

CITY OF RALEIGH

**Z-24-08
MP-1-08**

**TD CUD
w/Planned
Development
Overlay District**

to

**TD CUD
w/Planned
Development
Overlay District
(Amended)**

3.77 acres

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

240

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:

Please type or print name(s) clearly:

Brier Creek Associates Limited Partnership

By: Lacy H. Reaves
Lacy H. Reaves, Attorney

December 21, 2007

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No.
Date Filed:
Filing Fee:

Z-24-08

12/24/07

pd \$500 by ck # 2384

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

See instructions, page 6

1) Petitioner(s):
Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

Name(s)

Address

Telephone / E-Mail

Brier Creek Associates
Limited Partnership

3800 Arco Corporate Dr
Suite 200
Charlotte, NC 28273-3410

(704) 295-4005

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

Same as Above

3) Contact Person(s):

Lacy H. Reaves & Jason
L. Barron, Kennedy
Covington Lobdell &
Hickman, L.L.P.

Post Office Box 17047
Raleigh, NC 27619-7047

(919) 743-7304 (Voice)
(919) 516-2004 (Fax)
<lreaves@kennedycovin
gton.com>

Joseph S. Dye

8010 Arco Corporate
Pkwy., Suite 114
Raleigh, NC 27617-2015

(919) 821-2700
jdye@aacusa.com

**4) Property
Description:**

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

Wake County Property Identification Number(s) (PIN):

0758-92-5523

General Street Location (nearest street intersections):

Northwest quadrant of the intersection of Bruckhaus and Alm Streets

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

3.77 acres

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

Classification:

Include Overlay District(s), if
Applicable

Thoroughfare Conditional Use District with Planned Development Conditional Use

Overlay District

**7) Proposed Zoning
District**

Classification:

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

Thoroughfare Conditional Use District with Planned Development Conditional Use
Overlay District

Office Use Only
Petition No. 2-24-08

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.

Street Address(es):

City/State/Zip:

Wake Co. PIN #'s:

See attached Exhibit B-1

Exhibit B-1**Adjacent Property Owners****PIN 0758-92-5523**

<u>Name(s):</u>	<u>Street Address(es):</u>	<u>City/State/Zip:</u>	<u>Wake Co. PIN #'s:</u>
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-9595
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-0514
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-0542
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-0561
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-1418
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-1436
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-1465
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-1483
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-2430
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-2359
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-2377
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-3305

<u>Name(s):</u>	<u>Street Address(es):</u>	<u>City/State/Zip:</u>	<u>Wake Co. PIN #'s:</u>
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-3342
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-3361
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-3299
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-4218
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-4236
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-4265
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-82-9202
Westfield Homes of the Carolina LLC	4112 Pleasant Valley Road Suite 214	Raleigh, NC 27612-2634	0758-92-4183
CS 102 Brier Creek Ltd. Ptnrp.	4325 Lake Boone Trial Suite 220	Raleigh, NC 27607-7510	0758-91-9693
Toll At Brier Creek Limited Partnership	250 Gibraltar Road	Horsham, PA 19044-2323	0768-02-4323
Interface Brier Creek LLC Kenneth Goodman	Kenneth Goodman 2600 N. Military Trail Suite 290	Boco Raton, FL 33431-6384	0758-92-7758
Brier Creek Village Center Tract A	3799 Arco Corporate Dr. Suite 350	Charlotte, NC 28273-7007	0758-92-6618
Brier Creek Medical Ptnr. LLC Lauth Property Group	Lauth Property Group 401 Pennsylvania Parkway	Indianapolis, IN 46280-1385	0758-93-2068

Z-24-08

<u>Name(s):</u>	<u>Street Address(es):</u>	<u>City/State/Zip:</u>	<u>Wake Co. PIN #'s:</u>
Brier Creek FC LLC ATTN: David M. Flaherty	ATTN: David M. Flaherty 8900 Keystone Crossing Suite 1200	Indianapolis, IN 46240-2136	0758-92-1738

EXHIBIT C. Request for Zoning Change

Office Use Only
Petition No. <u>Z-24-08</u>
Original Date Filed: <u>12/21/07</u>
Amended Date: _____

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

1) Conditional Use Zone Requested: Thoroughfare Conditional Use District with Planned Development Conditional Use Overlay District

2) Narrative of conditions being requested:

For purposes of the following condition and Exhibit D hereafter, tax parcel PIN 0758-92-5523 shall be referred to as the "Property."

