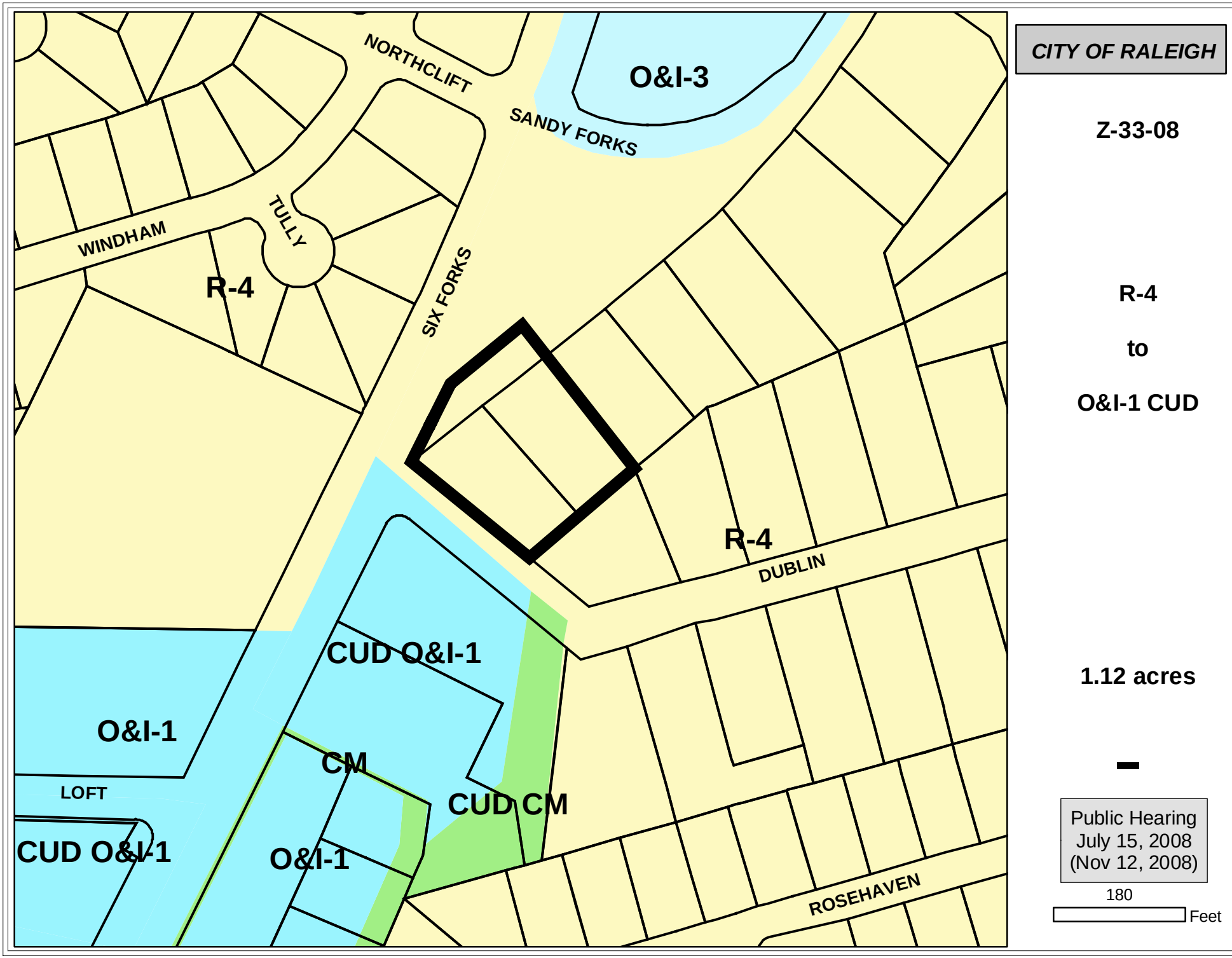

CITY OF RALEIGH
Z-33-08
R-4
to
O&I-1 CUD
1.12 acres
Public Hearing
July 15, 2008
(Nov 12, 2008)
180
Feet
NORTHCLIFT
SANDY FORKS
O&I-3
WINDHAM
TULLY
SIX FORKS
R-4
R-4
DUBLIN
CUD O&I-1
O&I-1
CM
CUD CM
LOFT
CUD O&I-1
O&I-1
ROSEHAVEN

Office Use Only
Petition No. Z-33-08
Orrgnal Date Filed: 3/20/08
Date Amended: 6/19/08

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):

Please check boxes where appropriate

- ☐ 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.

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): Derrick & Sauls Vera Sauls — **Date:** 6/18/08

Please type or print name(s) clearly:

Derrick & Vera Sauls

Thomas & Bobbie Brannan Thomas E. Brannan 6/18/08
Bobbie W. Brannan 6/18/08

Office Use Only	
Petition No.	Z-33-08
Date Filed:	3/20/08
~~Filing Fee:~~	✓
Date Amended:	6/19/08

EXHIBIT B. Request for Zoning Change

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Derrick & Vera Sauls	5900 Six Forks Road	
	Thomas & Bobbie Brannan	5904 Six Forks Road	
2) Property Owner(s):	Derrick & Vera Sauls	5900 Six Forks Road	
	Thomas & Bobbie Brannan	5904 Six Forks Road	
3) Contact Person(s):	Chad Stelmok w/ Kimberly Development Group	4601 Six Forks Suite 500	919-608-9406
		Raleigh, NC 27609	chad@kdgroupLLC.com

4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.

