

CITY OF RALEIGH

Z-20-08

**R-6
w/SHOD-1**

to

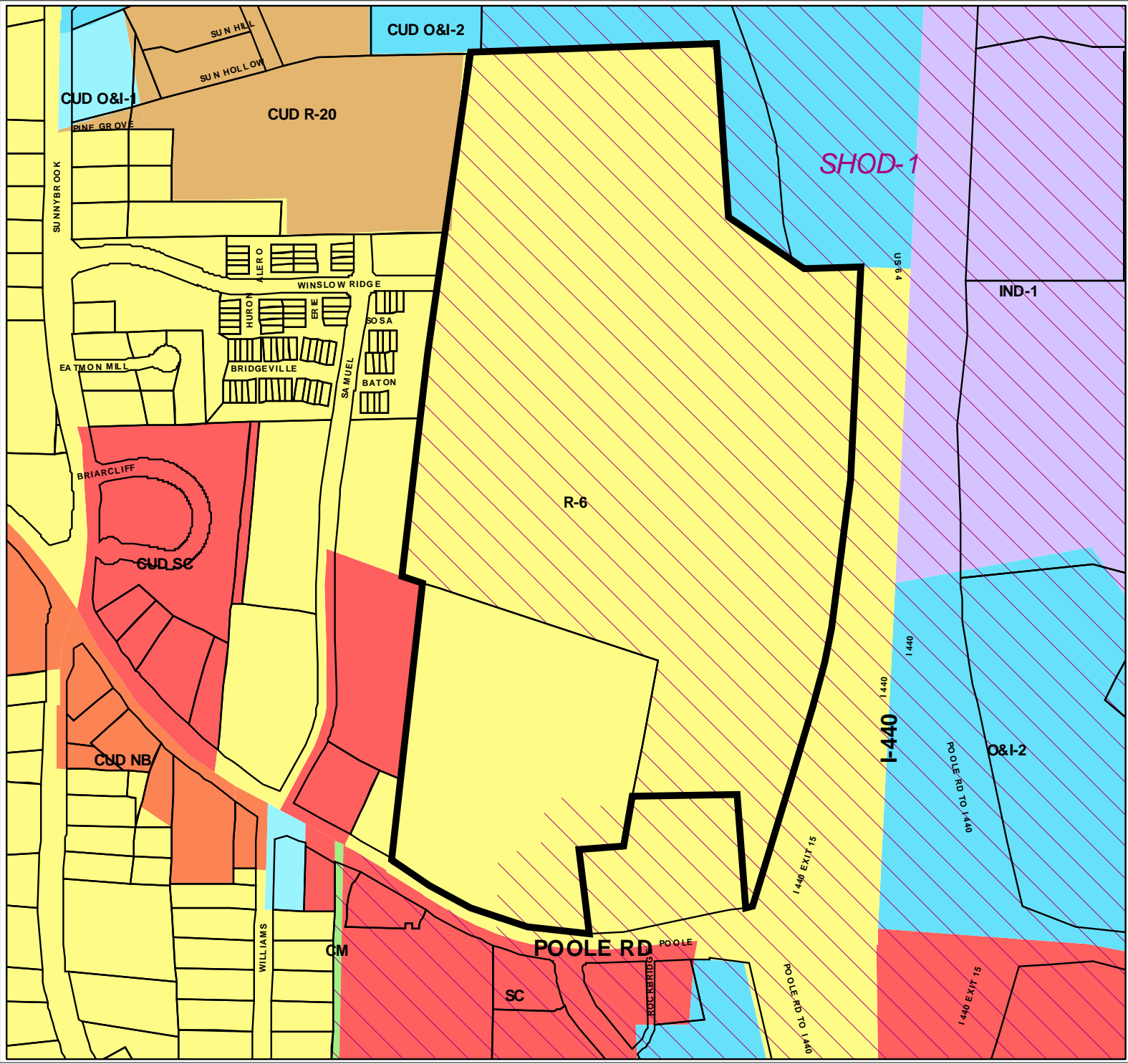
**O&I-1 CUD
w/SHOD-1**

73.83 acres

Public Hearing
April 15, 2008
(Aug 13, 2008)

500

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:

Michael J. Shumsky

12-18-07

Please type or print name(s) clearly:

Michael J. Shumsky, Acting Director, General Services Division
North Carolina Department of Transportation