(1) Development of the Property shall be in accordance with the Master Plan approved in connection with this petition.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 7 through 9 of the Zoning Application Instructions.

Signature(s)

Date:

**BRIER CREEK ASSOCIATES LIMITED PARTNERSHIP,
a Delaware limited partnership**

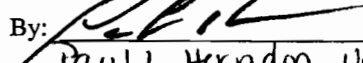
Note: if additional
space is necessary,
attach extra page(s) of
Exhibit C signed and
dated by all property
owners

By: RTP Assemblage Associates, LLC, General Partner

By: AAC Triton Limited Partnership, Member

By: AAC Triton GP Limited Partnership, its General Partner

By: AAC Triton, Inc., its General Partner

By: 
Paul L. Herndon, Vice President

December 18, 2007

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 area of the Brier Creek Village Small Area Plan (the "Small Area Plan") which deals with property located in the Umstead Planning District. The Property is also within the Triangle Regional Center. The Property is within an area designated for high intensity mixed use development.

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.

See I.A. above. Policies set forth in the Small Area Plan encourage "a high intensity urban development pattern with multiple uses." Small Area Plan p.1.

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

It is consistent with the Small Area Plan and, thus, the Comprehensive Plan. The Property is located on the Village Main Street envisioned by the Small Area Plan and within an activity node designated in the plan as the Village Center. This area is to contain "a variety of uses of higher development intensities."

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 area includes existing or planned townhouses and apartments, offices, retail uses, a park and a school.

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

The existing zoning is Thoroughfare CUD with the Planned Development District Overlay (Zoning Case Z-55-04/MP-2-04), which calls for minimal setbacks and a mix of high intensity land uses developed in accordance with many principles of the Urban Design Guidelines.

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 amendment proposed in this case modifies the existing zoning of the Property and surrounding areas in only one respect: it adds mini-warehouse storage as an allowed use upon the Property. The amendment maintains all elements of the existing zoning of the Property, and thus ensures that its development will be compatible with land uses currently authorized for the Property and the surrounding area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The amendment facilitates a sale and proposed use of the Property.

B. For the immediate neighbors:

The amendment adds an authorized use for the Property which is not currently allowed upon the Property or within the surrounding area. The amendment also maintains the high standards established by the existing zoning for the Property and surrounding parcels. Thus, the amendment allows development of the Property in a manner consistent with the surrounding area and serves demand which now cannot be satisfied.

C. For the surrounding community:

The amendment authorizes a land use for which there is present and future demand that is not authorized upon the Property or within its surrounding area.

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

The proposed rezoning will allow one additional use of the Property not currently authorized upon the Property or within the area immediately surrounding the Property. None of the very wide variety of uses now authorized upon the Property or within the surrounding area will be eliminated.

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

The Property is centrally located within the area of the Small Area Plan and is within a rapidly growing area of intense mixed use development. The amendment enhances the mixed use character of the surrounding area and authorizes a land use for which unsatisfied demand exists.

V. Recommended items of discussion (where applicable).

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

Not applicable.

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

Not applicable.

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

When the zoning of the Property and the surrounding area was established, it was not foreseen that a mini-warehouse storage facility developed in accordance with the standards established in the rezoning would be a desirable use within the area rezoned.

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

Any additional impact will be nonexistent or minimal. If any portion of the Property is developed for mini-warehouse storage, the impact will be less than development under currently authorized uses.

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

The proposed rezoning of the Property serves only one purpose: it finetunes the existing zoning to add a single use, mini-warehouse storage, to the broad range of uses now authorized for the Property. It does not modify the very high standards established by the existing zoning for the development of the Property and the surrounding area.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-24-08/ MP-1-08 PDD Conditional Use; Bruckhaus Street and Alm Street**

General Location: Northwest quadrant of the intersection of Bruckhaus and Alm Streets, south of Brier Creek Parkway.