Wake County Property Identification Number(s) (PIN): 1706-78-2283 and 1706-78-2106

General Street Location (nearest street intersections):

Six Forks Road and Dublin Road

5) Area of Subject Property (acres):

1.23 acres

6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable

R4

7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

Office & Institutional 1 Conditional Use Development

Exhibit B. continued

Office Use Only
Petition No. Z-33-08
Date Filed: 3/20/08
Date Amended: 6/19/08

8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

(Important: Include PIN Numbers with names, addresses and zip codes.) Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
Christopher & Pamela Hughes	**119 Dublin Road**	Raleigh, NC 27609	**1706783057**
Dorthohy Stowe	**5908 Sandy Forks Rd**	Raleigh, NC 27609	**1706783269**
Davis Bowen	**205 Dublin Road**	Raleigh, NC 27609	**1706784155**
Raleigh Nuersurgical	**5838 Six Forks Road**	Raleigh, NC 27609	**1706771974**
Blue Chip Properties	**5701 Tully Ct**	Raleigh, NC 27609	**1706689345**
Leonard & Carol Smith	**5700 Tully Ct**	Raleigh, NC 27609	**1706780410**
City of Raleigh	5715 Six Forks Road	Raleigh, NC 27609	1706687138

For additional space, photocopy this page.

Office Use Only	
Petition No.	Z-33-08
Date Filed:	3/20/08

Date Amended: 6/13/08

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:

Six Forks District
Recommend use for land is nonresidential.

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.

None

Office Use Only	
Petition No.	Z-33-08
Date Filed:	3/20/08

Date Amended: 6/19/08

(continued)

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 Comprehensive Plan.

II. <u>Compatibility of the proposed map amendment with the property and the surrounding area.</u>

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 subject property is located on Six Forks Road which has been classified as a major Thurfare. These subject property only have access to Six Forks Road. Properties to the South have been rezoned to O&I 1 CUD. The current property has residential behind it and to the North. Property to the West is owned by the City of Raleigh and has a large water tower on it which is nonresidential.

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

Existing zoning patterns for surrounding area properties fronting on Six Forks Road have been rezoned to O&I 1 CUD. The properties that are considered orphaned properties only fronting on the major Thurfare have been rezoned. The Property to the South was rezoned from R4 to O & I 1 - 5838 Six Forks Road.

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

Since this area was previously zoned it has changed considerably. Six Forks Road has turned into a major thurfare for daily commuting traffic. With the ever changing landscape these properties are no longer desirable to be residential lots. With the noise and traffic patterns no one wants to live in houses fronting on major thurfares. The North Hills area is one of the fastest redeveloping areas in the city today. These properties are less than 1 mile of the North Hills redevelopment. With more retail development to the south and north this site lends itself to low intensive office development.

Office Use Only	
Petition No.	Z-33-08
Date Filed:	3/20/08

Date Amended: 6/19/08

(continued)

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The traffic and rezoning happening on Six Forks Road, as well as the other major thurfares in Raleigh lends this site no longer compatible for residential use.

B. For the immediate neighbors:

The zoning requested with conditional use would prevent these properties from becoming a detriment or nuisance to the residences adjacent to the subject property. With traffic patterns on Six Forks Road increasing daily, these subject properties will continue to go down hill. No one will want to live in them, which will cause impact to the surrounding neighborhood property values at some point. With the Transitional landscape buffering, and residential character for the planned office buildings they will blend into the surrounding neighborhoods.

C. For the surrounding community:

To allow for redevelopment of the existing site would bring value to the community. Most of all the existing orphaned sites on Six Forks have been rezoned and this site would fall within those same guidelines.

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

The location of the property on a major, primarily non-residential, thoroughfare, together with the potential increases its efficiency of development, make this an entirely reasonable request which is in the public interest, because of the increased environmental sensitivity for storm water run off which this site does not have any requirements today and the greater likelihood of compliance with the Urban Design Guidelines.

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

The subject property fronts on Six Forks Road and has residential houses that are 40' from the street today. With Six Forks being a Major Thurfare non-residential use is preferred use of such properties for any future development.

Office Use Only	
Petition No.	Z-3308
Date Filed:	3/20/08

Date Amended: 6/9/08

(continued)

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 Six Forks being a Major Thurfare, and the overall traffic patterns for the area changing daily. The subject site with only access on Six Forks Road would have been considered for non-residential development. With the retail focus in the area with North Hills and the development on Wake Forest Road so much has changed on Six Forks Road over the last 5 years.

