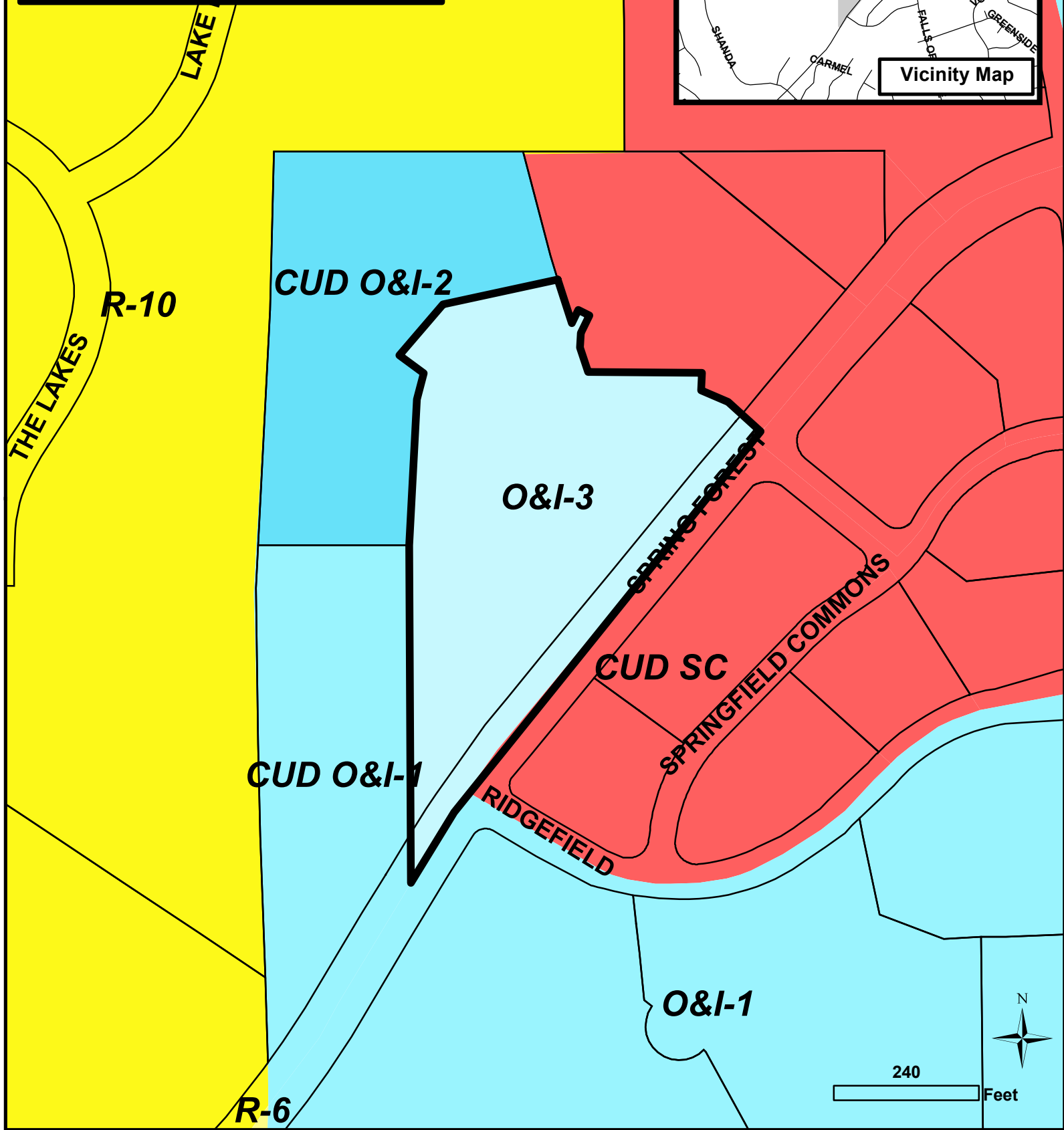
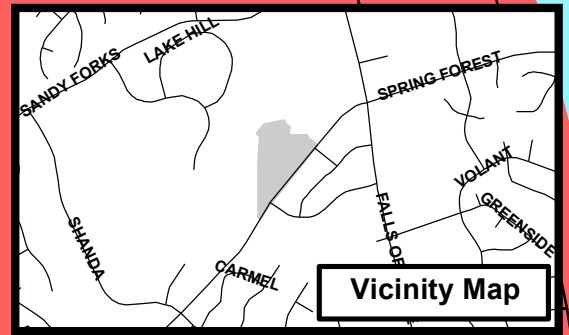


Existing Zoning Map
Case Number: Z-15-13



Request:

5.22 ac from O&I-3 to O&I-1 CUD

City of Raleigh Public Hearing
April 16, 2013



Certified Recommendation

Raleigh Planning Commission

CR# 11534

Case Information: Z-15-13 / Spring Forest Road

<i>Location</i>	Spring Forest Road, north side, west of Falls of Neuse Road
<i>PIN</i>	Portion of 1717-10-2685
<i>Request</i>	Rezone property from O&I-3 to O&I-1 CUD
<i>Area of Request</i>	5.22 acres
<i>Property Owner</i>	CN Investors
<i>Applicants</i>	Lacy H. Reaves: 919-821-6704, lreaves@smithlaw.com Mark Barker: 919-277-1132, mbarker@northlandpartners.com
<i>Citizens Advisory Council</i>	North – Joe Corey: 919-845-1716, corey3rd@gmail.com
<i>PC Recommendation Deadline</i>	August 14, 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>	Office/ Research & Development (O/RD)
<i>CONSISTENT Policies</i>	Policy LU 4.5 Connectivity Policy LU 8.10 Infill Development Policy T 6.1 Surface Parking Alternatives Policy T 6.6 Parking Connectivity Policy PU 1.1 Linking Growth and Infrastructure Policy UD 3.9 Parking Lot Design Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience Policy EP 8.1 Light Pollution
<i>INCONSISTENT Policies</i>	Policy LU 5.1 Reinforcing the Urban Pattern Policy T 5.1 Enhancing Bike/ Pedestrian Circulation

Summary of Proposed Conditions

- Limit building height to 65 feet
- Prohibit certain uses: *Dwelling unit or units, correctional facility, crematory, funeral home, hospital, veterinary hospital, bed & breakfast inn, heliport, utility substation*
- Provide a primary building entrance oriented to the street; provide for pedestrian access

to entrance
d. Offer cross-access
e. Provide for shared parking
f. Limit floor area ratio to 0.33
g. Min. 25% of facades, exclusive of fenestration, to be brick or masonry
h. Minimum of two bicycle racks to be provided
i. All free-standing exterior lighting to be of full cut-off design
j. Transit easement to be provided if tree conservation area and curb cut locations permit

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
12/18/12	4/16/13	n/a	4/23/13 (deferred); 5/14/13 (recommended approval)

☐ **Valid Statutory Protest Petition**

Attachment:

1. Zoning Staff Report

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with the zoning conditions as amended May 8, 2013.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and most applicable Comprehensive Plan policies. The Future Land Use Map designates this area for Office/ Research & Development. Such classification deems the location inappropriate for residential uses. The proposal prohibits dwelling units. 2. The proposal is reasonable and in the public interest. Existing site uses could continue, compliant with Code, but the rezoning will permit the back portion of the parent tract to be subdivided for residential development, as approved in rezoning case Z-31-12. 3. The proposal is compatible with the surrounding area. Conditions maintain or enhance the compatibility of the site with adjacent uses and development.
<i>Motion and Vote</i>	Motion: Mattox Second:: Butler In Favor: Braun, Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Mattox, Schuster and Terando