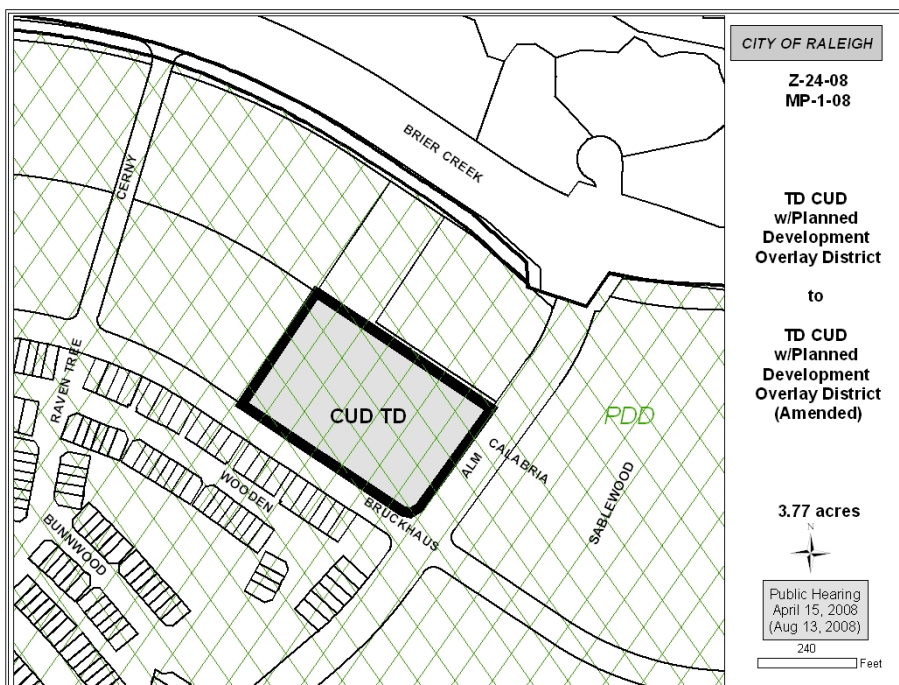
**Planning District
/ CAC:** Umstead / Northwest - Umstead

Request: Petition for Rezoning from **Thoroughfare CUD w/ PDD** to **Thoroughfare CUD w/PDD (Amended)**.

**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 zoning conditions dated December 18, 2007 and the Master Plan (MP-1-08) document dated May 9, 2008.



CASE FILE: **Z-24-08 PDD Conditional Use**

LOCATION: This site is located on the northwest quadrant of the intersection of Bruckhaus and Alm Streets, south of Brier Creek Parkway.

REQUEST: This request is to rezone approximately 3.77 acres, currently zoned Thoroughfare District CUD w/ Planned Development District. The proposal is to rezone the property to Thoroughfare District CUD w/ Planned Development District (Amended).

**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 zoning conditions dated December 18, 2007 and the Master Plan (MP-1-08) document dated May 9, 2008.**

**FINDINGS
AND REASONS:**

- (1) Although industrial uses at this location are inconsistent with the land use recommendations of the Comprehensive Plan, the proposed mini-warehouse storage facility within a vertical mixed use setting with ground level active uses could be interpreted as a compatible use within the Brier Creek Village Center.
- (2) That the significant amount of residential uses in close proximity to the site and the unmet demand for mini-storage use within the Brier Creek development provides an opportunity for providing off-site residential storage close to home, thereby reducing vehicle miles travelled and rendering larger public benefit to the community.
- (3) That the proposed master plan document and design guidelines ensure provision of active ground level uses along the main Bruckhaus Street, thereby furthering the goal of the Comprehensive Plan to promote an active, vibrant and pedestrian oriented Village Main Street and activity nodes that fosters a main street walking experience.
- (4) That the proposed design incorporates the community guidelines adopted by the larger Brier Creek Master Plan development and appears to aesthetically blend in and complement the design features of the existing development and the Village Center Plan.

To PC: 4/22/08
Case History: 4/22/08 PC Deferred, 5/13/08 PC voted approval

To CC: 5/20/08

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Chambliss
Second: Bartholomew
In Favor: Bartholomew, Butler, Chambliss, Davis, Gaylord, Haq, Harris Edmisten, Mullins, Smith
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: 5/15/08



Zoning Staff Report: Z-24-08 PDD Conditional Use

LOCATION: This site is located on the north side of Bruckhaus Street, northwest of its intersection with Alm Street, south of Brier Creek Parkway.