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

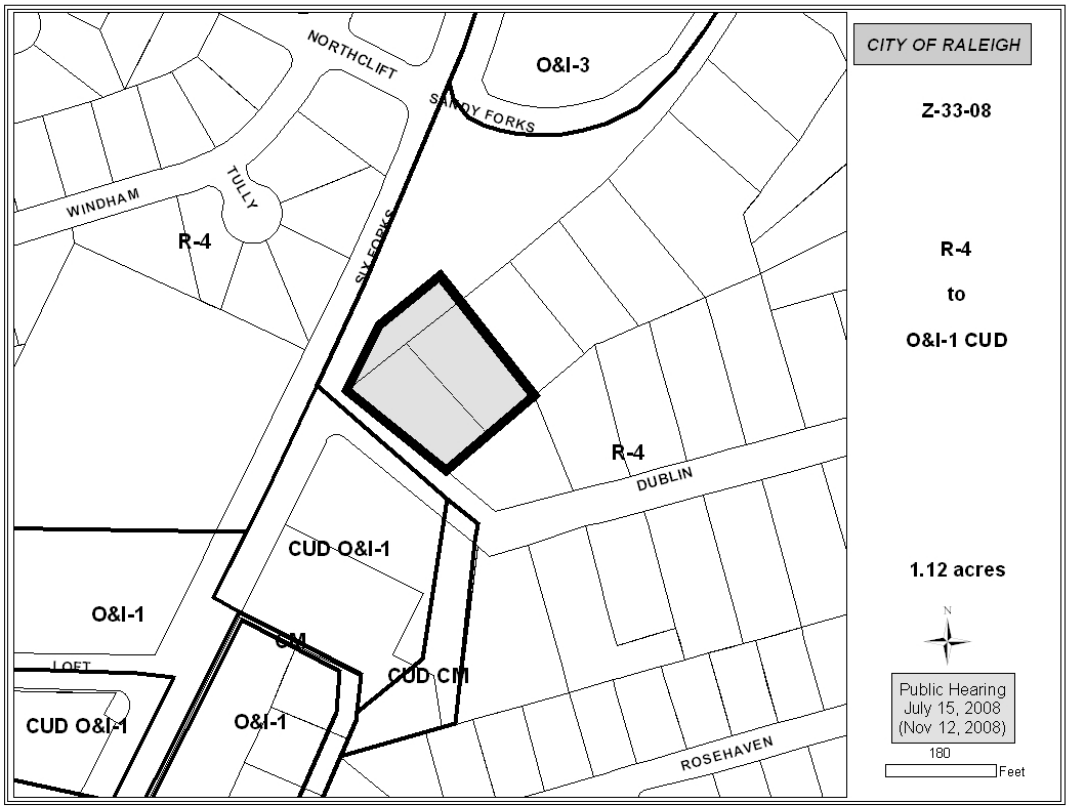
The public has a need for more efficient use of land and this rezoning will allow for more office space to be built in a more efficient manner. With the growth that is happening in Raleigh more and more business space is needed to support the growing residential communities.

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

Rezoning would put some impact on the public systems in the area. With the dedication of a transit easement on the subject property, the owner would be helping to the surrounding area which has no transit stop today

Certified Recommendation
of the City of Raleigh Planning Commission

Case File:	**Z-33-08 Conditional Use; Six Forks Road**
General Location:	Six Forks Road, east side, north of its intersection with Dublin Road and south of its intersection with Sandy Forks Road
Planning District / CAC:	North / North
Request:	Petition for Rezoning from **Residential-4 to Office and Institution-1 Conditional Use District.**
Comprehensive Plan Consistency:	**This proposal 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 October 29, 2008.**



CASE FILE: **Z-33-08 Conditional Use**

LOCATION: This site is located on the east side of Six Forks Road, north of its intersection with Dublin Road and south of its intersection with Sandy Forks Road.

REQUEST: This request is to rezone approximately 1.117 acres, currently zoned Residential-4. The proposal is to rezone the property to Office and Institution-1 Conditional Use District.

COMPREHENSIVE PLAN CONSISTENCY: **This proposal 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 October 29, 2008.**

FINDINGS AND REASONS:

(1) This request is inconsistent with the Comprehensive Plan. The subject property is located on the residential side of a Policy Boundary Line. The North District Plan designates the adjacent section of Six Forks Road a Primarily Residential Thoroughfare. Sandy Forks Road is classified as a residential collector street, and Dublin Road as a residential street.

(2) The long-term trend of land uses along the east side of the section of Six Forks Road between Millbrook and Spring Forest roads has been toward change from residential to office uses. The subject site is the only one on this section of the thoroughfare not zoned for office use. The Commission thus finds the request reasonable.

(3) The Commission feels that the zoning conditions offered under this proposal provide mitigation of potential bulk, scale, mass, traffic, access, lighting and noise impacts on the adjacent residences, thereby affording compatibility of future site development.

(4) The Policy Boundary Line to the north (at the Twin Forks Office Park) should be redrawn so as to encompass the subject site.

To PC: 10/28/08

To CC: 11/4/08 **City Council Status:** _____

Staff Coordinator: Doug Hill

Motion:	Holt
Second:	Butler
In Favor:	Anderson, Bartholomew, Butler, Chambliss, Haq, Harris Edmisten, Holt, 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: 10/29/08

Zoning Staff Report: Z-33-08 Conditional Use

LOCATION: This site is located on the east side of Six Forks Road, north of its intersection with Dublin Road and south of its intersection with Sandy Forks Road.

AREA OF REQUEST: 1.117 acre

PROPERTY OWNERS: Derrick & Vera Sauls; Thomas & Bobbie Brannan

CONTACT PERSON: Chad Stelmok, (919) 608-9406

PLANNING COMMISSION RECOMMENDATION DEADLINE: November 12, 2008.

