

CITY OF RALEIGH

Z-21-08

R-6 CUD

to

O&I-2 CUD

5.0 acres

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

325

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)

Surry P. Roberts

Date:

DEC 21, 2007

Please type or print name(s) clearly:

Surry P. Roberts

December 21, 2007

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No. Z-21-08
Date Filed: 12-21-07
Filing Fee: \$2100.00 by CK# 2213

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>Surry P. Roberts</u>	<u>120 Woodland Road</u>	
		<u>Raleigh, NC 27605</u>	

**2) Property
Owner(s):**

<u>Surry P. Roberts</u>	<u>120 Woodland Road</u>	
	<u>Raleigh, NC 27605</u>	

3) Contact Person(s):

<u>Isabel Worthy Mattox</u>	<u>PO Box 946</u>	<u>919-828-7171 - phone</u>
	<u>Raleigh, NC 27602</u>	<u>919-831-1205 - fax</u>
		<u>isabel@mattoxfirm.com</u>
<u>Thomas C. Worth, Jr.</u>	<u>PO Box 1799</u>	<u>919-831-1125 - phone</u>
	<u>Raleigh, NC 27602</u>	<u>919-831-1205 - fax</u>
		<u>curmudgctw@earthlink.net</u>

4) Property

Description:

Please provide surveys if proposed
zoning boundary lines do not follow
property lines.

Wake County Property Identification Number(s) (PIN): Lot 1216 Outparcel (2.8 acres) PIN NO. 1748402756 ("Pod A") and Lot 1217 Outparcel (2.2 acres) PIN No. 1748406996 ("Pod B") as shown on Book of Maps 2007, Page 1482, Wake County Registry.

General Street Location (nearest street intersections): North side of U.S. Highway 401, between Ligon Mill and Forestville Roads.

**5) Area of Subject
Property (acres):**

5.0 acres total. Lot 1216 Outparcel (2.8 acres) PIN No. 1748402756, and Lot 1217 Outparcel (2.2 acres) PIN No. 1748406996

**6) Current Zoning
District(s)**

Classification:

Include Overlay District(s), if
Applicable

R-6 CUD

**7) Proposed Zoning
District**

Classification:

Include Overlay District(s) if
Applicable. If existing Overlay
District is to remain, please state.

O&I-2 CUD

Office Use Only
Petition No. Z-21-08

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.

Wake Co. PIN #'s:

[illegible]

Rezoning Petition

Form Revised November 1, 2006

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 within the Northeast District Plan. Recommended uses are for a low and medium density residential, employment center uses and mixed 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. The subject property is located within the Neuse River East Small Area Plan.

(continued)

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?** Consistency with the Comprehensive Plan is difficult to determine because of inconsistencies within the plan. For instance, the Property is within the Northeast District Plan which provides that there is a Neighborhood Focus Area (which per the Neuse River SAP would include 40-160 acres and would permit a mix of uses) at the intersection of US Highway 401 and Forestville Road which would presumably include the subject property. The Property is also subject to the Neuse River Small Area Plan. This Plan provides for an Employment Area at such intersection: North of US Highway 401 and west of Forestville Road. The Neuse River SAP Urban Form map shows this Property to be in a Mixed Use Center. The southern parcel of the Property appears to be in the Forestville Village Center ("FVC") per a map of the FVC, however the text indicates that the FVC is located on the south side of US Highway 401. In addition, the subject property is frequently shown as being within the 401 Gateway Corridor, but not within the Gateway Corridor Plan. In sum, it seems that while residential uses are recommended for the subject property in some portions of the Plan, other portions of the Plan call for a mix of uses, which would certainly include office and employment uses (as proposed in this case) if not retail.

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):** An approximately 1,100 unit residential development will encircle the subject property to the east, north and west. A shopping center is being developed south of US Highway 401. The property fronts on a Gateway Corridor, US Highway 401. Per the Comprehensive Plan, Gateway corridors are characterized by high traffic counts and mostly non-residential development.
- B. **Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):** The property located on the east, north and west is zoned R-6 CUD. Property to the south is zoned TD-CUD. Property on all sides is currently under development.
- 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 zoning is compatible with the surrounding area in that it will provide much needed office services within the 401 Gateway Corridor to the many people who will reside in the surrounding Centex residential community, and to those who travel US Highway 401 South.

(continued)

III. Benefits and detriments of the proposed map amendment.

- A. For the landowner(s):** The proposed rezoning will permit office and institutional development adjacent to a large residential community and along a major thoroughfare and thereby provide the landowner with a reasonable return on his investment.
- B. For the immediate neighbors:** The proposed rezoning will benefit the immediate neighbors as well as the future residential neighbors by providing office and institutional uses and services in close proximity. It also provides for a buffer between the new residential development and the busy US Highway 401.
- C. For the surrounding community:** The surrounding community will be served by allowing many of the needs of the many residences in the Centex development to obtain services without requiring them to go onto US Highway 401, and providing needed professional business, medical, and/or childcare services to the community.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain: It permits office and institutional uses which are available in some but not all of the surrounding properties.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest. The subject property was last zoned in 2005. Since that time, the development of an approximately 1,100 unit residential community has been commenced. This community encircles the subject property. These future residents, as well as the southbound drivers on US Highway 401, need office and institutional services on the north side of US Highway 401.

