

**CITY OF RALEIGH**

**Z-36-08**

## R-4

**to**

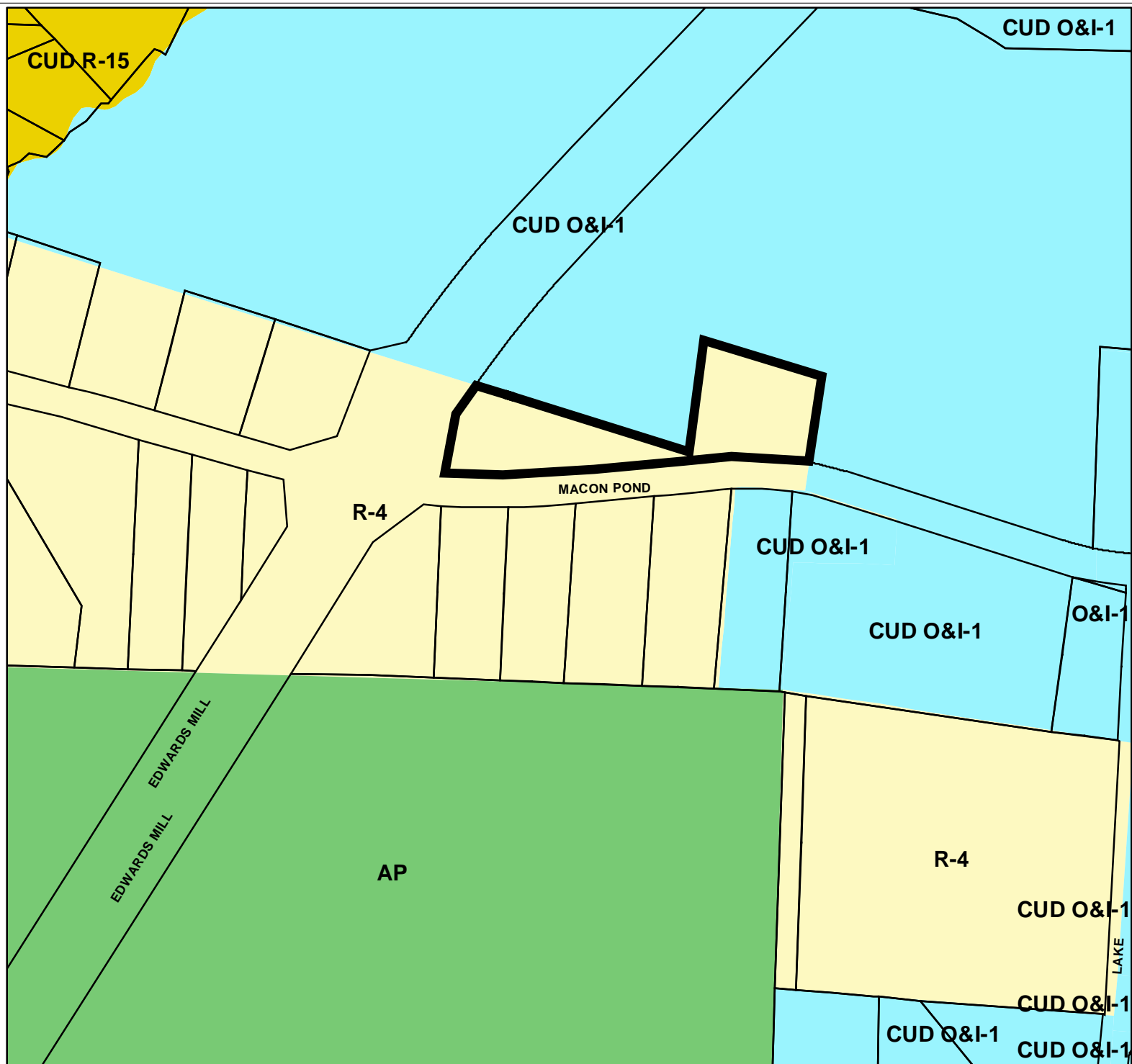
## O&I-1 CUD

**1.94 acres**

Public Hearing  
July 15, 2008  
(Nov 12, 2008)

290

\_\_\_\_\_





# 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)  
Rex Hospital, Inc.

Lacy H. Reaves  
Lacy H. Reaves, Attorney

Date:

March 20, 2008

# EXHIBIT B. Request for Zoning Change

Office Use Only	2-36-08
Petition No.	3/26/08
Date Filed:	6/00/08
Filing Fee:	608937

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b>	<u>Rex Hospital, Inc.</u>	<u>4420 Lake Boone Trail</u>	
Note: Conditional Use District		<u>Raleigh, NC 27607-7505</u>	
Petitioner(s) must be owner(s) of			
petitioned property.			

