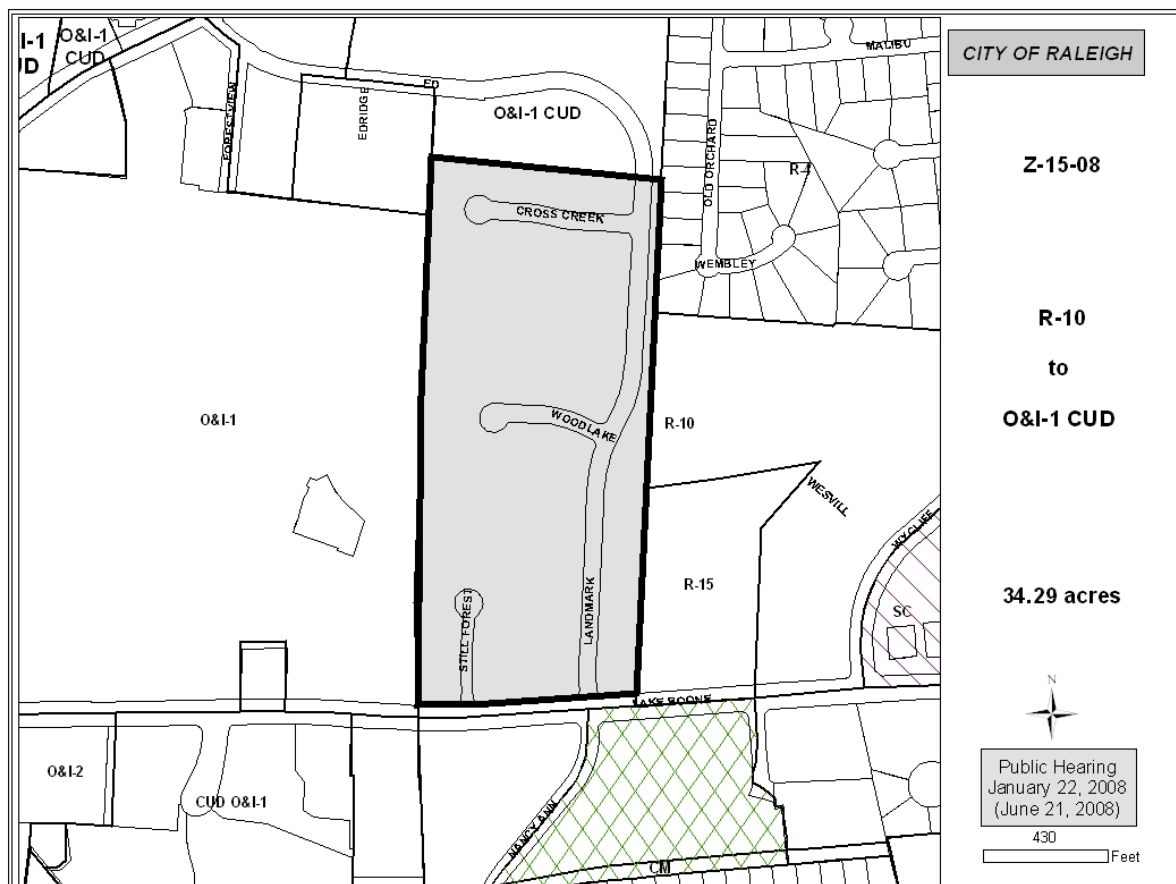
**Planning District
/ CAC:** Northwest / Northwest- Umstead

Request: Petition for Rezoning from **Residential-10** to **Office & Institution-1 CUD**.

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

**Valid Protest
Petition (VSPP):** YES

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated July 8, 2008.



CASE FILE: **Z-15-08 Conditional Use**

LOCATION: This site is located on the north side of Lake Boone Trail, west and east of its intersection with Landmark Drive

REQUEST: This request is to rezone approximately 34.29 acres, currently zoned Residential-10. The proposal is to rezone the property to Office & Institution-1 CUD.

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

RECOMMENDATION: **The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated July 8, 2008.**

**FINDINGS
AND REASONS:**

- (1) That high density residential and office uses are inconsistent with the recommendations of the Comprehensive Plan that designates the subject property for medium density residential uses. However, given its adjacency to an expanding large employment center employing more than 3000 employees, a transit stop, existing infrastructure, and other public amenities, the property can reasonably be redeveloped for higher density and limited office, which would still be compatible to its surrounding uses. It will provide larger public benefit to the surrounding property owners and the community in that it will provide increased options for much needed office spaces and/or additional housing units in this growing area;
- (2) That the proposed conditions address appropriate transitions, screening and buffering to the abutting residential uses; specifies building heights, uses & density, parking, garbage, building materials, traffic access, lighting, and public participation criteria, thereby justifying the reasonableness for the proposed request;
- (3) That concentrating redevelopment within an area adjacent to a growing employment area allows growth where it can best be accommodated, thereby relieving pressures to encroach upon existing neighborhoods or other stable areas of the community or sprawl along the fringes.
- (4) That for the reasons and findings stated above, the subject request appears to be reasonable and in serving the public interest and therefore, the Planning Commission recommends approval of the same.