V. Recommended items of discussion (where applicable).

- a. An error by the City Council in establishing the current zoning classification of the property.** N/A
- b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.** The subject property was last zoned in 2005. Since that time, an approximately 1,100 unit residential community has been planned surrounding the subject property. These future residents as well as

(continued)

south bound drivers on US Highway 401 need office and institutional services on the north side of US Highway 401.

- c. **The public need for additional land to be zoned to the classification requested.** The public has a need for office and institutional services on the north side of US Highway 401 to serve the large Centex development surrounding the subject property, to buffer it from US Highway 401 and to serve the citizens driving southbound on US Highway 401.

- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.** The biggest impact on public services, infrastructure, fire and safety will be made by the Centex development to the east, north and west which has already been zoned and is currently under development. That development will bring any necessary utilities to this area. The proposed development should not impact parks and recreational facilities. The proposed development will not be of such a height as to block access to light and air.

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

NOTICE NEIGHBOR LIST
B-8 CONT.

Centex Homes

2301 Sugar Bush Road, Fl 4
Raleigh, NC 27612

PIN 1748206968, 174841099, 1748410120, 1748411069, 1748411097, 1748419095,
1748419139, 1748419240, 1748404834, 1748405838, 1748419261, 1748419271, 1748510048,
1748510068, 1748510079, 1748510180, 1748510203, 1748510224, 1748510276, 1748511101,
1748511163, 1748511195, 1748511218, 1748511239, 1748511361, 1748511382, 1748511627,
1748512106, 1748512126, 1748512137, 1748512291, 1748510224, 174819292, 17485110016,
1748510037, 1748511143, 1748111174, 1748512158, 1748510297, 1748511350, 1748511229

Roger Honbarrier Investments, Inc.

6588 Wakefalls Drive
Wake Forest, NC 27587
PIN 1747399852

Widewaters Forestville Co., LLC

5786 Widewaters Parkway
DeWitt, NY 13214
PIN 1748404115, 1748503532,

Surry P. Roberts

120 Woodburn Road
Raleigh, NC 27605-1617
PIN 1748402756, 1748406996



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-21-08 Conditional Use; Louisburg Road**

General Location: North side of Louisburg Road (U.S. Highway 401), between Ligon Mill and Forestville Roads.

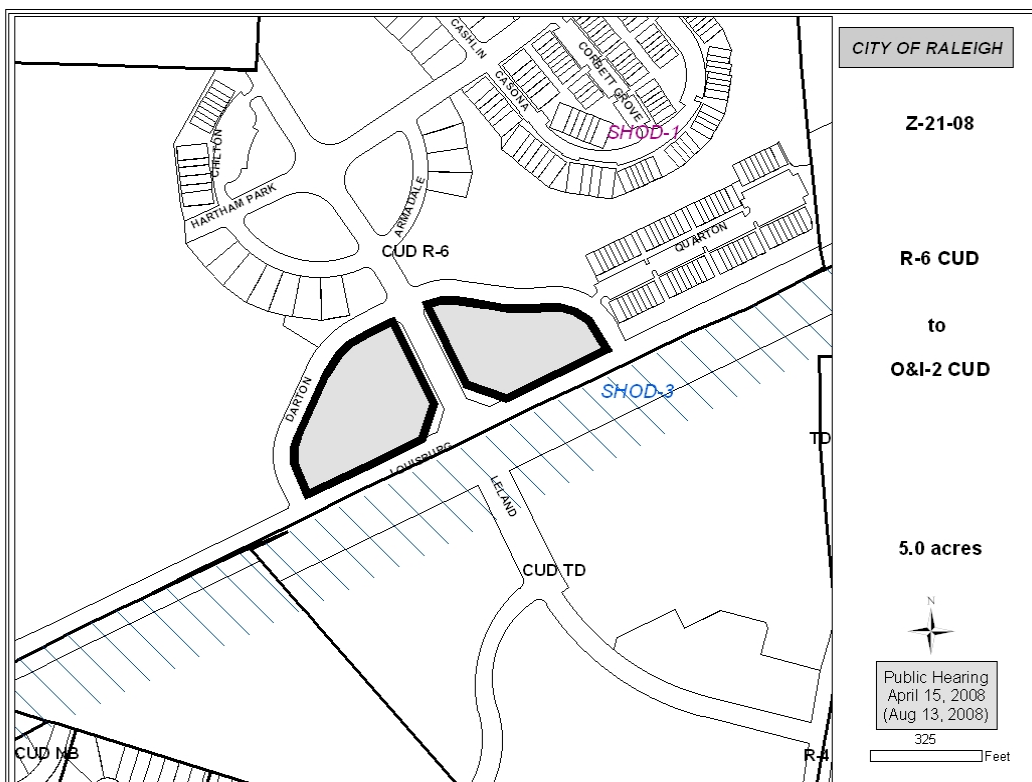
**Planning District
/ CAC:** Northeast / Northeast

Request: Petition for Rezoning from **Residential-6 Conditional Use** to **Office & Institution-2 Conditional Use**.