	Current Zoning	**Proposed Zoning**
ZONING:	Residential-4	Office and Institution-1 CUD
	Current Overlay District	**Proposed Overlay District**
	n/a	n/a
ALLOWABLE DWELLING UNITS:	**Current Zoning**	**Proposed Zoning**
	4 units	w / Staff approval: 16 w / PC approval: 27
ALLOWABLE OFFICE SQUARE FOOTAGE:	**Current Zoning**	**Proposed Zoning**
	Office uses not permitted.	36,492 sq. ft. (0.75 FAR)
ALLOWABLE RETAIL SQUARE FOOTAGE:	**Current Zoning**	**Proposed Zoning**
	Retail uses not permitted.	Limited retail uses (max. of 10%) permitted in an office building in excess of 30,000 sq. ft.
ALLOWABLE GROUND SIGNS:	**Current Zoning**	**Proposed Zoning**
	Tract ID sign	Low profile (3 ½ feet in height, 70 sq. ft. in area)

ZONING HISTORY: This property has been zoned R-4 since 1960 (Z-18-60).

SURROUNDING ZONING:

NORTH: (across Sandy Forks Road right-of-way) Office & Institution-3
SOUTH: Office & Institution-1 Conditional Use District (Z-107-98)
Conditions:

b. Prior to issuance of a certificate of occupancy, a solid fence shall be constructed and maintained within six feet of the zoning line dividing the O&I-1 CUD from the CM CUD. The height of said fence shall six (6) feet, unless a variance is granted by the Raleigh board of Adjustment to install a fence at a height of eight (8) feet.
e. Any office building constructed on this property shall be completely located within 200 feet of the Six Forks Road right-of-way.
i. Prior to issuance of a certificate of occupancy, a berm having a minimum height of five (5) feet shall be installed along the Dublin Road property line within the O&I-1 CU district. Said berm shall be interrupted only for pedestrian access, installation of city-approved utilities, including but not limited to storm-drainage facilities, and to save desirable trees. The berm shall be planted with evergreens at such intervals as will provide an eight-foot (8') minimum height screening achieving 75% opacity within 3 years. The visual screen shall be measured from the top of the berm surface. A solid fence may supplement vegetative screening to achieve desired opacity.
j. Landscaping and exterior building maintenance and sanitation pick-up shall be limited to the hours between and including 7:30 a.m. to 7:00 p.m.
l. Non-residential vehicular access from the subject property shall be limited to Six Forks Road. No vehicular access from the subject property shall be permitted onto Dublin Road, except for the existing single-family development for so long as it is used as a single-family development.
m. Prior to issuance of building permits, the property shall offer cross-access to the owner of the property immediately to the south on Six Forks Road identified by the Wake County tax office as PIN 1706.07 67 8574 for a single joint driveway access aligned opposite of Loft Lane to be shard with said southern property. The form of the offer is to be approved by the City Attorney. All issues pertaining to right-of-way access in this conditional use district are subject to acceptance of such offer of cross-access.
n. Any office development on this property shall be limited to a maximum floor area ratio (FAR) of .50.
q. The quantity of street yard landscape plantings along Six Forks Road shall be increased by 50% of the requirements described in Code 10-2082.5.

EAST: Residential-4
WEST: Residential-4

LAND USE: Two single family residences (one per lot).

SURROUNDING LAND USE:

NORTH: Office (one-story buildings)
SOUTH: Office (two-story buildings)
EAST: Low density residential
WEST: Low density residential; City water tower

DESIGNATED HISTORIC RESOURCES: None on site; none within 100 feet.

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	North
Urban Form	Low density residential on Primarily Residential Thoroughfare
Specific Area Plan	n/a
Guidelines	n/a

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

This proposal is inconsistent with the Comprehensive Plan. While the proposed zoning would permit residential use of the site, the petitioner's statement proposes non-residential use, stating "this site lends itself to low intensive office development." However, the site is located on the residential side of a Policy Boundary Line within the Six Forks/Lynn Road-Spring Forest Road Neighborhood Focus Area. Additionally, the North District Plan designates the adjacent segment of Six Forks Road a Primarily Residential Thoroughfare. Sandy Forks Road is classified as a residential collector street, and Dublin Road as a residential street.

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

With the exception of the Office and Institution properties to the south (on the other side of Dublin Road), all properties adjacent to the site are zoned R-4. The property immediately to the southwest across Six Forks Road is the site of a City of Raleigh water tower; all other R-4 properties are the location of single-family residences.

To the south, the properties across Dublin Road and fronting Six Forks Road are zoned for office use. In their rezoning (Z-107-98), significant efforts were made to minimize impacts on the adjacent neighborhood. Substantial buffers were set in place (a 50 to 70 foot-wide Conservation Management zone created on the east and, along Dublin Road, a 5-foot tall berm required, topped by a minimum 8-foot tall evergreen screen). Vehicular access to that site is permitted only from Six Forks Road. Buildings are set close to Six Forks Road, with surface parking placed between the buildings and the perimeter buffers.

To the north, properties on the north side of Sandy Forks Road are zoned for office uses (as the Twin Forks Office Park). However, between the subject site and those properties lies the right-of-way of Sandy Forks Road. More than 350 feet of right-of-way lie between the Twin Forks Office Park tract and the closest corner of the subject properties as a result of roadway realignment. This excess right-of-way contains a number of mature trees.

The subject properties are part of a formerly-rural subdivision which fronts the southern side of Sandy Forks Road. While the residences are of varying footprints, they maintain a similar character and scale with the surrounding neighborhood.