To PC: 1/29/08, Referred to SPC

Case History: Deferred at SPC; 5/20/08 SPC voted approval and a 30-day time extension; 6/10/08 Deferred at PC with 30-day time extension; 6/24/08 Deferred at PC with 30-day extension; 7/8/08 PC voted approval.

To CC: 7/15/08

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Bartholomew
Second: Haq
In Favor: Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Holt, Mullins
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: 7/10/08



Zoning Staff Report: Z-15-08 Conditional Use

LOCATION: This site is located on the north side of Lake Boone Trail, west and east of its intersection with Landmark Drive

AREA OF REQUEST: 34.29 acres

PROPERTY OWNER: Angeles Income Properties, LTD., II, Irving, Texas

CONTACT PERSON: Anna P. McLamb, 919-755-2131
Pat Teegarden, 303-691-4493

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

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-10	Office & 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>
	342 units	811 units (per zoning conditions)
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Not permitted	60,000 sq. ft. (per zoning conditions)
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Not permitted	Up to 10% of the office building square footage may be devoted to limited retail serving the occupants of the building (to be included in the conditioned 60,000 sq.ft. of non-residential use).

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Proposed Zoning

Tract ID

Low Profile (Height – 3 ½ feet, Area – 70 sq. ft.)

ZONING HISTORY:

This property has been zoned R-10 since 1970. The current apartment complex (Landmark Apartments) was built in 1970. The parcel to the immediate east was rezoned to R-10 in 1979 (Meredith Village Apartments). The Rex property to the west which was initially zoned R-6 was rezoned to O&I-1 in 1989. The surrounding properties to the south of Lake Boone Trail were zoned for residential uses in the early 1970's. However, these properties eventually were rezoned to O&I-1 with the growth of the Rex Employment Center, and to accommodate the growing demand for medical office uses in the area.

**SURROUNDING
ZONING:**

NORTH: O&I-1 CUD (Z-5-04 - Ed Drive, north and south sides, east of Blue Ridge Road. Approximately 10.46 acres rezoned to Office and Institution-1 Conditional Use)

Key Conditions dated: 7/12/04

- The height of any building constructed upon the property shall not exceed one, above-ground story and shall be no higher than twenty-five (25) feet above existing grade level.
- Office development on the subject property shall be limited to 25% floor area ratio.
- The development shall be of residential character. Building mass shall be minimized through variations in fenestration, roof treatments and building materials using sloped roofs with a minimum pitch of 4:12 and varying angles. There shall be no exterior walls without windows; and no more than 80%, nor less than 15% of any wall shall be devoted to window openings. All buildings will be constructed with traditional, residential-like building materials (e.g., brick, stucco, drivit, and lap siding).
- All pole-mounted light fixtures shall be of full cut-off configuration and shall be no more than 15 feet in height.
- No uses other than the following shall be permitted on the subject property: (i) accessory structures and uses; (ii) single family detached dwelling unit with a density of no more than 6 units per acre; (iii) single family attached (townhomes) with a density of no more than 6 units per acre; (iv) office, agency, or studio of a professional or business agent, or political, labor or service association; (v) other professional or service office, studio or agency not otherwise listed as permitted in the zoning district; and (vi) office center.

SOUTH: O&I-1 CUD(Z-7-87), O&I-1w/PDD (MP-3-04)

EAST: R-4, R-10, R-15

WEST: O&I-1 & R-10

LAND USE:

Multi-Family residential use – Landmark Apartments

**SURROUNDING
LAND USE:**

NORTH: Office uses (Rexview Medical & Professional Park)

SOUTH: Offices (Rexwood Center), Mixed Use – Office & Retail (Marketplace at Lake Boone); approved for 40 dwelling units, 71,000 square feet of office and 50,000 square feet of retail uses.
EAST: SF detached homes (Meredith Woods North Neighborhood), Multi-family (Meredith Village Apartments)
WEST: Offices (Rex Hospital), MF residential (Ridgecroft Condominiums)

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	NA
Specific Area Plan	Blue Ridge Road/ Lake Boone Trail SAP
Guidelines	NA