December 18, 2007

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>Z-20-08</u>
Date Filed:	<u>12-21-07</u>
Filing Fee:	<u>pd 1,000.00 by check # 2242169</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.	<u>STATE OF NORTH</u> <u>CAROLINA, STATE</u> <u>PROPERTY OFFICE</u>	<u>116 W. JONES STREET</u> <u>RALEIGH, NC, 27603</u>	
2) Property Owner(s):	<u>STATE OF NORTH</u> <u>CAROLINA, STATE</u> <u>PROPERTY OFFICE</u>	<u>116 W. JONES STREET</u> <u>RALEIGH, NC, 27603</u>	
3) Contact Person(s):	<u>RANDI K. TAYLOR,</u> <u>ARCHITECTURAL</u> <u>SUPERVISOR II</u>	<u>NCDOT</u> <u>GENERAL SERVICES DIV.</u> <u>1 SO. WILMINGTON ST.</u> <u>RALEIGH, NC</u> <u>27601</u>	<u>919-715-2465</u> <u>rktaylor@dot.state.nc.us</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>TRACT 1,2: 1723552355</u> <u>TRACT 3: 1723565439</u> General Street Location (nearest street intersections): <u>POOLE ROAD AND I-440</u> <u>(AT BIRCH RIDGE DRIVE)</u>		
5) Area of Subject Property (acres):	<u>73.832 ACRES</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>TRACT 2 IS R-6. TRACTS 1 AND 3 ARE R-6, WITH A SHOD-1 OVERLAY.</u>		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>OFFICE & INSTITUTION – 1 CONDITIONAL USE DISTRICT; SHOD-1 OVERLAY TO REMAIN</u>		

Office Use Only
 Petition No. 2-20-08

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>CITY OF RALEIGH</u>	<u>P.O. BOX 590</u>	<u>RALEIGH, NC, 27602-0590</u>	<u>1723456036</u>
<u>C.O.C. PROPERTIES, INC.</u>	<u>P.O. BOX 551</u>	<u>CARY, NC, 27512-0551</u>	<u>1723455108</u>
<u>T.W. BRAND & JOHN L. REITZE</u>	<u>388 BLACKBERRY INN RD</u>	<u>WEAVERVILLE, NC, 28787</u>	<u>1723456736</u>
<u>WINSLOW RIDGE AT SUNNYBROOK HOME-OWNERS ASSOCIATION, INC.</u>	<u>812 SALEM WOODS DR. - SUITE 202</u>	<u>RALEIGH, NC, 27615</u>	<u>1723467518</u>
<u>SANDRA WALTHER</u>	<u>3406 BATON ROAD</u>	<u>RALEIGH, NC, 27610</u>	<u>1723466455</u>
<u>MARY DYER</u>	<u>3409 BATON ROAD</u>	<u>RALEIGH, NC, 27610</u>	<u>1723466577</u>
<u>BERNETTA FENNER</u>	<u>3408 SOSA ROAD</u>	<u>RALEIGH, NC, 27610</u>	<u>1723466695</u>
<u>ADRIANE G. HARPER</u>	<u>3409 SOSA ROAD</u>	<u>RALEIGH, NC, 27610</u>	<u>1723467718</u>
<u>WINSLOW RIDGE AT SUNNYBROOK HOME-OWNERS ASSOCIATION, INC.</u>	<u>812 SALEM WOODS DR. - SUITE 202</u>	<u>RALEIGH, NC, 27615</u>	<u>1723467933</u>
<u>SUNNYBROOKE POINT LLC</u>	<u>3006 ALLENBY DRIVE</u>	<u>RALEIGH, NC, 27604</u>	<u>1723474286</u>
<u>THOMAS L. PARKS & HUBERT PARKS</u>	<u>2104 PETERS CREEK PARKWAY</u>	<u>WINSTON SALEM, NC, 27127</u>	<u>1723477999</u>
<u>CITY OF RALEIGH</u>	<u>P.O. BOX 590</u>	<u>RALEIGH, NC, 27602-0590</u>	<u>1723583055</u>
<u>SAMARIA BAPTIST CHURCH</u>	<u>3621 POOLE ROAD</u>	<u>RALEIGH, NC, 27610</u>	<u>1723546836</u>
ACROSS POOLE ROAD:			
<u>POOLE RD. LIMITED PART- NERSHIP C/O KFC</u>	<u>KFC #Y333035 P.O. BOX 35370</u>	<u>LOUISVILLE, KY., 40232 – 5370</u>	<u>1723446719</u>
<u>WALNUT CREEK LIMITED PARTNERSHIP; ATTN: ESCROW DEPT., WACHOVIA SECTION</u>	<u>8739 RESEARCH DR., URP4</u>	<u>CHARLOTTE, NC, 28288</u>	<u>1723447553</u>
<u>MCDONALD'S CORPORATION C/O GARY THILL</u>	<u>2005 WILLOW HILL LANE</u>	<u>CLAYTON, NC, 27520</u>	<u>1723541512</u>
<u>CLIFFORD E. BULLORD, JR. & JOHN L. GRISSOM, TRUSTEES</u>	<u>9131 ANSON WAY, SUITE 305</u>	<u>RALEIGH, NC, 27615</u>	<u>1723544541</u>