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

 Planning Director Date

 Planning Commission Chairperson Date

Staff Coordinator: Doug Hill: 919-996-2622; doug.hill@raleighnc.gov



Zoning Staff Report – Case Z-15-13

Conditional Use District

Case Summary

Overview

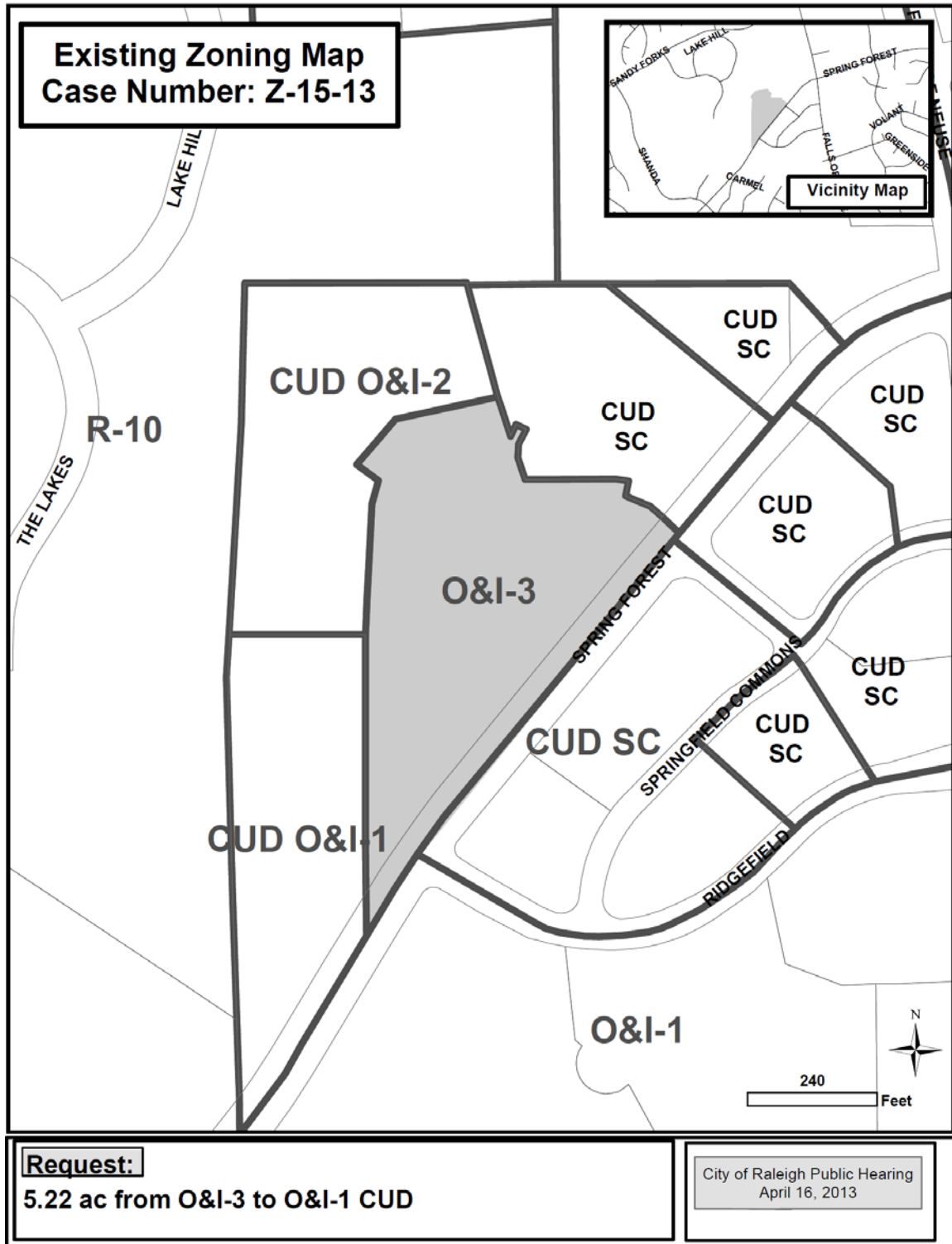
The proposal pertains to the street-fronting portion of a split-zoned parent tract, the rear portion of which was recently rezoned to permit apartment development (Z-31-12). The current request seeks to maintain the present non-residential use and intensity of development, while raising the building height limit (from 25 to 65 feet). Several proposed conditions are directly drawn from or complement those of Z-31-12.

The site, one of the first developed on the north side of the subject section of Spring Forest Road, was built out as the Campus North office complex more than 20 years ago. Its approach to frontage design, signage, and exterior materials (i.e., medium-red brick) have been echoed in subsequent area development (e.g., Springfield Commons, across Spring Forest Road). The facility consists of two buildings encircled by double-bays of parking, with grounds extensively landscaped. Building height is essentially two stories (cut into slopes); roofs have a shallow pitch. Trees lining the street right-of-way and internal sidewalks have matured to become a character-defining feature of the property; in 2000, the site's visual contributions to the City gained the office complex a Sir Walter Raleigh Award for Maintained Outstanding Appearance.

Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. Roof form2. Bicycle spaces3. Potential need for downstream sanitary sewer and/ or fire flow improvements upon redevelopment.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. Per Z-31-12, require min. 50% of roofs be min. 4:12 pitch.2. Provide bicycle parking at rate consistent with UDO.3. Address sewer and fire flow improvements as needed.
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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>	O&I-3	O&I-2 CUD; SC CUD	SC CUD; O&I-1	SC CUD	O&I-1 CUD; O&I-2 CUD
<i>Additional Overlay</i>	N/ A	N/ A	N/ A	N/ A	N/ A
<i>Future Land Use</i>	ORD (Office/ Research & Development)	ORD; CMU (Community Mixed Use)	CMU; ORD	CMU	ORD
<i>Current Land Use</i>	Office	Vacant; Retail	Retail; Offices	Retail	Congregate Care; Vacant