**Comprehensive Plan
Consistency:** The request is inconsistent with the Comprehensive Plan

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

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 conditions dated May 19, 2008.



CASE FILE: **Z-21-08 Conditional Use**

LOCATION: This site is located on the north side of Louisburg Road (U.S. Highway 401),
between Ligon Mill and Forestville Roads.

REQUEST: This request is to rezone approximately 5 acres, currently zoned Residential-6
Conditional Use. The proposal is to rezone the property to Office & Institution-2
Conditional Use.

**COMPREHENSIVE
PLAN CONSISTENCY:** **The 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 conditions dated
May 19, 2008.**

**FINDINGS
AND REASONS:**

- (1) That the request is inconsistent with the Comprehensive Plan. However, the proposed low intensity office and institutional uses at the subject location is reasonable and in public interest in that, it will provide a convenient, safe and walkable amenity in close proximity to the surrounding developing neighborhood (Highland Creek) of 1100 homes;
- (2) That the parcels are reasonably small in size and given its adjacency to a thoroughfare may not be appropriate for residential development permitted under the current zoning;
- (3) That the subject property with frontage along Louisburg Road, a major thoroughfare scheduled to be widened into 6 lanes, will provide a safer and convenient location for low impact offices and related accessory uses that will largely benefit the surrounding neighborhood;
- (4) That other conditions associated with this request address cap on building square footage and height, types of uses, buffer yards, building design and signage standards, and site layout standards that will help achieve compatibility of development with its surroundings; and
- (5) That the development of the subject property, subject to the stated conditions, and upon compliance with the included design standards during the site plan review process, will be compatible and complementary to its surrounding uses.

To PC: 5/27/08 PC recommended approval

Case History: 4/22/08, PC Deferred; 5/13/08, PC Deferred;

To CC: 6/3/08

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Butler
Second: Bartholomew
In Favor: Anderson, Bartholomew, Butler, Chambliss, Davis, 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: 5/29/08



Zoning Staff Report: Z-21-08 Conditional Use

LOCATION:	This site is located on the north side of Louisburg Road (U.S. Highway 401), between Ligon Mill and Forestville Roads.	
AREA OF REQUEST:	5 acres	
PROPERTY OWNER:	Surry P. Roberts	
CONTACT PERSON:	Isabel Worthy Mattox, 919-828-7171 Thomas C. Worth Jr., 919-831-1125	
PLANNING COMMISSION RECOMMENDATION DEADLINE:	August 13, 2008	

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-6 CUD	Office & Institution-2 CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	None	None
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	22 dwelling units (per zoning conditions)	None (per zoning conditions)
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office Uses not permitted	50,000 sq.ft.(per zoning conditions - 0.23 FAR)
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Retail Uses not permitted	Retail Uses not permitted (per zoning conditions)
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID	Low profile Sign (3 ½ feet in height, 70 sq. ft. in area)
ZONING HISTORY:	This property has been zoned R-6 CUD since being brought into the City's ETJ in 2004 (Z-77-04). The adopted zoning conditions are as follows:	

- (a) Residential development of the Property shall not exceed 4.5 units per acre.
- (b) Dwelling units upon the Property shall consist only of single family detached dwellings, townhouse development, or unit ownership (condominium) development (or a combination thereof) and related amenities and accessory uses.
- (c) Along the boundary of the Property with Tax Parcels PIN 1748.10-4373 (Heater Utilities, Inc.), 1748.03-10-6229 (Lail), 1748.03-10-7350 (Spencer), and 1748.03-10-9245 (Thielemann), there shall be maintained an undisturbed protective yard thirty (30) feet in width. It is provided, however, that the owner may disturb such protective yard for the installation of a paved trail five (5) feet in width and for the installation of utilities and stormwater control and/or treatment facilities and devices, and for the removal of underbrush and dead, dying, diseased and noxious vegetation.
- (d) With respect to the remaining boundary of the Property along those portions of the boundary that are within two hundred (200) feet of a residence in existence at the time of the approval of this case, there shall be maintained an undisturbed protective yard twenty (20) feet in width. It is provided, however, that the owner may disturb such protective yard for the installation of a paved trail five (5) feet in width and for the installation of utilities and stormwater control and/or treatment facilities and devices, and for the removal of underbrush and dead, dying, diseased and noxious vegetation.
- (e) Submitted with these conditions is an aerial photograph of the Property dated 2002. Areas of the Property containing trees are identified on the aerial photograph. Upon development, trees within twenty percent (20%) of the areas so identified shall be actively preserved and protected.
- (f) Vehicular access to the Property shall be limited to a maximum of three (3) points on Louisburg Road.
- (g) Upon development of the Property, an offer of vehicular cross-access shall be made to Tax Parcel PIN 1748.0-33-5307.
- (h) A SHOD-3 yard fifty (50) feet in width shall be maintained along the boundary of the Property with the right-of-way of Louisburg Road. Points of vehicular ingress and egress to the Property may pass through such yard and utilities and stormwater control pipes, facilities, and devices may be installed therein.
- (i) Prior to development of the Property, the owner shall submit a subdivision plan with respect to the Property which shall have a street plan approved by the Raleigh Department of Transportation. Development of the Property shall be in accordance with this subdivision plan.

