



# Certified Recommendation

Raleigh Planning Commission

CR# 11396

## Case Information: Z-23-10/ Falls of Neuse Rd. & Litchford Rd.

<i>Location</i>	South quadrant of the intersection of Falls of the Neuse Road and Litchford Road
<i>Size</i>	3.96 acres
<i>Request</i>	Rezone property from Residential-4 to Office & Institution-1 Conditional Use District

## Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Office/ Research & Development
<i>Applicable Policy Statements</i>	Policy LU 4.5 - Connectivity Policy LU 5.6 - Buffering Requirements Policy AP-540F 1 - Development Character on Falls of Neuse Road Policy AP-540F 4 - Falls of Neuse Low Intensity Appearance Policy AP-540F 5 - Falls of Neuse Road Access Policy AP-540F 6 - Falls of Neuse Access Spacing

Consistent

Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Prohibit certain uses: residential uses except Congregate Care Structures, and existing residence permitted to remain; camp, coliseum/ theatre, stadium track, hotel/ motel, rifle range, fraternity house/ sorority house, kennel/ cattery, electrical substation, manufacturing, taxi stand, guest house, transitional housing, Emergency Shelters Type A &amp; B, religious shelter unit; no Congregate Care Structures within 200 feet of Falls of Neuse Road.</li> <li>2. Provide screening and enclosures for dumpsters.</li> <li>3. Provide one bicycle rack per building, max. 100' from entrance.</li> <li>4. Limit lighting type, pole height and footcandle level.</li> <li>5. Provide additional landscape buffers and screening.</li> <li>6. Offer cross-access to office properties on the east and on the west.</li> <li>7. Limit building height to 2 stories of conditioned space/ 35 feet.</li> <li>8. Prescribe dominant building materials, min/ max. fenestration, roof pitch (min. 5:12) and min. percentage of roof to be pitched (75%).</li> <li>9. Provide min. width for sidewalks connecting buildings to r/w (5 feet).</li> <li>10. Provide that any additionally-needed transition yard trees be evergreen.</li> <li>11. Offer a 15' x 20' transit easement on Litchford Road.</li> <li>12. Limit access to Litchford Road to a single driveway.</li> <li>13. Provide that street protective yards plantings on Falls of Neuse be consistent with those existing on nearby properties.</li> <li>14. Prohibit bank ATMs or drive-throughs within 200 feet of residential properties.</li> </ol>
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## Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>Addressing all elements of Development Character noted in Policy AP-540F 1, and of Low Intensity Appearance noted in Policy AP-540F 4, (including building bulk and orientation), and those conditions in effect on the adjoining O&amp;I properties not addressed by the proposal.</li> <li>Addressing site access spacing noted in Policy AP-540F 6.</li> </ol>	<i>Suggested Conditions</i>	<ol style="list-style-type: none"> <li>Provide footprint and FAR maximums; specify building orientation.</li> <li>Provide the site access spacing prescribed by Policy AP-540F 6.</li> </ol>
<i>Impacts Identified</i>	<ol style="list-style-type: none"> <li>Rezoning could result in increased traffic at the site.</li> </ol>	<i>Proposed Mitigation</i>	<ol style="list-style-type: none"> <li>A trip generation study is currently under review.</li> </ol>

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
8-12-10	10-19-10	--	10-26-10: Approval Recommended

*Valid Statutory Protest Petition*

### Attachments

- Staff report
- Existing Zoning/Location Map
- Future Land Use Map
- Wake County Planning Staff Comments

## Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is consistent in concept with the Comprehensive Plan, and recommends, based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated October 27, 2010.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>The request is consistent in concept with the Comprehensive Plan. The Future Land Use Map designates the site for Office Research and Development. While the conditioned residential uses are <i>de facto</i> inconsistent under this designation, the I-540/ Falls of Neuse Small Area Plan of the 1989 Comprehensive Plan which forms the basis for the present Area Plan listed "medium residential uses" as permitted along the subject section of the corridor; the present Area Plan should be amended to include that correction. The request further meets the intent of Plan in that congregate care and life care communities provide employment opportunities.</li> <li>The request is compatible with surrounding land uses and development patterns. The conditions provided would help</li> </ol>





# Zoning Staff Report – Case Z-23-10

## Conditional Use District

### Request

<i>Location</i>	South quadrant of the intersection of Falls of the Neuse Road and Litchford Road
<i>Request</i>	Rezone property from Residential-4 to Office & Institution-1 Conditional Use District
<i>Area of Request</i>	3.96 acres
<i>Property Owner</i>	Patricia L. Jones, Virginia R. Dean
<i>PC Recommendation Deadline</i>	February 16, 2011

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4	Office & Institution-1 CUD
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Single-family residence	(Not known)
<i>Residential Density</i>	Four units per acre (max. 15 units)	Existing dwelling permitted to remain; up to 30 congregate care units per acre, or up to 50 units per acre with PC approval (max. 198 units)

### Surrounding Area

	<i>West</i>	<i>South</i>	<i>North</i>	<i>East</i>
<i>Zoning</i>	R-40W (Wake County)	O&I-1 CUD; R-4	O&I-1 CUD; R-10 CUD	O&I-1 CUD
<i>Future Land Use</i>	N/A	Office/ Research & Development; Low Density Residential	Office/ Research & Development; Moderate Density Residential	Office/ Research & Development
<i>Current Land Use</i>	Single-family dwellings	Office center; single-family dwellings	Veterinary hospital; Multi-family dwellings	Undeveloped

## Comprehensive Plan Guidance

<i>Future Land Use</i>	Office/ Research & Development
<i>Area Plan</i>	I-540/ Falls of the Neuse
<i>Applicable Policies</i>	Policy LU 4.5 - Connectivity Policy LU 5.6 - Buffering Requirements Policy AP-540F 1 - Development Character on Falls of Neuse Road Policy AP-540F 4 - Falls of Neuse Low Intensity Appearance Policy AP-540F 5 - Falls of Neuse Road Access Policy AP-540F 6 - Falls of Neuse Access Spacing