<b>2) Property Owner(s):</b>	<u>Rex Hospital, Inc.</u>	<u>4420 Lake Boone Trail</u>	
		<u>Raleigh, NC 27607-7505</u>	

<b>3) Contact Person(s):</b>	<u>Lacy H. Reaves and</u>	<u>Kennedy Covington</u>	<u>919.743.7304</u>
	<u>Jason L. Barron</u>	<u>4350 Lassiter at North</u>	<u>lreaves@kennedycoving</u>
		<u>Hills Ave., Suite 300</u>	<u>ton.com</u>
		<u>Raleigh, NC 27609</u>	<u>jbarron@kennedycoving</u>
			<u>ton.com</u>

<b>4) Property Description:</b>	Wake County Property Identification Number(s) (PIN): <u>That portion of PIN 0785-63-</u>
Please provide surveys if proposed	<u>6869 currently zoned Residential-4 District</u>
zoning boundary lines do not follow	
property lines.	

General Street Location (nearest street intersections): \_\_\_\_\_

Northeast quadrant of the intersection of Edwards Mill Road and Macon Pond Road

<b>5) Area of Subject Property (acres):</b>	<u>Approximately 1.94 acres</u>
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<b>6) Current Zoning District(s)</b>	
<b>Classification:</b>	<u>R-4 District</u>
Include Overlay District(s), if	
Applicable	

<b>7) Proposed Zoning District</b>	
<b>Classification:</b>	<u>O&amp;I-1 Conditional Use District</u>
Include Overlay District(s) if	
Applicable. If existing Overlay	
District is to remain, please state.	



2-36-08

**Exhibit B-1  
Adjacent Property Owners**

<u>Name and Address</u>	<u>Wake County PIN</u>
2801 Blue Ridge Building LLC c/o Southern Eye Associates PA 2801 Blue Ridge Road, Suite 200 Raleigh, NC 27607-6474	0785-73-1153
CC Raleigh MOB LLC c/o Centex Concord Attn: Sandra Bair 2636 Elm Hill Pike, Suite 120 Nashville, TN 37214-3162	0785-63-5430
Macon Pond Investors LLC 4217 Glen Laurel Drive Raleigh, NC 27612-3717	0785-63-3259
Macon Pond Investments LLC c/o Ezra Meir 125 Duncansby Ct. Cary, NC 27511-6403	0785-63-2239
Eloise H. & Sherwood Harrison Jones 4203 Macon Pond Road Raleigh, NC 27607-6320	0785-63-0380
William Lloyd Harrison 4225 Macon Pond Road Raleigh, NC 27607-6320	0785-53-9340
Sherwood H. & Phyllis L. Jones 94 E. Deer Run Apex, NC 27523-8402	0785-53-8330
Neil C. & Sharon Gustafson Martin L. Wachtel, III P.O. Box 17843 Raleigh, NC 27619-7843	0785-53-6245
W. Lloyd Harrison 4309 Macon Pond Road Raleigh, NC 27607-6331	0785-53-4453
William L. & Jane C. Harrison 4225 Macon Pond Road Raleigh, NC 27607-6320	0785-53-3365
Mucie H. Watkins 900 Brick Mill Road Coats, NC 27521-9540	0785-53-5616

