

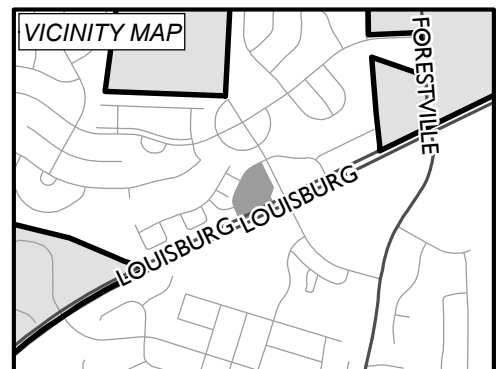
**Submittal  
Date**

12/9/2016

**Request:**

**2.8 acres from  
OX-3-PK-CU  
to OX-3-PK-CU  
w/**

VICINITY MAP



Map Date: 12/12/2016



## Certified Recommendation

Raleigh Planning Commission

CR#

### Z-43-16 8402 Darton Way

|  |  |
|--|--|
| <i>Location</i>                        | Northwest quadrant, between Leland Drive and Louisburg Road<br>Address: 8402 Darton Way<br>PIN: 174802756  |
| <i>Request</i>                         | Rezone property from Office Mixed-Use-3 Stories-Parkway – Conditional Use, (OX-3-PK-CU) to Office Mixed-Use-3 Stories-Parkway - Conditional, (OX-3-PK-CU). The request is a change to zoning conditions. |
| <i>Area of Request</i>                 | 2.8 acres  |
| <i>Property Owner</i>                  | Rainbow Rascals Louisburg LLC<br>1732 Crooks Rd<br>Troy, MI 48084  |
| <i>Applicant</i>                       | Michael Birch, Morningstar Law Group<br>421 Fayetteville Street Suite 350<br>Raleigh, NC 27601   |
| <i>Citizens Advisory Council (CAC)</i> | Forestville  |
| <i>PC Recommendation Deadline</i>      | May 9, 2017  |

### 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

|                                     |  |
|-------------------------------------|--|
| <b><i>FUTURE LAND USE</i></b>       | Office & Residential Mixed Use   |
| <b><i>URBAN FORM</i></b>            | Center: Mixed-Use Center<br>Corridor: Parkway (Louisburg Road)   |
| <b><i>CONSISTENT Policies</i></b>   | Policy LU 1.2 – Future Land Use Map and Zoning Consistency<br>Policy LU 1.3 – Conditional Use District Consistency<br>Policy LU 2.6 – Zoning and Infrastructure Impacts<br>Policy LU 5.4 – Density Transitions<br>Policy LU 7.4 – Scale and Design of New Commercial Uses<br>Policy UD 1.10 – Frontage |
| <b><i>INCONSISTENT Policies</i></b> | (None.)  |

## Summary of Proposed Conditions

- |  |
|--|
| <ol style="list-style-type: none"> <li>Prohibits major utilities, overnight lodging, passenger terminals, detention centers, jails, prisons, group living, parking as principal use, college, community college, university, outdoor sports facility, research and development, personal service, eating establishment and retail sales as principal uses.</li> <li>Limits building height to two stories and thirty-five feet.</li> </ol> |
|--|

## Public Meetings

| <i>Neighborhood Meeting</i> | <i>CAC</i> | <i>Planning Commission</i> | <i>City Council</i> | <i>Public Hearing</i> |
|-----------------------------|------------|----------------------------|---------------------|-----------------------|
| 11/3/16                     |            | 3/14/17                    |                     |                       |

### Attachments

- Staff report
- Existing zoning conditions [Z-21-08 – Ordinance (2008) 416ZC622]

## Planning Commission Recommendation

| <i>Recommendation</i>         |  |
|-------------------------------|--|
| <i>Findings &amp; Reasons</i> | <p><i>The following topics should be addressed:</i></p> <ul style="list-style-type: none"> <li><i>Consistency with the Comprehensive Plan, Future Land Use Map, and other policy guidance</i></li> <li><i>Whether the proposal is reasonable and in the public interest</i></li> <li><i>Compatibility with the surrounding area</i></li> </ul> |
| <i>Motion and Vote</i>        |  |

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

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

Matthew Klem: (919) 996-4637; matthew.klem@raleighnc.gov



## Zoning Staff Report – Case Z-43-16

### Conditional Use District

## Case Summary

### Overview

This 2.8 acre parcel is located in northeast Raleigh at the intersection of Darton Way and Louisburg Road. The site is currently vacant. The Highland Creek neighborhood surrounds most of the site and includes single family homes, a clubhouse, and common open space. Directly to the east across Leland Drive sits a similarly sized and situated parcel that is vacant and wooded; this site has an approved site plan for two structures: an animal hospital and general use offices (SR-030-16). The Forestville Road Crossing shopping center is located to the south of the subject property across Louisburg Road. The Forestville Village area plan encompasses the Forestville Road Crossing shopping center and portions of undeveloped land north east of Forestville Road. Uses within Forestville Village include a grocery store, bank, pharmacy, several restaurants and an apartment complex.

The site and the mirror image parcel to the east are designated as Office & Residential Mixed Use on the Future Land Use Map. The surrounding Highland Creek neighborhood is a mix of Private Open Space and Low Density Residential. Parcels to the south across Louisburg Road are designated as Community Mixed Use. On the Urban Form Map, the subject property is designated as part of a Mixed Use Center which encompasses the mirror image property to the east and the development south of Louisburg Road. In addition, Louisburg Road is designated as a Parkway Corridor and Leland Drive is designated as an Urban Thoroughfare.

The site is currently zoned Office Mixed-Use-3 Stories-Parkway-Conditional, (OX-3-PK-CU). The Highland Creek area to the north and west is zoned Residential-6-Conditional Use (R-6-CU). There is a small strip of R-6 CU property owned by the Highland Creek Homeowners Association and maintained as open space between the subject property and the Leland Drive right-of-way. The mirror image property to the east is currently zoned Neighborhood Mixed-Use – 3 Stories – Parkway – Conditional Use. The commercial area south across Louisburg Road is zoned Commercial Mixed-Use-3 Stories-Parkway-Conditional Use (CX-3-PK-CU).

