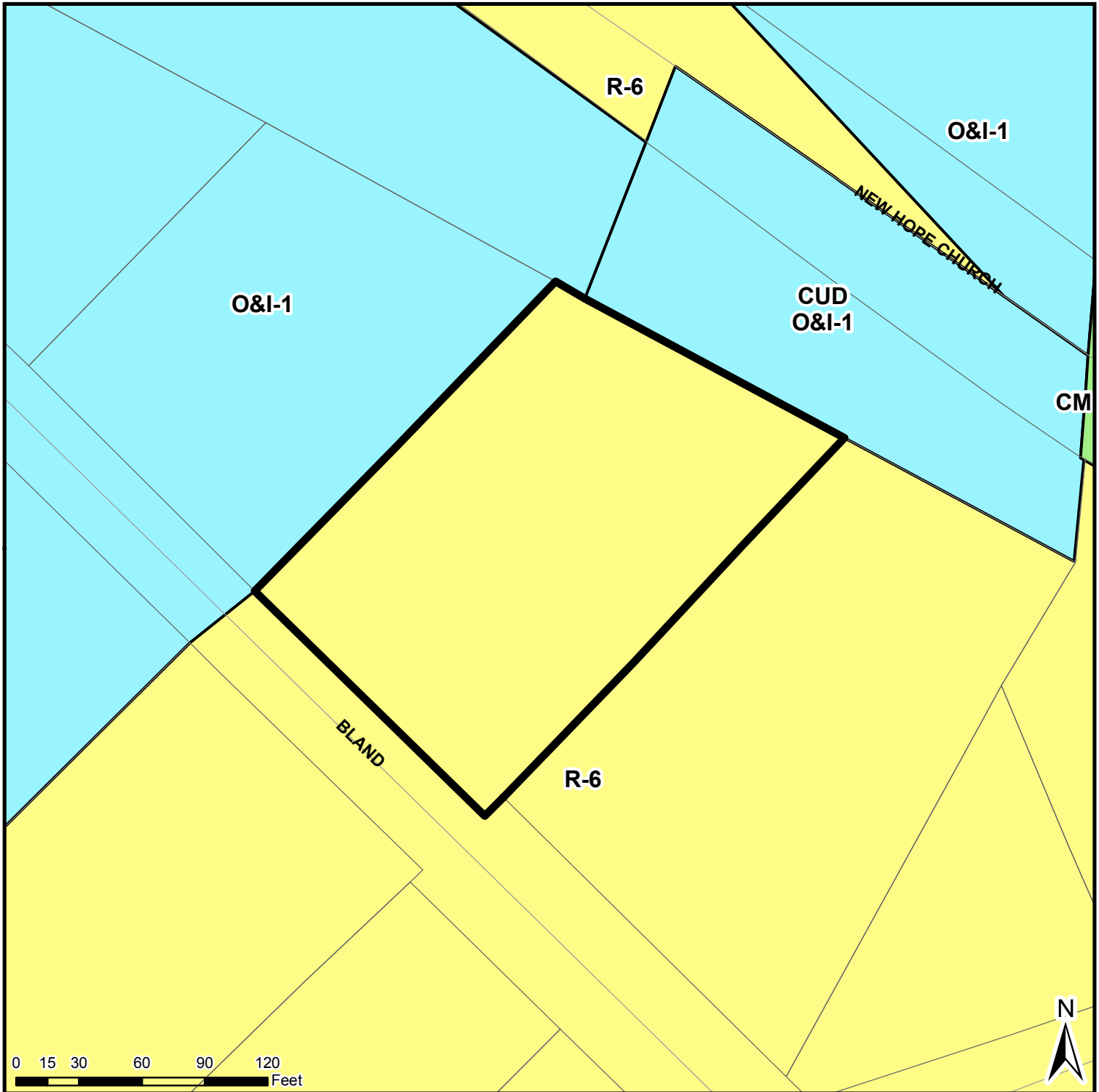


Existing Zoning Map

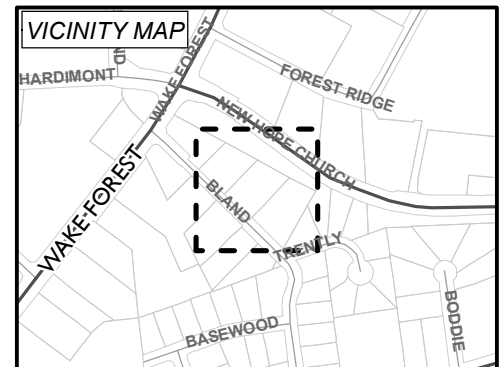
Z-27-2013



**Submittal
Date**

8/26/2013

Request:
0.796 acre from R-6 to OX-3-CU





Certified Recommendation

Raleigh Planning Commission

CR# 11559

Case Information Z-27-13 Bland Road

<i>Location</i>	Bland Road between its intersections with Wake Forest Road to the west and Trently Court to the south Address: 3814 Bland Road PIN: 1715499316
<i>Request</i>	Rezone property from R-6 to OX-3 CU
<i>Area of Request</i>	.796 acres
<i>Property Owner</i>	Claude David Brown 104 Dunn Avenue Rocky Mount, NC 27804 Barbara B. Burns 11074 Deep Cove Drive Tegak Cave, SC 29708
<i>Applicant</i>	Thomas Lester Stancil PO Box 730 Angier, NC 27501
<i>Citizens Advisory Council</i>	Atlantic CAC Debra Smith (Chair) ddssmith@bellsouth.net
<i>PC Recommendation Deadline</i>	January 22, 2014

Comprehensive Plan Consistency

The rezoning case is ☐ Consistent ☒ Inconsistent with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is ☐ Consistent ☒ Inconsistent with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Moderate Density Residential
<i>CONSISTENT Policies</i>	1. LU 3.2 Location of Growth
<i>INCONSISTENT Policies</i>	Policy LU 7.1: Encouraging Nodal Development Policy LU 8.3: Conserving, Enhancing, and Revitalizing Neighborhoods Policy LU 8.5: Conservation of Single-Family Neighborhoods

Summary of Proposed Conditions

The condition offered requires a 30' front yard setback.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
August 26, 2013		January 7, 2014: Committee of the Whole recommends approval	January 14, 2014: Planning Commission recommends approval

☐ ***Valid Statutory Protest Petition***

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission recommends approval