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<u>Name and Address</u>	<u>Wake County PIN</u>
Rex Hospital Inc. 4420 Lake Boone Trail Raleigh, NC 27607-7505	0785-54-6220
Princeton Marquis LP Ltd. Ptnrp. 800 Newport Center Drive, Suite 400 Newport Beach, CA 92660-6316	0785-54-3827
CNL Retirement PC1 NC LP HCP PC1 North Carolina Deloitte Tax 2235 Faraday Avenue, Suite O Carlsbad, CA 92008-7215	0785-64-9530
Raleigh Medical Center LLC 940 NW Cary Parkway, Suite 101 Cary, NC 27513-2792	0785-74-3856
Bomcelveen LLC 1301 Carolina Street Greensboro, NC 27401-1032	0785-74-5412
Gerard J. & Rita G. Musante 3101 Cornwall Road Durham, NC 27707-5101	0785-74-6114
West Raleigh Group III LLC 3100 Blue Ridge Road Raleigh, NC 27612-8036	0785-73-7887
Rex Hospital Inc. 4420 Lake Boone Trail Raleigh, NC 27607-7505	0785-82-2820
Rex Hospital, Inc. 4420 Lake Boone Trail Raleigh, NC 27607-7505	0785-73-1545

Office Use Only	2-36-08
Petition No.	
Date Filed:	3/20/08

## 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](http://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 Northwest Planning District and is within the area dealt with by the Blue Ridge Road/Lake Boone Trail Small Area Plan (the "Small Area Plan"). The Small Area Plan recommends that a portion of the Property be used for residential purposes and that a portion be used for office and institutional uses.

##### **B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

Please see A above.

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

It is consistent in part, and inconsistent in part.

**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):**

Areas surrounding the Property to the north, east and west are vacant, but zoned O&I-1 CUD. Areas to the south are utilized for single family residential purposes.

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

The areas to the north, east and west are zoned O&I-1 CUD. The area to the south is zoned R-4 and O&I-CUD.

**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**

Because of the proximity of the Rex Hospital campus, much of the surrounding property has or will be developed for hospital-related uses or medical offices.

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

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

The petitioner owns all of the surrounding vacant property to the west, north and east and plans to develop all of this area for hospital-related uses and medical offices. Rezoning of the Property as requested will allow it to be developed as part of the owner's overall plan for its property.

**B. For the immediate neighbors:**

It is submitted that the highest and best use of all neighboring properties zoned other than O&I-1 CUD is for office and institutional uses. The rezoning of the Property as requested will make it more likely that such properties can be rezoned for such uses.



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**C. For the surrounding community:**

Because of the growth and expansion of Rex Hospital, there is a significant need for land in the area surrounding the hospital to be zoned for uses associated with the hospital, including medical offices.

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

As mentioned, substantially all of the property to the west, north and east is already zoned O&I-1 CUD. The rezoning requested in this case will afford a benefit with respect to the Property not available to the R-4 parcels to the south.

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

The Property is the only area within the block surrounded by Edwards Mill, Blue Ridge and Macon Pond Roads that is not zoned O&I-1 CUD. All of that area contiguous to the Property is owned by Petitioner. Rezoning the Property as requested will allow the petitioner to develop all of its property pursuant to a master plan of development conceived to further its goals for the advancement of the health of the citizens of Raleigh.

**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.**

If the zoning of the Property was being established now for the first time, it is unlikely that it would be zoned R-4 due to: (1) the O&I-1 CUD zoning of the remaining portion of the entire block; (2) the relatively small size of the Property, and (3) the significant growth and proximity of Rex Hospital.

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

The growth and proximity of Rex Hospital and the rapidly growing population of the City have created a need for additional land zoned for O&I-1 uses.

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

This impact will be minimal.

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

The development of the Property for uses allowed in the R-4 District is impractical in view of (1) the configuration of a portion of the Property, (2) the zoning and the nature of the likely development of adjoining properties and (3) the difficulty of marketing residential dwelling units constructed upon the Property.



## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** **Z-36-08 Conditional Use; Macon Pond Road**