The existing conditions on the property limit development to very specific design requirements and construction materials. The conditions also limit overall development intensity to 50,000 square feet.

The proposed conditions would prohibit more intense and potentially incompatible uses and restrict the maximum height of any principal building on the property to two stories and 35 feet.

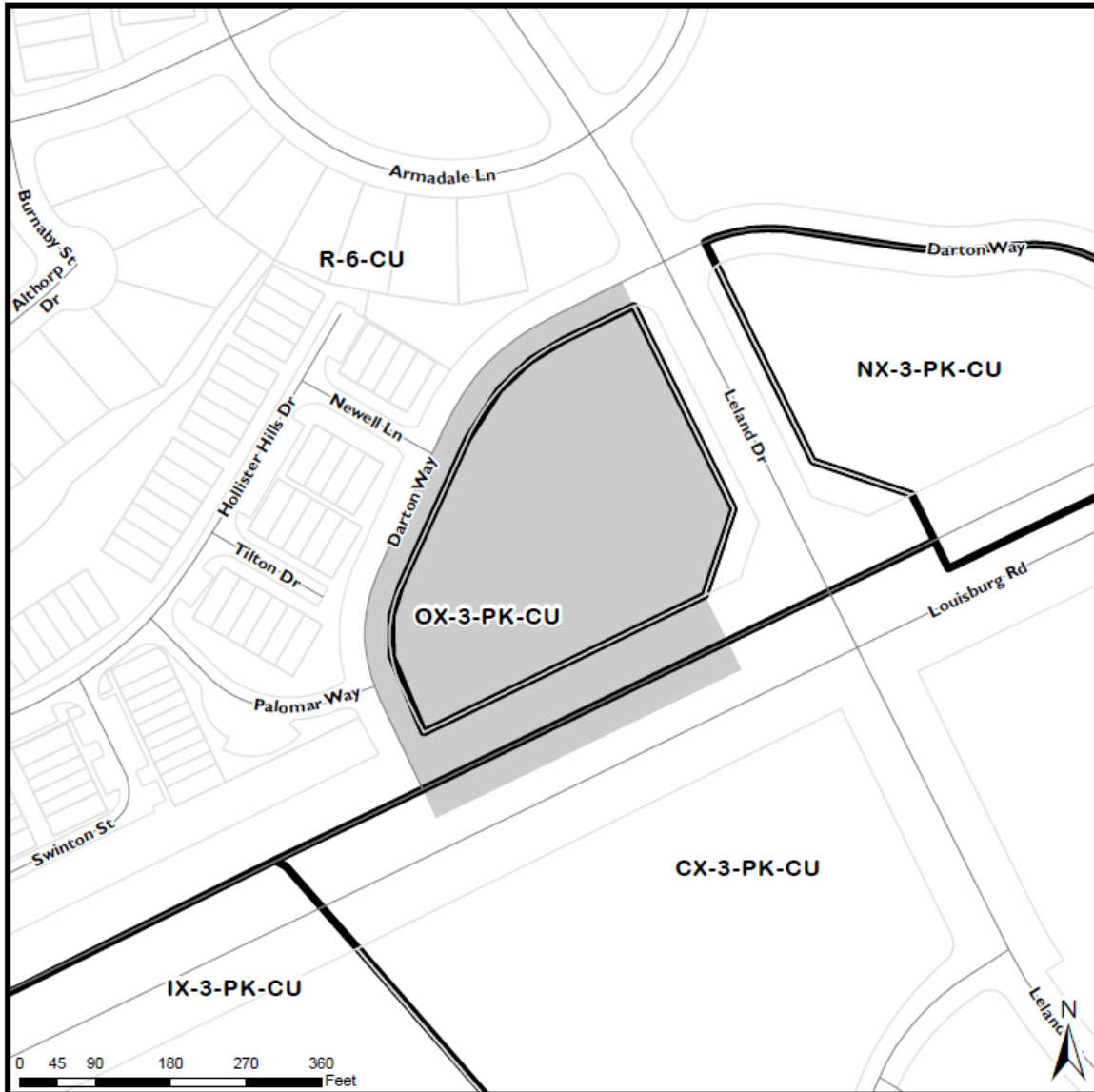
### Outstanding Issues

| <i>Outstanding Issues</i>              | <i>Suggested Mitigation</i>                   |
|--|---|
| 1. The CAC has not yet heard the case. | 1. Appear before the CAC to discuss the case. |



# Existing Zoning Map

# Z-43-2016



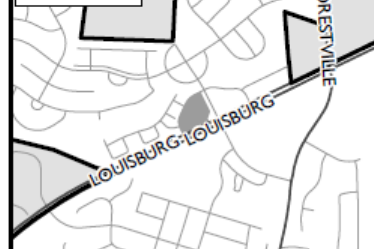
**Submittal  
Date**

12/9/2016

## Request:

2.8 acres from  
**OX-3-PK-CU**  
to **OX-3-PK-CU**

### VICINITY MAP



Map Date: 12/12/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

|                                   | <b>Subject<br/>Property</b>    | <b>North</b>  | <b>South</b>                 | <b>East</b>                    | <b>West</b>                           |
|-----------------------------------|--------------------------------|---|------------------------------|--------------------------------|---------------------------------------|
| <i>Existing Zoning</i>            | OX-3-PK-cu                     | R-6-CU  | CX-3-PK-CU                   | R-6-CU                         | R-6-CU                                |
| <i>Additional Overlay</i>         | n/a                            | n/a   | n/a                          | n/a/                           | n/a                                   |
| <i>Future Land Use</i>            | Office & Residential Mixed Use | Low Density Residential   | Community Mixed Use          | Office & Residential Mixed Use | Low Density Residential               |
| <i>Current Land Use</i>           | Vacant                         | Single family residential – townhouse and detached single family home and open space for Highland Creek HOA | Shopping center              | Vacant with approved site plan | Single family residential - townhouse |
| <i>Urban Form (if applicable)</i> | Mixed-use center and Parkway   | n/a   | Mixed-use center and Parkway | Mixed-use center and Parkway   | n/a                                   |

### 1.2 Current vs. Proposed Zoning Summary

|  | <b>Existing Zoning</b> | <b>Proposed Zoning</b>     |
|--|------------------------|----------------------------|
| <i>Residential Density:</i>                      | n/a*                   | 31.8 units/acre (70 units) |
| <i>Setbacks:</i>                                 |                        |                            |
| <i>Darton Way:</i>                               | 25' maximum*           | 5'                         |
| <i>Side Yard:</i>                                | 50'***                 | 50'***                     |
| <i>Louisburg Road/US 401 (Parkway Frontage):</i> | 50'                    | 50'                        |
| <i>Retail Intensity Permitted:</i>               | n/a*                   | n/a***                     |
| <i>Office Intensity Permitted:</i>               | 50,000 sf              | 66,371 sf                  |

\*Existing conditions (Z-21-08).