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 property is within the Southeast District Plan. The Southeast District Plan states that "... existing zoning in the Southeast District and Urban Service Areas is not totally compatible with the urban form recommendations. For example, much of the zoning in the district is for low density residential development, which is not appropriate in areas that the Comprehensive Plan supports higher density development such as in focus areas. The plan also states that "Interstate 40, the I-440 Beltline, and recent residential, commercial, and industrial developments have helped define the future use of large blocks of vacant land in the Southeast District. The emerging land use patterns divide easily into residential and employment areas. Residential areas are located primarily along the major natural systems, including the Neuse River and Walnut Creek. The employment areas are located mostly along the major transportation corridors and clustered around accessible interchanges. These include the Beltline interchanges with existing U.s. 64, Poole Road... ". Development is encouraged within I-440. The Southeast District Plan also states that "... residents in the Southeast Raleigh District have determined the need to improve the quality of life for Southeast Raleigh residents, and the need to stimulate economic development within the Raleigh ETJ as essential in

planning for the future... the community expressed interest in encouraging new development with the existing ETJ to facilitate the efficient use of existing infrastructure... ”

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

The property is within the Wake Medical Center Small Area Plan. According to the Wake Medical Center Small Area Plan map, the front portion of the property is recommended for Mixed-use Office and Retail, and the back portion for High Density Residential.

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

The proposed map amendment is consistent with the Comprehensive Plan and the Small Area Plan. The Comprehensive Plan envisioned Office or Retail at this location on Poole Road. Although the back portion of the property is the southernmost point of the Small Area Plan that recommends High Density Residential, the Comprehensive Plan envisioned “employment areas... located mostly along the major transportation corridors and clustered around accessible interchanges”. Since this is now one piece of property, the adjacency to I-440 and the location of the property, bounded by Poole Road and the beltline, makes the rear portion of the property much less desirable for a residential use, and more desirable as an employment area.

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):**

Half of the property is bounded by a major feeder road into Downtown (Poole Road) and the I-440 beltline. There is a large church on the south side of the property, a fire station to the west, and one residential subdivision on the northwest side of the property. The property to the north is zoned O & I – 2, and about 33% at the west boundary, and across Poole Road, are all zoned SC. There is primarily highway, and light office/commercial use, around the property.

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

The natural grade of the property (the property slopes steeply down to the North from Poole Road) provides a natural visual buffer. The built environment in this area is low density, with fairly low building heights. The SHOD-1 overlay will be retained, which will provide oversight of the existing tree line along I-440.

- C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area**

The proposed map zoning map amendment is in line with the Comprehensive Plan’s vision for this area, and is very compatible with the low intensity office/light commercial development along Poole Road.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

This map amendment would benefit the landowner in allowing the landowner to develop the property in line with the best use of the property, the best interest of the residents of the City of Raleigh, and in line with the vision of the Comprehensive Plan.

B. For the immediate neighbors:

This map amendment would provide the possibility of low intensity, "8 - 5, no weekend" development of the property, while retaining a visual buffer to the highway and Poole Road. It would provide the possibility of employment and appropriate development in the Southeast District, as envisioned in the Comprehensive Plan, for this area.

C. For the surrounding community:

This map amendment would allow for development consistent with the Comprehensive Plan - inside the Beltline and the Raleigh ETJ, adjacent to major transportation corridors, along existing infrastructure, and in an area that would greatly benefit from employment opportunities. The SHOD -1 overlay would provide permanent oversight of the wooded area adjacent to the highway.

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

Yes, the property's size, and unique location adjacent to, but inside, the beltline, and on a feeder road into Downtown, allows for thoughtful and appropriate development in line with the Comprehensive Plan.

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

The property has natural features that will allow it to be developed in a way that is aesthetically "low key" and pleasing - the topography provides a steep slope to the north side of the property, away from Poole Road, and the natural buffer to the Beltline provides a potential for a natural, visual, break on both sides.

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 Comprehensive Plan has noted that the original low-density Residential zoning in this area is no longer appropriate for how the City has, and should, develop.

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

The Comprehensive Plan has noted the Southeast District residents' desire to have additional employment opportunities within the Service area. The property's adjacency to Downtown and major transportation corridors makes this particularly desirable in this location.

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

This zoning reclassification would have a positive impact on the above – it would keep the appropriate type of development with the city's ETJ, where public services and infrastructure already exist, and potentially put employment opportunities at a major transportation node.

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

In summary, the requested zoning reclassification appears to be in line with the Comprehensive Plan, the Southeast District Plan, and the Wake Medical Center Small Area Plan. It is believed that this rezoning would be in the best interest of the citizens of the neighborhood and of the larger City of Raleigh.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-20-08 Conditional Use; Poole Road

General Location: This site is located on the north side of Poole Road, west of its intersection with the Beltline (I-440).