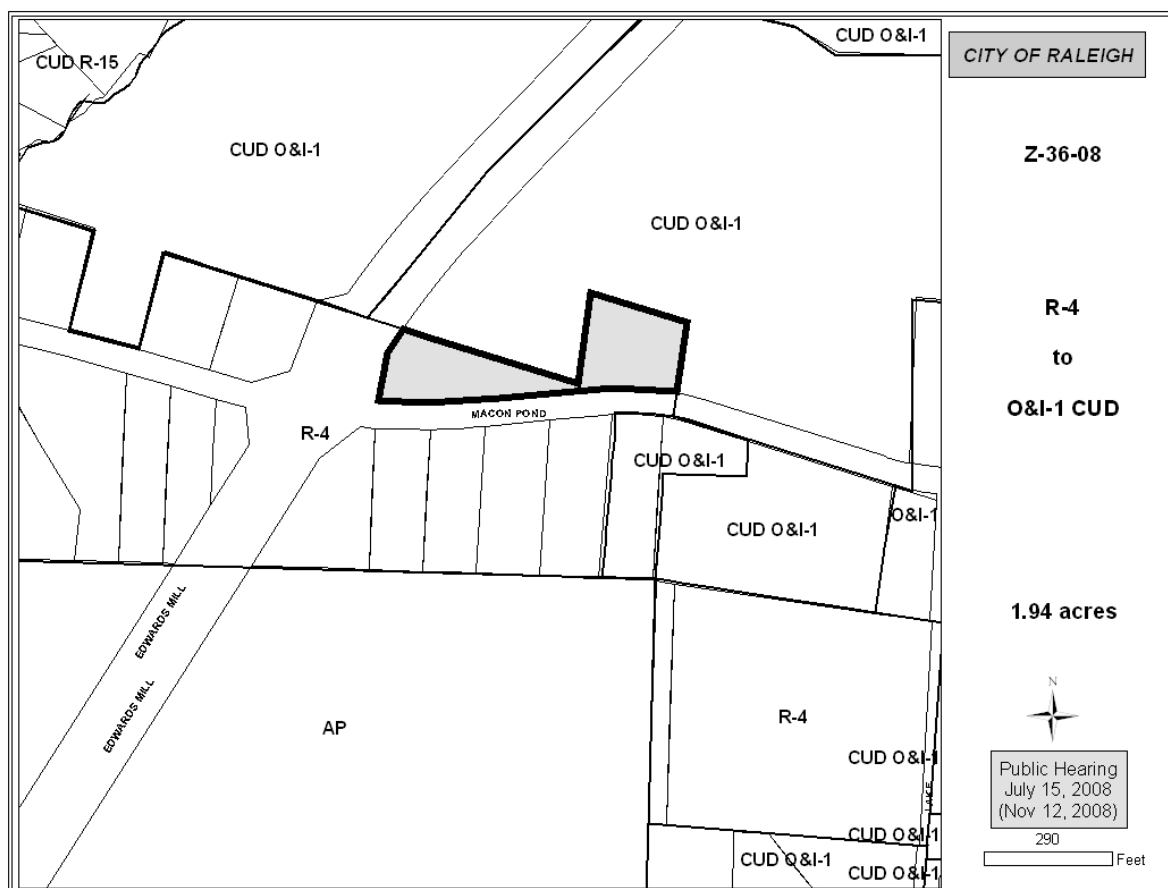
**General Location:** This site is located on the north side of Macon Pond Road, NE of its intersection with Edwards Mill Road.

**Request:** Petition for Rezoning from **Residential-4** to **Office and Institution-1 Conditional Use**.

**Comprehensive Plan Consistency:** This request is partially consistent with the Comprehensive Plan. The eastern area is consistent and the western area is inconsistent.

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

**Recommendation:** That a portion of this request is inconsistent with the Comprehensive Plan. However, based on the Findings and Reasons of this report, the Commission recommends that this request be approved in accordance with conditions dated July 18, 2008.



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**CASE FILE: Z-36-08 Conditional Use**

**LOCATION:** This site is located on the north side of Macon Pond Road, NE of its intersection with Edwards Mill Road.

**REQUEST:** This request is to rezone approximately 1.94 acres, currently zoned Residential-4. The proposal is to rezone the property to Office and Institution-1 Conditional Use.

**COMPREHENSIVE PLAN CONSISTENCY:** This request is partially consistent with the Comprehensive Plan. The eastern area is consistent and the western area is inconsistent.

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**RECOMMENDATION:** That a portion of this request is inconsistent with the Comprehensive Plan. However, based on the Findings and Reasons of this report, the Commission recommends that this request be approved in accordance with conditions dated July 18, 2008.