AREA OF REQUEST: 3.77 acres

PROPERTY OWNER: Brier Creek Associates Limited Partnership

CONTACT PERSON: Lacy H. Reaves & Jason L. Barron; 919-743-7304;
Joseph S. Dye; 919-821-2700

**PLANNING COMMISSION
RECOMMENDATION**

DEADLINE: August 13, 2008

ZONING: Current Zoning

Thoroughfare CUD

Current Overlay District

PDD

Proposed Zoning

Thoroughfare CUD

Proposed Overlay District

PDD (Amended)

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

150 dwelling units, per PDD conditions

Proposed Zoning

0 units, per PDD conditions

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Approximately 31,229 sq.ft., per PDD conditions

Proposed Zoning

50,000 square feet

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Approximately 37,475 sq.ft., per PDD conditions

Proposed Zoning

40,000 square feet

ALLOWABLE

INDUSTRIAL

SQUARE FOOTAGE:

Current Zoning

Proposed Zoning

Not permitted

Limited to mini-storage warehouse uses; 215,000 square feet

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Proposed Zoning

High Profile

High Profile

RETAIL

ALLOCATION:

A maximum 25% of the gross land area of the PDD shall be allocated to retail usage.
The MP-2-04 Master Plan proposed that 850,000 square feet of the total land area (186.5 acres) be devoted to commercial/retail uses. By assigning a floor area ratio for retail of 0.25 (78 acres), this equates to 41.8% of the total development.

MAXIMUM HEIGHT:

75 feet at the minimum setback line. Height may be increased one foot in height for each one foot of additional setback.

MINIMUM PUBLIC

STREET SETBACKS:

Minimum front yard = 10 feet building setback
Minimum parking setback= 5 feet

Minimum side and rear yards = 0 setback
Minimum corner yard = 10 feet setback

OFF-STREET

PARKING:

Off-street parking shall be provided in accordance with the provisions of the City Code. For multiple uses, the master plan requests that staff be given the authority to approve alternate parking standards after taking into account any parking spaces on the right-of-way of a public street adjacent to the property. However, in no case shall less than 3 spaces per 1,000 square feet be provided for retail and office uses in a mixed use setting. Parking shall not be provided along Bruckhaus Street between buildings facing the street and the street. Parking area on the property adjacent to Alm Street will be screened by a decorative wall 6 feet in height.

OPEN SPACE:

This Master plan proposes no open space as defined by Section 10-2057 of the Code. However, a plaza at the intersection of Alm and Bruckhaus Streets and landscaped areas will be provided.
The MP-2-04 Master Plan provided 18.7 acres of natural open space (10 % of the total land area), with additional spaces provided as greenways, plazas and other public areas.

ZONING HISTORY:

This property was rezoned in 2004 to a Thoroughfare Conditional Use District along with a Planned Development Overlay District (Z-55-04/ MP-2-04), as part of a master plan associated with a larger 186.55 acres. The Master Plan proposes a mix of land uses allocated among 5 areas, *Tracts A-E*, with a maximum of 5,870 residential units, 850,000 square feet of commercial space, and 800,000 square feet of office space. The Master Plan implements the Village Center concept recommended by the Brier Creek Village Center Small Area Plan and incorporates design guidelines for building orientation, façade character, building setbacks, parking, and streetscape elements.

The subject property falls within *Tract A* designated by the Master Plan, which consists of 30.18 acres, and is recommended for residential (most likely group housing), office, and/or commercial uses. The following standards and criteria apply to the development of *Tract A* properties:

1. Uses

The maximum square footage permitted within Tract A is summarized below:

- Office uses - 250,000 square feet
- Commercial uses – 300,000 square feet
- Residential density – 40 DU/acre
- Within Tract A, office and/or commercial and residential uses may be combined in the same building structure to provide live/work opportunities envisioned by the SAP.