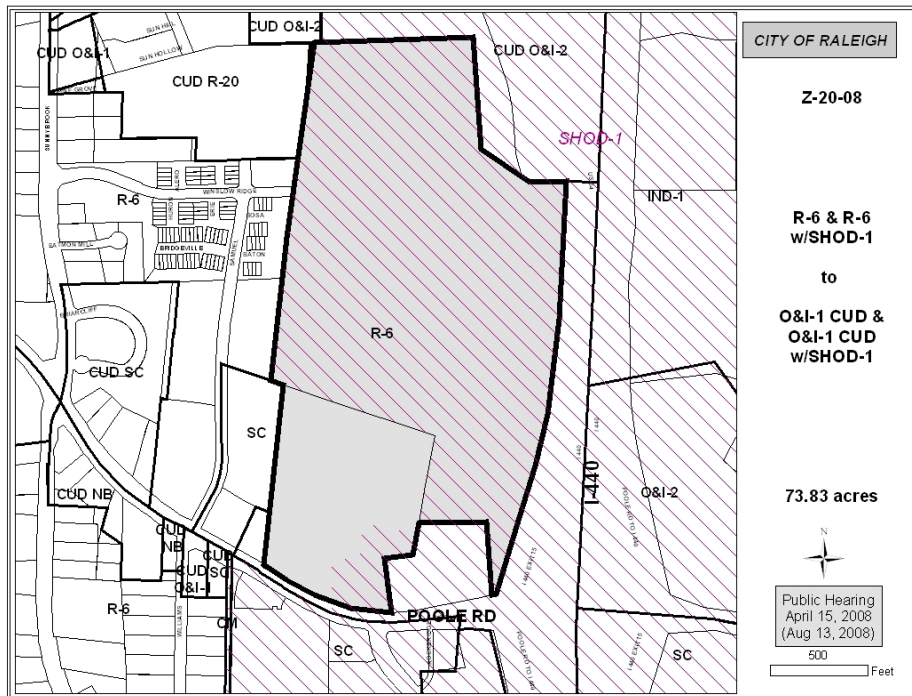
**Planning District
/ CAC:** Southeast / Southeast

Request: Petition for Rezoning from Residential-6 and Residential-6 w/ Special Highway Overlay District-1 to Office and Institution-1 Conditional Use District and Office and Institution-1 Conditional Use District w/Special Highway Overlay District-1 (SHOD boundary to remain as existing)).

**Comprehensive Plan
Consistency:** This proposal is inconsistent with the Wake Medical Center Small Area Plan.

**Valid Protest
Petition (VSPP):** None.

Recommendation: The Planning Commission finds that this request is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated August 13, 2008.



CASE FILE: **Z-20-08 Conditional Use**

LOCATION: This site is located on the north side of Poole Road, west of its intersection with the Beltline (I-440).

REQUEST: Petition for Rezoning from **Residential-6 and Residential-6 w/ Special Highway Overlay District-1 to Office and Institution-1 Conditional Use District (Special Highway Overlay District-1 to remain).**

COMPREHENSIVE PLAN CONSISTENCY: **This proposal is consistent with the Wake Medical Center Small Area Plan.**

RECOMMENDATION: The Planning Commission finds that this request is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated August 13, 2008.

FINDINGS AND REASONS:

- (1) While the petition is inconsistent in not prohibiting office development for the northern half of the site, the requested zoning does not preclude future high-density residential development in the area, consistent with the Wake Medical Center Small Area Plan.
 - (2) The present zoning, Residential-6, is inconsistent with the Wake Medical Center Small Area Plan.
 - (3) Office use is consistent with Southeast District Plan, which shows the site within an Employment Area.
 - (4) The proposal is compatible with the surrounding properties. Adjacent properties to the north of the subject property are zoned Office and Institution. The majority of properties along Poole Road, adjacent to or across the street from the subject site, are zoned Shopping Center or are institutional in use, consistent with their location within a Community Focus Area. Development of the subject property is conditioned to mitigate impacts on adjacent residential properties to the west (i.e., height limits, gross floor area maximum).
 - (5) Outstanding issues of site development (including future transit easements, cross access, interconnectivity, and public infrastructure improvements) were discussed with the applicant, and it was agreed that each issue be addressed at the time of preliminary site plan review.
-

To PC: 4/22/08
Case History: 6/10/08, 8/12/08

To CC: 9/2/08

City Council Status: _____

Staff Coordinator: Doug Hill

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

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: 8/15/08



Zoning Staff Report: Z-20-08 Conditional Use

LOCATION: This site is located on the north side of Poole Road, west of its intersection with the Beltline (I-440).