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. Although the request is inconsistent with the Future Land Use Map, it is reasonable and in the public interest. The subject property and those immediately adjacent to it have over time become less desirable for single family residential development. The uses allowed in the OX zoning district would complement nearby office, retail and residential development. 2. The Planning Commission has worked with the Planning Staff to put forward a Future Land Use change in the area of this rezoning. The case number is CP-3-14 and it is included in the January 2014 Comprehensive Plan amendment package.
<i>Motion and Vote</i>	Motion: Braun Second: Fluhrer In Favor: Braun, Buxton, Fleming, Fluhrer, Mattox, Lyle, Schuster, Sterling Lewis, Swink and Terando

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

_____ Planning Director	Date	_____ 1/14/14 Planning Commission Chairperson	Date
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Staff Coordinator: James Brantley james.brantley@raleighnc.gov



Zoning Staff Report – Case Z-27-13

General Use District

Case Summary

Overview

The site is located in central North Raleigh on Bland Road, just to the east of Wake Forest Road between New Hope Church Road to the north and St. Albans Drive to the south. The Wake Forest Road corridor is heavily developed with suburban retail and office buildings mostly constructed in the 1970s, 80s and 90s. To the west of the site of the proposed rezoning is a 2 story office condominium and to the north and southwest are surface parking lots serving office buildings. To the east, south and southeast are single family houses. Bland Road serves as an entrance to a small residential area with houses mostly dating from 1950 to 1966. The site of the proposed rezoning is on the northwestern edge of this neighborhood and abuts nonresidential uses on two sides.