## Contact Information

<i>Staff</i>	Doug Hill: <a href="mailto:doug.hill@raleighnc.gov">doug.hill@raleighnc.gov</a>
<i>Applicant</i>	David Brown: <a href="mailto:davidb@jdavisarchitects.com">davidb@jdavisarchitects.com</a>
<i>Citizens Advisory Council</i>	North; Anne Weathersbee: 876-1807

## Case Overview

The proposal seeks to rezone a single-family residential property to office and institution uses. The existing zoning on the property is R-4. The submitted conditions would restrict some future uses, but would permit the existing single-family residence to remain, as well as allow congregate care living structures/ life care community. The Future Land Use Map designates the property for Office/ Research and Development, which does not view residential uses as appropriate. However, the 2000 I-540/ Falls of Neuse Small Area Plan, which forms the basis for the present Area Plan, included “medium density residential” among the recommended uses for corridor frontage properties. That designation was inadvertently omitted in the crafting of the new Area Plan, and Future Land Use Map.

Currently, one access point to the property is provided respectively from Litchford Road and from Falls of Neuse Road. Cross-access is conditioned to the O&I-1 properties adjoining the subject site to the west and east.

Development character tends toward more compact building forms along Falls of Neuse when moving south to north and crossing the site; immediately adjacent office properties (Falls of Neuse Office Park to the southwest, and the veterinary clinic to the north, across Litchford Road) emulate residences in scale, bulk, and street orientation.

## Exhibit C & D Analysis

*Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.*

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

#### 1.1 Future Land Use

The Future Land Use Map designates the site for Office/ Research and Development uses. The Comprehensive Plan states that within such area, “housing is not

considered an appropriate land use.” However, the 2000 I-540/ Falls of Neuse Small Area Plan stated of the subject section of the Falls of Neuse Road corridor: “As a Residential Corridor Transition Area between the Strickland/ Falls Neighborhood Focus [Area] and the Durant/ Falls Community Focus [Area], medium density residential and low intensity office uses are recommended for properties that front the thoroughfare outside the watershed.” The phrase “medium density residential” was inadvertently omitted in the corresponding Area Plan included in the Comprehensive Plan adopted in November, 2009. In this light, the proposal should be viewed as consistent, and an amendment made to the Plan reflecting the acceptability of medium density residential uses in the pertinent area.

## **1.2 Policy Guidance**

The following policy guidance is applicable with this request:

### ***Policy LU 1.3 - Conditional Use District Consistency***

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

While the proposed conditions are inconsistent with the Future Land Use Map in its present form, they are consistent with the Small Area Plan which was its precursor.

### ***Policy LU 4.5 - Connectivity***

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

The proposal is conditioned to provide vehicular and pedestrian cross-access to the two adjacent properties on the respective thoroughfares.

### ***Policy LU 5.6 - Buffering Requirements***

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The proposal is conditioned to provide a 30-foot Type C transitional protective yard adjacent to the two adjacent residentially-zoned properties. Some uses which would be permitted in the proposed zoning district carry High Impact designation (e.g., bank drive-through with audio communication). High Impact uses, when adjacent to low density residential development, require a Type A transition yard (40 feet). The conditions provide that any additional landscaping needed under the Code would be installed, but outside the buffer and/ or critical root zones of trees in conservation areas.

## **1.3 Area Plan Guidance -- Area Plan 12: I-540/ Falls of Neuse**

### ***Policy AP-540F 1 - Development Character on Falls of Neuse Road***

Development along Falls of Neuse Road should not adversely impact adjacent residential properties due to bulk, scale, mass, fenestration or orientation of structures, stormwater runoff, noise caused by high levels of activity in service areas, or on-site lighting.

### ***Policy AP-540F 4 - Falls of Neuse Low Intensity Appearance***

Non-residential frontage lots outside of mixed-use and retail centers along Falls of Neuse Road should have a low intensity appearance accomplished through landscaping, combining lots, building design, and shared access.

The proposal incorporates several zoning conditions in effect on the adjacent three O&I-1 properties along Litchford Road (under rezoning case Z-36-06) directed at shaping development to be of residential scale and intensity. Other than providing that the existing residence could remain, though, building bulk and orientation are not addressed. Existing office buildings immediately south on Falls of Neuse Road have footprints ranging from 11,400 sf (each of the two two-story Oakstar offices), to 3,600 sf (three two-story buildings at the next door Falls of Neuse Office Park) and down to 2,400 (fourth two-story building at Falls of Neuse Office Park). The one-story veterinary clinic directly across Litchford Road on Falls of the Neuse Road measures 4,140 sf. Each of those buildings faces Falls of Neuse Road. The proposal is conditioned such that no congregate care structures would be permitted within 200 feet of the Falls of Neuse Road right of way. The setback of the existing offices to the southwest is approximately 100 feet.

The subject property is located across Falls of Neuse Road from land in Wake County's jurisdiction. Comments on the rezoning proposal by the County Planning staff are attached below.

***Policy AP-540F 5 - Falls of Neuse Road Access***

Adequate access should be provided to Falls of Neuse Road without causing undue congestion or placing excessive traffic or parking loads on adjacent local residential streets.

***Policy AP-540F 6 - Falls of Neuse Access Spacing***

Direct access points onto Falls of Neuse Road should be no closer than 400 feet apart except where existing topographic conditions require an exception to the 400 foot rule. Cross access and shared parking should be used whenever possible.

The proposal offers cross-access to the adjacent O&I properties, potentially easing site-generated traffic impacts. The distance of a future access drive from existing Falls of Neuse Road access points, however, is not addressed. The site is currently served along that thoroughfare by a single curb cut, located approximately 300 feet from the closest driveway at the adjacent Falls of Neuse Office Park complex, and 190 feet from the Litchford Road intersection.

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

The subject site is highly accessible by vehicle, and situated approximately halfway between I-540 and the emerging WakeMed medical complex, at the intersection of the Falls of Neuse and Litchford Road thoroughfares. Adjoining properties on the two roads are already zoned for office use, consistent with the Comprehensive Plan. Abutting residential properties to the south are conditioned to be buffered. The properties to the west of Falls of Neuse Road are located within the Falls Lake watershed and zoned Wake County R-40W.