\*\*Neighborhood transition zones apply. 25' Zone A protective yard and 25' Zone B protective yard.

\*\*\*Not permitted per proposed conditions (Z-43-16).

### **1.3 Estimated Development Intensities**

|  | <b><i>Existing Zoning</i></b> | <b><i>Proposed Zoning*</i></b> |
|--|-------------------------------|--------------------------------|
| <b><i>Total Acreage</i></b>                              | 2.8                           | 2.8                            |
| <b><i>Zoning</i></b>                                     | OX-3-PK-CU                    | OX-3-PK-CU                     |
| <b><i>Max. Gross Building SF<br/>(if applicable)</i></b> | 50,000                        | 78,122                         |
| <b><i>Max. # of Residential<br/>Units*</i></b>           | n/a*                          | 71                             |
| <b><i>Max. Gross Office SF</i></b>                       | 50,000                        | 66,371                         |
| <b><i>Max. Gross Retail SF</i></b>                       | n/a*                          | n/a**                          |
| <b><i>Max. Gross Industrial SF</i></b>                   | n/a                           | n/a                            |
| <b><i>Potential F.A.R</i></b>                            | 0.54                          | 0.64                           |

\*Not permitted per existing conditions (Z-21-08).

\*\*Not permitted per proposed conditions (Z-43-16).

The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

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

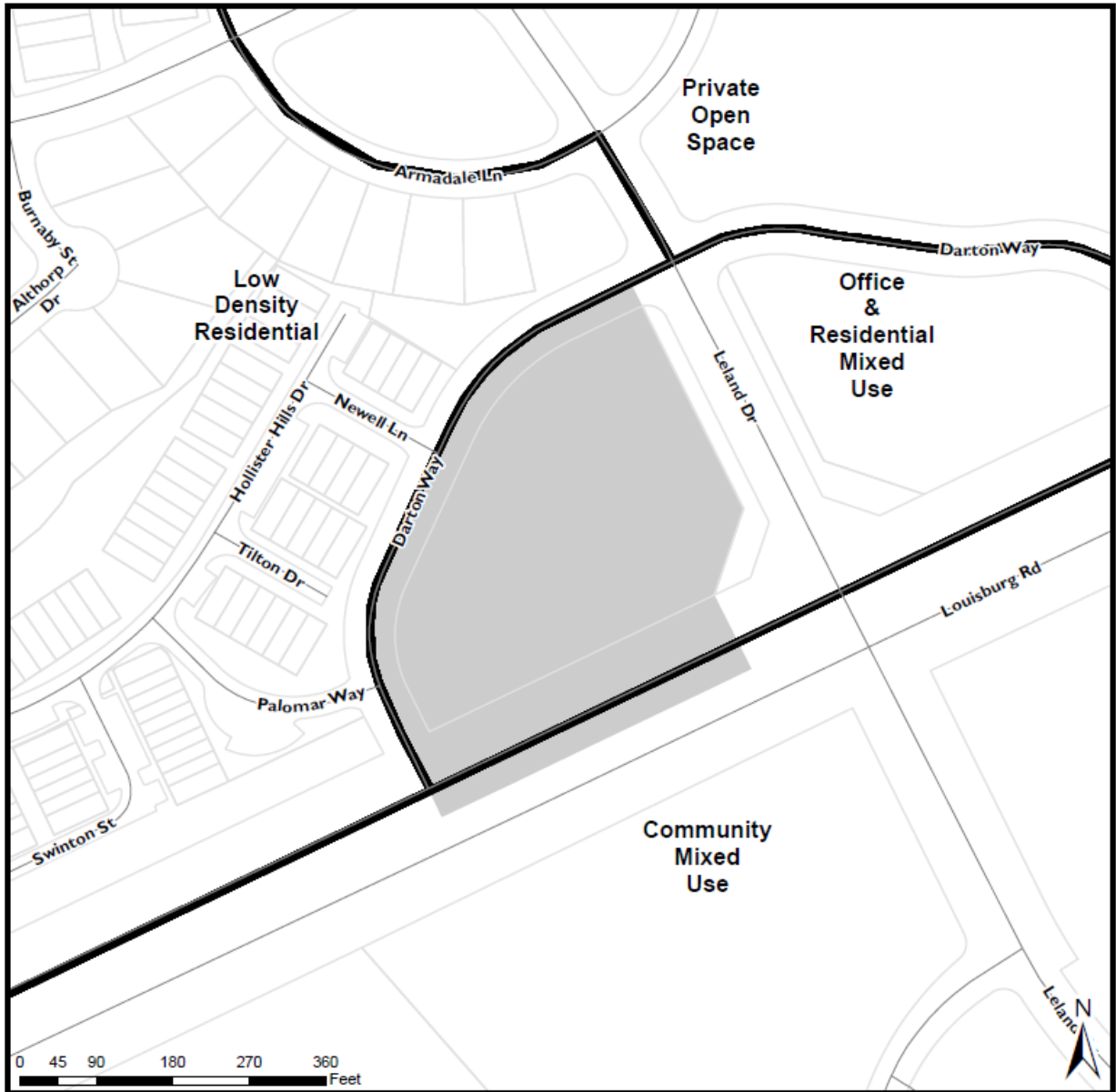
☐ **Incompatible.**

Analysis of Incompatibility:

n/a

# Future Land Use Map

**Z-43-2016**



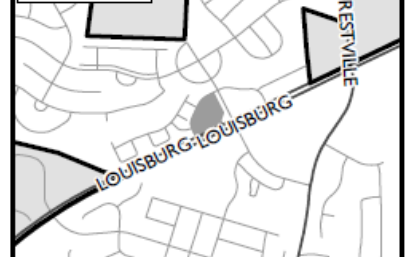
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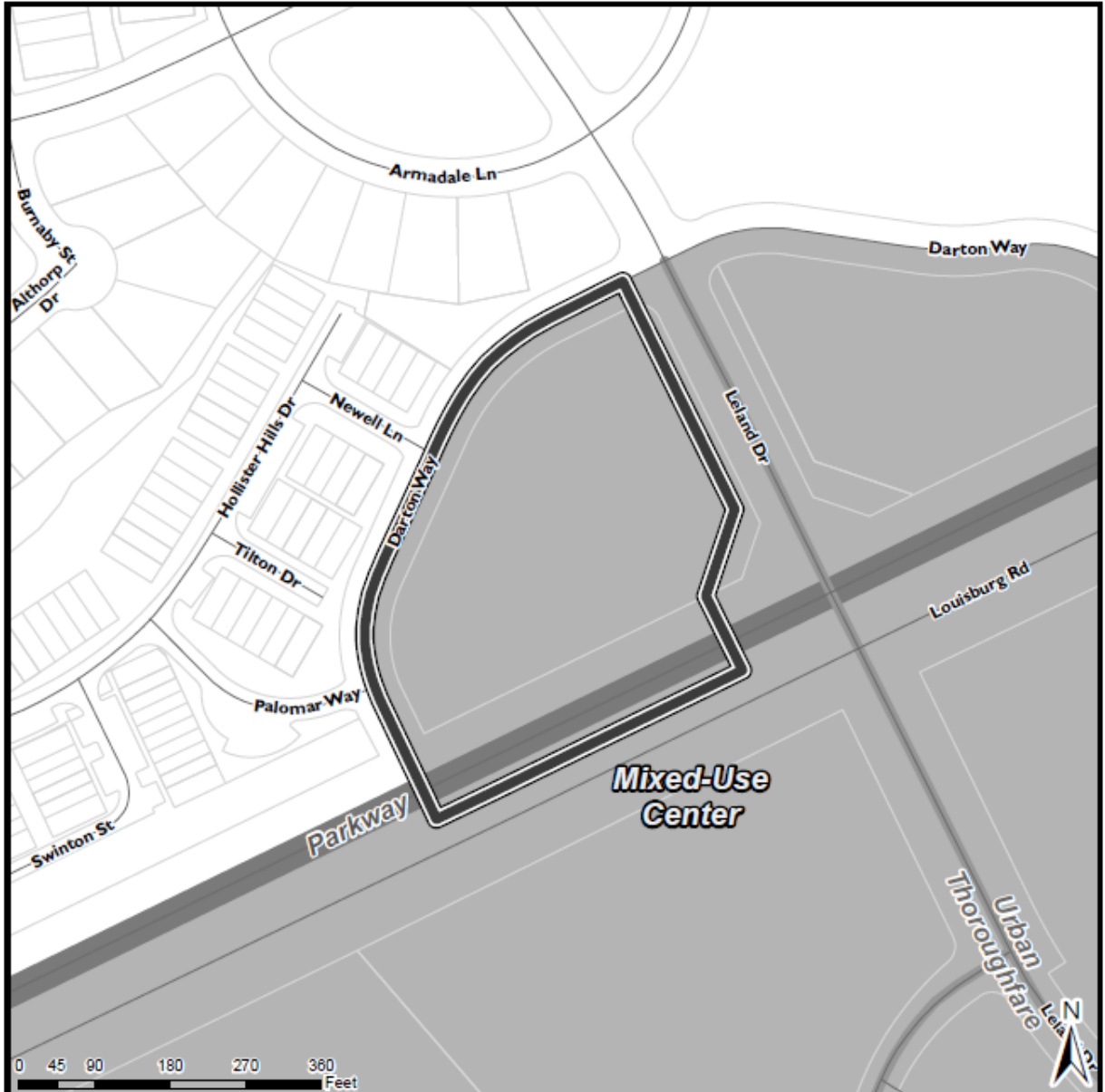
## VICINITY MAP



Map Date: 12/12/2016

# Urban Form Map

Z-43-2016

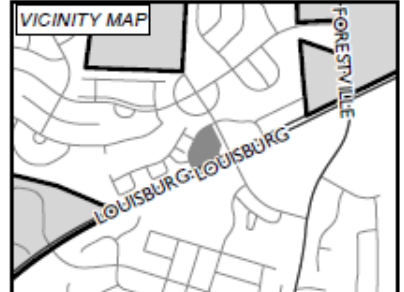


Submittal  
Date

12/9/2016

## Request:

2.8 acres from  
OX-3-PK-CU  
to OX-3-PK-CU



Map Date: 12/12/2016

## 2. Comprehensive Plan Consistency Analysis

### **2.1 Comprehensive Plan**

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal can be considered consistent with the vision, themes, and policies of the Comprehensive Plan.

The proposed land use is specifically designated on the Future Land Use Map.

The proposal conditions permitted uses to prohibit potentially incompatible uses and to limit any structures to two-stories and 35 feet. The proposal includes a Parkway frontage which is consistent with the Urban Form Map.

Existing community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed rezoning.

### **2.2 Future Land Use**

**Future Land Use designation:**

**The rezoning request is:**

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

☐ **Inconsistent**

Analysis of Inconsistency:

### **2.3 Urban Form**

**Urban Form designation:**

☐ **Not applicable** (no Urban Form designation)

**The rezoning request is:**

☒ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

## **2.4 Policy Guidance**

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

**Policy LU 1.2 – Future Land Use Map and Zoning Consistency:** The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes. See Text Box: Evaluating Zoning Proposals and Consistency with the Comprehensive Plan.

- The Future Land Use Map designates the subject property as Office and Residential Mixed-Use. The proposed zoning district of Office Mixed-Use-3 Stories-Parkway – Conditional Use is appropriate for the Future Land Use designation.