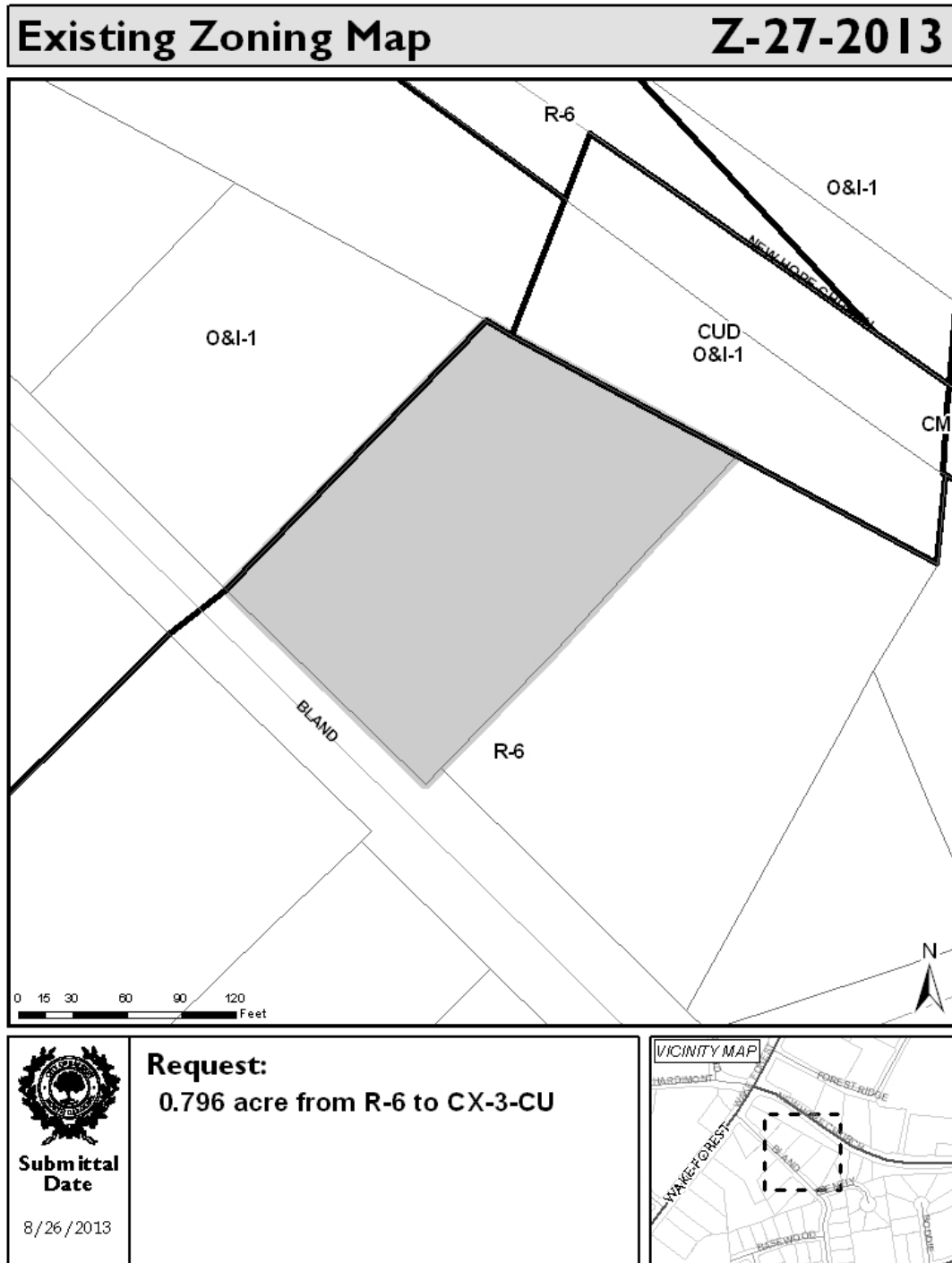
The subject property and the neighborhood to the southeast are zoned R-6 and the nonresidential properties to the north and northwest are zoned O&I-1. To the east of the neighborhood are extensive lands zoned Industrial 1, in association with the northeast railroad corridor. The numerous nonresidential properties in the Wake Forest Road corridor are mostly zoned O&I-1, Shopping Center and Neighborhood Business.