**3. Public benefits of the proposed rezoning**

The petition notes that the proposed rezoning would enable redevelopment of greater compatibility with the surrounding area. Staff concurs, as office uses would be permitted. Dwelling units of medium density (6-14 units per acre) are supported by the original Small Area Plan.

#### 4. Detriments of the proposed rezoning

While several potential impacts to development character in the I-540/ Falls Area Plan are addressed, others, which are addressed by conditions on the adjacent O&I properties, are not. The latter, under rezoning case Z-36-06, include setbacks for dumpsters and parking areas from the right-of-way, and for day care/ private school facilities from adjacent residential properties, and limits on the size and type of signage; additionally, they limit maximum floor area ratio to 25%, limit parking locations, and require building entrances facing Litchford Road. Rezoning case Z-46-04, pertaining to the three O&I-1 properties to the south, limits floor area ratio to a 29% maximum for offices. Such conditions provide added mitigation of potential impacts on the adjoining residential properties; adoption on the subject site also would enable greater continuity of development character along the Falls of Neuse Road corridor.

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

##### 5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>Current Volume (ADT)</u>	<u>2035 Future Volume (ADT)</u>		
Falls of Neuse Road	Secondary Arterial	43,000	46,645		
Litchford Road	Major Thoroughfare	11,000	21,221		
<b>Street Conditions</b>					
Falls of Neuse Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	Back-to-back curb and gutter section	90'	5' sidewalk on the east side of the street	None
City Standard	6	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	4' striped bicycle lanes on both sides
<b>Meets City Standard?</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Litchford Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	3	North side of street only	95'	None	None
City Standard	4	Back-to-back curb and gutter section	90'	Minimum 5' sidewalks on one side	4' striped bicycle lanes on both sides
<b>Meets City Standard?</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>

<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>	
AM PEAK	11	96	85	
PM PEAK	15	127	112	
<b>Additional Information</b>	Neither NCDOT nor the City of Raleigh have any projects scheduled in the vicinity of this case.			

**Suggested Conditions/ Impact Mitigation:** A trip generation report has been submitted for this case, and is currently under review.

### 5.2 Transit

Transit easements are already conditioned on both properties respectively adjacent to the subject site along Litchford and Falls of Neuse roads.

**Impact Identified:** None anticipated; conditioned easements on adjacent properties should also accommodate possible transit demand from the subject site.

### 5.3 Hydrology

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

**Impact Identified:** A riparian buffer may be needed along the stream course near the site's southwest property line (question to be addressed at site planning).

### 5.4 Public Utilities

	<b>Maximum Demand (current)</b>	<b>Maximum Demand (proposed)</b>
<i>Water</i>	7,920 gpd	12,870 gpd
<i>Waste Water</i>	7,920 gpd	12,870 gpd

The proposed rezoning will add approximately 4,950 gpd to the wastewater collection and water distribution systems of the City. There are existing twelve (12") inch water mains in Falls of Neuse and Litchford Roads rights-of-way and an existing eight (8") inch sanitary sewer in the southern portion of the property.

**Impact Identified:** The City's public utilities infrastructure is expected to accommodate development potentially resulting from the proposal.

### 5.5 Parks and Recreation

The subject tract is not adjacent to any greenway corridors. Park services are provided by Durant Nature Park and Falls of Neuse Community park site.

**Impact Identified:** No impacts on the City's park services are expected from this proposal.

### 5.6 Urban Forestry

This property is larger than two acres and is currently subject to tree protection buffer protection laws—code sections 10-2002 and 10-2072. When this property is

developed via a new site plan or new subdivision, establishment of tree conservation areas will be required in accordance with code section 10-2082.14. The proposed Type C buffer, described in condition (2) e., cannot be counted as tree conservation area unless: 1) the area remains undisturbed which will exclude new tree or shrub plantings, and, 2) the area meets the minimum tree density requirement of basal area 30 or more, which must be verified as required by code section 10-2082.14.

**Impact Identified:** Impacts will be identified at the site plan stage.

#### **5.7 Wake County Public Schools**

Under the existing zoning, a maximum of 15 dwelling units could be constructed on the site. The proposed zoning would permit housing for older adults, but no additional housing involving school-age children is proposed.

**Impact Identified:** The requested rezoning, as conditioned, would not increase the school-age population on the site beyond that currently possible.

#### **5.8 Designated Historic Resources**

This site includes no designated historic resources, and none are located within 100 feet of the site.

**Impact Identified:** No impacts to the City's historic resources are expected from this proposal.

#### **5.9 Impacts Summary**

Rezoning could result in increased traffic at the site.

#### **5.10 Mitigation of Impacts**

A trip generation study is recommended.