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	Zero (not permitted in O&I-3)	Zero (per conditions)
<i>Setbacks:</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	30 feet 10 feet 50 feet adjoining residential uses; 30 feet otherwise	30 feet 5 feet 20 feet
<i>Retail Intensity Permitted:</i>	Uses restricted (e.g., non- residential related services)	Uses restricted
<i>Office Intensity Permitted:</i>	75,036 square feet (0.33 FAR)	75,036 square feet (0.33 FAR, per conditions)

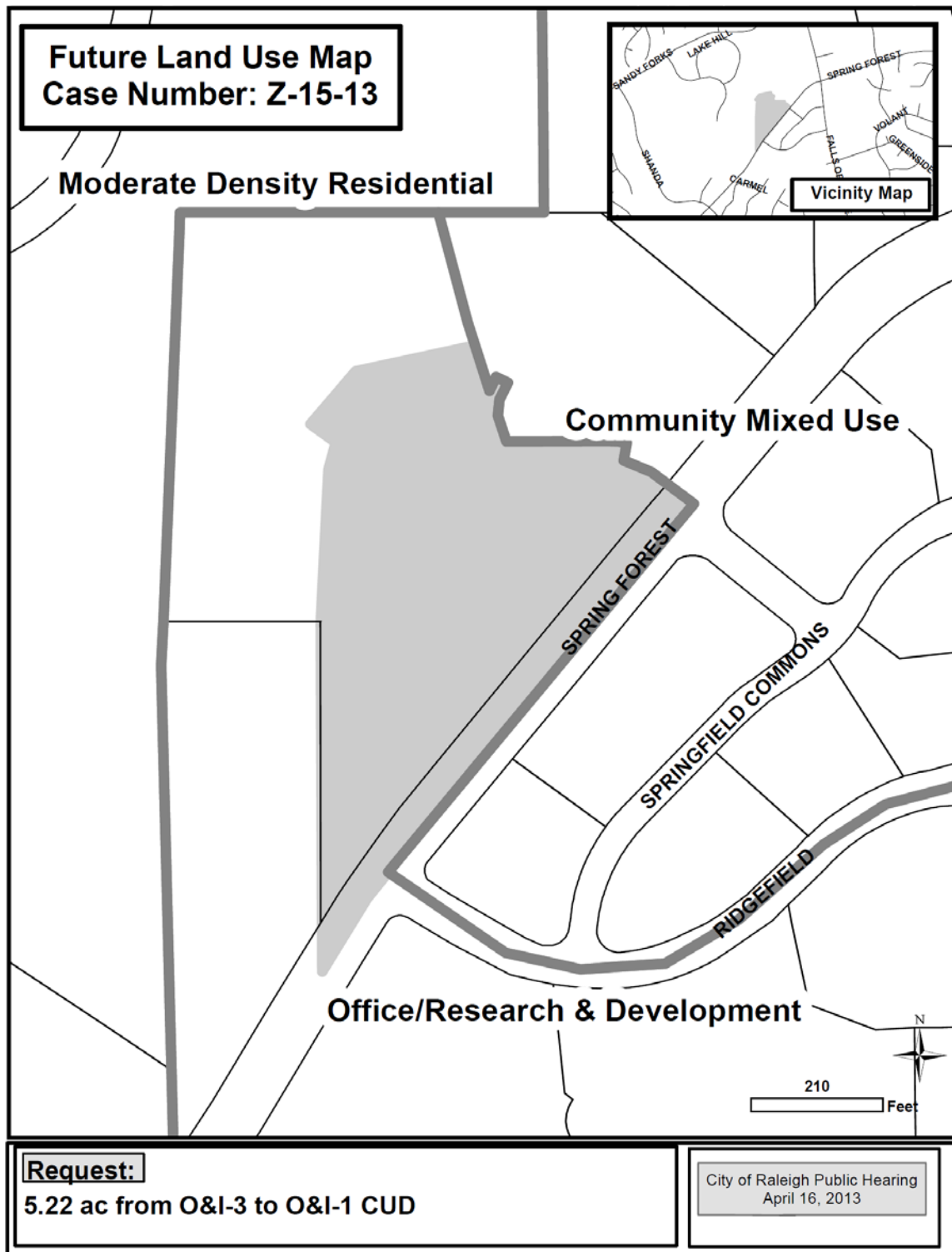
The proposed rezoning is:

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

☐ **Incompatible.**

Analysis of Incompatibility: N/ A

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: **Office/ Research and Development**

The rezoning request is:

☒ **Consistent** with the Future Land Use map.

☐ **Inconsistent**

Analysis of Inconsistency: N/ A

2.2 Policy Guidance

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

Policy LU 5.1 – Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Proposed conditions largely echo those of Z-31-12, recently approved for the back portion of the subject parcel (i.e., building height, exterior masonry, lighting). However, while Z-31-12 provides for a minimum of 50% of the total roof area to be pitched, the current request does not address roof form. All roofs on the neighboring, three-story Sunrise congregate care facility are pitched.

