

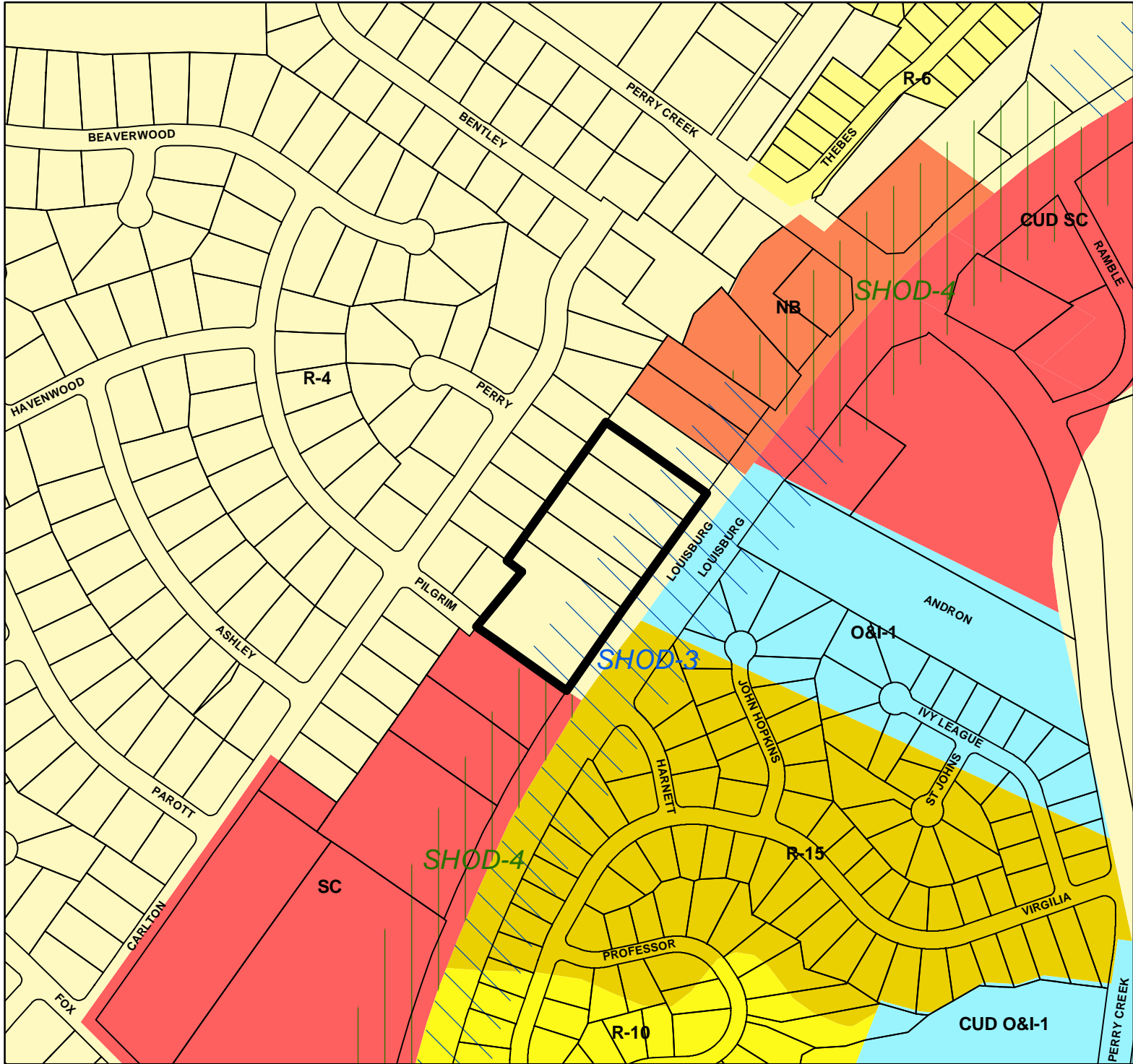
Z-46-08

R-4 w/SHOD-3  
to  
O&I-1 w/ SHOD-3  
CUD

5.27 acres

Public Hearing  
October 21, 2008  
(February 18, 2009)

270  
Feet





# Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

☒ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes  
where appropriate

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

Signature(s)

Candler Swim Club North, Inc.

By: John Candler

Name: JOHN CANDLER

Title: President

Daniel B. Quinn

Daniel B. Quinn

Virginia H. Willoughby

Virginia H. Willoughby

Date:

June 13, 2008

6-13-08

6-12-08

CITY OF RALEIGH  
CITY PLANNING DEPT

2008 JUN 20 AM 11:30



# 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:

4. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

5. 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.

6. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

5. 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:

- 8) to lessen congestion in the streets;
- 9) to provide adequate light and air;
- 10) to prevent the overcrowding of land;
- 11) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 12) to regulate in accordance with a comprehensive plan;
- 13) to avoid spot zoning; and
- 14) 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)

Ralph W. Morris

Ralph W. Morris

Gary Ray Slade

Gary Ray Slade

Date:

6/12/08  
6/12/08 F. R. Morris

6/19/08

# EXHIBIT B. Request for Zoning Change

Office Use Only	Z-4608
Petition No.	
Date Filed:	6-20-08
Filing Fee:	pd. CK# 3658
	\$1,000.00

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> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Candler Swim Club North, Inc. Daniel B. Quinn Virginia H. Willoughby Ralph W. Morris Gary Ray Slade	1031 Jones Franklin Road Raleigh, NC 27606 PO Box 325 Vanceboro, NC 28586 7301 Louisburg Road Raleigh, NC 27616 113 Penny Lane Cary, NC 27511 307 Cranborne Lane Cary, NC 27519	
<b>2) Property Owner(s):</b>	Candler Swim Club North, Inc. Daniel B. Quinn Virginia H. Willoughby Ralph W. Morris Gary Ray Slade	1031 Jones Franklin Road Raleigh, NC 27606 PO Box 325 Vanceboro, NC 28586 7301 Louisburg Road Raleigh, NC 27616 113 Penny Lane Cary, NC 27511 307 Cranborne Lane Cary, NC 27519	
<b>3) Contact Person(s):</b>	Isabel Worthy Mattox	PO Box 946 Raleigh, NC 27602	919-828-7171 919-831-1205 – fax isabel@mattoxfirm.com

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

Wake County Property Identification Number(s) (PIN): **1737532105,  
1737532382, 1737533440, 1737534408, and 1737534557**

General Street Location (nearest street intersections): **7209 - 7309 Louisburg  
Rd., Raleigh, NC, on West side of Louisburg Road between Fox Rd  
and Perry Creek Rd.**

**5) Area of Subject  
Property (acres):** 2.04 acres (1737532105)  
0.8 acres ea (1737532382, 1737533440, 1737534408, and 1737534557)

**6) Current Zoning  
District(s)** R-4 w/ SHOD-3  
**Classification:**  
Include Overlay District(s), if  
Applicable

**7) Proposed Zoning  
District** O&I-1 w/ SHOD-3 CUD  
**Classification:**  
Include Overlay District(s) if  
Applicable. If existing Overlay  
District is to remain, please state.

2-46-08

**(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.

Wake Co. PIN #'s:

B-1

## 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 located within the Northeast Planning District along a Gateway Corridor.
- 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. The property is located within the US-401 North Corridor Area Plan which provides that, upon non-residential development, frontage lot redevelopment guidelines should apply.
- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? The property is located within the US-401 North Corridor Area Plan which recommends this property for medium density residential uses, but also provides that "[o]therwise (if the property does not remain residential), frontage lot redevelopment guidelines would apply."

## **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):** Both single and multifamily residential to the East across US-401 North, and single family residential to the West behind the subject property. SC-zoned property to the South. The property to the immediate north is currently subject to a pending rezoning request seeking Neighborhood Business Zoning. Existing gas station and convenience stores are in the vicinity to the North.
- B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**  
 North – NB and R-4 (but the R-4 is subject to NB rezoning petition to permit an auto repair business); single family, gas and convenience stores;  
 East – O&I-1; single family and multifamily residential;  
 South – SC; vacant  
 West – R-4, single family residential
- C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area.**  
 The subject property is particularly suitable for O&I-1 rezoning and office/institutional development. The area along the corridor is primarily zoned for non-residential and developed as multifamily and commercial uses. The property is located within a corridor transition area adjacent to a Retail Area and contains deep lots which can accommodate a SHOD yard and rear buffer which will allow a nice transition to the busy Highway 401, the Retail Area to the North and the SC Zoned area to the South from the single family development in the Bentley Woods neighborhood.

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

- A. For the landowner(s):** The rezoning will allow the utilization of the property for an appropriate use.
- B. For the immediate neighbors:** The rezoning will permit the development of low intensity office uses which will be a suitable transition providing a good buffer from Highway 401 and will allow a reduction in access points onto Highway 401.
- C. For the surrounding community:** The rezoning will permit the elimination of a zoning nonconformity, improvement of the traffic flow along 401 and will permit the development of needed office space along 401.