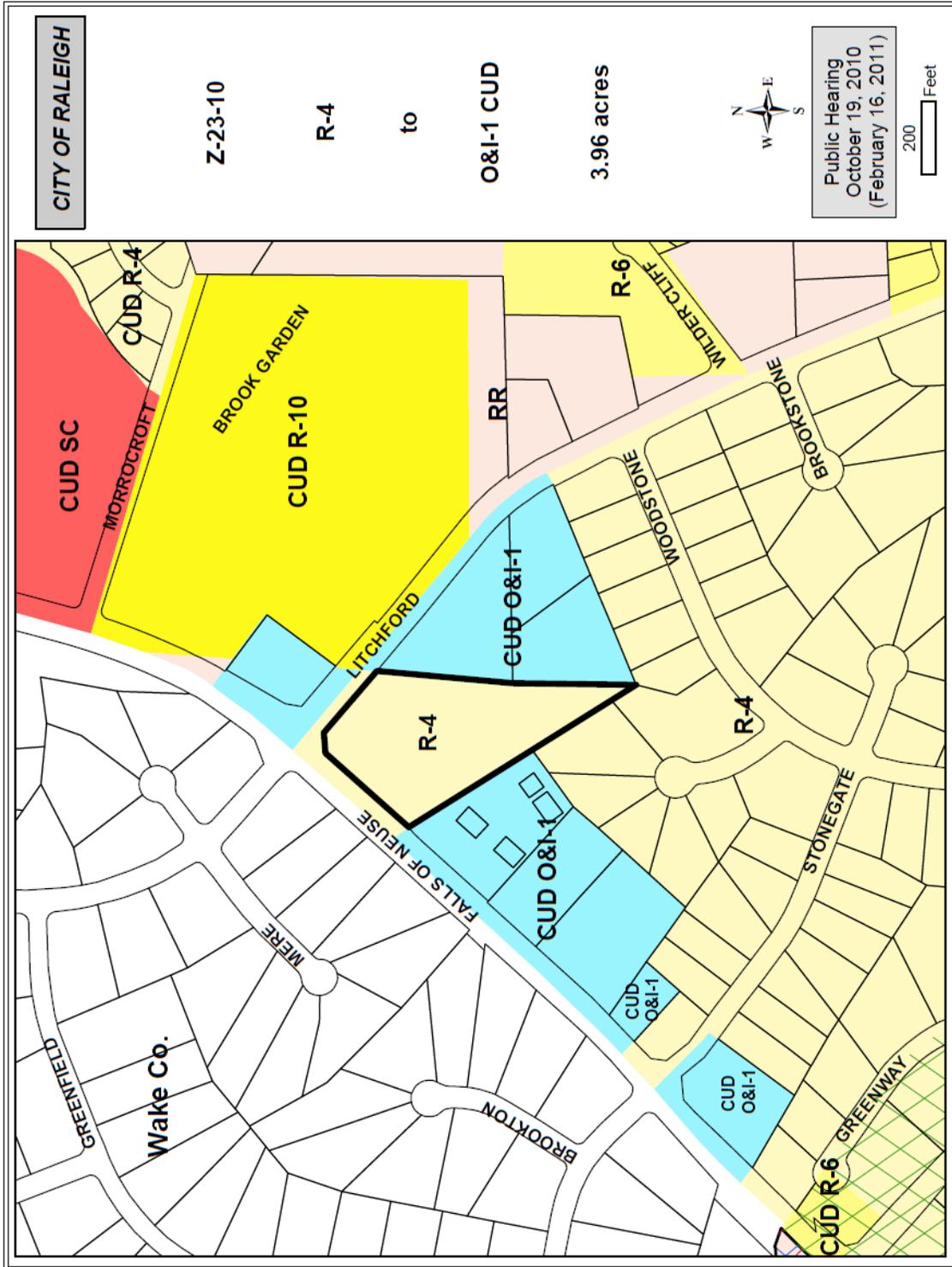
### **6. Appearance Commission**

This proposal is not subject to review by the Appearance Commission.