**Policy LU 1.3 – Conditional Use District Consistency:** All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

- The proposed conditions are consistent with the Comprehensive Plan. The conditions also complement the Highland Creek neighborhood and the Forestville Village area plan.

**Policy LU 2.6 – Zoning and Infrastructure Impacts:** Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

- Transportation and utility infrastructure are not negatively impacted by the change in zoning.

**Policy LU 5.4 – Density Transitions:** Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

- The transition from low-density residential to the proposed low-impact office use serves as an appropriate transition. The proposed conditions prohibit more intense land uses permitted in the base zoning district.

**Policy LU 7.4 – Scale and Design of New Commercial Uses:** New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

- The proposed conditions limit the height of any structure on the subject property to 35 feet and two stories which is in scale with the Highland Creek neighborhood.

**Policy UD 1.10 – Frontage:** Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form. See the text box on the Urban Form Map in the Overview section for more guidance.

- The subject property's main frontage is along Louisburg Road which is designated as a Parkway on the Urban Form Map. The proposed frontage for the subject property is Parkway Frontage.

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

No inconsistent policies have been identified.

### **2.5 Area Plan Policy Guidance**

While the rezoning request is not within the boundaries of an area plan, it is adjacent to the Forestville Village Plan. The existing streets and pedestrian amenities comply with the vision for the proposed street grid in the plan. Further, the conditions associated with the rezoning request compliment the character of the area plan.

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- Increased opportunity for redevelopment of the site, through a broadening of potential uses.
- Potential provision of goods and services close to existing residential areas.
- Allows residential development (prohibited under existing zoning) which brings potential uses more in line with the Future Land Use designation for the property.

### **3.2 Detriments of the Proposed Rezoning**

- *None anticipated.*



## 4. Impact Analysis

### 4.1 Transportation

This site is located in the northwest quadrant of Louisburg Road (US-401) and Leland Drive. It is bordered by Darton Way on the north and west. Louisburg Road is maintained by the NCDOT; Leland Drive and Darton Way are maintained by the City of Raleigh. Both Leland Drive and Darton Way are fully built out with curbs and sidewalks on both sides. Louisburg Road lacks sidewalks or curbs along the subject parcel's frontage. Louisburg Road is classified as a major street in the UDO Street Plan Map (Avenue, 6-Lane, Divided). Leland Drive is a mixed-use street (Avenue, 2-Lane, Divided). Darton Way is a local street.

There are no City of Raleigh CIP projects or state STIP projects in the vicinity of the Z-43-2016 site that would affect traffic operations.

There are no public street stubs abutting the boundaries of the Z-43-2016 parcel. Since the subject parcel is bordered by public streets on the south and north, cross access to adjacent parcels is not applicable for case Z-43-2016.

Site access will be provided via Darton Way. There is a separate parcel between the Z-42-2016 site and Leland Drive; access onto Leland Drive is problematic and would require an easement from the Highland Creek Master Association, Inc. No driveway access onto Louisburg Road will be permitted without approval from the NCDOT District Engineer's office.

In accordance with UDO section 8.3.2, the maximum block perimeter for OX-3 zoning is 3,000 feet. The block perimeter for Z-43-2016, as defined by public rights-of-way for Darton Way, Leland Drive and Louisburg Road is 1,450 feet.

The Z-43-2016 parcel is vacant and generates no trips. Approval of case Z-43-2016 would increase peak hour trips by less than 30 veh/hr; daily trips would increase by less than 1,000 vpd. A traffic study is not required for Z-43-2016.

| Z-43-2016 Existing Land Use<br>(Vacant)  | Daily | AM  | PM  |
|--|-------|-----|-----|
|  | 0     | 0   | 0   |
| Z-43-2016 Current Zoning Entitlements<br>(Office & Retail)                     | Daily | AM  | PM  |
|  | 775   | 110 | 134 |
| Z-43-2016 Proposed Zoning Maximums<br>(Office & Retail)                        | Daily | AM  | PM  |
|  | 1,752 | 138 | 160 |
| Z-43-2016 Trip Volume Change<br>(Proposed Maximums minus Current Entitlements) | Daily | AM  | PM  |
|  | 977   | 28  | 26  |

**Impact Identified: None**

### 4.2 Transit

Transit is currently not available in this area. Both the City of Raleigh Short Range Transit Plan and the 2040 Wake County Transit Study call for a route up Louisburg Rd to approximately Forestville Rd. Although this will put us in proximity to this project we do not anticipate needing a transit easement here.

**Impact Identified: None**

#### 4.3 Hydrology

|                              |  |
|------------------------------|--|
| <i>Floodplain</i>            | No FEMA Floodplain present                               |
| <i>Drainage Basin</i>        | Neuse and Tom's Creek                                    |
| <i>Stormwater Management</i> | Subject to stormwater regulations under Article 9 of UDO |
| <i>Overlay District</i>      | None   |

**Impact Identified:** Subject to stormwater regulations under Article 9 of UDO.

#### 4.4 Public Utilities

|                    | <i>Maximum Demand<br/>(current use)</i> | <i>Maximum Demand<br/>(current zoning)</i> | <i>Maximum Demand<br/>(proposed zoning)</i> |
|--------------------|---|--|---|
| <i>Water</i>       | 0 gpd                                   | 5,005 gpd                                  | 18,000 gpd                                  |
| <i>Waste Water</i> | 0 gpd                                   | 5,005 gpd                                  | 18,000 gpd                                  |

1. The proposed rezoning would add approximately 18,000 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

#### 4.5 Parks and Recreation

There is not an existing or proposed greenway trail, connector, or corridor within or adjacent to the site. Nearest greenway access is Neuse River Trail, 1.1 miles. Recreation services are provided by Horseshoe Farm Nature Preserve, 1.2 miles.

**Impact Identified:** None.

#### 4.6 Urban Forestry

*This site is greater than 2 acres and has trees on site that may qualify as tree conservation area UDO 9.1.*

*There are no wooded areas along Louisburg Road, the proposed Parkway Frontage is not in conflict with UDO 9.1 for this site.*

**Impact Identified:** None.

#### **4.7 Designated Historic Resources**

No known historic resources.

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon development.