AREA OF REQUEST: 73.832 acres

PROPERTY OWNER: State of North Carolina, State Property Office

CONTACT PERSON: Randi K. Taylor

PLANNING COMMISSION RECOMMENDATION DEADLINE: August 13, 2008

ZONING: Current Zoning

Residential-6

Current Overlay District

SHOD-1 (Tracts 1 & 3)

Proposed Zoning

Office and Institution-1
Conditional Use District

Proposed Overlay District

SHOD-1 to remain

ALLOWABLE DWELLING UNITS:

Current Zoning

442 dwelling units

Proposed Zoning

w / Staff approval: 1,107 units
w / PC approval: 1,845 units

ALLOWABLE OFFICE SQUARE FOOTAGE:

Current Zoning

Office uses not permitted.

Proposed Zoning

1,000,000 sq. ft. (per zoning condition)

ALLOWABLE RETAIL SQUARE FOOTAGE:

Current Zoning

Retail uses not permitted.

Proposed Zoning

Limited retail uses (max. of 10%) permitted in an office building in excess of 30,000 sq. ft.

ALLOWABLE GROUND SIGNS:

Current Zoning

Tract ID sign

Proposed Zoning

Low profile (max. height 3½ feet, max. area 70 sq. ft.)

ZONING HISTORY: This property appears to have been zoned Residential-6 since 1955 (Z-46-55).

**SURROUNDING
ZONING:**

SOUTH: Shopping Center w/ SHOD-1, Office and Institution-2 w/ SHOD-1
EAST: Industrial-1 w/ SHOD-1; Office and Institution-2 w/ SHOD-1
NORTH: Office and Institution-2 w/ SHOD-1; Office and Institution-2 CUD (Z-17-04) w/ SHOD-1

Conditions:

1. Reimbursement for future right-of-way shall remain at the original R-6 zoning value for the property.
2. Allowed uses shall be limited to general, professional/service offices, governmental offices, financial offices and non-residential related services. Hotel/Motel uses are prohibited.
3. On-site open-air storm water management facilities shall be designed as site amenities and shall be landscaped with site-appropriate vegetation to SHOD-4 standards.
4. The frontage along the southern right-of-way of the existing Sungate Blvd., Pin #1723-47-0878, approximately 0.27 acres shall be a natural protective yard full depth, from the northern right-of-way to southern property line, and along the northern right-of-way from Parcel Pin Number 1723-47-7999, minimum 50 feet wide which shall also be a natural protective yard, about 400 feet long. Owner agrees to dedicate greenway at the time of development, pursuant to Comprehensive Pan, with reimbursement at R-6 value.
5. Future office buildings shall meet Unity of Development Guidelines established for Lot 1 and/or 2.
6. Any proposed office building to be built within the 8.35 Ac. Rezoning may not exceed 37 ft. in height and must have, as a minimum, 70% face brick exterior walls, of a selection compatible with any existing masonry, on-site or adjacent.

WEST: Residential-6; Shopping Center; Residential-20 CUD (Z-10-02)

LAND USE:

Vacant (formerly single-family house). The site is crossed west to east by a stream course, which has been dammed to create two ponds. Topography is gently rolling to relatively steep (the latter closest to ponds). Vegetation is also concentrated on lower ground. The southern part of the site was clearcut in recent years, but the northern part is mixed meadow and woodland, with numerous larger (>18" dbh) trees.

**SURROUNDING
LAND USE:**

NORTH: Vacant
SOUTH: Church; shopping center/outparcels, vacant
EAST: Vacant, I-440 Beltline
WEST: Fire Station, vacant, townhouses

**DESIGNATED
HISTORIC
RESOURCES:**

None on site. Oak View (National Register; Raleigh Historic Landmark) is located to the east, on the opposite (eastern) side of the I-440 Beltline. The subject site appears to have been associated with the Oak View farm prior to the construction of the Beltline.

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	Southeast
Urban Form	Employment Area (Southeast District Plan); High Density Residential and Mixed Use Office/Retail (Wake Medical Center Small Area Plan)
Specific Area Plan	Wake Medical Center Small Area Plan
Guidelines	Height Guidelines for Urban Form Elements (Community Focus Area)

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

This proposal is consistent with the Southeast District Plan. The District Plan includes the site in a broad swath of land (centered on I-440, from Poole Road to US 64 and northward) designated as an Employment Area, suited to “office, manufacturing, industrial, warehousing, and distribution and service” uses.

The proposal is inconsistent with the Wake Medical Center Small Area Plan. The Small Area Plan designates the southern portion of the combined tract for development as “Mixed Use Office/Retail,” coinciding with that section being within a Community Focus Area. The Comprehensive Plan views Community Focus Areas as concentrating employment-generating uses, with “the majority of these jobs...in the retail and service sectors.” The edge of the Community Focus Area extends along the north side of Poole Road from the Beltline almost to the intersection of Sunnybrook Road. The area so encompassed is already partially built out in a mixture of retail, office, civic, and institutional uses. The proposed zoning would permit office and limited retail uses on the subject site.