Policy T 5.1 – Enhancing Bike/ Pedestrian Circulation

Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

The proposal includes conditions promoting pedestrian access, both internally and with adjacent properties. The proposal also conditions a minimum of two bicycle rack areas; the number of bicycle parking spaces, however, is not prescribed. The Unified Development Ordinance specifies that for office uses, a minimum of 1 space of short-term bicycle parking be provided per every 10,000 square feet of gross floor space, and at least 1 space per every 5,000 sf for long-term parking.

2.3 Area Plan Policy Guidance

The site is not in a location which is part of an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Under the proposed conditions, redevelopment of the front portion of the site could be more consistent with the recently-rezoned rear portion in regard to building height, building orientation, pedestrian access, cross-access, and shared parking.
- Existing floor area ratio and residential prohibition would be maintained (the latter consistent with the Future Land Use designation).

3.2 Detriments of the Proposed Rezoning

- Roof form is not provided for the subject portion of the lot, potentially conflicting with existing and pending development on adjacent properties to the west.
- Potential loss of established, mature landscaping.

4. Impact Analysis

3.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009-2012 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>			
Spring Forest Road	Major Thoroughfare	20,000	35,472			
Falls of Neuse Road	Secondary Arterial	34,500	42,256			
<u>Street Conditions</u>						
<u>Spring 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	5	60'	Back-to-back curb and gutter section	90'	5' sidewalks on both sides	None
City Standard	5	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Bicycle Lane - Restripe
Meets City Standard?	Yes	No	YES	Yes	Yes	No
<u>Falls of Neuse 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	5	60'	Back-to-back curb and gutter section	100'	5' sidewalk on west side	MUP on East Side
City Standard	5	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	MUP on East Side
Meets City Standard?	YES	No	YES	No	Yes	Yes
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	N/A	N/A	N/A			
PM PEAK	N/A	N/A	N/A			
<u>Suggested Conditions/ Impact Mitigation:</u>		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-15-13.				
<u>Additional Information:</u>	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

The Spring Forest corridor is currently served by Triangle Transit. Both the CAT Short Range Transit Plan and the Wake County 2040 Transit Plan anticipate that service will be continued along this corridor. A 15'x20' transit easement along Spring Forest Road is conditioned, contingent on the availability of sufficient space.

Impact Identified: Potential increase in transit demand, commensurate with future route expansion.

4.3 Hydrology

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

Impact Identified: None; no WPOD, no buffer.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>	<i>Estimated Remaining Capacity</i>
<i>Water</i>	16,965 gpd	16,965 gpd	
<i>Waste Water</i>	16,965 gpd	16,965 gpd	

There is currently a twenty-four (24") inch water main within the Spring Forest Road right-of-way at the property. There is an eight (8") inch sanitary sewer main within an easement on the property.

Impact Identified: The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. 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

<i>Proximity to Greenway</i>	<i>Proximity to Park</i>	<i>Level of Service Impact</i>
1.67 mile (<i>Snelling Branch Trail</i>)	0.36 mile (<i>Cedar Hills</i>)	None

Impact Identified: None.

4.6 Urban Forestry

The existing trees on site 10-inch diameter and larger within the property buffers that have greater than 70% of the root system on site qualify as Tree Conservation Areas.

Impact Identified: Site development will have to comply with the City of Raleigh's Tree Conservation ordinance (Code Sec. 10-2082.14) and related statutes.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

Impact Identified: No impacts on the City's historic resources are anticipated as a result of the proposed rezoning.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Appearance Commission

This rezoning proposal is not within a Planned Development District, a Pedestrian Business Overlay District or the Downtown Overlay District, so is not subject to Appearance Commission review.

4.10 Impacts Summary

1. Potential need for downstream sanitary sewer improvements upon redevelopment.

4.11 Mitigation of Impacts

1. Address sewer and fire flow improvements as needed.

5. Conclusions

The proposal could maintain continuity between current site uses and urban form, and potential redevelopment. Addressing roof form, per the recent rezoning of the rear portion of the split-zoned property, could further enhance site cohesion. Site use and redevelopment will determine whether downstream sanitary sewer and fire flow improvements will be needed.