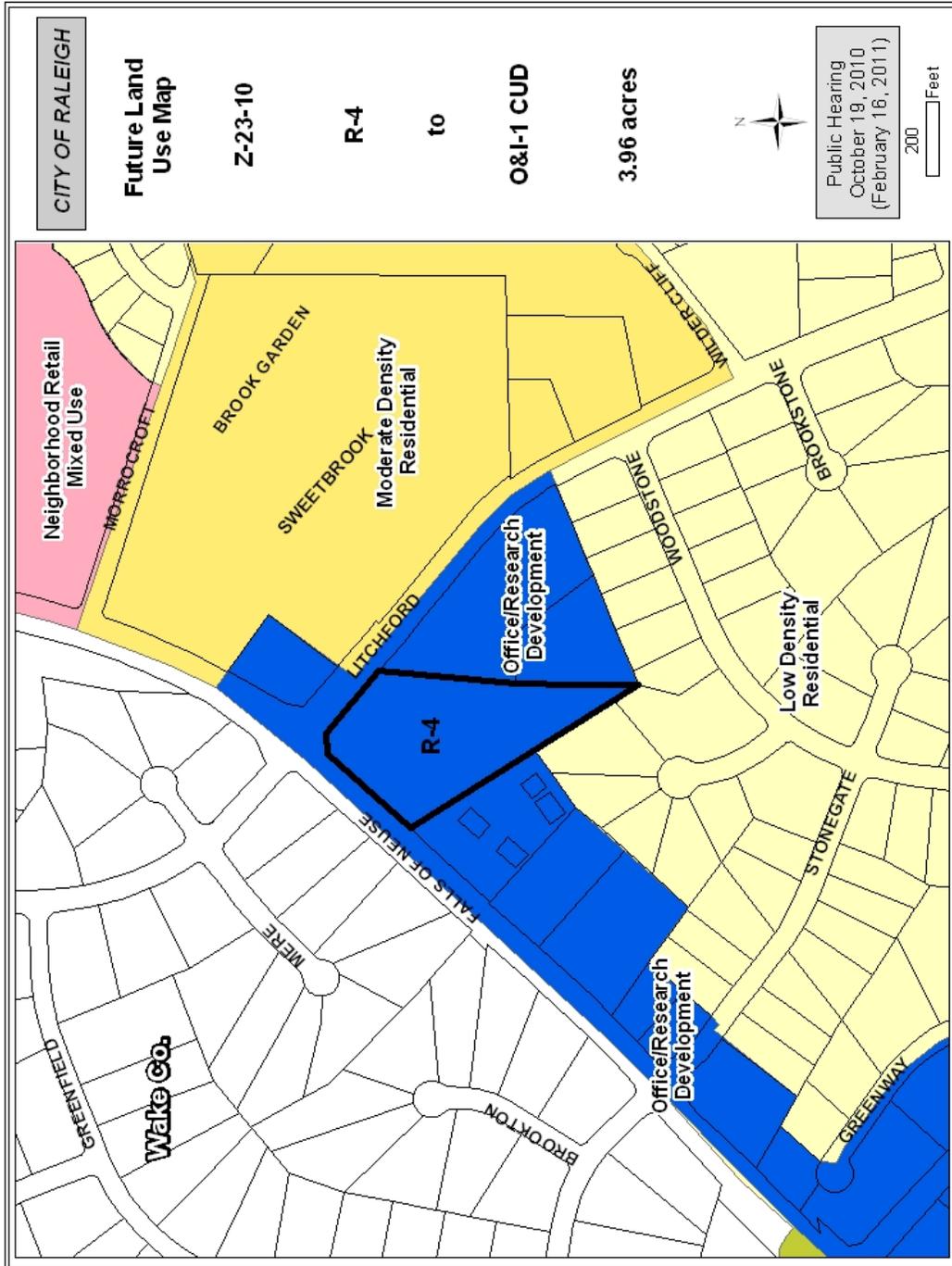
### **7. Conclusions**

For consistency with the development character of the adjoining section of Falls of Neuse Road, the maximum bulk (footprint & FAR) of any site buildings should not exceed that of the office buildings immediately south and north of the site along Falls of Neuse Road, and future site buildings should be oriented to the closest street. Conditions in effect on the adjoining O&I properties but not part of the proposal should be addressed by the proposal. Site access spacing prescribed by Policy AP-540F 6 should also be addressed. A trip generation study is currently under review.

# Existing Zoning/ Location Map



# Future Land Use Map



## Wake County Planning Staff Comments

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I have coordinated this response with Larry Morgan in Long-Range Planning and here are our comments:

Raleigh's Land Use Plan, which designates this area as Office/Research and Development, provides for office buildings, banks, and research and development uses. These types of uses would be less intense than commercial uses (Raleigh allows commercial uses within areas that are designated as Community Retail Mixed-use).

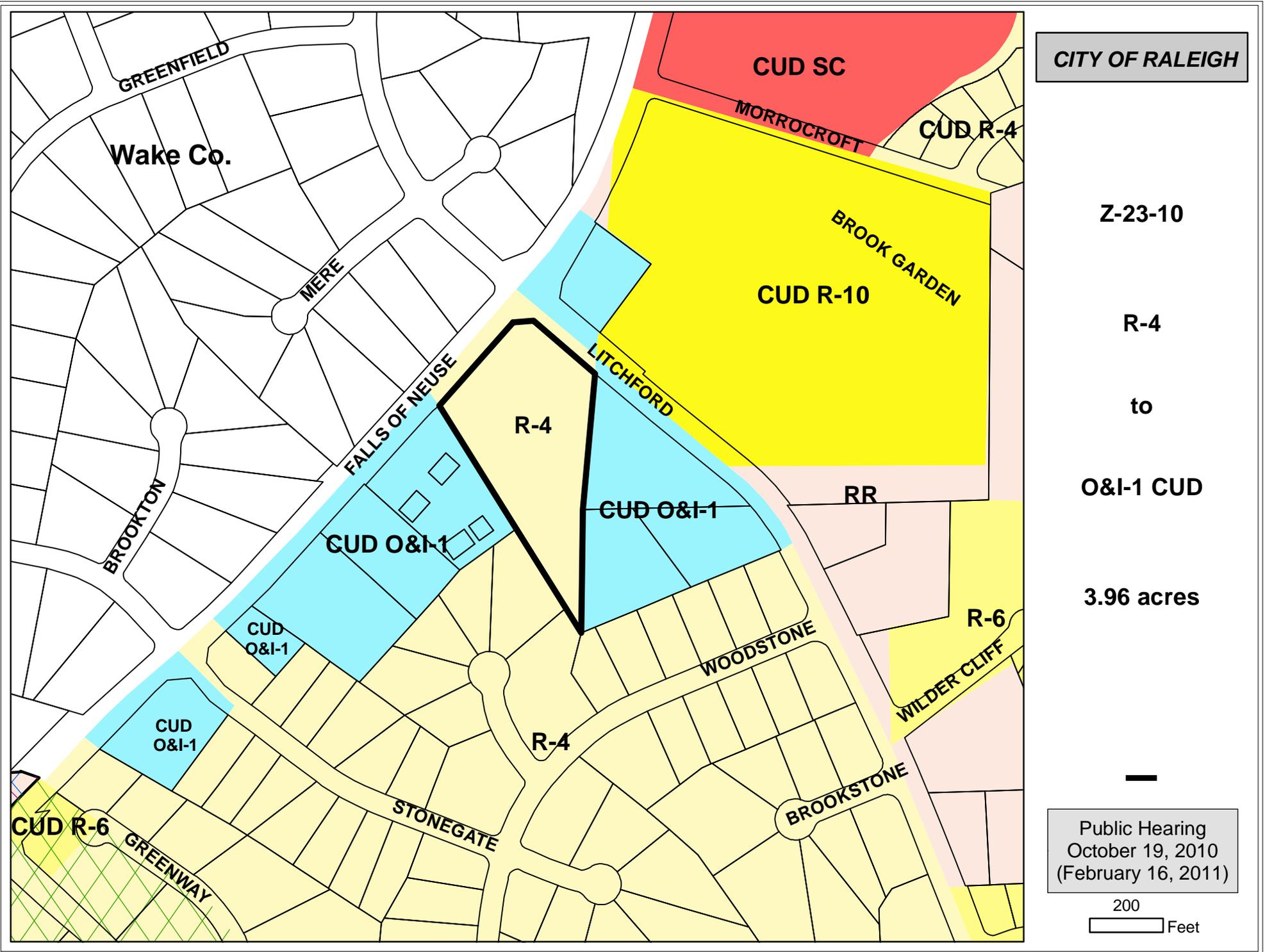
The subject site is located on a major thoroughfare, which separates this area from the low-density residential area within the Falls Lake WSW drainage basin. The O&I uses would appear to be compatible with the pattern of development that is occurring along the east side of this corridor. O&I uses appear to be appropriate because the uses would function as a transition between the development along this thoroughfare and the adjacent residential. The site lies outside of the Falls Lake WSW (no adverse impact on area - no opposition to proposal).

The conditions included in the petition appear to be intended to restrict development in order to protect the existing residential lots behind this property and across Falls of Neuse Road in the county's jurisdiction from potential adverse impacts. Given these conditions and the existing land use pattern on the eastern side of the road, Wake County would have no objection to the proposed rezoning since the allowable uses would be comparable or less intensive than the existing uses.