Although there was discussion of placing a SHOD-3 designation along the frontage of this property during the 2004 rezoning review, the case was ultimately approved without the SHOD-3 when the zoning conditions were amended to require the SHOD-3 equivalent for a natural protective yard along Louisburg Road.

In 2007, a rezoning petition was filed for the subject parcels (Z-18-07) to rezone the same to Shopping Center CUD. The request, which was inconsistent with the Comprehensive Plan was denied by the City Council in August of 2007. The approval of the proposed request would have required an associated Comprehensive Plan amendment. In November of 2007, the applicants requested a waiver of the 2-year waiting period on the subject properties, to allow the property owner to file another rezoning request prior to the July 2009 public hearing. The waiver request was subsequently approved by the City Council.

SURROUNDING

ZONING: NORTH: Residential-6 CUD (see conditions above – ZONING HISTORY)
SOUTH: Thoroughfare District CUD (Z-36-03)
EAST: Residential-6 CUD (see conditions above – ZONING HISTORY)
WEST: Residential-6 CUD (see conditions above – ZONING HISTORY)

LAND USE: The subject properties were subdivided from a 271-acre tract of land in association with S-27-05. The two properties were identified on the subdivision

as OUTPARCEL “B” and OUTPARCEL “C”. These two outparcels are currently undeveloped and partially wooded.

**SURROUNDING
LAND USE:**

NORTH: Residential single family detached and townhomes (S-27-2005)
SOUTH: Main entrance to Shopping Center (Forestville Road Crossings SP-96-05)
EAST: Residential townhomes (S-27-2005)
WEST: Residential (S-27-2005)

**DESIGNATED
HISTORIC
RESOURCES:**

No historic resources have been identified either on the site or within close proximity.

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	Northeast
Urban Form	Gateway Corridor
Specific Area Plan	Neuse River East SAP, Forestville Village Center Plan
Guidelines	None

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

The rezoning request is inconsistent with the land use policies of the Comprehensive Plan. The subject parcels are located on the north side of Louisburg Road (U.S.401 corridor), between Ligon and Forestville Roads and were annexed into Raleigh’s Northeast Planning District in December of 2004. The parcels also fall within the boundaries of the Neuse River East Small Area Plan that calls for primarily low density residential uses for this site since it is outside a designated focus area. The plan also recommends preserving and protecting the historic, residential, and rural atmosphere of the U.S. 401 corridor. The conditions proposed in this case include a SHOD-3 type buffer yard and other landscaping and screening requirements that would protect the 401 corridor.

Additionally, the subject parcel is located in close proximity to the Forestville Village Center Plan area, the core of which is located to the south of U.S.401, east and west of Forestville Road. The Village Center Plan recommends low to medium density residential uses for properties to the north of U.S.401. The development of the subject property pursuant to the rezoning from R-6 CUD to O&I-2 CUD is inconsistent with comprehensive plan policies that recommend low to medium density uses for the site.

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

The areas to the north, east and west of the property have been development for predominantly single-family homes and townhouses at R-6 densities. The large parcel to the immediate north,

northeast and northwest is zoned R-6 CUD and is being developed by Centex Homes for a large subdivision (Highland Creek) that will accommodate a total of approximately 1,100 single-family homes and townhomes. Landscaping, sidewalks and a median have been built along the main gateway access to the Highland Creek subdivision (located between the subject parcels). Further north and northeast of Highland Creek subdivision is the Chesterfield Village subdivision and Rolling Ridge subdivisions consisting largely of single-family detached homes. The properties further north and east are within Wake County's jurisdiction and zoned primarily for low density residential uses. The property to the immediate south, across U.S.401, is zoned Thoroughfare District-CUD on which a large shopping center recently opened (Forestville Road Crossings). This shopping center is comprised of 150,000 square feet of retail uses and approximately 23,000 square feet of office uses. A 13.06 acre tract has been set aside for residential-office development. Located within the core of the Forestville Village Center, the site plan for Forestville Crossings provides for orderly growth and creates a compact, efficient urban form and conforms to the required key elements of the Comprehensive Plan's Urban Design Guidelines. While the Urban Design Guidelines do not apply to the frontage of Forestville Crossings along Louisburg Road, in order to achieve compatibility with the adjacent parcels and to promote the Comp Plan's intent of preserving the natural character of the U.S.401 corridor, a SHOD-3 thoroughfare yard is maintained.