Petition to Amend the Official Zoning Map

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

Z-15-13
Pd 1115.0 by CKH
001265

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

Rezoning Application Submittal Package Checklist

- ☐ **Completed Rezoning Application which includes the following sections:**
 - ☐ Signatory Page
 - ☐ Exhibit B
 - ☐ Exhibit C (only for Conditional Use filing)
 - ☐ Exhibit D
 - ☐ Map showing adjacent property owner names with PIN's
- ☐ **Application Fee**
 - ☐ \$558 for General Use Cases
 - ☐ \$1,115 for Conditional Use Cases
 - ☐ \$2,788 for PDD Master Plans
- ☐ **Neighborhood Meeting Report (only for Conditional Use filing)**
- ☐ **Receipt/ Verification for Meeting Notification Mail out**
- ☐ **Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division**
- ☐ **(General Use ONLY) if applicant is not the owner must provide proof of notification to the adjacent property owners per G.S. 160A-384**
 - ☐ **and provide proof of notification to the property owner before submitting application**

CITY OF RALEIGH
CITY PLANNING DEPT
2013 DEC 21 PM 3:43



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

CN Investors, LLC

JAMES I. ANTHONY, JR

12/19/12

By:

Manager

EXHIBIT B. Request for Zoning Change

Please 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)	CN Investors, LLC	PO Box 10810 Raleigh, NC 27605-0810	
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Same as Petitioner		
Contact Person(s)	Lacy H. Reaves	PO Box 2611 Raleigh, NC 27602-2611	919-821-6704 lreaves@smithlaw.com
	Mark Barker	6131 Falls of Neuse Road Suite 200 Raleigh, NC 27609	919-277-1132 mbarker@northlandpartners.com

Property information

Property Description (Wake County PIN)	The portion of PIN 1717-10-2685 zoned Office & Institution-3 District
Nearest Major Intersection	Spring Forest and Falls of Neuse Roads
Area of Subject Property (in acres)	Approximately 5.22 acres
Current Zoning Districts (include all overlay districts)	Office & Institution-3
Requested Zoning Districts (include all overlay districts)	Office & Institution-1 Conditional Use District

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
CN Investors	PO Box 10810	Raleigh NC 27605-0810	1717102685
Spring Peas LLC	2019 Fairview Rd Ste 200 PO Box 6450	Raleigh NC 27628-6450	1717106975
Pappamihel Investments LLC Springfield Commons Operating Acct	C/O Lincoln Harris LLC 4725 Piedmont Row Dr Ste 800	Charlotte NC 28210-4284	1717200731
TMK Limited Partnership	2711 Lemon Tree Ln	Charlotte NC 28211-3645	1717202543
RBC Bank USA	PO Box 2157	Rocky Mount NC 27802-2157	1717202305
Tappouni, Louay M & Baha L	5509 Somerford Ln	Raleigh, NC 27614-9841	1717109289
Blue Gem Inc	1846 Banking St	Greensboro NC 27408-7222	1717107461
Ridgefield AWH LLC	901 Ridgefield Dr	Raleigh NC 27609-8504	1717105133
Lake Partners LLC	Capital Associates 1255 Crescent Grn Ste 300	Cary NC 27518-8129	1716193752
SZR North Hills LLC	C/O Sunrise Senior Living Reit 7900 Westpark Dr Fl 7	Mc Lean VA 22102-4242	1717100286
Heritage Lakes I LLC Heritage Lakes II LLC	123 Prospect St	Ridgewood, NJ 07450-4435	1717003839

EXHIBIT C. Request for Zoning Change

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

Z-15-13
pg 1 of 2

Conditional Use District requested: Office & Institution-1 Conditional Use District

Narrative of conditions being requested:

The portion of tax parcel PIN 1717-10-2685 zoned Office & Institution-3 District and proposed for rezoning in this case is referenced in the following conditions as the "Property."

a. Any building constructed upon the Property shall not exceed sixty-five (65) feet in height.

b. The following uses shall be prohibited upon the Property:

Dwelling unit or units
Correctional facility
Crematory
Funeral home
Hospital
Veterinary hospital
Bed and Breakfast Inn
Heliport
Utility substation

c. Any building constructed upon the Property shall have a building side that faces Spring Forest Road and such building side shall contain a primary entrance to the building. Safe and convenient pedestrian access shall be provided which shall connect the aforementioned primary entrance of any building upon the Property to parking areas and to a sidewalk along Spring Forest Road. Such access shall be provided by sidewalks or clearly marked pedestrian crossings of hardscape areas, each having a width of at least five (5) feet.