On the Future Land Use Map, the subject property and the single family neighborhood to the southeast are designated for Moderate Density Residential (6 to 14 dwellings per acre). Properties to the northwest and west are designated Office and Residential Mixed Use.

Outstanding Issues

<i>Outstanding Issues</i>		<i>Suggested Mitigation</i>	
	<ol style="list-style-type: none">1. The proposal is not consistent with the Future Land Use map.2. Approval of this zoning case could set a precedent of encroachment of nonresidential zoning and uses into the single family neighborhood.		<ol style="list-style-type: none">1. Seek a Comprehensive Plan/Future Land Use Map change from Moderate Density Residential to Office and Residential Mixed Use.

ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-6	O&I-1 CUD	R-6	R-6	O&I-1
<i>Additional Overlay</i>	N/A	N/A	N/A	N/A	N/A
<i>Future Land Use</i>	Moderate Density Residential	Moderate Density Residential	Moderate Density Residential	Moderate Density Residential	Office and Residential Mixed Use
<i>Current Land Use</i>	Single family house	Vacant (zoned for parking lot)	Single family house	Single family house	Office Building
<i>Urban Form (if applicable)</i>	N/A	N/A	N/A	N/A	N/A

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	6 dwellings per acre	24.1 dwellings per acre
<i>Setbacks:</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	20 feet 5 feet 30 feet	30 feet per condition 50 feet from adjacent R-6 lot line 0' or 6'
<i>Retail Intensity Permitted:</i>	N/A	N/A
<i>Office Intensity Permitted:</i>	N/A	18,182 square feet

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	.796	.796
<i>Zoning</i>	R-6	OX-3 CU
<i>Max. Gross Building SF (if applicable)</i>	(not defined)	18,182
<i>Max. # of Residential Units</i>	4	19
<i>Max. Gross Office SF</i>	N/A	19,528
<i>Max. Gross Retail SF</i>	N/A	N/A
<i>Max. Gross Industrial SF</i>	N/A	N/A
<i>Potential F.A.R</i>	N/A	.56

*The development intensities for proposed zoning districts were estimated using the ***Envision Tomorrow*** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

The proposed rezoning is:

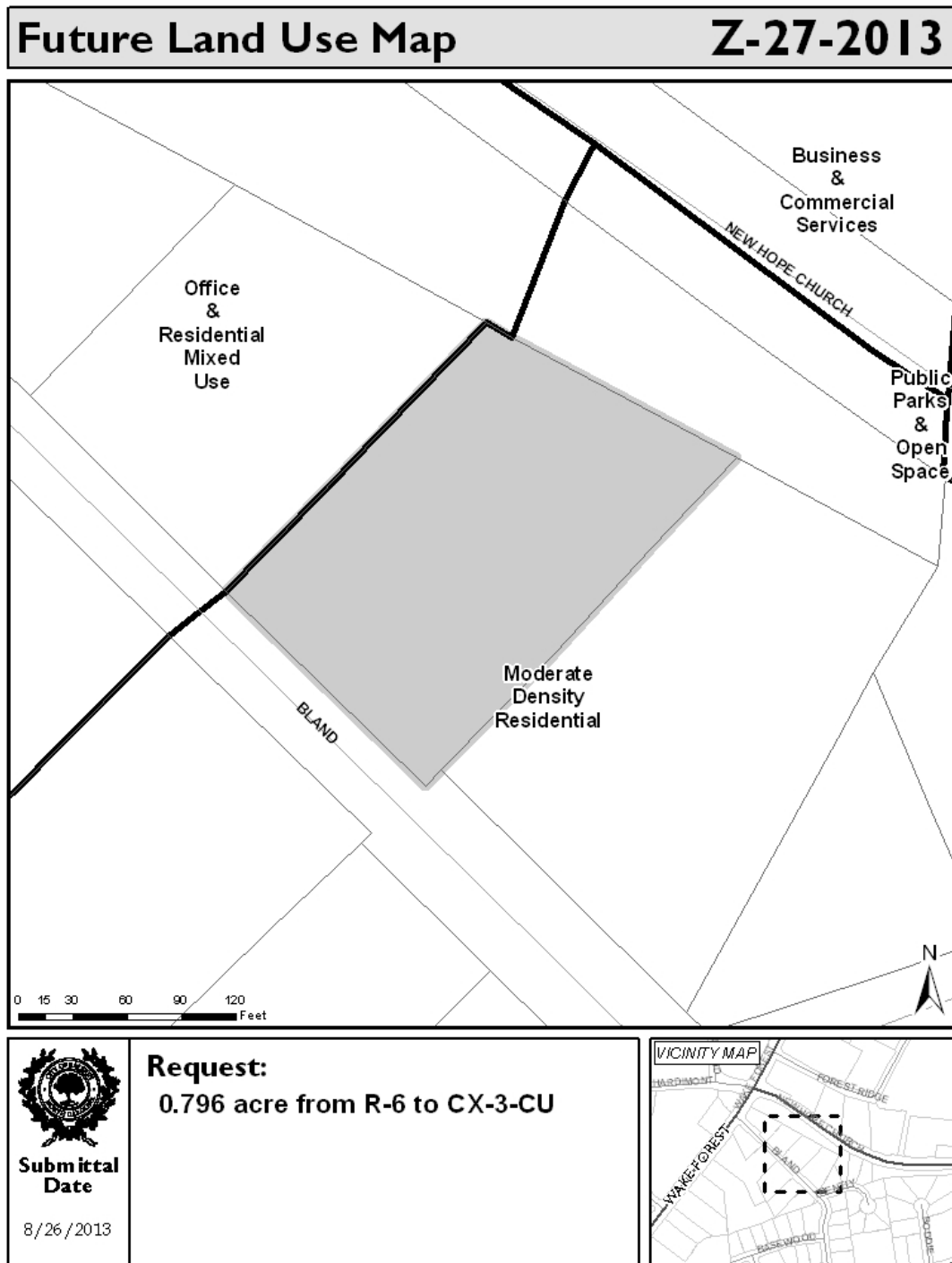
☐ **Compatible** with the property and surrounding area.

☒ **Incompatible.**

Analysis of Incompatibility:

Properties to the southwest, south and east of the site are all zoned R-6 and are occupied with single family houses. The nonresidential property immediately adjacent to this site is developed as a two story office building with a relatively residential character (conventional siding, pitched roof).

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

The rezoning request is:

☐ **Consistent** with the Future Land Use Map.

☒ **Inconsistent with the Future Land Use Map**

The site is designated on the Future Land Use Map as Moderate Density residential, 6 to 14 dwellings per acre, which is described in the Comprehensive Plan:

This category applies to some of the city's older single family residential neighborhoods, along with newer small lot single family subdivisions and patio home developments. Other housing types including townhouse and multifamily dwellings would be consistent with this designation as long as an overall gross density not exceeding 14 units per acre was maintained. Gross density in these areas would be 6 to 14 units per acre. Corresponding zoning districts are R-6 and R-10, or RX conditioned to limit density.

2.2 Policy Guidance

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

Policy LU 7.1: Encouraging Nodal Development

Discourage auto-oriented commercial "strip" development and instead encourage pedestrian-oriented "nodes" of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

Policy LU 8.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Recognize the importance of balancing the need to increase the housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources, and restore the environment.

Policy LU 8.5: Conservation of Single-Family Neighborhoods

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

Condition offered stipulates a 30' minimum front yard setback. As the proposed rezoning abuts R-4 zoning on the east, any new building on the site must be set back 50 feet from the property line shared with the lot zoned R-4.