Since the petitioner exempted some specific residential uses from the prohibited uses list, it would seem logical that those uses are the ones that they are most interested in pursuing. One possible concern would be that the requested rezoning would allow for those residential uses in an area that Raleigh's plan intends to be used for more mainline office and institutional uses. The existing uses on the adjacent properties appear to be office and/or commercial. An assisted living facility (or similar use) may not fit into the area as well as another office or commercial use -- especially on a corner lot.

Please let me know if there are any questions or comments. Thanks for allowing us the opportunity to comment on this request.

Keith A. Lankford, AICP, CZO  
Planner III  
Wake County Planning, Development and Inspections



**CITY OF RALEIGH**

**Z-23-10**

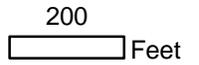
**R-4**

to

**O&I-1 CUD**

**3.96 acres**

Public Hearing  
 October 19, 2010  
 (February 16, 2011)





# 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:

- 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)

Patricia Jones  
Virginia Dean

Date:

6/17/10  
6/17/10

Please type or print name(s) clearly:

PATRICIA JONES  
Virginia Dean

6/17/10  
6/17/10

# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>Z-23-16</u>
Date Filed:	<u>4.18.10</u>
Filing Fee:	<u>pt 1628.00 by C/H 17275</u>

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

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>JONES, PATRICIA L</u>	<u>9117 Litchford Road</u>	_____
	<u>DEAN, VIRGINIA R</u>	<u>Raleigh, NC 27615</u>	_____
_____			
_____			
<b>2) Property                      Owner(s):</b>	<u>JONES, PATRICIA L</u>	<u>9117 Litchford Road</u>	_____
	<u>DEAN, VIRGINIA R</u>	<u>Raleigh, NC 27615</u>	_____
_____			
_____			
<b>3) Contact Person(s):</b>	<u>David Brown (JDavis</u>	<u>510 Glenwood Ave</u>	<u>919-835-1500/Ext: 245</u>
	<u>Architects, PLLC)</u>	<u>Raleigh, NC 27603</u>	<u>davidb@jdavisarchitects</u>
_____		_____	<u>.com</u>
_____		_____	_____

**4) Property Description:** Wake County Property Identification Number(s) (PIN): \_\_\_\_\_

Please provide surveys if proposed zoning boundary lines do not follow property lines. 1718733580 (9117 LITCHFORD RD)

General Street Location (nearest street intersections): SE quadrant of the intersection of Litchford Road and Falls of Neuse Road \_\_\_\_\_

**5) Area of Subject Property (acres):** 3.96 acres

**6) Current Zoning District(s):** R-4

**Classification:** \_\_\_\_\_  
 Include Overlay District(s), if Applicable

**7) Proposed Zoning District:** Office & Institutional -1, Conditional Use Development (O&I-1, CUD)

**Classification:** \_\_\_\_\_  
 Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

Office Use Only Petition No. <u>2-23-10</u>
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**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>MASSEY, KENNETH &amp; SHERRY</u>	<u>9504 N MERE CT</u>	<u>RALEIGH NC 27615-2332</u>	<u>1718744118</u>
<u>RUEHL, CALVIN A JR &amp; DAWN L</u>	<u>9200 LITCHFORD RD</u>	<u>RALEIGH NC 27615-2334</u>	<u>1718743014</u>
<u>CURTIS, CLIFFORD &amp; ROSA DREW-CURTIS</u>	<u>8900 CREEKSTONE CT</u>	<u>RALEIGH NC 27615-2403</u>	<u>1718724726</u>
<u>BELL, MEGAN RENEE BELL, KEVIN SCOTT</u>	<u>8909 WOODSTONE DR</u>	<u>RALEIGH NC 27615-2432</u>	<u>1718726876</u>
<u>HOWELL, MARGUERITE B HOWELL, JUDY H</u>	<u>8905 WOODSTONE DR</u>	<u>RALEIGH NC 27615-2432</u>	<u>1718725779</u>
<u>PALIGA, ROBERT S PALIGA, GAILYA G</u>	<u>8904 CREEKSTONE CT</u>	<u>RALEIGH NC 27615-2403</u>	<u>1718733071</u>
<u>SMITH, CHARLES F &amp; NANCY W</u>	<u>8908 CREEKSTONE CT</u>	<u>RALEIGH NC 27615-2403</u>	<u>1718722939</u>
<u>SDD INVESTMENTS LLC SCOTT D DAWSON JR</u>	<u>PO BOX 98747</u>	<u>RALEIGH NC 27624-8747</u>	<u>1718736049</u>
<u>SDD INVESTMENTS LLC SCOTT D DAWSON JR</u>	<u>PO BOX 98747</u>	<u>RALEIGH NC 27624-8747</u>	<u>1718736388</u>
<u>JONES, PATRICIA L DEAN, VIRGINIA R</u>	<u>9117 LITCHFORD RD</u>	<u>RALEIGH NC 27615-2427</u>	<u>1718733580</u>
<u>BURKE, GEORGE E JR &amp; JENNIE W</u>	<u>9412 S MERE CT</u>	<u>RALEIGH NC 27615-2319</u>	<u>1718730851</u>
<u>WAGONER, LUTHER V &amp; KAREN E</u>	<u>9408 S MERE CT</u>	<u>RALEIGH NC 27615-2319</u>	<u>1718639754</u>
<u>PARKER, JANE B</u>	<u>9404 S MERE CT</u>	<u>RALEIGH NC 27615-2319</u>	<u>1718639610</u>
<u>NELSEN, MICHAEL D &amp; MARY J</u>	<u>9416 S MERE CT</u>	<u>RALEIGH NC 27615-2319</u>	<u>1718731869</u>
<u>FALLS OF NEUSE OFFICE PARK CONDOS M HOMES BY EDD K. ROBERTS</u>	<u>8303 SIX FORKS RD STE 101</u>	<u>RALEIGH NC 27615-3094</u>	<u>1718732105</u>