On the subject site, the maximum building height proposed for non-residential construction (32 feet and two occupied stories) would permit construction on a scale larger than that of the adjacent residences, nearly all of which are one-story, ranch-style houses. The Twin Forks offices to the north,

across Sandy Forks Road, are also one story in height, and, additionally, stand on ground that is below the grade of Sandy Forks Road. The two new offices to the south, across Dublin Road, are two-story, but are positioned near the thoroughfare, with their parking areas and wide Conservation Management-zoned buffers transitioning to the neighborhood behind. The closest multi-story residences on Sandy Forks Road are in the Stafford townhouse development, approximately 1,000 feet northeast from the subject site. No maximum height is conditioned in the case for residential construction. Residential buildings up to 40 feet in height could be built under either the current or proposed zoning (or taller, provided one foot of additional setback is offered for every additional one foot of height). However, the lesser minimum rear and side yard setbacks possible under O&I-1 zoning could place taller buildings closer to adjacent residences.

3. Public benefits of the proposed rezoning

The petition proposes that traffic and development elsewhere on Six Forks Road have rendered the subject properties inefficient for continued residential use. Supporting criteria are not noted, however. At present, both houses appear to be occupied. Additionally, the corridor is well served by other office properties.

4. Detriments of the proposed rezoning

The rezoning poses multiple potential impacts on the adjacent neighborhood. Site topography (sloping north to south, toward the neighborhood) could compound the visual impact of a potential 32- to 40-foot tall building, with building placement and orientation further complicating compatibility. Access is likewise a question. Maintaining direct access from Six Forks Road could contribute to thoroughfare congestion by increasing traffic volume and turning movements. The intersections of Dublin Road and Sandy Forks Road with Six Forks Road are less than 500 feet apart; at best, the site access point from Six Forks Road would be a maximum of 200 feet from the Six Forks/ Dublin Road intersection. Additionally, traffic exiting the subject property traveling north on Six Forks Road must cross through a dedicated turn lane. Granting access from Sandy Forks Road would subject the adjacent residences there to non-residential traffic.

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

TRANSPORTATION: Six Forks Road is classified as a secondary arterial major thoroughfare (2005 ADT - 45,000 vpd) and exists as a six-lane curb and gutter section on 90 feet of right-of-way with sidewalk on both sides. City standards call for this section of Six Forks Road to provide an 89-foot back-to-back curb and gutter section on 110 feet of right-of-way. Sandy Forks Road is classified as a collector street and is designed to City standards as a 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way. There is a residual portion of Sandy Forks Road that currently provides access to the subject property. This cul-de-sac is classified as a minor residential street and exists as a two-lane ribbon-paved street on varying right-of-way. City standards call for this street to provide a 26-foot back-to-back curb and gutter section within the existing right-of-way. Dublin Road is classified as a residential street and currently exists as a two-lane ribbon-paved street on 60 feet of right-of-way. City Standards call for Dublin Road to provide a 31-foot back-to-back curb and gutter street on the existing right-of-way with sidewalk on a minimum of one side.

The petitioner may wish to clarify how access will be provided to the property if it is redeveloped for non-residential uses. The petitioner may also wish to modify condition #1 indicating that access will be limited to a maximum of one access point on Sandy Forks Road and no vehicular access permitted on Six Forks Road. The petitioner may also wish to modify condition # 1 regarding access to Dublin Road to include townhomes in addition to single family dwelling unit development. The City of Raleigh is proposing to widen Six Forks Road to a six-

lane median-divided section in the draft 2008-2018 Capital Improvement Program. This project is currently proposed for construction to begin in 2013.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

HYDROLOGY: FLOODPLAIN: no flood hazard areas
DRAINAGE BASIN: Big Branch
STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code. There was one instance of basement flooding in 1997 on the downstream property at 119 Dublin Road.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	**Maximum Demand on Proposed Zoning**
Water	**Approx. 2460 gpd**	**Approx. 3936 gpd**
Waste Water	**Approx. 2460 gpd**	**Approx. 3936 gpd**

The proposed rezoning would add approximately 1476 gpd of wastewater and water to the wastewater collection and water distribution systems of the City's utilities. There are existing water mains in the streets rights-of-way and existing sanitary sewer mains within an easement on the properties which would serve the proposed rezoning area.

PARKS AND RECREATION: This property is not adjacent to any greenway corridors. Parks and recreation services are provided by existing facilities at Cedar Hill Park.

WAKE COUNTY PUBLIC SCHOOLS: The maximum number of dwelling units permitted under the current zoning is 4; the proposed rezoning would permit up to 27 units. This would generate an expected 5 additional school age children. The current base schools for the site, and their respective capacities, are indicated below:

School name	**Current enrollment**	**Current Capacity**	**Future Enrollment**	**Future Capacity**
North Ridge	878	117.1%	880	117.3%
West Millbrook	984	84.5%	986	84.7%
Sanderson	1,876	98.8%	1,877	98.8%

IMPACTS SUMMARY: Potential residential development could add additional students to already over-capacity North Ridge Elementary School.

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 property applied to it now were it being zoned for the first time.

These lots were originally developed as part of a rural subdivision, which in the intervening years have been brought into the City. The Comprehensive Plan provides for their use as residential properties, however, as part now of a much larger neighborhood.

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

CITIZEN'S ADVISORY COUNCIL: DISTRICT: North
CAC CONTACT PERSON: Tom Slater, 846-0584

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

This proposal is inconsistent with the Comprehensive Plan.