#### **4.10 Mitigation of Impacts**

Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

The proposed rezoning is consistent with the Comprehensive Plan, Future Land Use map, and Urban Form designation. The prohibition of potentially incompatible uses through proposed zoning conditions will offer an appropriate transition to the surrounding low density neighborhood. Limiting more intense uses on the property will also complement the nearby area plan.

|  |  |  |     |
|--|--|--|-----|
| Z-43-2016 Existing Land Use<br>(Vacant)  | Daily  | AM   | PM  |
|  | 0  | 0  | 0   |
| Z-43-2016 Current Zoning Entitlements<br>(Office)                              | Daily  | AM   | PM  |
|  | 775  | 110  | 134 |
| Z-43-2016 Proposed Zoning Maximums<br>(Office & Retail)                        | Daily  | AM   | PM  |
|  | 1,752  | 138  | 160 |
| Z-43-2016 Trip Volume Change<br>(Proposed Maximums minus Current Entitlements) | Daily  | AM   | PM  |
|  | 977  | 28   | 26  |
| <b>Z-43-2016 Traffic Study Worksheet</b>                                       |  |  |     |
| <b>6.23.4</b>  | <b>Trip Generation</b>   | <b>Meets TIA Conditions? (Y/N)</b>                                     |     |
| A  | Peak Hour Trips $\geq$ 150 veh/hr  | No, the change in average peak hour trip volume is less than 30 veh/hr |     |
| B  | Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane road  | No   |     |
| C  | More than 100 veh/hr trips in the peak direction   | No   |     |
| D  | Daily Trips $\geq$ 3,000 veh/day   | No, the change in average daily trip volume is less than 1,000 vpd     |     |
| E  | Enrollment increases at public or private schools  | Not Applicable   |     |
| <b>6.23.5</b>  | <b>Site Context</b>  | <b>Meets TIA Conditions? (Y/N)</b>                                     |     |
| A  | Affects a location with a high crash history<br>[Severity Index $\geq$ 8.4 or a fatal crash within the past three years] | No   |     |
| B  | Takes place at a highly congested location<br>[volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]      | No   |     |
| C  | Creates a fourth leg at an existing signalized intersection  | No   |     |
| D  | Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.               | No   |     |
| E  | Access is to/from a Major Street as defined by the City's Street Plan Map  | No   |     |
| F  | Proposed access is within 1,000 feet of an interchange   | No   |     |
| G  | Involves an existing or proposed median crossover  | No   |     |
| H  | Involves an active roadway construction project  | No   |     |
| I  | Involves a break in controlled access along a corridor   | No   |     |
| <b>6.23.6</b>  | <b>Miscellaneous Applications</b>  | <b>Meets TIA Conditions? (Y/N)</b>                                     |     |
| A  | Planned Development Districts  | No   |     |
| B  | In response to Raleigh Planning Commission or Raleigh City Council concerns  | None received by Transportation Planning as of January 5, 2016         |     |

# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

## REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Base District OX Height 3 Frontage PK Overlay(s) None

Proposed Zoning Base District OX Height 3 Frontage PK Overlay(s) None

Click [here](#) to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.

OFFICE  
USE ONLY

Transaction #

Rezoning Case #

If the property has been previously rezoned, provide the rezoning case number: Z-21-08

DEC 9 2016 PM 4:14

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

492395

## GENERAL INFORMATION

Date 12/6/16

Date Amended (1)

Date Amended (2)

Property Address 8402 Darton Way

Property PIN 1748-40-2756

Deed Reference (book/page) Book 15914, Page 625

Nearest Intersection Darton Way and Louisburg Road

Property Size (acres) 2.8 acres

(For PD Applications Only) Total Units N/A

Total Square Feet N/A

Property Owner/Address

Rainbow Rascals Louisburg LLC  
1732 Crooks Road  
Troy, Michigan 48084

Phone 248-519-9279

Fax

Email Reed@814CRE.com

Project Contact Person/Address

Michael Birch, Morningstar Law Group  
1330 St. Mary's Street, Suite 460  
Raleigh, NC 27605

Phone 919.590.0388

Fax

Email mbirch@morningstarlawgroup.com

Owner/Agent Signature [Signature]

Email Reed@814CRE.COM

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



| REZONING APPLICATION ADDENDUM #1  |  |
|---|--|
| <p align="center"><b>Comprehensive Plan Analysis</b></p>  | <p align="center"><b>OFFICE USE ONLY</b></p> <p align="center">Transaction #</p> <p align="center">Rezoning Case #</p> |
| <p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>   |  |
| <p align="center"><b>STATEMENT OF CONSISTENCY</b></p>   |  |
| <p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>  |  |
| <p>1. The Property is designated for "Office &amp; Residential Mixed Use" on the Future Land Use Map. This classification encourages institutional and office uses. The rezoning request is consistent with this guidance because the rezoning permits institutional and office uses.</p>   |  |
| <p>2. The Property is located within a Mixed Use Center and along a Parkway Corridor as shown on the Urban Form Map. The Mixed Use Center designation encourages a mix of uses, and the Parkway Corridor designation encourages heavy landscaping along the thoroughfare and suggests a suburban frontage. The OX district encourages a mix of uses and the PK frontage implements the Parkway Corridor guidance, all consistent with the Urban Form Map.</p> |  |
| <p>3. The rezoning request limits height to two stories, which is consistent with the guidance in Table LU-2 Recommended Height Designations in the Comprehensive Plan. Additionally, the rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2, LU 1.3, LU 2.6, LU 5.4, LU 6.2, and UD 1.10.</p>   |  |
| <p>4.</p>   |  |
| <p align="center"><b>PUBLIC BENEFITS</b></p>  |  |
| <p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>  |  |
| <p>1. The rezoning request benefits the public by rezoning land consistent with the Future Land Use Map, Urban Form Map and Comprehensive Plan.</p>   |  |
| <p>2. The rezoning request benefits the public by facilitating development of property for institutional and office uses in close proximity to large residential developments, which can potentially reduce vehicle miles traveled.</p>   |  |
| <p>3.</p>   |  |
| <p>4.</p>   |  |

| REZONING APPLICATION ADDENDUM #2   |  |
|--|--|
| <p align="center"><b>Impact on Historic Resources</b></p> <p>The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.</p> | <p align="center"><b>OFFICE USE ONLY</b></p> <p align="center"><b>Transaction #</b></p> <p align="center"><b>Rezoning Case #</b></p> |
| <p align="center"><b>INVENTORY OF HISTORIC RESOURCES</b></p> <p>List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.</p> <p>There are no historic resources located on the property.</p>   |  |
| <p align="center"><b>PROPOSED MITIGATION</b></p> <p>Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.</p> <p>Not applicable.</p>   |  |