2.3 Area Plan Policy Guidance

The rezoning request is not in a small area plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

The proposal would provide additional office space adjacent to the highly developed Wake Forest Road corridor.

3.2 Detriments of the Proposed Rezoning

The rezoning would be a continuation of lot-by-lot replacement of single family houses by nonresidential uses along this section of Bland Road.

4. Impact Analysis

4.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009-2012 NCDOT Traffic Volume (ADT)</u>				
New Hope Church Road	Avenue, 4 Lane Divided	20,000				
St. Albans Drive	Avenue, 2 Lane Divided	6,300				
Wake Forest Road	Avenue, 6 Lane Divided	42,000				
Street Conditions						
<u>New Hope Church Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	55'	Yes	87'	5' sidewalks on north side	None
City Standard	4	73'	Yes	101'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	No	No	Yes	No	No	No
<u>St. Albans Drive</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	20'	None	75'	None	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	No	No	Yes	No	No

<u>Wake Forest Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	7	68'	Yes	90'	Yes	None
City Standard	6	95'	Yes	123'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	No	No	Yes	No	Yes	Yes
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	13	53	40			
PM PEAK	6	101	95			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-27-13.				
Additional Information:	Neither NCDOT nor the City of Raleigh has any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

4.2 Transit

Transit does not operate on Bland Rd. However, Wake Forest Rd. which is a block away, currently has transit and is proposed as an intensive transit corridor in the Wake County 2040 Transit Study. There are stops on both north side corners of Wake Forest at New Hope. Hardimont/ New Hope Rd. is also a current transit corridor and there is a stop at approximately 1400 Hardimont Rd for this route.

Impact Identified: Negligible

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Big Branch
<i>Stormwater Management</i>	Subject to Section 9.2
<i>Overlay District</i>	N/A

Impact Identified: Site is subject to Section 9.2 (Stormwater Controls) of Raleigh Unified Development Ordinance.

4.4 Parks and Recreation

The subject rezoning case is not adjacent to any Capital Area Greenway corridors. The subject tract's recreation needs will be served by Pullen Park.

Impact Identified: None

4.5 Urban Forestry

This property is less than 2 acres and not subject to the Tree Conservation ordinance UDO Article 9.1.

Impact Identified: No impacts identified.

4.6 Designated Historic Resources

N/A

4.7 Community Development

N/A

4.8 Appearance Commission

N/A

4.9 Impacts Summary

The proposal will have no major impacts on City services.

4.10 Mitigation of Impacts

Conditions could be offered to assure that any new office building on the site will be harmonious with its surroundings.

5. Conclusions

The proposal would continue a lot-by-lot conversion of a single family neighborhood into small scaled office development.



Petition to Amend the Official Zoning Map

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

Transaction #
372606

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - ☒ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - ☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<u>Barbara B. Burns</u>	<u>Barbara B Burns</u>	<u>5/20/13</u>
<u>Claude D. Brown</u>	<u>Claude D Brown</u>	<u>6/15/13</u>

Z-27-13

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	Thomas Lester Stancil	PO Box 730 Angier, NC 27501	919-639-2133 t1stancil@embarqmail.com
Property Owner(s)	Claude David Brown Barbara B. Burns	104 Dunn Avenue Rocky Mount, NC 27804 11074 Deep Cove Drive Tegak Cave, SC 29708	252-443-1680 803-548-0078
Contact Person(s)	Thomas Lester Stancil	PO Box 730 Angier, NC 27501	919-639-2133 t1stancil@embarqmail.com

Property information

Property Description (Wake County PIN)	1715.06-49-9316.000
Nearest Major Intersection	Bland Road and Wake Forest Road
Area of Subject Property (in acres)	0.796 Ac.
Current Zoning Districts (include all overlay districts)	R-6
Requested Zoning Districts (include all overlay districts)	OP (New UDO) →

2-27-13

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Rezoning Petition
Form Revised February 21, 2013

EXHIBIT D. Request for Zoning Change

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The future land use is moderate density residential. The proposed land use is office and institutional, however it adjoins tracts that are already zoned office and institutional.