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# EXHIBIT C. Request for Zoning Change, Z-23-10

Office Use Only	Z-23-10
Petition No.	
Original Date Filed:	4/18/10
Amended Date:	10/27/10

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

PG. 1 OF 3

1) **Conditional Use Zone Requested:** Office and Institution One, Conditional Use Development (O&I-1-CUD)

2) **Narrative of conditions being requested for Z-23-10 (City Council Revision: 10.27.2010)**

- a. The following uses shall be prohibited:
1. Residential Uses, except for Congregate Care Living Structure, Congregate Care Structure, Life Care Community, and the existing single family home shall be permitted. (Refer to Conditions "f" and "r" related to these uses).
  2. Camp
  3. Coliseum/Theatre
  4. Stadium Track
  5. Hotel/Motel
  6. Fraternity House/Sorority House
  7. Kennel/Cattery
  8. Electrical Sub-Station
  9. Manufacturing
  10. Taxi Stand
  11. Guest House
  12. Rifle Range
  13. Transitional Housing
    - Emergency Shelter A
    - Emergency Shelter B
    - Religious Shelter
- b. Trash receptacles/dumpsters shall be enclosed in a masonry structure, with the siding material to be compatible with the building material(s) used on the principal building(s); opaque doors shall screen the opening. The dumpster enclosure shall be screened from view of off-site neighbors with evergreen shrubs that shall be no less than four foot (4') height, and no greater than four foot (4') on-center spacing at time of installation.
- c. A bicycle rack containing at least four (4) spaces shall be provided for every building(s) on the subject property, and the rack(s) shall be located no less than one-hundred feet (100') from a building entrance. Bicycle parking shall be provided at a rate of no less than provide one (1) bicycle parking space for every twenty (20) vehicular parking spaces (5% of vehicular parking).
- d. All outdoor pole-mounted lighting fixtures shall be cut-off design and the light source directed away from residential properties. Light Level at the perimeter property line adjacent to a residential use property shall be no more than four-tenths (4/10's) of a foot candle.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions for Case #Z-23-10 (City Council Revision: 2010-10-27).

Signature: Virginia R. Dean

Date: 10/27/10

Printed Name: Virginia Dean

Signature: Patricia Jones

Date: 10/27/10

Printed Name: Patricia Jones

- e. An undisturbed landscape buffer, COR Type "C", thirty foot (30') minimum width, shall be provided adjacent to the following properties so long as they are utilized as single family residential uses:  
 8904 CREEKSTONE COURT; Wake PIN: 1718-72-4726; DB09097,Page0103  
 8900 CREEKSTONE COURT; Wake PIN: 1718-73-3071; DB07207,Page0034  
 If additional plantings are required to meet the landscape ordinance, and the buffer is to be counted toward tree conservation, those plantings shall be installed either outside of the minimum buffer, or in areas where they do not encroach critical root zone of trees contributing to tree conservation. The buffer shall not be provided where crossings are needed to gain access to sanitary sewer, storm drain and other utility easements.
- f. The use of the existing single family home shall be permitted until redevelopment or subdivision of the rezoned property. No additional single family dwellings shall be located on the subject property.
- g. Upon redevelopment or subdivision of the rezoned property, an offer of vehicular and pedestrian cross-access shall be made to the following parcels:
  - 1. 9380 Falls of Neuse Road (Wake PIN: 1718-73-1350; Deed Book12611;Page0688)
  - 2. 9201 Litchford Road (Wake PIN: 1718-73-6388; Deed Book12081;Page2041)
- h. Future buildings shall be limited to no more than two (2) floors of conditioned space. Maximum building height shall not exceed thirty-five (35'). Parking located under the building shall not be counted toward the limit specified for number of floors.
- i. Site lighting for parking areas shall not exceed sixteen feet (16') feet in height, unless located in a Natural Protective Yard, where height of lighting fixtures shall not exceed twelve feet (12') in height.
- j. Guidelines for the building design shall include the following:
  - 1. The dominant (60% of building siding material exclusive of doors and windows) building materials shall be masonry (brick, pre-cast concrete, stone, and stucco, or similar).
  - 2. Building elevation fenestration (doors, windows) shall be no less than 15% and no more than 50% in area for all building elevations.
  - 3. A minimum of 75% of a given building footprint shall be covered by a pitched roof; and the minimum roof pitch shall be no less than 5:12.
- k. If vehicle surface area is located within fifty feet (50') of the parcels identified as
  - 1. 8904 CREEKSTONE COURT; Wake PIN: 1718-72-4726; DB09097,Page0103
  - 2. 8900 CREEKSTONE COURT; Wake PIN: 1718-73-3071; DB07207,Page0034
 an evergreen hedge shall be provided between the vehicle surface area and the perimeter property line so as to provide buffering and screening to the adjacent property. The plantings shall be installed per the following standard: Install one (1) Evergreen Shrub at 4' on center (O.C.); plant shall be three feet (3') in height at time of installation; plantings shall meet all requirements of the City of Raleigh Landscape Ordinance. If the shrubs are located within a Transitional Protective Yard (TPY), they may be credited toward the requirement of the TPY, if in accord with City of Raleigh Code requirements.
- l. All sidewalks connecting a building(s) to the public right-of-way shall be five foot (5') width minimum.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions for Case #Z-23-10 (City Council Revision: 2010-10-27).