2. Building Height – Maximum building height for all uses shall be 75 feet. However, a building may exceed 75 feet if one additional foot of building setback is provided for each foot of height in excess of 75 feet. Notwithstanding the foregoing, buildings within 100 feet of Street “C” may not exceed 50 feet in height

3. Building setbacks and streetyards – Setbacks and streetyards shall be provided in the setbacks table of Exhibit C4 (“the Streetyards and Setbacks Table”)

**SURROUNDING
ZONING:**

NORTH: Thoroughfare CUD & PDD, SC CUD
SOUTH: Thoroughfare CUD & PDD
EAST: Thoroughfare CUD & PDD
WEST: Thoroughfare CUD & PDD

LAND USE:

Undeveloped vacant land

**SURROUNDING
LAND USE:**

NORTH: Vacant
SOUTH: Residential use– town homes development
EAST: Residential Use - Condominium
WEST: Residential Use - Condominium

**DESIGNATED
HISTORIC
RESOURCES:**

There are no designated historic resources on the subject property 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	Umstead
Urban Form	Village Center

Specific Area Plan	Triangle Regional Center Plan, Brier Creek Village Center SAP
Guidelines	Urban Design Guidelines for Mixed Use Neighborhood and Village Centers

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

The subject property is located within the Umstead Planning District and within a designated regional intensity area of the Triangle Regional Center Plan, where a high intensity urban development pattern with multiple uses is encouraged. The subject property also falls within the plan area of the Brier Creek Village Center Small Area Plan (SAP) which includes roughly 300 acres south of Brier Creek Parkway, between Aviation Parkway and Lumley Road, and north of I-540. The Brier Creek Village Center Plan designates land use patterns and development intensities, incorporates an urban park/school site into the overall design and suggests a network of pedestrian-oriented streets, walkways, and public spaces. The plan provides a Village Center concept to help coordinate future implementation through the submittal of a development Master Plan for the area. The approved Brier Creek Village Center PDD Master Plan (MP-2-04) implements the goals recommended by the Brier Creek Village Center Small Area Plan.

The request is inconsistent with the Comprehensive Plan. The proposed mini-warehouse storage facility is not recommended for this section of the Brier Creek Village Center Small Area Plan. Rather, the Brier Creek Village Center Plan recommends a mix of medium to high density residential, retail, office and/or institutional uses for this area. The proposed mini-warehouse use is not an active and pedestrian friendly use, one of the Plan's stated goals. The subject property fronts on the Village Main Street (Bruckhaus) and is located right at the intersection of the central activity node that serves as a main commercial center and transit network connection. The Village Main Street and activity nodes are intended to provide an interactive, street oriented urban center for the community with overlapping patterns of use and activity.

Additionally, the design elements illustrated in the Urban Design Guidelines are recommended to aide in the streetscape and site design of the Village Main Street and interconnecting pedestrian corridors. The proposed amendment identifies general community design guidelines that would apply to development of the property. The master plan submitted in association with the rezoning attempts to address the key design standards and guidelines set forth by the Brier Creek Village Center Plan. An assessment as to whether the proposed design features adequately address the stated goals of the Brier Creek Village Center, given its inconsistency with the recommended land use policies would be subjective and therefore, recommended for further discussion.

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

The subject property falls within the plan area of the Brier Creek Village Center SAP. The surrounding area contains a centrally located pedestrian oriented Village Main Street, (Bruckhaus Street), along with three activity nodes identified spaced ¼ mile apart. The Village Main Street and activity nodes are intended to provide an interactive street oriented urban center for the community with overlapping patterns of use and activity. While surrounded immediately by medium density residential uses, the adjoining blocks also permit a mix of office, retail, residential and institutional uses. The two properties immediately to the north are currently undeveloped, though a medical office has been approved on one of them. The property immediately to the west and east are developed for residential-apartment/condominium use. The property to the south across Bruckhaus is being developed for residential townhome use.

The central activity node, located at the southeast corner of the subject property, serves as a commercial center and a transportation network connection. According to the SAP, commercial uses are most appropriate along the Village Main Street adjacent to the central activity node and transit stop. Interconnectivity between individual development sites and to the Main Street is important to pedestrian and vehicular circulation throughout this area and is recommended where practical. The

proposed amendment to the Master plan conditions the subject property to the following uses and densities: office – 50,000 square feet, commercial – 40,000 square feet and mini warehouse storage – 215,000 square feet. The subject property being a segment of a tract of land - *Tract A* designated within the approved MP-2-04 Master Plan, is recommended for a mix of residential, office, and/or commercial uses. The proposed mini-warehouse, an industrial and automobile dependent use, would be incompatible with the mix of retail, residential, office and institutional uses surrounding the site, all of which promote the creation of an urban, pedestrian oriented, active environment.