However, the Small Area Plan calls for the northern half of the site to be developed with High Density Residential uses (15 units or more per acre). While high density residential development would be permitted within the proposed O&I-1 CUD, residential uses do not appear under consideration in the proposal (e.g., “...the location of the property, bounded by Poole Road and the beltline, makes the rear [north] portion of the property much less desirable for a residential use, and more desirable as an employment area”).

The Comprehensive Plan also prescribes guidelines for building height within Community Focus Areas—a “maximum of 70 feet”—adding that “medium in scale, taller buildings should be located in the center and along corridors, with decreasing scale to edges.” SHOD-1 standards, which apply to all but the southwest section of the site (Tract 2) limit building height to 5 above-ground stories (approx. 60-80 feet). Conditions submitted August 5, 2008 limit Tract 2 building heights to a maximum of 70 feet, and a maximum of 40 feet within 100 feet of any residentially-zoned property abutting on the west.

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

The site is one of the larger undeveloped areas along the Beltline between Poole Road and Crabtree Creek, east of Sunnybrook Road. Much of the surrounding area is also vacant, or contains low

density/ low intensity development. A fair amount is zoned for potentially greater intensities, but with that intensity focused around the Wake Medical Center complex.

Office and Institution zoning predominates in the area immediately to the north of the site. The Wake Medical Center Small Area Plan designates most of that area for high-density residential development (which could be built under O&I zoning).

The property immediately to the northwest is zoned specifically for high-density residential (R-20) development. Sensitivity will need to be applied in connecting to the low-density townhouse community centered on Winslow Ridge Drive (zoned R-6), particularly in regard to traffic impacts. Other properties to the west are currently zoned for low-density residential use, or—along Poole Road—shopping center.

Most of the properties on the south side of Poole Road, opposite the subject site, are zoned for retail or office use, consistent with their location within the Community Focus Area. Further south is the Walnut Creek park complex; to the southwest, properties are built out in low density residential uses.

3. Public benefits of the proposed rezoning

As noted by the applicant, the proposed zoning would permit the development of the property in a fashion consistent with the Comprehensive Plan. The location of the site at a major intersection is suited to more intensive development. The proposed zoning condition mandates vehicular connectivity from Poole Road to the property to the north.

4. Detriments of the proposed rezoning

While the proposal provides for street connectivity to the north, access to the west is not specifically addressed; consistent with Subdivision Regulations, Winslow Ridge Drive, which ends at the subject property's property line, will be required to be extended into the property. Absence of a commitment to on-site residential uses impacts the opportunities for reducing traffic flow into and out of the site (i.e., diminishes possibilities for onsite live/work).

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

TRANSPORTATION: Poole Road is classified as a secondary arterial major thoroughfare (2005 ADT - 24,000 vpd) and exists as a five-lane curb and gutter facility on 90 feet of right-of-way with sidewalk on one side. City standards call for Poole Road to provide an 89-foot back-to-back curb and gutter facility on 110 feet of right-of-way with sidewalks on both sides. Interstate 440 is classified as a principal arterial but does not provide any direct access to this property. Winslow Ridge Drive is classified as a residential street and is constructed to City standards as a 31-foot back-to-back curb and gutter section on 50 feet of right-of-way with sidewalk on one side.

Due to the proposed change in use, the proximity to a major interchange, and the size of the subject property, a traffic impact analysis is strongly recommended for this case. The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the adjacent properties along Poole Road. The petitioner may also wish to consider adding a condition stating that reimbursement for any required right-of-way dedication shall be at the current R-6 rate.

TRANSIT: Development of the site will be of sufficient intensity as to require the dedication of a transit easement.

HYDROLOGY: FLOODPLAIN: adjacent to FEMA floodplain/alluvial soils present on site
DRAINAGE BASIN: Crabtree

STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. Neuse Riparian Buffer Regulations may apply. No WSPOD.

COMPLAINTS: none found.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>256,405</u> gpd	Approx. <u>239,948</u> gpd
Waste Water	Approx. <u>258,405</u> gpd	Approx. <u>239,948</u> gpd

The above analysis is based on the site being developed for office use (max. 2.4 million square feet). As such, the proposed zoning would not impact the City's wastewater collection and water distribution systems. There are currently existing public sanitary sewer and water mains which would serve the proposed zoning adjacent to the property. The petitioner would be required to install the internal sanitary sewer and water mains required for the proposed development. The differential flows generated by the rezoning reflect maximum flows calculated using the gallons per day as specified in the Public Utilities department Handbook. Once a conceptual plan of the proposed rezoned properties is presented, then we will determine the impacts on the adjacent mains and our utilities systems.