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

The request is inconsistent with the Comprehensive Plan in that, medium density residential uses are recommended for the site. The site is located within the Northwest Planning District, immediately adjacent to Rex Hospital (the hospital is within an employment area designated in the Urban Form map). The site also falls within the limits of the Blue Ridge Road/ Lake Boone Trail SAP where medium density residential uses are recommended as an appropriate transition between the intense office uses of the employment center to the west and the medium to low density residential uses to the east. The northeastern edge of the subject property is the boundary line between the land use designations of office-institutional and medium density residential as shown in the Small Area Plan map. While the existing multi-family use is consistent with the land use policies, the proposed office and institutional use is inconsistent with the policies of the Comprehensive Plan that recommends medium density residential uses for the site.

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

The subject property is located in an area surrounded primarily by office, institutional and medium density residential uses. Rex Hospital is to the immediate west of the subject property and is zoned O&I-1. The hospital has been expanded, renovated, and upgraded over time, with a trend toward intensified use of the site. The Ridgecroft condominiums lie to the northwest of the property (to the north of Rex Hospital) and is zoned R-10. Immediately to the north of the property is Rexview Medical and Professional Park on property zoned O&I-1. Single-family detached residences with R-4 zoning within the Meredith Woods North Neighborhoods are located to the northeast of the subject property, with the Landmark Drive right-of-way providing a buffer between these residences and existing garden apartments on the subject parcel. To the east of the subject property lies the Meredith Village Apartments that is zoned R-10 & R-15. The properties south of the Landmark Apartments are currently transitioning to office uses, many of which are related to Rex Hospital and its growth.

The applicant notes that the proposed rezoning would allow for more efficient use of the property. The subject property is located immediately adjacent to the growing Rex Hospital Employment Area (the largest employer in Wake County, excluding government). A Policy Boundary Line has been placed around the Meredith Woods neighborhood (to the northeast corner of the subject property) to

delineate office uses from the surrounding low intensity residential uses. This Policy Boundary Line does not extend along the eastern edge that abuts Meredith Village Apartments. Office and institutional uses surround the property on three sides. The south of the property is zoned O&I-1, the same as is being requested by the applicant. The existing Landmark Apartments were developed on the subject property at Medium Density approximately 37 years ago in 1970. While the apartments have been updated and refurbished over the years, the property may be appropriate for redevelopment consistent with the changing development trends in the vicinity. Additionally, the existing infrastructure and transit availability may further support denser use of the property.

However, it should be noted that the subject property shares a common boundary line at its northeast corner with five single family residences. Therefore, consideration should be given to incorporate adequate landscaped buffers and maintain a residential scale, height, and character adjacent to low density residential neighborhoods. The applicant has included conditions that address the scale, character, and height of the building adjacent to the single-family homes to address transition and buffering issues..

3. Public benefits of the proposed rezoning

The applicant notes that the proposed request would benefit the landowner by providing the ability to redevelop the property consistent with the emerging intensity and development trends in the area. The intent of the proposed rezoning is to replace aging rental property that is unable to contribute to the positive changes that are taking place in the area. A new, planned community providing high quality residences and amenities and/or office space and amenities would benefit the owner, the neighbors, and the City at large. That the redevelopment would provide much needed residences in close proximity to the growing employment area and/or it could provide additional office space to accommodate growth of the Rex Employment area, in either case reducing vehicle trips for employees and visitors could be a public benefit rendered by this proposal. It could also provide office and institutional uses to professionals and other employers and businesses which desire convenient access to the Rex Employment Area.

Concentrating intense uses near an employment area allows growth where it can best be accommodated, relieving pressures to encroach upon or develop within existing neighborhoods. The benefits of this pattern of development are many: fewer transportation trips, more compatible uses, accommodation of the future growth recognized in the Comprehensive Plan, lessening the likelihood of the concentrated uses sprawling out of the Employment Area, and more efficient use of already scarce land available for development adjacent to the Employment Area. Further justification is rendered with the note that in a City where 92% of labor force commutes to work, with an average commute time of 22.4 minutes, locating additional housing and/or compatible uses in the same vicinity, as this application proposes, would be a benefit to more than the immediate area. The proposed O&I-1 zoning provides flexibility for design of residential and/or office uses in a manner that is consistent and enhances the usefulness and value of the subject property to the community. It is evident that the age of the Landmark apartments and its proximity to other office-institutional and medium density residential uses, the growth in the region as well as need for medical care and housing in Raleigh may justify a public benefit served by this request. Therefore, for the above mentioned reasons, the subject proposal could be considered reasonable and in public interest, subject to zoning conditions being offered which will ensure proper transitions and compatibility with surrounding low intensity residential uses.