The proposed amendment attempts to wrap some office and retail uses along Bruckhaus Street frontage. However, given its strategic location, adjacency to core transit loop and a market area served by surrounding medium density residential uses, any alternative, inconsistent use on the property should be evaluated based on how the stated goals of the Brier Creek Village Center SAP are being addressed.

3. Public benefits of the proposed rezoning

The applicant states that the proposed amendment facilitates a sale and proposed use of the property, allows development of the property in a manner consistent with the surrounding area and serves demand for a use which is currently unmet. Given that the proposed amendment is inconsistent with the land use policies of the Comprehensive Plan and potentially incompatible with the surrounding uses as noted in the compatibility section, the applicant should further substantiate on the larger public interest served by this rezoning request. Additionally, there is no supporting data that justifies the amendment, to incorporate an inconsistent use within this village center area, in a section which has been specifically designated for a mix of retail, residential, office, and/or institutional uses. These other uses functionally integrate development that promotes an interactive, street-oriented center.

The parcel is also immediately adjacent to the central activity node that serves as a commercial center and a transportation network connection. According to the SAP, commercial uses are most appropriate along the Village Main Street adjacent to the central activity node and transit stop. Interconnectivity between individual development sites and to the Village Main Street is important to pedestrian and vehicular circulation throughout this area and is recommended where practical. Therefore, given its strategic location, adjacency to core transit loop and a market area served by surrounding residential uses, any alternative use on the property should be evaluated based on how the stated goals of the Brier Creek Village Center SAP are being addressed.

4. Detriments of the proposed rezoning

Given that the proposed amendment is inconsistent with the land use policies of the Comprehensive Plan and potentially incompatible with the surrounding uses as noted in the compatibility section, the applicant should further substantiate on the larger public interest served by this rezoning request. Central to the concept of the Master Plan is the development of an active, pedestrian oriented Village Main Street and activity nodes that will create a vibrant center for activity for the community in a pedestrian oriented environment by incorporating a high intensity of retail, residential and office uses in a manner that fosters a main street walking experience. The proposed amendment attempts to wrap some office and retail uses along Bruckhaus Street frontage. An assessment as to whether the proposed design features adequately address the stated goals of the Brier Creek Village Center, given its inconsistency with the recommended land use policies would be subjective and therefore, recommended for further discussion.

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

TRANSPORTATION: Alm Street is classified as collector street as is constructed to City standards as two lane median divided boulevard 70 foot back-to-back curb and gutter section within a 100 foot right of way with sidewalks on both sides. Bruckhaus Street is designated as a collector street as is also constructed to City standards as a 41 foot back to back curb and gutter section with sidewalks on both sides within a 70

foot right of way. Neither NCDOT nor the City have any projects scheduled on any of these roadways in the vicinity of this case.

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

HYDROLOGY: FLOODPLAIN: No
DRAINAGE BASIN: Little Brier Creek
STORMWATER MANAGEMENT: Compliance with Pt 10 Ch. 9

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>81,500</u> gpd	Approx. <u>81,500</u> gpd
Waste Water	Approx. <u>81,500</u> gpd	Approx. <u>81,500</u> gpd

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.

PARKS AND

RECREATION:

This property is not adjacent to any greenway corridors. There is no proposed increase in the number of dwellings units and no impact upon the park level of service in this area.

WAKE COUNTY

PUBLIC SCHOOLS:

The request will not increase residential density. Therefore, no impacts on schools as residential uses remain unaffected.

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.**

N/A

APPEARANCE

COMMISSION:

This request is subject to Appearance Commission review (March 18 & 20).