2. Suggested conditions:

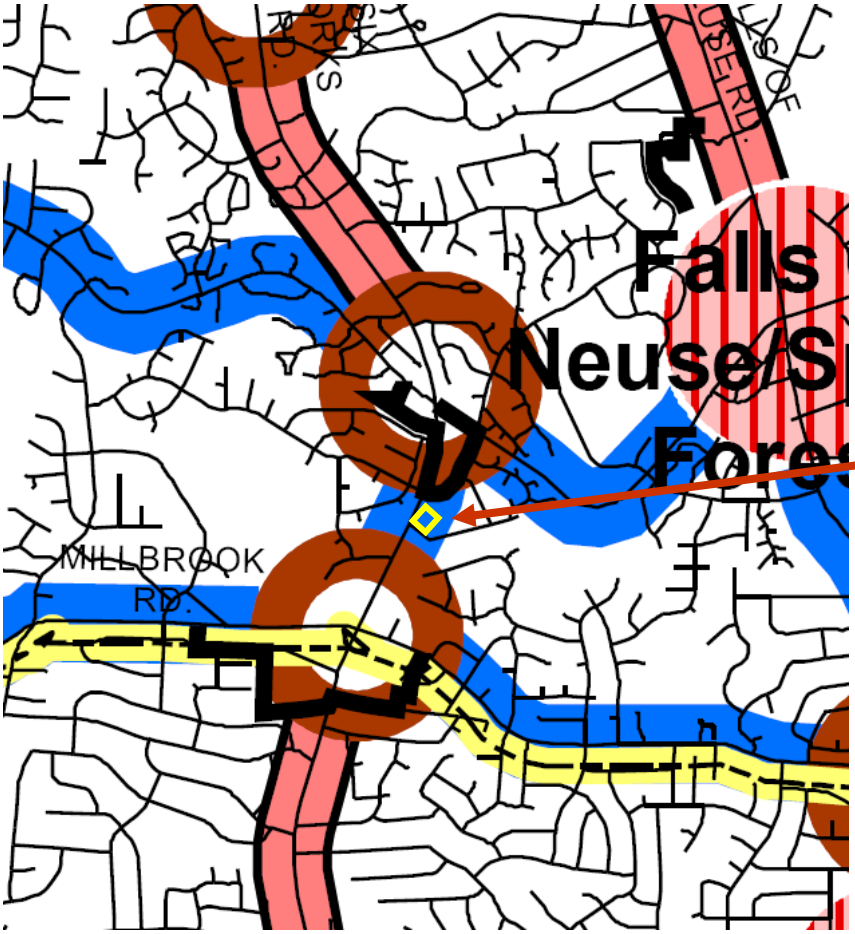
DEVELOPMENT REGULATIONS:

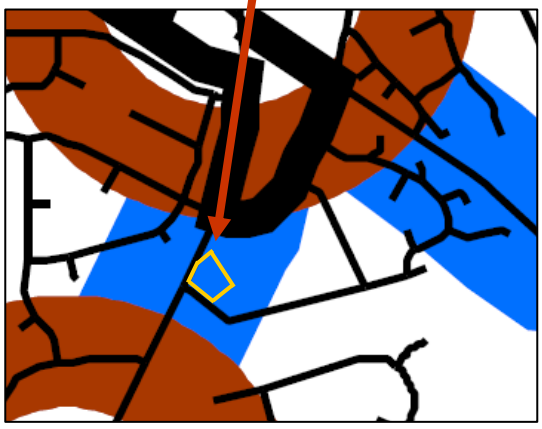
- Condition 5. – Omit the berm condition as this may conflict with areas where existing trees must be preserved. At a minimum reword the condition to say that a berm will be required in the event existing trees are not required to remain per the tree conservation ordinance.
- Condition 7. – Do you mean a minimum 25-foot setback? As stated, the building must be set back exactly 25 feet from the property line.

TRANSPORTATION:

The petitioner may wish to clarify how access will be provided to the property if it is redeveloped for non-residential uses. The petitioner may also wish to modify condition #1 indicating that access will be limited to a single access point on Six Forks Road and no vehicular access permitted on Sandy Forks Road.

Urban Form – North District Plan (details)





Recommended Urban Form - North District

- NEIGHBORHOOD FOCUS
- COMMUNITY FOCUS
- CITY FOCUS
- GATEWAY CORRIDOR
- REGIONAL INTENSITY AREA
- SPECIAL AREA
- RURAL RESIDENTIAL
- EMPLOYMENT AREA
- REGIONAL CENTER
- TRANSIT CORRIDOR
- POLICY BOUNDARY LINE
- PRIMARILY NONRESIDENTIAL THOROUGHFARES
- PRIMARILY RESIDENTIAL THOROUGHFARES
- RETAIL AREAS
- RESIDENTIAL RETAIL
- TODS
- RESIDENTIAL (SUBURBAN)

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

LYNDO TIPPETT
SECRETARY

April 24, 2008

MEMORANDUM TO: Art McMillian, P.E.
State Highway Design Engineer

ATTENTION: Thomas Terry
Right of Way Disposal and Control of Access Committee

FROM: J. W. Bowman, P.E.
Division Engineer

SUBJECT: Request for Right of Way Disposal
SR 1005 (Six Forks Road)
County: Wake

The above mention property has been inspected and reviewed, the Division concurs with the review performed by the District Engineer. Please note the conditions in the attached request to allow this disposal based upon the following provisions; 1) dedication of all additional right of way, slope easements, permanent drainage easements and construction easements necessary to add an additional northbound through lane across the frontage, 2) driveway attachment to Six Forks Road will be restricted to a single right-in/right-out access. The City of Raleigh has reviewed this request and is in agreement to allowing the requested right of way disposal.