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**FINDINGS  
AND REASONS:**

- (1) The Blue Ridge Road / Lake Boone Trail Small Area Plan recommends residential land uses for the western portion of this request and office uses for the eastern portion of this request. Although the O&I-1 CUD request is not fully consistent with this Comprehensive Plan recommendation, the request is reasonable and compatible with surrounding properties. Retaining this small portion of property for residential use designation may actually result in an less compatible situation as it would be the only residentially-zoned lot on the northeast quadrant of the intersection of Edwards Mill Road and Macon Pond Road.
- (2) The subject property is adjacent to O&I-1 CUD property to the north and east and is located at the intersection of a major thoroughfare and a collector street. Rezoning, as requested, will establish uniform O&I-1 CUD zoning for the entirety of the northeast quadrant of this intersection.
- (3) The conditions associated with this request contains prohibited uses, limits lighting and retains R-4 value for r-o-w reimbursement.

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**To PC:** 7/22/08

**To CC:** 8/5/08

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:** Stan Wingo

**Motion:** Chambliss

**Second:** Davis

**In Favor:** 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)

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date: \_\_\_\_\_

date: 7/25/08



## Zoning Staff Report: Z-36-08 Conditional Use

**LOCATION:** This site is located on the north side of Macon Pond Road, NE of its intersection with Edwards Mill Road.

**AREA OF REQUEST:** 1.94 acres

**PROPERTY OWNER:** Rex Hospital, Inc.

**CONTACT PERSON:** Lacy Reaves 743-7304

**PLANNING COMMISSION  
RECOMMENDATION  
DEADLINE:** November 12, 2008

**ZONING:** Current Zoning

Residential-4

Proposed Zoning

Office and Institution-1  
Conditional Use

Current Overlay District

None

Proposed Overlay District

None

**ALLOWABLE  
DWELLING UNITS:**

Current Zoning

7 dwelling units

Proposed Zoning

w / Staff approval: 29 dwelling units  
w / PC approval: 48 dwelling units

**ALLOWABLE OFFICE  
SQUARE FOOTAGE:**

Current Zoning

Office uses not permitted.

Proposed Zoning

63,379 sq. ft. (0.75 FAR)

**ALLOWABLE RETAIL  
SQUARE FOOTAGE:**

Current Zoning

Retail uses not permitted.

Proposed Zoning

Limited Retail Uses (maximum of 10%)  
permitted in association with an office  
building exceeding 30,000 square feet.

**ALLOWABLE  
GROUND SIGNS:**

Current Zoning

Tract ID Sign

Proposed Zoning

Low Profile Sign

**ZONING HISTORY:** This property has been zoned Residential-4 since being brought into the City's jurisdiction.

**SURROUNDING  
ZONING:**

NORTH: O&I-1 CUD (Z-9-86)

**Z-9-86 Conditions:**

1) No more than 50% of the land area, not including area devoted to public streets will be used for residential purposes (uses defined in Code Section 10-2033(a)).

2) The building setback from the rights-of-way of public streets shall be a minimum of 50 feet.

3) All land included in the rezoning on the west side of the Edwards Mill Road as constructed in the future will be used for residential purposes (uses defined in Code Section 10-2033(a)).

4) Any future subdivision or site plan approval requests submitted for the property will include on site dedication and construction of Edwards Mill Road Extension and Forest View Drive through the project

SOUTH: R-4, O&I-1 CUD (Z-31-2004)

EAST: R-4, O&I-1 CUD

WEST: O&I-1 CUD (Z-14-08)

**LAND USE:** Vacant wooded land

**SURROUNDING  
LAND USE:**

NORTH: Vacant wooded land

SOUTH: Single family homes, health related services

EAST: Vacant wooded land

WEST: Vacant land

**DESIGNATED HISTORIC  
RESOURCES:**

This site does not contain any designated structures or landmarks and is not within any historic districts.

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**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	Northwest
Urban Form	Neighborhood Focus fringe
Specific Area Plan	Lake Boone/Blue Ridge SAP

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

This site is located in the Northwest Planning District within the Lake Boone Trail/Blue Ridge Road Small Area Plan. The Small Area Plan designates this area as appropriate for residential on the western portion of this site adjacent to the intersection of Edwards Mill and Macon Pond Roads. However the eastern portion falls within an area designated as being appropriate for office and institution uses. Due to the recommended land uses being split on this site, the northern portion of the proposal is consistent and the southern portion is inconsistent with the Comprehensive Plan.