PARKS AND RECREATION:

This property is located adjacent to a greenway connector. During site plan or subdivision approval the applicant will be required to reserve a corridor that will provide connection between the Crabtree Creek Corridor to the north and Poole Road to the south. 1,403 additional residential properties are possible with approval of this rezoning case. Worthdale Park and a recently acquired neighborhood park area identified as NPS-38 will provide the park services for this parcel.

WAKE COUNTY PUBLIC SCHOOLS:

The maximum number of dwelling units permitted under the proposed zoning is 1,845. The proposed zoning could result in the following increases in school enrollment: 112 elementary students, 113 middle school students, and 61 high school students. Base school assignments would be to the following schools, operating at the capacities indicated:

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Hodge Road	630	85.7%	742	101.0%
Carnage	1,041	98.4%	1,154	109.1%
Enloe	368	78.0%	429	90.9%

IMPACTS SUMMARY:

The proposed zoning could result in the following increases in school enrollment: 112 elementary students, 113 middle school students, and 61 high school students.

The proposed rezoning may generate adverse transportation impacts. A transportation impact analysis is strongly recommended.

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.**

Staff concurs with the applicant's statement that the current R-6 zoning is inconsistent with the Comprehensive Plan, which calls for Mixed Use Office and Retail in the southern half of the site (as part of the Community Focus Area), and High-Density Residential development in the northern half.

APPEARANCE

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

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Southeast
CAC CONTACT PERSON: Bill Lynn, 231-8153

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. **Outstanding issues**

- Inconsistency with Wake Medical Center Small Area Plan.
- Anticipated increases in school enrollment, based on maximum potential residential units under the proposed zoning.

2. **Suggested conditions**

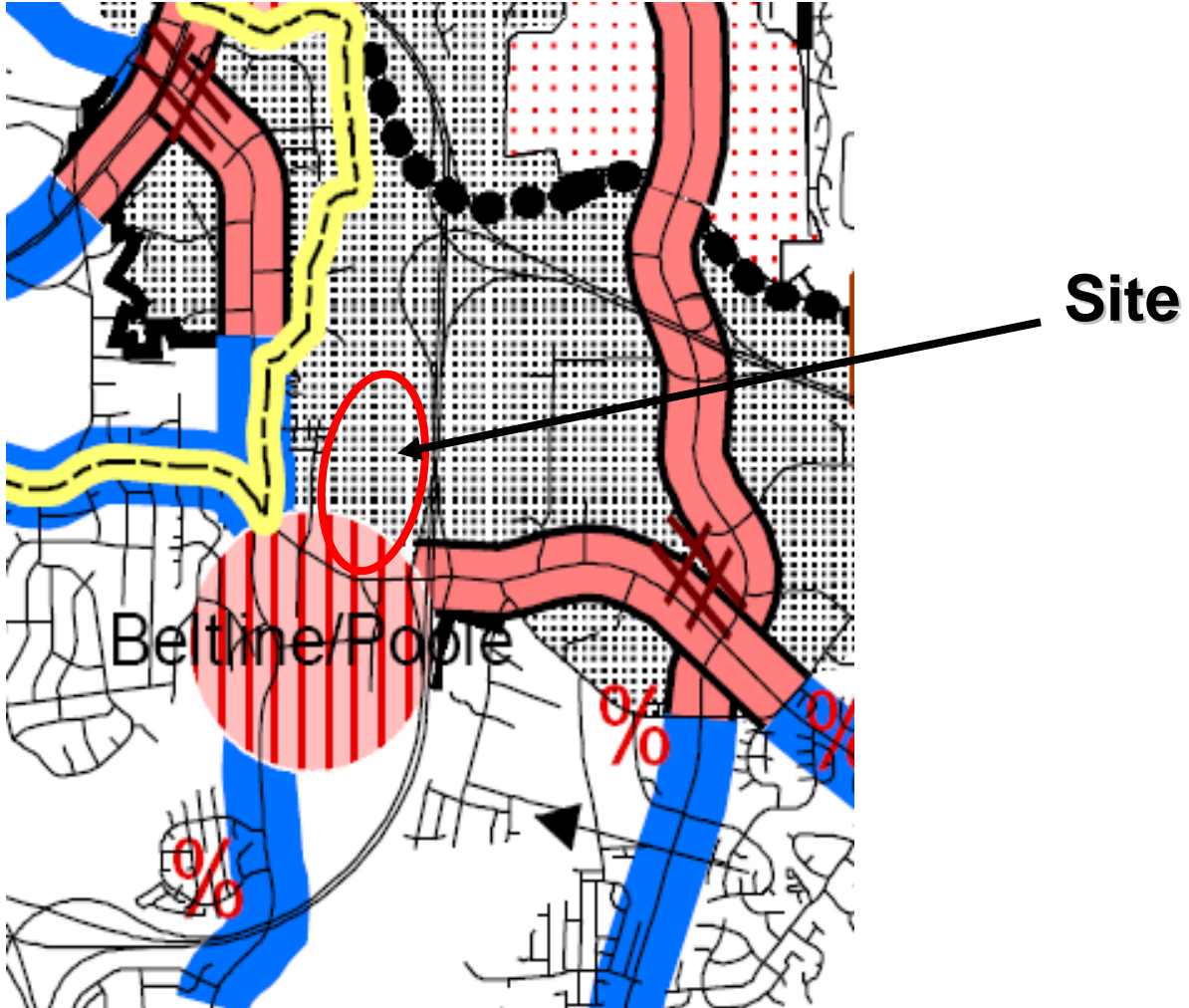
- Consistent with the Wake Medical Center Small Area Plan, the northern portion of the site shall prohibit office uses and include high-density residential uses.
- Condition 1.: Has DENR been contacted to review the possibility of construction of a stream crossing in order to comply with this condition?