The subject parcels serve as out-parcels to the Highland Creek subdivision since they were not included in the cluster unit development. The original rezoning of the large tract of land (that includes the Highland Creek subdivision area and the subject parcels – Zoning Case Z-77-04) had R-6 conditions requiring a 20% minimum area of tree protection (Note that this condition pre-dated the passage of the tree conservation ordinance which would be applicable to the subject proposal), limiting vehicular access to three points on Louisburg, and providing for 50 feet of SHOD-3 yard protection along Louisburg frontage. The residential subdivision that was approved on the larger tract (Highland Creek) is under construction at this time. The conditions of the subject rezoning petition limit the type of uses, prohibit direct access from Louisburg Road, establish a building height limit of 35 feet and a transit easement, provides for screening of service areas, and recommends the equivalent of a 50-foot SHOD-3 yard along Louisburg Road. Most of the original R-6 zoning conditions of the subject parcels are to be maintained. One of the subject parcels has a significant number of existing trees that should be preserved where possible to achieve compatibility with the surrounding parcels and to provide adequate buffer between the residential uses encircling the property and the U.S. 401 corridor. Moreover, the proposed condition to limit any direct access to the property from Louisburg Road and the fact that the subject property does not front on Leland Drive requires that access to the site be derived from Darton Drive, an existing residential street. Therefore, any potential impacts on the traffic circulation in the area should be evaluated.

The applicant notes that the proposed rezoning is compatible with the surrounding area, in that it will provide much needed office services within the 401 Gateway corridor to the many people who will reside in the area upon the development of the Highland Creek residential community, and to those who travel U.S. Highway 401. With the proposed future widening of Louisburg Road, vehicular and pedestrian connectivity between the north and south of Louisburg Road is likely to be enhanced with the plans for signalization and pedestrian crossings, thereby enhancing accessibility to the Forestville Village Center core area.

3. Public benefits of the proposed rezoning

The applicant notes that the proposed rezoning will permit office and institutional development adjacent to a large residential community and along a major thoroughfare and thereby provide the owner with a reasonable return on investment. Given that a significant amount of office space is under construction immediately across to the south of Louisburg Road, within the Forestville Village Center area, it is not adequately justified as to how the subject rezoning would be reasonable and serve the larger public benefit. The applicant also notes that the proposed rezoning will benefit the immediate neighbors as well as future residential neighbors by providing convenient office uses in close proximity, and while providing a buffer between the new residential development and the busy U.S. Highway 401.

The applicant notes that the surrounding community will be served by allowing many of the needs of the residents of the Highland Creek development to obtain services without requiring them to go onto US 401, and provide needed professional business, medical, and/or childcare services to the community. Given that the subject parcels serve as out-parcels to the Highland Creek subdivision, it is reasonable that they be used to buffer the residential uses from the high traffic Louisburg Road. However, such a proposed use should serve public benefit and be better integrated and connected to serve the encircling residential uses. The conditions proposed in this case include a SHOD-3 type buffer yard and other landscaping and screening requirements that would protect the 401 corridor. Other beneficial conditions of the proposed rezoning include the provision of a transit stop, architectural compatibility elements with the surrounding residential neighborhood and incorporation of a few urban design guidelines into the site planning process. The applicant has requested an O&I-2 classification but has restricted possible uses in a way that is more restrictive than O&I-3 district. The traffic circulation at the entrance of Leland Drive may be impacted given that this street would serve as one of the access points to the subject parcels, and therefore, the traffic impacts should be evaluated.

4. Detriments of the proposed rezoning

The applicant's argument for a need for the office uses at the subject location should be evaluated in light of larger public good, given that some office uses have been approved in the vicinity, to the south of Louisburg Road. Furthermore, office uses would have different traffic-generating impacts than the uses called for in the Comprehensive Plan. The applicant should be prepared to address traffic impacts in the context of future widening of Louisburg Road and its potential impacts on the residential streets, mainly Leland Drive. The Transportation Division staff should approve the impacts of the traffic assessment.

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

TRANSPORTATION: Louisburg Road (US 401) is classified as a principal arterial major thoroughfare (2005 ADT - 15,000 vpd) and exists as a two-lane shoulder section on 100 feet of right-of-way. City standards call for principal arterial thoroughfares to provide a minimum of six lanes with a median-divided section on 130 to 300 feet of right of way. This segment of Louisburg Road is included in the 2007-2013 State Transportation Improvement Program to be widened to a multilane divided highway under TIP Project R-2814A. Right-of-way acquisition began in 2007, and construction is currently proposed to begin in 2010. Leland Drive is classified as a collector street and is under constructed to City standards as a 44-foot median-divided back to back curb and gutter section on 70 feet of right-of-way with sidewalks on both sides. Darton Way 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 sidewalks. The petitioner has included 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. Petitioner has offered a transit easement to the City which complies with this requirement.