## URBAN DESIGN GUIDELINES

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation Mixed Use C Click [here](#) to view the Urban Form Map.

|     |  |
|-----|--|
| 1.  | <p>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</p> <p><b>Response:</b> The property permits office uses within walking distance of residential and retail uses.</p>  |
| 2.  | <p>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</p> <p><b>Response:</b> The rezoning limits building height to two stories, which provides an appropriate transition.</p>  |
| 3.  | <p>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</p> <p><b>Response:</b> The area's road network is already established and no new streets are anticipated as part of this development.</p>   |
| 4.  | <p>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</p> <p><b>Response:</b> No new streets are planned as part of this development.</p> |
| 5.  | <p>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</p> <p><b>Response:</b> No new streets are planned as part of this development, but the existing block length is consistent with the guidance.</p>  |
| 6.  | <p>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</p> <p><b>Response:</b> The rezoning request is consistent with the Parkway Corridor guidance, which ensures building frontage along the street.</p>  |
| 7.  | <p>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</p> <p><b>Response:</b> The rezoning request is consistent with the Parkway Corridor guidance, which requires building frontage along the street.</p>  |
| 8.  | <p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</p> <p><b>Response:</b> Building and parking area location has not been determined at this time.</p>  |
| 9.  | <p>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>  |
| 10. | <p>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>   |
| 11. | <p>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>  |
| 12. | <p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>  |
| 13. | <p>New public spaces should provide seating opportunities.</p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>  |
| 14. | <p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p><b>Response:</b> The property does not front along pedestrian-oriented streets.</p>  |



|     |   |
|-----|---|
| 15. | <i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i><br><b>Response:</b> Building and parking locations have not been determined at this time.  |
| 16. | <i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i><br><b>Response:</b> No parking structures are contemplated as part of this development.   |
| 17. | <i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i><br><b>Response:</b> This rezoning does not permit higher building densities or more intense land uses than  |
| 18. | <i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i><br><b>Response:</b> A pedestrian connection will be provided in accordance with the UDO.   |
| 19. | <i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i><br><b>Response:</b> There are no known natural resources or sensitive landscape areas on the property.  |
| 20. | <i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i><br><b>Response:</b> No new streets are anticipated as part of this development.  |
| 21. | <i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i><br><b>Response:</b> Sidewalks will be provided in accordance with the UDO.  |
| 22. | <i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i><br><b>Response:</b> No new streets are contemplated as part of this development, but any street yards will |
| 23. | <i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i><br><b>Response:</b> Building and parking locations have not been determined at this time.  |
| 24. | <i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i><br><b>Response:</b> Building design has not been determined at this time.   |
| 25. | <i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i><br><b>Response:</b> Transparency will be provided in accordance with the UDO.   |
| 26. | <i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i><br><b>Response:</b> Sidewalks will be provided in accordance with the UDO.  |

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| Zoning Case Number: Z-43-16   | <b>OFFICE USE ONLY</b><br><br><b>Transaction #</b> |
| Date Submitted: March 30, 2017  |  |
| Existing Zoning: OX-3-PK-CU    Proposed Zoning: OX-3-PK-CU  |  |
| <b>NARRATIVE OF ZONING CONDITIONS OFFERED</b>   |  |
| 1. The following principal uses listed in the Allowed Principal Use Table shall be prohibited: major utilities – all types; overnight lodging – all types; passenger terminal – all types; detention center, jail, prison; group living; parking as principal use; college, community college, university; outdoor sports facility (less than 250 seats); research and development; personal service; eating establishment; retail sales. |  |
| 2. The maximum height of any principal building on the property shall be two stories and thirty-five (35) feet, measured in accordance with UDO section 1.5.7.  |  |
| 3. A minimum of thirty-five percent (35%) of each side of each principal building, exclusive of windows, doors and trim, shall be brick or stone.   |  |
| 4. There shall be a minimum parking setback of 20' along the Darton Way public right-of-way.  |  |

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature \_\_\_\_\_ Print Name \_\_\_\_\_

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON NOVEMBER 3, 2016

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, November 3, 2016, at 6:00 p.m. The property considered for rezoning totals approximately 2.80 acres, with the address of 8402 Darton Way, and having Wake County Parcel Identification Number 1748-40-2756. This meeting was held at the Marsh Creek Community Center, located at 3050 N. New Hope Road, Raleigh, NC 27604. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.



## EXHIBIT A

### NEIGHBORHOOD MEETING NOTICE



Michael Birch | Partner  
1330 St. Mary's Street | Suite 460  
Raleigh, NC 27605  
919-590-0388  
mbirch@morningstarlawgroup.com  
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: October 21, 2016

Re: Notice of meeting to discuss potential rezoning of parcel located in the southwest quadrant of the intersection of Darton Way and Leland Drive, containing approximately 2.80 acres, with the address of 8402 Darton Way and having Wake County PIN 1748-40-2756 (the "Property").

We are counsel for Rainbow Rascals Louisburg, LLC ("RRL"), the owner of the above-referenced Property. The Property is zoned OX-3-PK-CU, which permits office and day care uses, among other allowable uses. RRL is considering rezoning the Property to OX-3-PK-CU in order to amend the zoning conditions that regulate building placement and other site plan related aspects.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, November 3, 2016 at 6:00 PM. The meeting will be held at the Marsh Creek Community Center, located at 3050 N. New Hope Road, Raleigh, NC 27604.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the applicant to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0388 or mbirch@morningstarlawgroup.com. More specific information is available at Planning and Development which can be reached at 919-996-2626 or planning@raleighnc.gov. You also can visit their website to find out more: www.raleighnc.gov.