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.

This tract is not located in any Area Plan or other City Council adopted plans.

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 map amendment is inconsistent with the Comprehensive Plan, however the tract adjoins current office space and the proposed use is consistent with current development in the general area.

EXHIBIT D. Request for Zoning Change

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

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 tracts to the north and west are commercial tracts used for offices and a dental office with parking areas and multi-story buildings. Bland Road is to the south. The tract to the east is a single family dwelling.

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

No overlay districts exist. The tract adjoins the proposed rezoning class and development will be consistent with the current development in the general area.

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 amendment is compatible with adjoining tracts of land.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

It will allow for tract of land to marketed to match surrounding growth.

B. For the immediate neighbors:

It will bring business and employment with easy access and a short commute for nearby residential development. Development and landscape a piece of land consistent with the City of Raleigh Ordinances

C. For the surrounding community:

It will bring business and employment with easy access and a short commute for nearby residential development. Development and landscape a piece of land consistent with the City of Raleigh Ordinances

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

Tracts nearby are already developed and this allows for growth in an area expanding offices and business'.

EXHIBIT D. Request for Zoning Change

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

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

This area is growing in office and business.

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 general area is being developed as commercial and offices and has not been residential development as it has been in the past.

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

Will allow for additional office and business'.

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

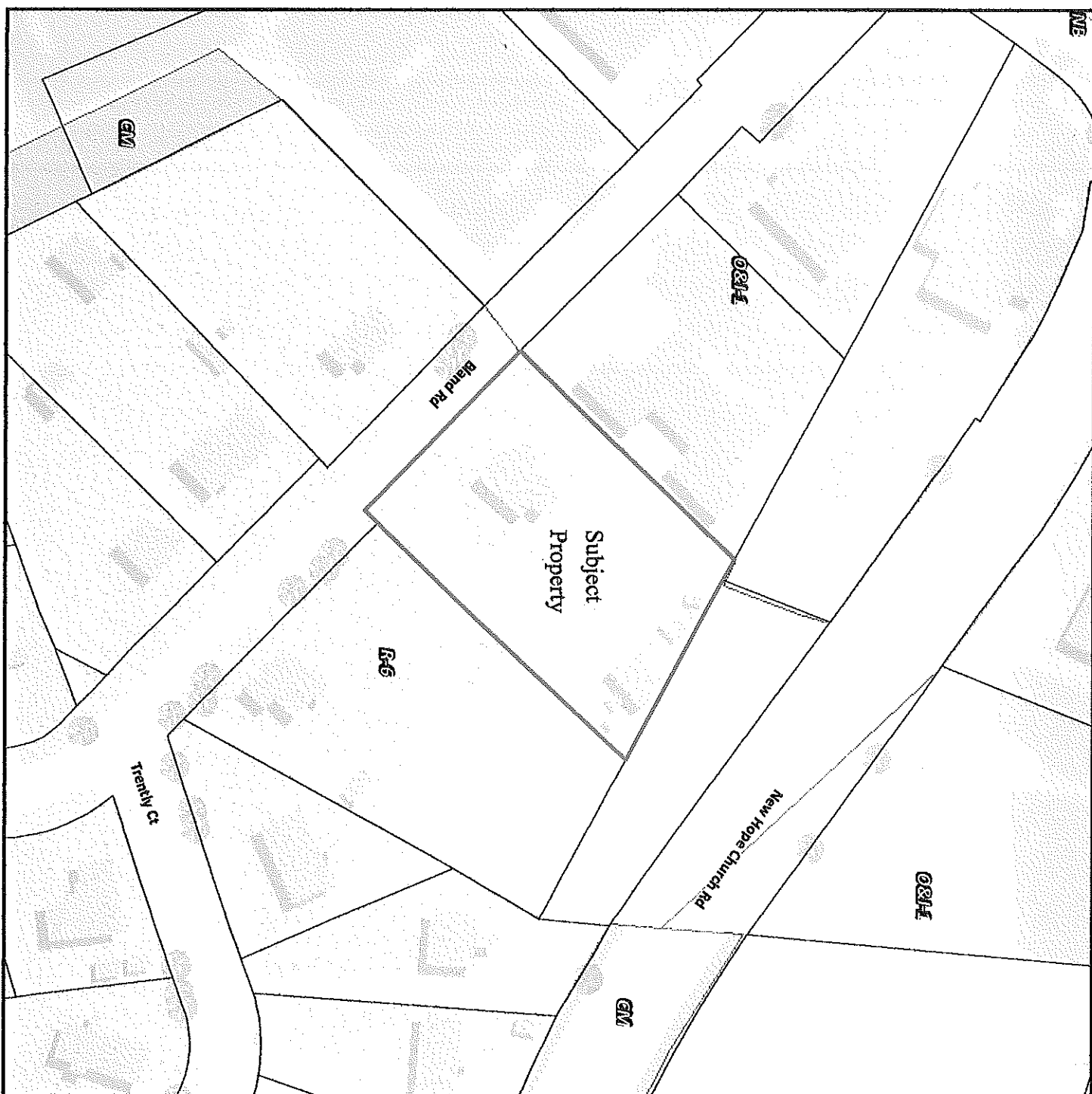
The impact on any type of public services will be minimal and in accordance with the City of Raleigh rules and regulations.