HYDROLOGY: FLOODPLAIN: No floodplain on site
DRAINAGE BASIN: about 75% in Neuse and 25% in Tom's Creek

STORMWATER MANAGEMENT: Part 10 Chapter 9 Stormwater regulations would apply.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>17500</u> gpd	Approx. <u>37500</u> gpd
Waste Water	Approx. <u>17500</u> gpd	Approx. <u>37500</u> gpd

The proposed zoning would add approximately 20000 gpd to 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 is required to extend any mains to the property and those additional mains required internally due to the subsequent development of the property.

**PARKS AND
RECREATION:**

This property is not adjacent to any greenway corridors. The proposed rezoning reduces the number of dwelling units. This reduction is minor and does not affect the need to provide additional community and neighborhood park services as identified in the Parks element of the Comprehensive Plan.

**WAKE COUNTY
PUBLIC SCHOOLS:**

No impact on schools as the proposed conditions do not include residential uses as a permitted use on the property and the property is currently undeveloped.

IMPACTS SUMMARY:

No major impacts on infrastructure services are associated with this rezoning.

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 subject parcels were last zoned R-6 CUD in 2005 (Z-77-04), as part of a rezoning (initiated by the property owner) of a large tract of land, approximately 271 acres in size. The street layout was designed by the owner and the subject parcels, 5 acres in size, were subdivided from the 271 acre tract of land in association with S-27-05 (Highland Creek subdivision plan). The two properties were not included into the residential development and therefore, any hardship for the development of these parcels under the current zoning has been self-imposed by the owner. Since that time, an approximately 1,100 unit residential community has been approved for the remaining portion of the Z-77-04 site, surrounding the subject properties, to the north, east and west and lots to build; approximately 245 or more of those homes have now been recorded. As noted in the compatibility discussion, low to medium density residential uses dominate the north side of Louisburg Road. Across to the south is the Forestville Village Center that has been approved for a mix of office, retail and residential uses. The Louisburg Road is scheduled to be widened in the near future to 6 lanes with a median. Plans for future signalization and pedestrian crossings will further enhance vehicular and pedestrian connectivity across to the south of Louisburg Road. The development of the subject property pursuant to the rezoning from R-6 CUD to O&I-2 CUD is inconsistent with the Comprehensive Plan policies that recommend low to medium density uses for the site.

**APPEARANCE
COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZEN'S
ADVISORY COUNCIL:**

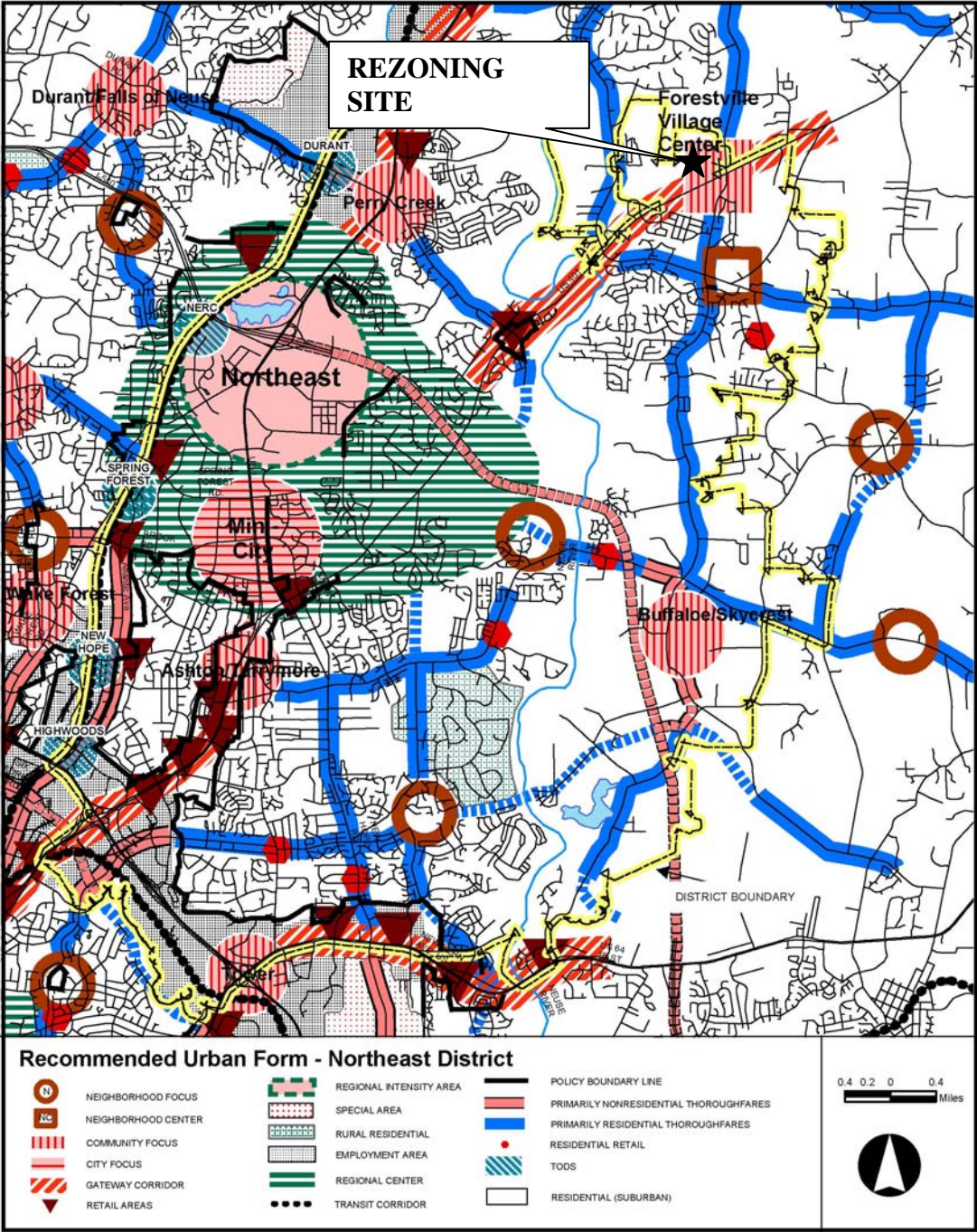
DISTRICT: Northeast
CAC CONTACT PERSON: Paul Brant, 875-1114