Signature: Virginia Dean

Date: 10/27/10

Printed Name: Virginia Dean

Signature: Patricia Jones

Date: 10/27/10

Printed Name: Patricia Jones

- m. If additional trees are required in Transitional Protective Yards to supplement existing vegetation, the trees shall be an evergreen species to the extent allowed by the provisions of the City of Raleigh Landscape Ordinance.
- n. Prior to any redevelopment or lot recordation, the site shall make available a twenty foot (20'), where adjoining right of way, by fifteen foot (15') transit easement along Litchford Road. Prior to any development or lot recordation, the City Attorney shall review and approve the easement document, and the Transit Manager shall review and approve the location.
- o. No more than one (1) driveway shall be permitted onto Litchford Road. If the property is developed in conjunction with other adjoining parcels, the driveway location may be adjusted in context with the overall project. If the property is developed as multiple lots, cross access among all lots shall be provided to all lots.
- p. Subject to the requirements of the Raleigh city code, the Street Protective Yard plantings shall utilize trees specified in Suggested Trees for the City of Raleigh, a list prepared by the City of Raleigh Urban Forester. The street yard shall have a minimum of three (3) separate tree species, and at least one of the three (3) selections shall be an evergreen tree. Street Protective Yard plantings along Falls of Neuse Road shall not be composed of a single species, and shall be planted using informal groups or clusters.
- q. Bank ATM and/or drive-thru window shall not be located within two hundred feet (200') of the of the parcels identified as:
  - 1. 8904 CREEKSTONE COURT; Wake PIN: 1718-72-4726; DB09097, Page 0103
  - 2. 8900 CREEKSTONE COURT; Wake PIN: 1718-73-3071; DB07207, Page 0034
 This restriction shall not include the principal building, sidewalk, driveway, parking area, or other supporting features.
- r. Building(s) containing Congregate Care Living Structure, Congregate Care Structure, or Life Care Community shall be located at least two hundred feet (200') from the right of way line for Falls of Neuse Road.
- s. Prior to submittal of any site plan request that includes a drive-thru window, the developer shall conduct a traffic scoping meeting with City of Raleigh Transportation Services Division. A Traffic Impact Analysis shall accompany the request for any site plan that includes a drive-thru window.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions for Case #Z-23-10 (City Council Revision: 2010-10-27).

Signature: Virginia Dean

Date: 10/27/10

Printed Name: Virginia Dean

Patricia Jones  
PATRICIA JONES

Office Use Only	
Petition No.	7-23-10
Date Filed:	

# EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

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

This section is reserved for the applicant to state factual information in support of the rezoning request.

**Required items of discussion:**

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

**Recommended items of discussion (where applicable):**

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

**PETITIONER'S STATEMENT:**

**I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](http://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 recommended land use shown on the Future Land Use Map (FLUM) is "Office/Research & Development". The proposed zoning is consistent with the FLUM as the O&I-1,CUD zoning would allow office and institutional uses of the property. The adjoining parcels that front both Litchford and Falls of Neuse Roads are also zoned O&I-1 CUD.

**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 subject property is within the I-540/Falls Of Neuse Area Plan. The proposed conditions address compatibility with residential uses adjoining the rear property line or other area of specific policy recommendations. The offers of cross access address transportation concerns, and additional single family dwellings are prohibited.

- 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 is consistent with the current recommended land use ("Office/Research & Development"), and is consistent with the I-540/Falls of Neuse Area Plan.

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 surrounding land use on the parcels fronting Falls of Neuse Road is office; to the west across Falls of Neuse are single family homes that back up to the thoroughfare; to the south are single family homes; the property adjoining the subject parcel on Litchford is vacant, and zoned O&I-1, CUD.

The proposed O&I-1, CUD zoning, will allow for an appropriate infill development that will accommodate a transition from the high intensity thoroughfares to the single family homes adjoining the back of the property. The current land use (single family residential) is not consistent with the Future Land Use Map or the I-540/Falls of Neuse Area Plan. The close proximity of this property to I-540 and having direct access to Falls of Neuse and Litchford Roads is an important consideration when evaluating the proposed rezoning request.

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

The subject property is strategically located on an arterial corridor that is transitioning to uses associated with the FLUM's "Office/Research & Development" designation. There are numerous examples of recently completed offices, and institutional uses along the corridor.

- 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 adjacent uses as it allows for appropriate office/service/institutional development, creating a transition from the high intensity traffic associated with Falls of Neuse/Litchford corridors and the residential uses to the south of the subject property.

**III. Benefits and detriments of the proposed map amendment.**

**A. For the landowner(s):**

The current single family residential use is not compatible with the adjoining zoning on Falls of Neuse and Litchford Roads, and the property has become isolated from other homes, and no longer seems part of a neighborhood. The location at the intersection of a secondary arterial and a minor thoroughfare indicates there is a better use for this property.

**B. For the immediate neighbors:**

The proposed rezoning provides an opportunity for more appropriate and compatible use of the property, and will provide cross access to adjoining properties where appropriate.

**C. For the surrounding community:**

The proposed rezoning creates an opportunity for redevelopment of the property that better matches the needs of the community, and addresses long-term goals of the 2030 Comprehensive Plan – such as removing single family homes that access thoroughfares, and providing office/ service/institutional uses in tandem with transit corridors.

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

Much of the adjoining property is already zoned as O&I-1, CUD, and it is our opinion that the proposed rezoning does not offer a significant benefit to this property. Conditions along the two thoroughfares have changed dramatically since this property was initially zoned.

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

As this property will provide transition from a high intensity commercial corridor to less intense uses, it is appropriate to assign a zoning category that reflects current conditions and the recent changes to adjoining properties.

**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.**

With the adoption of the 2030 Plan, Raleigh established goals for sustainable growth and to re-invest in areas served by transit. Those factors combined with recent development along the Falls of Neuse corridor indicate that the existing zoning is no longer the best classification for this property.

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

There is need for property along transit corridors and also adjacent to residential areas be made available for other land uses typically found in the O&I-1 district.

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

Due to the small size of the subject property, we do not see any negative impacts to City services, infrastructure or adjoining properties caused by the proposed rezoning.

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

The proposed zoning for the subject property advances and supports the goals of the Comprehensive Plan as it will allow for the development of this property in a more sustainable manner, while still protecting the interests of the public and the concerns of the immediate neighbors. The key component is that the revised zoning will provide opportunity for land uses that support adjoin properties and nearby neighbors.

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

The proposed rezoning will provide an opportunity to add needed services in this area of Raleigh while utilizing already existing infrastructure. Future redevelopment of the subject property will likely substantially increase the City's tax revenue from this property with little or no expense born by the public.