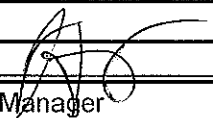
I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)
CN Investors, LLC

Print Name

Date

By:  JAMES I. ANTHONY, JR 12/20/12
Manager

2-15-13
Pg 2 of 2

EXHIBIT C. Request for Zoning Change

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

- d. Upon development, an offer of vehicular and pedestrian cross-access shall be provided to parcels PIN 1717-10-0286 (owner: SZR North Hills LLC; deed recorded at Book 11426, Page 309, Wake County Registry), 1717-10-6975 (owner: Spring Peas LLC; deed recorded at Book 8900, Page 792, Wake County Registry), and the remaining portion of PIN 1717-10-2685 (owner: CN Investors; deed recorded at Book 6527, Page 142, Wake County Registry) or evidence of existing such cross-access shall be provided to the City.
- e. Upon the development of the portion of tax parcel PIN 1717-10-2685 (Owner: CN Investors, LLC; Deed recorded at Book 6527, Page 142, Wake County Registry) rezoned Office & Institution-2 CUD in Zoning Case Z-31-12, a plan for the sharing of parking by land uses on the Property and on such portion of parcel PIN 1717-10-2685 shall be submitted to the City for approval and shall be implemented following approval.
- f. The floor area ratio for the Property shall not exceed .33.

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

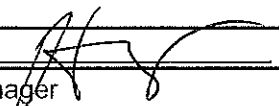
Signature(s)	Print Name	Date
CN Investors, LLC		
By: 	JAMES E. ANTHONY, JR	12/20/12
Manager		

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 Property is designated for Office/Research & Development uses in the Future Land Use Map. The proposed rezoning to Office & Institution-1 CUD with a condition prohibiting dwelling units is consistent with this designation.

- B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The Property is not located within any Area Plan or other area subject to specific City Council-adopted plans and policies.

- 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 rezoning of the Property is consistent with its designation on the Future Land Use Map and its rezoning as proposed is consistent with the following Comprehensive Plan Policies:

Policy LU 1.2 - Future Land Use Map Consistency

Policy LU 1.3 - Conditional Use District Consistency - The zoning conditions proposed in this case are consistent with the Comprehensive Plan.

EXHIBIT D. Request for Zoning Change

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

Policy LU 4.5 - Connectivity - The zoning conditions in this case provide for vehicular and pedestrian cross access and pedestrian access to the sidewalk along Spring Forest Road.

Policy LU 7.1 - Encouraging Nodal Development - The Property is located within a pattern of nodal development which is centered on the intersection of Spring Forest and Falls of Neuse Roads.

Policy LU 7.6 - Pedestrian-Friendly Development - The conditions in this case encourage and support pedestrian access.

Policy T 6.1 - Surface Parking Alternatives and Policy T 6.6 - Parking Connectivity - The conditions in this case provide for the sharing of parking with the adjoining O&I-2 CUD development.

Policy UD 3.9 - Parking Lot Design - The conditions in this case provide for shared parking between complementary uses.

Policy UD 6.2 - Ensuring Pedestrian Comfort and Convenience - The conditions in this case provide for building sides to face Spring Forest Road and provide for convenient pedestrian connectivity to the sidewalk along Spring Forest Road.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The Property is bounded by retail uses on the east and south and multi-family uses to the north. The property to the west is developed for senior housing.

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

The areas to the east and south of the Property are zoned Shopping Center Conditional Use District and are developed for retail use. The property to the north was recently rezoned to Office & Institution-2 CUD and the property to the west is zoned Office & Institution-1 CUD. The proposed rezoning of the Property is compatible with these zoning districts.

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 is currently developed for office uses, and those uses can and will be maintained following the rezoning of the property as proposed. The use of the Property for office purposes is compatible with the location of the Property in an Urban Corridor within a Community Mixed-Use Area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning will allow the owner to subdivide tax parcel PIN 1717-10-2685 to allow the development of the portion of such parcel recently rezoned to Office & Institution-2 CUD and maintain compliance with the standards established by the City Code for building lot coverage ratio.

B. For the immediate neighbors:

The portion of PIN 1717-10-2685 recently rezoned Office & Institution-2 CUD can be subdivided and developed as proposed if the proposed rezoning is approved. There will be no detrimental effect upon any immediate neighbor of the Property.

C. For the surrounding community:

The rezoning of the Property as proposed is in accordance with the Comprehensive Plan and its use for office purposes provides an essential element to the mix of uses in the area.

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

A number of the surrounding properties are zoned and developed for more intense uses than those which would be authorized upon the Property if it is rezoned as requested.

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

The Property is within an area designated by the Comprehensive Plan for significant commercial development. Its continued use for office purposes complements surrounding retail, multi-family, and senior-living uses and supports the Comprehensive Plan's designation of the area for mixed-use development.

V. Recommended items of discussion (where applicable).

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

Not applicable.