CITIZEN'S

ADVISORY COUNCIL:

DISTRICT: Northwest/Umstead
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884;
Nancy Murray, 845-8845

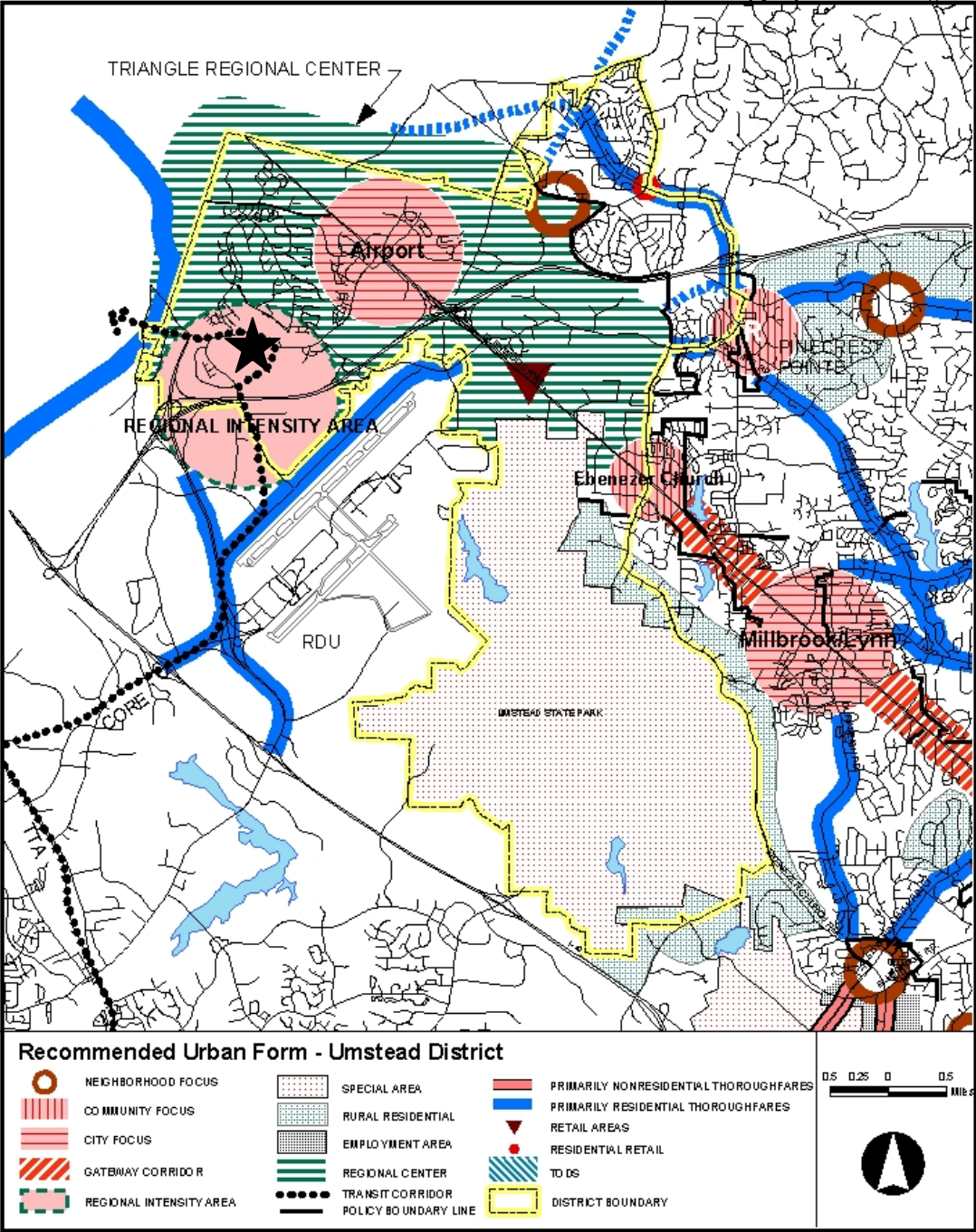
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