Please find attached a copy of the District's recommendation, aerial photo, checklist, project plan sheet, and the request from Chad Stelmok on behalf of Kimberly Development Group, also included on the project plan sheet is the area requested to be disposed of.

If I may provide additional information, please advise.

JWB/ee

cc: Reid Elmore, District Engineer
Robert Mathes, Division 5 R/W Agent

RIGHT OF WAY DISPOSAL AND CONTROL OF ACCESS REVIEW COMMITTEE
MEETING MINUTES OF MAY 13, 2008

Attending Committee Representatives:

Art McMillan	Highway Design Branch (Chairperson)
Thomas Terry	Highway Design Branch
Tommy Cozart	Project Services Unit
Chris Haire	Roadway Design Unit
Mohammed Mahjoub	Roadway Design Unit
Jim Dunlop	Congestion Management and Signing Unit
Eric Midkiff	Project Development and Environmental Analysis
Daniel Keel	Operations
Denise Amato	Right of Way Branch
Karen Bowen	Right of Way Branch
Mike Dawson	FHWA

Attending Committee Guests:

Kevin Lacy	Traffic Engineering and Safety Systems Branch
James Stanley	Attorney General's Office
Eddie Wetherill	Wetherill Engineering
Frank Price	Wetherill Engineering
Bob May	Wetherill Engineering
Victor Lebsock	City of Raleigh Parks & Recreation Department
Bill Flournoy	Triangle Greenways Council

REQUESTS FOR CONTROL OF ACCESS REVISIONS

Crooked Creek Development, LLC - Durham County
Request from Mr. Richard C. Adams, PE, Vice President of Kimley-Horn and Associates, Inc. on behalf of Crooked Creek Development, LLC. to encroach onto the existing control of access of I-40 along NC 54 in Durham.
State Project 8.1416802, R/W
F. A. Project I-40-4(40) 271, R/W

Prior to the meeting, it was determined that the proposed driveway will be west of the existing end control of access monument of I-40 located 170 feet left of centerline Station 240+00. Therefore, no further action is needed by the committee. However, the committee recommended to extend the existing control of access fence to the existing end control of access monument of I-40 located 170 feet left of centerline Station 240+00.

New Beginnings Construction - Lenoir County
Request from Mr. Allen Henke, Civil Engineer with the East Group for New Beginnings Construction, Inc. on behalf of The Carpenter's House to replace the existing control of access fence with a more aesthetically pleasing fence along NC 11 Bypass between SR 1144 (Tulls Mill Road) and SR 1143 (Liddell Road) in Deep Run.
State Project 6.201014, R/W
F. A. Project N/A

Approved - The committee recommended approval to replace the fence along the existing control of access by encroachment agreement subject to the following:

- The proposed fence shall be subject to review and approval by the Division Engineer.
- All property owners, current and future, shall be responsible for maintenance to the proposed fence.
- No enhancement fees shall be associated with the fence replacement.

Mr. Greg Burns, PE - Acting Division Engineer - Columbus County
Request from Mr. Greg Burns, PE, Acting Division Engineer on behalf of the Department of Transportation for a revision to the existing control of access along US 701 Bypass near SR 1550 (Campground Road) and the US 74/76 offramp in Whiteville.
State Project 6.4310019, R/W
F. A. Project N/A

Deferred - A recommendation relative to the request was deferred in order for Division Staff to present the project history with capacity analysis to the committee at the June 10 meeting.

City of Raleigh - Wake County
Request from Mr. Frank Price, PE of Wetherill Engineering on behalf of the City of Raleigh for a greenway trail break in the existing control of access along SR 1728 (Wade Avenue) and I-440 in Raleigh. The request will also involve allowing a proposed greenway trail within existing control of access right of way south of the I-440 Pedestrian Bridge.
State Project 8.T401707, R/W
F. A. Project NHF-43-2(25), R/W

Approved - The committee recommended approval for a greenway trail break in the existing control of access and for a proposed greenway trail within existing control of access right of way along SR 1728 (Wade Avenue) subject to the following:

- The City of Raleigh will initiate a memorandum of agreement (MOA) between the City, the Department and the Federal Highway Administration relieving the Department of all future 4f requirements associated with modifications and/or removal of the Greenway Trail.
- The City of Raleigh shall be responsible for all costs associated with modifications and/or removal of the greenway trail due to possible future roadway construction.
- A pedestrian cored slab bridge over Meredith College access road shall be acceptable subject to the encroachment agreement review process.
- Since the access will be for public benefit, we will seek waiver of enhancement fees in accordance with 23 CFR 710.403(d)(1).

Central Piedmont Community College - Mecklenburg County
Request from Ms. Beth Poovey, Senior Associate with LandDesign, Inc. on behalf of Central Piedmont Community College for a break in the existing control of access along East 7th Street (NC 27) near I-277 in Charlotte.
State Project 8.1654801, R/W
F. A. Project F-24-1(3), R/W

Approved - The committee recommended approval for a break in the existing control of access along East 7th Street (NC 27) subject to the following:

- The proposed driveway shall be used for delivery service only.
- The proposed driveway shall include a concrete monolithic (pork chop) island to restrict access to right-in/right-out movements only.
- The requesting party must accommodate adequate site distance in accordance with AASHTO Standards.
- Since the access will be for public benefit, we will seek waiver of enhancement fees in accordance with 23 CFR 710.403(d)(1).