4. Detriments of the proposed rezoning

The applicant notes that there are no detriments associated with this project. While the proposed amendment appears reasonable and in the public interest, the infrastructure requirements, road network, and traffic circulation related to this development should to assessed and upgraded as needed to support higher density at this location. Adequate buffers, transitions, and landscaping are required adjacent to residential areas. Landscaped buffers and appropriate residential scale, height, and character should be maintained along the edge abutting low density residential uses to address any negative impacts on the surrounding properties.

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

TRANSPORTATION: Lake Boone Trail is classified as a minor thoroughfare (2005 ADT - 34,000 vpd) and is constructed to City standards as a five-lane curb and gutter facility on 80 feet of right-of-way with sidewalks on both sides. Landmark Drive is classified as a collector street and is constructed to City standards as a 41-foot back-to-back curb and gutter section on 60 feet of right-of-way with sidewalk on both sides. Woodlake Place and Cross Creek Court are constructed to City Standards as a 41-foot back-to-back curb and gutter streets on 60 feet of right-of-way with sidewalk on both sides. Still Forest Place is classified as a residential street and exists as a 27-foot back-to-back curb and gutter section on 45 feet of right-of-way. City standards call for Still Forest Place to provide a 31-foot back-to-back curb and gutter section on 50 feet of right-of-way with sidewalk on one side. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case. Due to the proposed change in use, a traffic impact analysis is recommended for this case. The impact analysis is complete and staff has reviewed it.

TRANSIT: This site is within close proximity of current or future bus routes and a proposed regional rail transit station but does not provide an appropriate space for a bus stop. No transit easement is needed.

HYDROLOGY: FLOODPLAIN: No
DRAINAGE BASIN: Crabtree
STORMWATER MANAGEMENT: Compliance with Pt. 10 Ch. 9 for any increase in the impervious coverage.

PUBLIC UTILITIES: The proposed zoning would have no additional impact on the wastewater and water treatment systems of the City. There are existing sanitary sewer and water mains which the property could connect to for service.

PARKS AND RECREATION: This property is not adjacent to any parks and/or greenway corridors.

WAKE COUNTY PUBLIC SCHOOLS: The maximum number of dwelling units permitted under the proposed zoning would be 811, while the current zoning permits 342 units. This would result in the following increase in school enrollment: 65 elementary, 39 middle and 28 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

Impacts on School Capacity

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Lacy	723	108.4%	788	118.1%
Daniels	1,162	101.5%	1,201	104.9%
Broughton	2,174	106.3%	2,202	107.7%

IMPACTS SUMMARY: Due to the proposed change in use, a traffic impact analysis is recommended for this case. The impact analysis is complete and staff has reviewed it.

The rezoning could increase school enrollment by 132 students. The future capacity at Lacy Elementary could increase from 108.4% to 118.1%, the capacity of Daniels Middle School could increase from 101.5% to 104.9%, and the capacity of Broughton High could increase from 106.3% to 107.7%.

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

The applicant notes that substantial changes have occurred in this area since this property was zoned for medium density residential development and developed in 1970. Development on the south side of Lake Boone Trail that began in 1982 has been significant. Rex Campus also increased significantly over this time period due to the population growth and increased demand for quality healthcare. From the 2000 census to July 1, 2007, while the City's population increased by 33%, the Northwest Planning District alone increased by 26% in population and is projected to grow at the rate of 31.3% between now and 2030. The Rex area has grown over the last four decades, beyond the construction of the Landmark Apartments. Because Landmark's construction predated much of the Rex expansion, over the years the Employment Area has been forced to undeveloped tracts across Lake Boone Trail and Blue Ridge Road from Rex Hospital.

Based on the noted factors, it can be justified that the proposed map amendment allows the subject site to integrate better uses with the uses in the Employment Area that have emerged in more than 35 years since the construction of the existing Landmark Apartments. Additionally, the amendment would allow redevelopment of the subject property to the type of quality of development commensurate with other developments in the area. Other public benefits perceived are reduced transportation trips, more appropriate land use for a growing population, and better integration of complementary uses. However, any redevelopment of the property should be compatible with the surrounding uses. Special consideration should be given to incorporate adequate landscaped buffers and maintain a residential scale, height, and character along the northeastern edge that transitions to low density residential uses.

APPEARANCE

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

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Northwest- Umstead
CAC CONTACT PERSON: Jay M. Gudeman, 919-789-9884

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

Outstanding issues:

- The request is inconsistent with the Comprehensive Plan.