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

Applicant states that due to the proximity to Rex Hospital campus, this request is compatible with the surrounding area. Also that much of the surrounding property has or will be developed for hospital-related uses or medical offices. Also that the property is the only area within the block surrounded by Edwards Mill, Blue Ridge and Macon Pond Roads that is not zoned O&I-1 CUD. All of that area contiguous to the property is owned by the petitioner, Rex Hospital. Rezoning the property will allow for development of the property pursuant to a master plan conceived to further the petitioners goals for the advancement of the health of the citizens of Raleigh.

Staff concurs with the applicant's statement of compatibility. Although primarily vacant, the majority of the surrounding property in this area is zoned for Office and Institution uses. It is likely that most of these vacant parcels will be developed for hospital related uses due to proximity to Rex campus, and also based on the fact that the large tracts to the north and northwest are owned by Rex Hospital. The rezoning proposal is compatible with the surrounding area's land use and zoning patterns. Rezoning the property to Office and Institution will help insure a consistent pattern of development on this site in conjunction with the surrounding area.

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

Applicant states that because of the growth and expansion of Rex Hospital, there is a significant need for land in the area surrounding the hospital to be zoned for uses associated with the hospital, including medical offices.

Although there are large vacant tracts of adjacent land already zoned for these uses, staff agrees that this proposal is beneficial and appropriate. This proposal will provide continuity to the large adjacent tract of land owned by Rex, and provide for a more consistent pattern of development.

**4. Detriments of the proposed rezoning**

There are no known detriments associated with this request. The rezoning of this site to Office and Institution is compatible with the surrounding land uses and zoning and will have very little negative impact on surrounding properties.

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

**TRANSPORTATION:** Edwards Mill Road is classified as a secondary arterial thoroughfare (2005 ADT - 18,000 vpd) and exists as a five-lane curb and gutter section within a 150 -foot right-of-way. To the north of Macon Pond Road there is sidewalk on one side of Edwards Mill Road and sidewalk on both sides of the road south of Macon Pond Road. City standards call for Edwards Mill Road to provide six lanes on an 89-foot back-to-back curb and gutter section with sidewalks on both sides within the existing right of way. Macon Pond Road is classified as a collector street and

exists as a two-lane shoulder section within a 60-foot right-of-way. City standards call for Macon Pond Road to provide a 41-foot back-to-back-to curb and gutter with sidewalk on a minimum of one side within the existing right of way. The petitioner may also wish to consider a condition stating that reimbursement for additional right of way dedicated shall be at R-4 values.

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

**HYDROLOGY:** FLOODPLAIN: None  
DRAINAGE BASIN: Richland  
STORMWATER MANAGEMENT: Compliance with Pt. 10 Ch. 9

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>3,880</u> gpd	Approx. <u>6,305</u> gpd
Waste Water	Approx. <u>3,880</u> gpd	Approx. <u>6,305</u> gpd

The proposed rezoning would add approximately 2,425 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 which would serve the proposed rezoning area. The petitioner would be required to extend sanitary sewer mains to serve the proposed rezoning request.

**PARKS AND  
RECREATION:**

This property is not adjacent to any greenway corridors. Park services for this subject property will be provided by Laurel Hills Park.

**WAKE COUNTY**

**PUBLIC SCHOOLS:**

The rezoning of this property from Residential-4 could potentially increase elementary school attendance at Stough Elementary by 13 students bringing it's capacity to 93.1%. Daniels Middle could see an increase of 4 students increasing capacity to 101.8%. The student population at Broughton High could see an increase of 5 students bringing its already strained capacity to 106.6%.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Stough	565	91.0%	578	93.1%
Daniels	1,162	101.5%	1,166	101.8%
Broughton	2,174	106.3%	2,179	106.6%

**IMPACTS SUMMARY:** There are no known adverse impacts associated with this request.

**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.



Applicant states that if the zoning of the property as being established now for the first time, it is unlikely that it would be zoned R-4 due to the O&I zoning on the remaining portion, the relatively small size of the property, and the significant growth and proximity of Rex Hospital.

Staff concurs with the applicant's statement. The location of the site on Edwards Mill Road, and the current zoning on the remaining portion of this block would render low density residential uses inappropriate for this site.

**APPEARANCE**

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

**CITIZEN'S**

**ADVISORY COUNCIL:** DISTRICT: Northwest  
CAC CONTACT PERSON: Jay Gudeman 789-9884

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**SUMMARY OF ISSUES:**

**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

A portion of this proposal is inconsistent with the Comprehensive Plan.