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

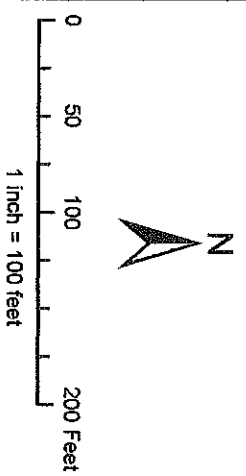
It allows for development of expanding office and institutional sites in the surrounding area.

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

2-27-13



PIN: 1715499316 000
Real Estate ID: 0008919
Map Name: 171506
Owner: BROWN, CLAUDE W
Mailing Address 1: 104 BUNN AVE
Mailing Address 2: ROCKY MOUNT NC 27804-6101
Deed Book: 00994
Deed Page: 0527
Deed Date: 05/18/1948
Deeded Acreage: 0.81
Assessed Building Value: \$52,091
Assessed Land Value: \$78,000
Total Assessed Value: \$130,091
Billing Class: INDIVIDUAL
Property Description: LOT 1 BLAND LOT 3
Heated Area: 1300
Site Address: 3814 BLAND RD
City: Raleigh
Township: NEUSE
Year Built: 1946
Total Sale Price: \$0
Type and Use: Single Family
Design Style: Conventional
Land Class: RESIDENCE - < 10 ACRES-HOME SITE
Old Parcel Number: 437-00000-0009



Disclaimer
This map makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Z-27-13

**Lester Stancil & Associates,
Professional Land Surveyor, P.A.
Cert. # C-0831 License #L-1512
P. O. Box 730, Angier, N.C. 27501
919-639-2133 ~ FAX 919-639-2602
tlstancil@embarqmail.com
August 26, 2013**

City of Raleigh
Planning Dept.
P. O. Box 590
Raleigh, NC 27602

Re: Summary of Issues
3814 Bland Road

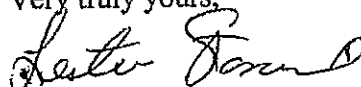
A neighborhood meeting was held on August 26, 2013, to discuss a potential rezoning located at 3814 Bland Road. The neighborhood meeting was held at 3814 Bland Road at 12 Noon until 1:00 p.m. There was one neighbor in attendance. The general issues discussed were:

- The effect on land values
- Possible Changes on neighborhood
- Neighborhood History

See attendance roster.

No resolution was resolved.

Very truly yours,


Lester Stancil
Professional Land Surveyor

LS:ns

BROWN REZONING ATTENDANCE SHEET AUG 26, 2013

NAME

John Presby

ADDRESS

3807 Bland Rd.