TRANSPORTATION: Due to the proposed change in use, the proximity to a major interchange, and the size of the subject property, a traffic impact analysis is strongly recommended for this case. The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the adjacent properties along Poole Road. The petitioner may also wish to consider adding a condition stating that reimbursement for any required right-of-way dedication shall be at the current R-6 rate.

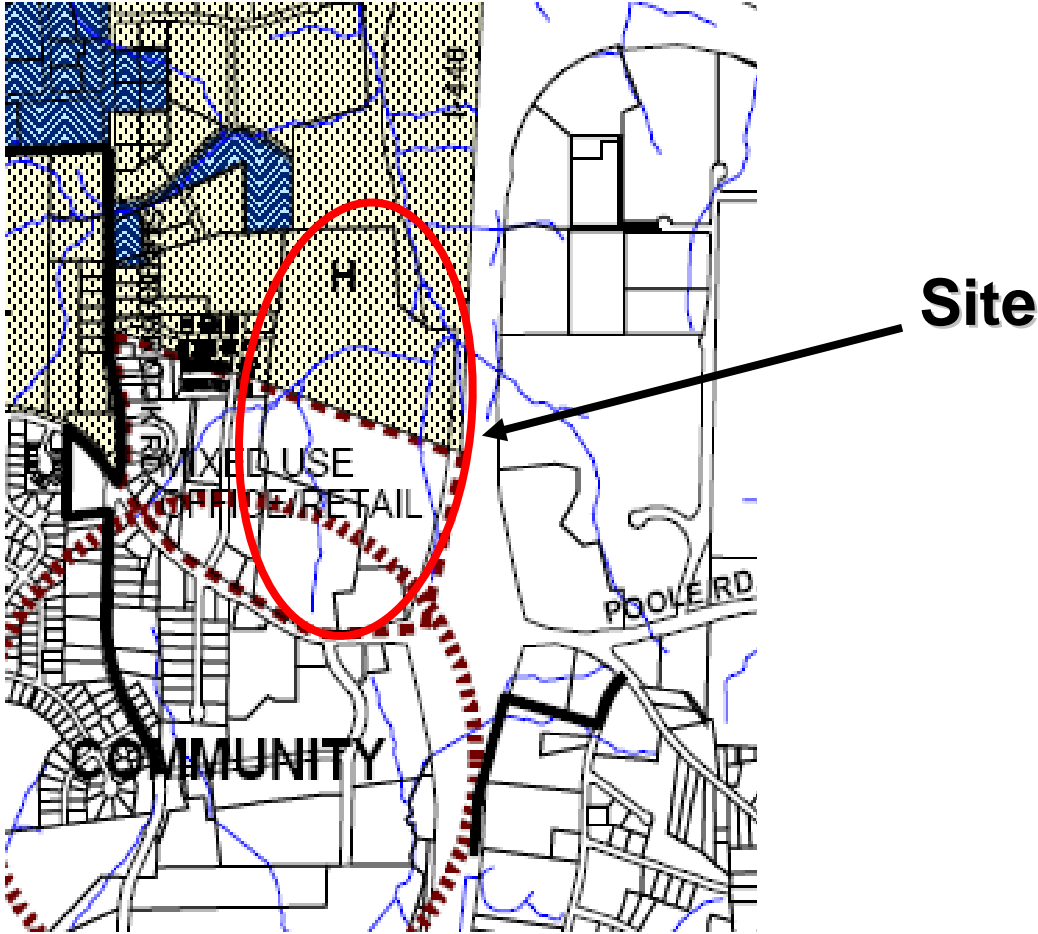
TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit 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. (DCP also suggests consideration of an offer of construction of a bench and/or shelter.)

PARKS AND RECREATION: During site plan or subdivision approval the applicant will be required to reserve a corridor that will provide connection between the Crabtree Creek Corridor to the north and Poole Road to the south.

Urban Form – Southeast District Plan



Urban Form – Wake Medical Center Small Area Plan



Wake Medical Center Small Area Plan