REQUESTS FOR DISPOSAL OF SURPLUS RIGHT OF WAY

Louis & Clark Realty - Guilford County
Request from Mr. Jim Westmoreland, PE, Director of the Department of Transportation with the City of Greensboro on behalf of Ms. Sara Clark with Louis & Clark Realty to purchase surplus right of way at 325 and 327 Smyers Place near SR 2147 (West Friendly Avenue) in Greensboro.
State Project 8.15359, R/W
F. A. Project U-704(3), R/W

Approved - The committee recommended disposing of surplus right of way at 325 and 327 Smyres Place subject to the following:

- The existing control of access shall be maintained in order to exclude future driveways along these parcels.
- Enhancement fees shall be associated with the disposal.

Kimberly Development Group - Wake County
Request from Mr. Chad Stelmok with Kimberly Development Group on behalf of Derrick and Vera Sauls and Thomas and Bobbie Brannan to dispose of surplus right of away along SR 1005 (Six Forks Road) at its intersection with SR 2017 (Sandy Forks Road) and SR 2058 (Dublin Road) in Raleigh.
State Project 9.8052039, R/W
F. A. Project N/A

Approved - The committee recommended disposing of surplus right of way along SR 1005 (Six Forks Road) subject to the following:

- The limits of disposal shall be modified to retain sufficient right of way to accommodate an additional 12-foot northbound through lane.
- The adjacent property owners must be in concurrence with the disposal.
- Enhancement fees shall be associated with the disposal.

City of Kannapolis - Cabarrus County
Request from Mr. Wilmer Melton, III, Director of Public Works with the City of Kannapolis on behalf of Castle & Cooke NC, LLC to dispose of surplus right of way along SR 1691 (Loop Road) at its intersection with SR 1705 (West "D" Street) and along SR 1691 (Loop Road) at its intersection with SR 1702 (Chestnut Street) in Kannapolis.
State Project 8.2660303, R/W
F. A. Project M-5270(2), R/W

Approved - The committee recommended disposing of surplus right of way from approximate centerline Station 42+77.06-L- Rt. to approximate centerline Station 43+79.81-L- Rt. and from approximate centerline Station 56+66.05-L- Rt. to approximate centerline Station 57+36.00-L- Rt., subject to enhancement fees.

Landquest Legacy of North Carolina, LLC - Wake County
Request from Mr. Mike Horn, PE with Kimley-Horn and Associates, Inc. on behalf of Landquest Legacy of North Carolina, LLC to dispose of surplus right of way along SR 3100 (ACC Boulevard) near its intersection with SR 3101 in Raleigh.
State Project N/A
F. A. Project N/A

Approved - The committee recommended disposing of surplus right of way along SR 3100 (ACC Boulevard) as requested subject to enhancement fees.

Triangle Greenways Council - Johnston County
Request from Triangle Greenways Council to dispose of surplus right of way along US 70 at the Neuse River near Smithfield.
State Project 8.1236903, R/W
F. A. Project F-56-2(20), R/W

Approved - The committee recommended disposing of surplus right of way along US 70 subject to the following:

- Disposal is conditional upon land remaining the Mountains to the Sea Trail corridor. If land use changes to anything other than the Mountains to the Sea Trail corridor, right of way will revert back to the Department.
- The Triangle Greenways Council will indemnify and save harmless the Department from any and all liability that may result from any contaminates.
- This parcel is currently landlocked. Access onto US 70 from this parcel shall not be allowed.
- Since the disposal will be for public benefit, we will seek waiver of enhancement fees in accordance with 23 CFR 710.403(d)(1).

Panos Smith Hotel Groups - Mecklenburg County
Request from Mr. James Stanley, Assistant Attorney General on behalf of Reames Road LLC and Panos Smith Hotel Group to dispose of a 50 foot strip of surplus right of way along US 21 (Statesville Road) near Smith Corners Boulevard in Charlotte.
State Project 6.678007B, R/W
F. A. Project N/A

Approved - The committee recommended modifying the disposal limits of surplus right of way to beyond 30 feet from the centerline of US 21 (Statesville Road) in order to accommodate possible future widening. Enhancement fees shall be associated with the disposal.

White Oak Road Mixed-Use Development - Wake County
Mr. Kevin Lacy, PE, CPM, State Traffic Engineer provided preliminary information for modifications to the existing I-40/US70 Interchange which includes an additional ramp off the US70 flyunder to accommodate a mixed-use development in Garner.
State Project N/A
F. A. Project N/A

The committee requested the following:

- Mr. Kevin Lacy to provide examples of this type of configuration constructed throughout the state.
- Mike Dawson and Ron Lucas will review design standards and enhancements associated with the request.

Next Meeting: Tuesday, June 10, 2008 at 9:00 A.M.
Highway Design Branch Conference Room
Century Center, Entrance A-1, Room 183

Art McMillan, PE
State Highway Design Engineer

AM/tct

Distribution:
Bill Rosser, PE
Debbie Barbour, PE
Jon Nance, PE
Art McMillan, PE
Doug Allison
Kevin Lacy, PE, CPM
Jim Dunlop, PE
Jay Bennett, PE
Tommy Cozart, PE
Eric Midkiff, PE
Daniel Keel, PE
Chris Haire, PE
Mohammed Mahjoub
Thomas Terry
Neal Strickland
Denise Amato
Clarence Coleman, PE
Ron Lucas, PE
Mike Dawson
Wally Bowman, PE
Greg Burns, PE
Ricky Greene, PE
Neil Lassiter, PE
Mike Mills, PE
Barry Moose, PE