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

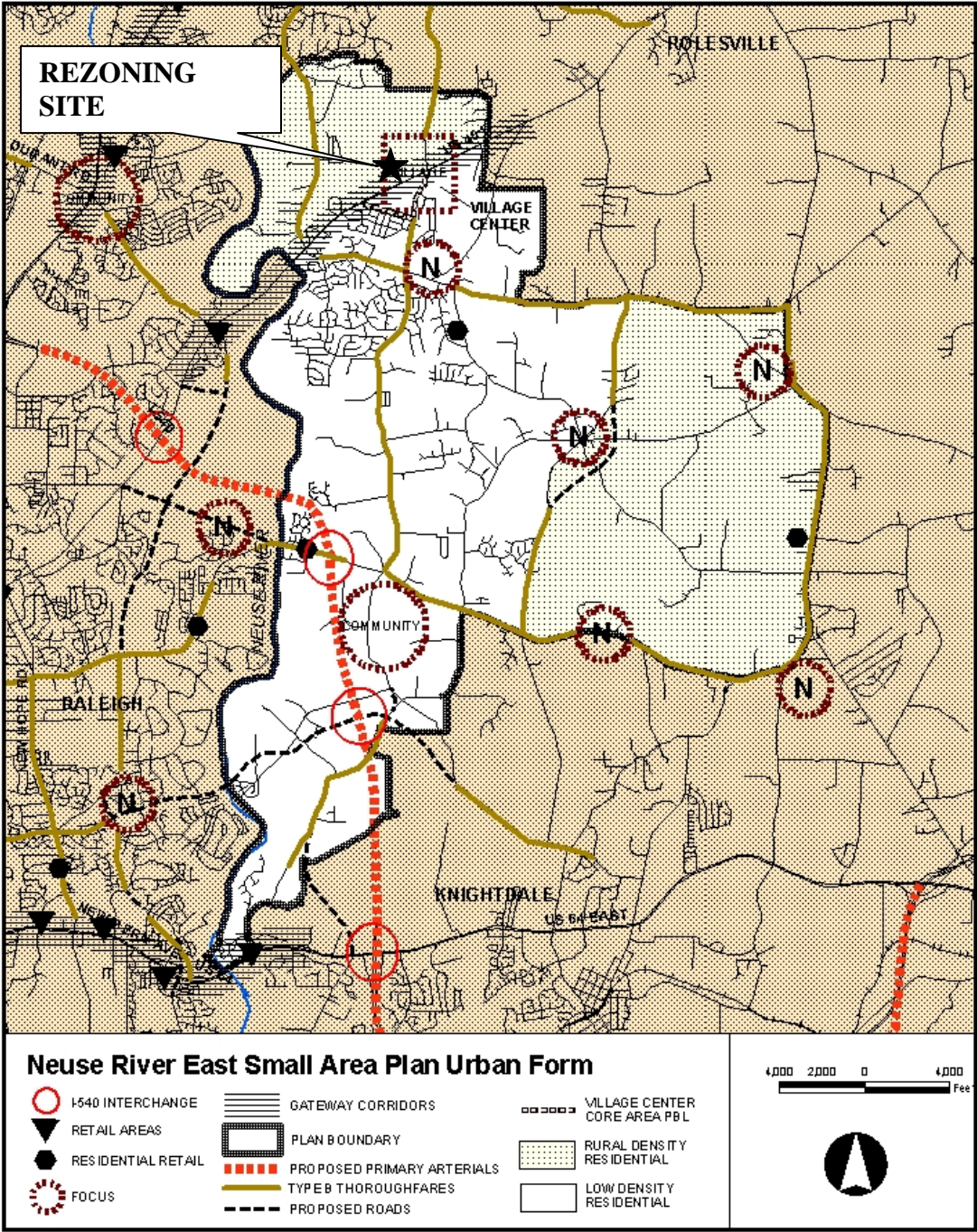
Outstanding issue:

- The request is inconsistent with the policies of the comprehensive plan in that low to medium density uses are recommended for the site.



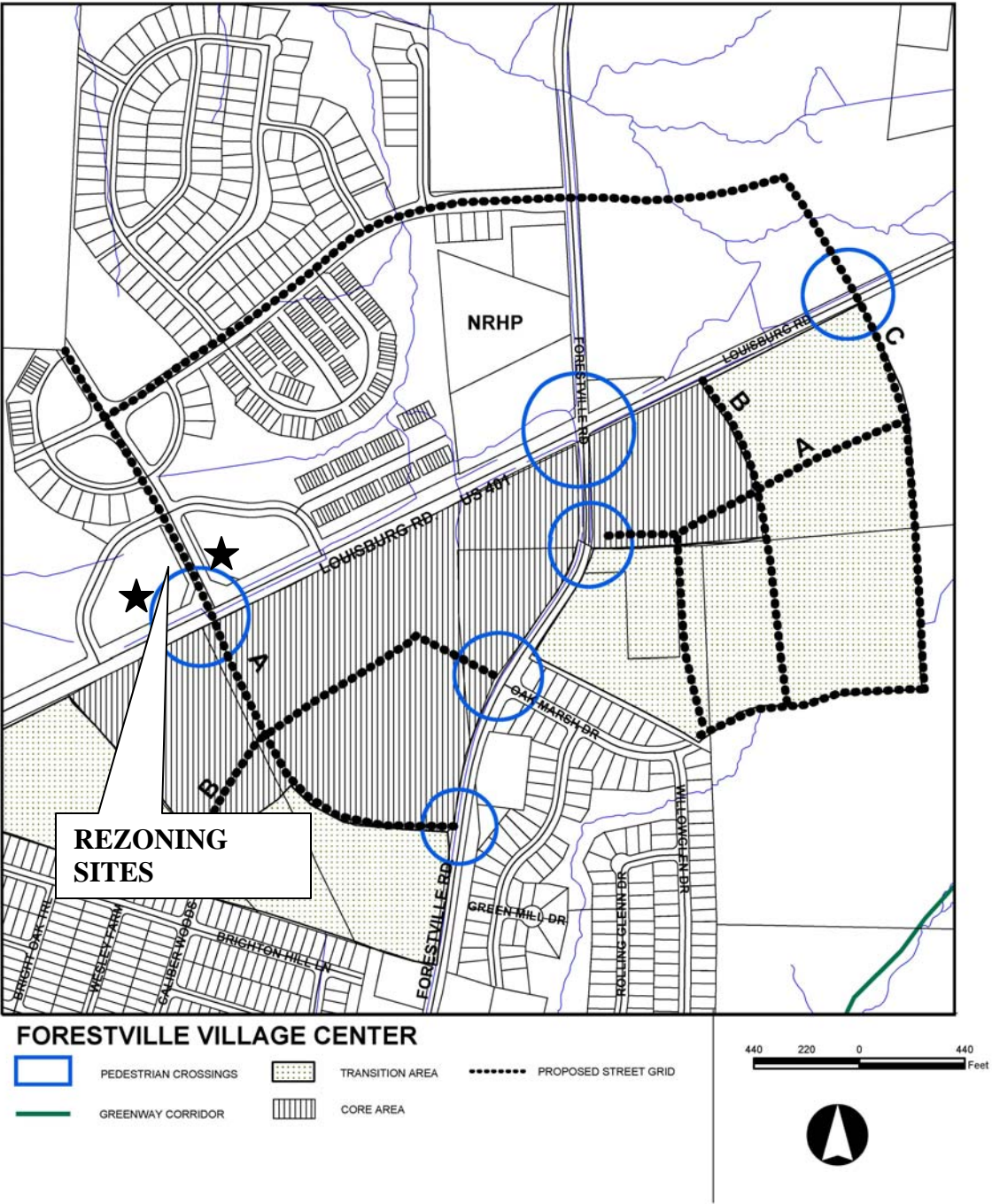
6/06 Raleigh Comprehensive Plan

Northeast District 5-4.F



5/04 Raleigh Comprehensive Plan

Neuse River East Small Area Plan 11-26.7



Wake Crossroads Small Area Plan 11-28.4

Raleigh Comprehensive Plan 2/07