## EXHIBIT B

### LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

1748402756  
RAINBOW RASCALS LOUISBURG LLC  
1732 CROOKS RD  
TROY MI 48064-5501

1748308647  
MAXWELL, MARCUS A MAXWELL,  
JOHANNA MAKINEN  
1513 OBRIEN CIR  
WAKE FOREST NC 27587-3833

1748308655  
WALTON, IKEA D  
4007 TILTON DR  
RALEIGH NC 27616-6299

1748309623  
MCLEAN, MARQUITA  
4003 TILTON DR  
RALEIGH NC 27616-6299

1748309737  
ROBINSON, TIANA SHARI  
4006 TILTON DR  
RALEIGH NC 27616-6299

1748309783  
ROBBINS, RICHARD D II  
4002 TILTON DR  
RALEIGH NC 27616-6299

1748309892  
ALLEN, SHAMAINA T  
4003 NEWELL LN  
RALEIGH NC 27616-8453

1748400936  
VILAR, CAROLE L  
4006 NEWELL LN  
RALEIGH NC 27616-8450

1748404834  
HIGHLAND CREEK MASTER ASSN INC  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

1748411069  
SALCEDO, KAREN T SALCEDO, JUAN  
ANTONIO C  
2826 ARMADALE LN  
RALEIGH NC 27616-5587

1748303148  
CENTEX HOMES  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

1748308660  
THE TOWNHOMES AT HIGHLAND CREEK  
ASSOCIATION INC  
CHARLESTON MANAGEMENT CORP  
PO BOX 97243  
RALEIGH NC 27624-7243

1748308725  
THE TOWNHOMES AT HIGHLAND CREEK  
ASSOCIATION INC  
CHARLESTON MANAGEMENT CORP  
PO BOX 97243  
RALEIGH NC 27624-7243

1748309642  
PLYMOUTH, IVANNA J  
4001 TILTON DR  
RALEIGH NC 27616-6299

1748309745  
BRONKEMA, RANDY BRONKEMA, BETH  
4006 TILTON DR  
RALEIGH NC 27616-6299

1748309854  
DIXON, RUTH H  
4007 NEWELL LN  
RALEIGH NC 27616-8453

1748400811  
LIN, JANNIE CHEN  
15501 HORACE HARDING EXPY  
FLUSHING NY 11367-1249

1748400954  
FORT, ANTONIO L FORT, CHRISTINA  
4004 NEWELL LN  
RALEIGH NC 27616-8450

1748405838  
HIGHLAND CREEK MASTER ASSN INC  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

1748411097  
HIGHLAND CREEK MASTER ASSN INC  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

1748308457  
THE TOWNHOMES AT HIGHLAND CREEK  
ASSOCIATION INC  
CHARLESTON MANAGEMENT CORP  
PO BOX 97243  
RALEIGH NC 27624-7243

1748308666  
MADUAKOLAM, ETHELBERT  
MADUAKOLAM, BLESSING  
4009 TILTON DR  
RALEIGH NC 27616-6299

1748309604  
FLAIM, RICHARD JOHN FLAIM, ROSEMARIE  
T  
4005 TILTON DR  
RALEIGH NC 27616-6299

1748309718  
JUSTICE, MALINDA D  
4010 TILTON DR  
RALEIGH NC 27616-6299

1748309765  
HERIG, ANDREW A  
4004 TILTON DR  
RALEIGH NC 27616-6299

1748309873  
HAMM, ANGELA POOLE  
4005 NEWELL LN  
RALEIGH NC 27616-8453

1748400917  
YAU, LING L YAU, JOANNA  
4611 195TH ST  
FLUSHING NY 11358-3919

1748400973  
CHENG, YIN PENG  
2047 66TH ST  
BROOKLYN NY 11204-3916

1748410099  
TANEDO, MICHAEL A TANEDO, DEENA I  
2822 ARMADALE LN  
RALEIGH NC 27616-5587

1748511627  
HIGHLAND CREEK MASTER ASSN INC  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Thursday, November 3, 2016 at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Proposed uses versus current allowed uses
2. Traffic generation and impacts
3. Location of site access points
4. Building location
5. Building height
6. Number of buildings
7. Parking area location
8. Location of dumpsters
9. Building orientation
10. General site layout
11. Current zoning conditions
12. Purpose for rezoning
13. Anticipated uses for property
14. Anticipated phasing of buildings
15. Architectural design of buildings
16. Building materials for new buildings
17. Consistency of design with Highland Creek

## **EXHIBIT D**

### **NEIGHBORHOOD MEETING ATTENDEES**

1. Roberta Jones
2. Rosemarie Flaim
3. Sandra Wawrzynek
4. Adrienne Rigo
5. Debbie Wilson
6. Daniel Hatton
7. Joanne Morrow Braman
8. Virginia O'Hagan
9. Michael O'Hagan
10. Wilbert Carter
11. Blessbyjah Carter
12. Alma Roberts
13. Ray Alexander
14. Damiano Alessi



# Pre-Application Conference

(this form must be provided at the time of formal submittal)



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | efax 919-996-1831  
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

## PROCESS TYPE

- ☐ Board of Adjustment
- ☐ Comprehensive Plan Amendment
- ☒ Rezoning
- ☐ Site Review\*
- ☐ Subdivision
- ☐ Subdivision (Exempt)
- ☐ Text Change

\* Optional conference

## GENERAL INFORMATION

Date Submitted October 18, 2016

Applicant(s) Name Michael Birch, Morningstar Law Group

Applicant's Mailing Address 1330 St. Mary's Street, Suite 460, Raleigh, NC 27605

Phone 919.590.0388

Email mbirch@morningstarlawgroup.com

Property PIN # 1748-40-2756

Site Address / Location 8402 Darton Way

Current Zoning OX-3-PK-CU (Z-21-08)

Additional Information (if needed) :

Request is to rezone to OX-3-PK-CU with removal of existing conditions, similar to removal of the conditions approved as part of Z-24-15 (8504 Darton Way)

## OFFICE USE ONLY

Transaction #: 492395

Date of Pre-Application Conference : 10/28/16 10 AM

Staff Signature