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

Not applicable.

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

The Property is currently zoned for office use, and its rezoning, as proposed, will maintain that use.

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

There is no adverse impact.

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

The proposed rezoning promotes the health, safety, morals and general welfare of the community by maintaining existing office development in a location well-served by transportation options and within walking distance of housing and retail uses.

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

Not applicable.

**PROPOSED REZONING OF A PORTION OF PIN 1717-10-2685
(THE "PROPOSED ZONING CASE")**

Spring Forest Road

**REPORT OF SCHEDULED DECEMBER 18, 2012
NEIGHBORHOOD MEETING**

In accordance with Section 10-2165(b)(3) of the Raleigh City Code, a neighborhood meeting was scheduled with respect to the Proposed Zoning Case at 6:00 p.m. on Tuesday, December 18, 2012 at Suite 200, 6131 Falls of Neuse Road in Raleigh. Attached as Exhibit A is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as Exhibit B. The letters were mailed on or about December 6, 2012 via First Class U.S. Mail.

Mark Barker, a representative of the owner, was present at the place designated for the meeting at the appointed time on December 18. None of the individuals and organizations contacted about the meeting arrived for the meeting. After waiting for approximately forty-five minutes, it was determined by Mr. Barker that none of the invitees would attend the meeting. Therefore, the meeting was not held.

A copy of this report will be provided to the Planning Department upon the filing of the petition for the Proposed Zoning Case.

Respectfully submitted, this 20th day of December, 2012.



Lacy H. Reaves, Attorney

Exhibit A

Neighborhood Meeting Invitation List

Portion of PIN 1717-10-2685

Map Number	PIN	Name	Address
1	1717102685	CN INVESTORS	PO BOX 10810 RALEIGH NC 27605-0810
2	1717106975	SPRING PEAS LLC	2019 FAIRVIEW RD STE 200 PO BOX 6450 RALEIGH NC 27628-6450
3	1717200731	PAPPAMIHIEL INVESTMENTS LLC SPRINGFIELD COMMONS OPERATING ACCT	C/O LINCOLN HARRIS LLC 4725 PIEDMONT ROW DR STE 800 CHARLOTTE NC 28210-4284
4	1717202543	TMK LIMITED PARTNERSHIP	2711 LEMON TREE LN CHARLOTTE NC 28211-3645
5	1717202305	RBC BANK USA	PO BOX 2157 ROCKY MOUNT NC 27802-2157
6	1717109289	TAPPOUNI, LOUAY M & BAHA L	5509 SOMERFORD LN RALEIGH NC 27614-9841
7	1717107461	BLUE GEM INC	1846 BANKING ST GREENSBORO NC 27408-7222
8	1717105133	RIDGEFIELD AWH LLC	901 RIDGEFIELD DR RALEIGH NC 27609-8504
9	1716193752	LAKE PARTNERS LLC	CAPITAL ASSOCIATES 1255 CRESCENT GRN STE 300 CARY NC 27518-8129
10	1717100286	SZR NORTH HILLS LLC	C/O SUNRISE SENIOR LIVING REIT 7900 WESTPARK DR FL 7 MC LEAN VA 22102-4242
11	1717003839	HERITAGE LAKES I LLC HERITAGE LAKES II LLC	123 PROSPECT ST RIDGEWOOD NJ 07450-4435

Exhibit B

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.

LAWYERS

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TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

TO: Neighbors

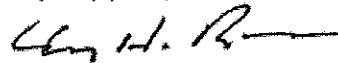
RE: Neighborhood Meeting - Proposed Rezoning of Approximately
5.22 Acres - 805 Spring Forest Road

DATE: December 6, 2012

As you may know, the rear (north) portion of tax parcel PIN 1717-10-2685 at 805 Spring Forest Road was recently rezoned for multifamily development. The front 5.22 acres of this parcel is currently zoned O&I-3 District and is developed for office uses. Subdivision of the rear (north) area would create a minor building lot coverage ratio compliance issue for the 5.22 acre area under City Code provisions applicable to the O&I-3 District. The owner, therefore, proposes to rezone this area to Office and Institution-1 CUD, which has a greater allowable lot coverage ratio. No modification of the existing development now in this area is proposed.

You are cordially invited to attend a meeting at which the proposed rezoning will be discussed. The meeting will be held at 6:00 p.m. on Tuesday evening, December 18, 2012 in Suite 200 of the building at 6131 Falls of Neuse Road here in Raleigh. Should you have questions about the meeting or the proposed rezoning, please contact Mark Barker at 919-277-1132.

Very truly yours,



Lacy H. Reaves

LHR: kjr

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