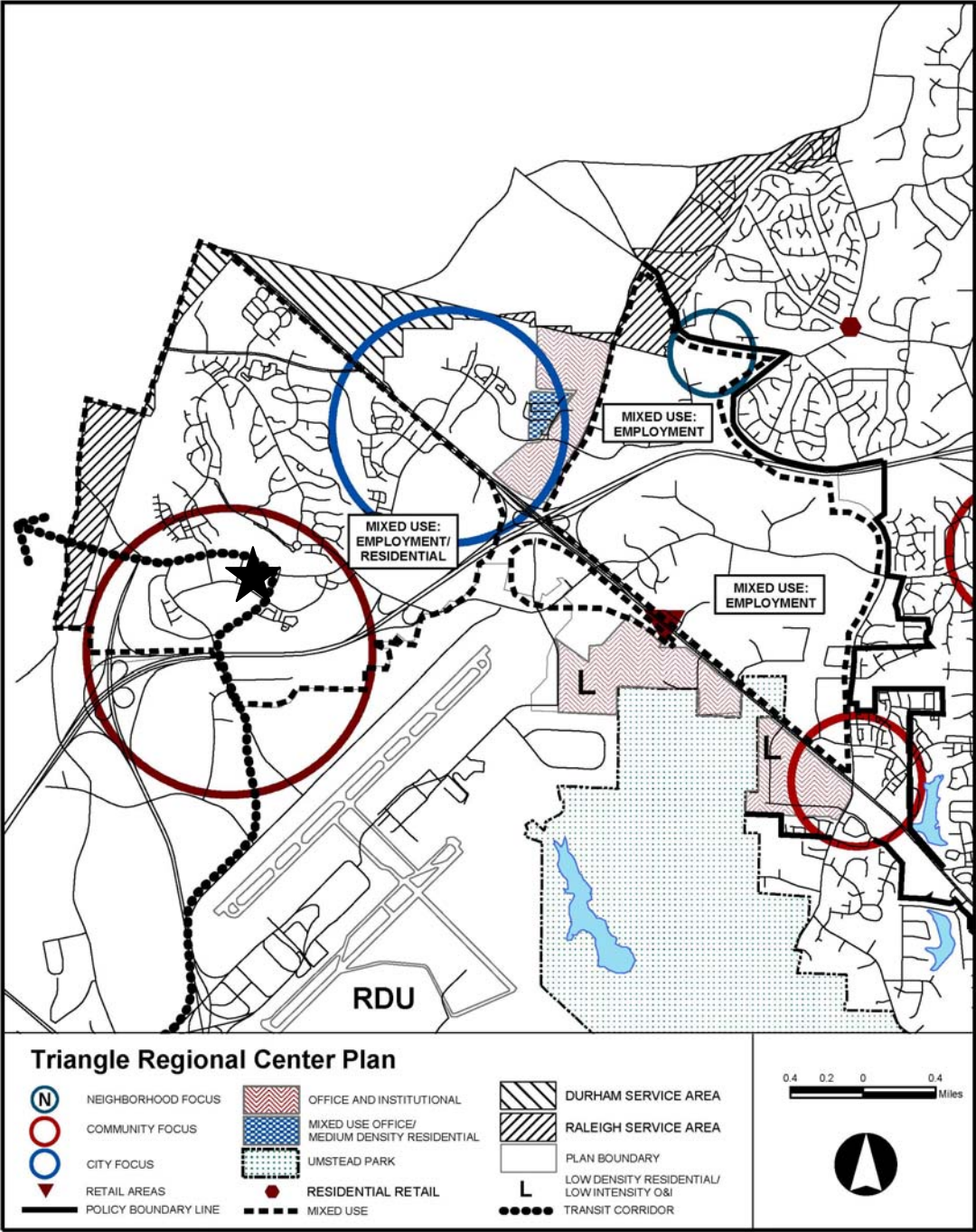
The request is inconsistent with the Comprehensive Plan and incompatible with the surrounding uses, with the following issues:

- The Brier Creek Village Center SAP specifically recommends medium to high density residential, retail, office and/or institutional uses for the site. Central to the concept of the Master Plan is the development of an active, pedestrian oriented Village Main Street and activity nodes that will create a vibrant center for activity for the community in a pedestrian oriented environment by incorporating a high intensity of retail, residential and office uses in a manner that fosters a main street walking experience.



8/05 Raleigh Comprehensive Plan

Umstead District 5-9.F



08/06 Raleigh Comprehensive Plan

Triangle Regional Center Plan 6-2.3