- IV. **Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:** The properties on the North, East and South are already zoned to permit more intense uses than the requested rezoning will permit. The property to the immediate North is the subject of a rezoning request to permit more intense uses. The property to the West would not permit the non-residential uses which would be permitted by the requested rezoning.

**Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.** An office development on the proposed property will provide a low-impact use as buffer between US-401 and Bentley Woods and will provide a low-impact buffer between Shopping Center-zoned and Neighborhood Business-zoned properties to the South and North and the single-family residential to the West. In addition, the environmentally-friendly development intended for the property will benefit the property owner, adjacent property owners, and the community in general. Planned water conservation features will produce a property that uses significantly less water than the current swim club use, as well as medium-density residential.

V. **Recommended items of discussion (where applicable).**

- a. **An error by the City Council in establishing the current zoning classification of the property.** N/A
- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.** The current use of the property is a commercial use. The existing swim club has been in operation since 1979. It is a non-conforming use with only low density residential permitted by the current zoning. Its viability as a privately-operated swim facility has diminished. Traffic on Highway 401 has increased dramatically since the property was last zoned. The traffic on 401 and the location of the property adjacent to SC-zoned and NB-zoned parcels make it unlikely, and economically risky to develop as residential property.
- c. **The public need for additional land to be zoned to the classification requested.** The public has a need for additional land to be zoned to permit office and institutional uses particularly in a heavily traveled corridor which is no longer appropriate for single family residential uses.
- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.** The proposed development will be served by existing road and utility infrastructure. The closest fire station is located at 4209 Spring Forest Road, Raleigh, NC 27616 and the closest police station is located at 8320 Litchford Road, #120, Raleigh, NC 27615. Because of the proposed SHOD-yard, buffers adjacent to single family residential and adjacency to non-residentially zoned property, the proposed development will not deprive other properties of air and light. In addition, the subject property will be developed in an environmentally friendly manner, including water-conserving strategies that eliminate the use of potable water for irrigation, use low-flow fixtures, waterless urinals, etc. thereby conserving valuable City water and minimizing the load on the existing sewer system. New development is projected to use less potable water than current use, and less water than a medium-density



residential development on the property. Low-impact use will have a minimal impact on traffic to US-401.

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

2-46-08

Exhibit B-1

Richard Matthews  
Maria Matthews  
7318 Carlton Drive  
Raleigh, NC 27616  
PIN 1737437066

Phillip Elmore  
7209 Harnett Drive  
Raleigh, NC 27616  
PIN 1737523797

Betty A. Chesley  
7204 Carlton Drive  
Raleigh, NC 27616  
PIN 1737530349

Brian M. Rebar  
Wendy Rebar  
7216 Carlton Drive  
Raleigh, NC 27616  
PIN 1737531676

Kevin Boulom  
Stacy Boulom  
6260 Big Sandy Drive  
Raleigh, NC 27616  
PIN 1737532734

Ralph W. Morris  
113 Penny Lane  
Cary, NC 27511  
PIN 1737534408

S&D Foster Family, LLC  
7401 Louisburg Road  
Raleigh, NC 27616  
PIN 1737535773

Mohammed Ali Peroz  
7329 John Hopkins Court  
Raleigh, NC 27616  
PIN 1737537234

Thi Quang Phan  
1212 Westerham Drive  
Wake Forest, NC 27587  
PIN 1737523617

James W. Joseph  
Judith A. Joseph  
7317 John Hopkins Court  
Raleigh, NC 27616  
PIN 1737526938

Philip R. Hughes  
Jo Nell P. Hughes  
7112 Carlton Drive  
Raleigh, NC 27616  
PIN 1737438125  
Thomas R. McClure  
Pamela E. McClure  
7212 Harnett Drive  
Raleigh, NC 27616  
PIN 1737525904

Charlene Hopson  
7208 Carlton Drive  
Raleigh, NC 27616  
PIN 1737530479

Candler Swim Club North, Inc.  
1013 Jones Franklin Road  
Raleigh, NC 27606  
PIN 1737532105

Virginia H. Willoughby  
7301 Louisburg Road  
Raleigh, NC 27616  
PIN 1737533440

Gary Ray Slade  
307 Cranborne Lane  
Cary, NC 27519  
PIN 1737534557

Neil Burt Turner, Jr.  
7321 John Hopkins Court  
Raleigh, NC 27616  
PIN 1737536017

Perry Creek Associates, LLC  
c/o C O C, Inc.  
110 Mackenan Dr, Suite 300  
Cary, NC 27511  
PIN 1737630613

William E. Daniels  
7201 Harnett Drive  
Raleigh, NC 27616  
PIN 1737524627

Perry Creek Housing Associates, LLC  
7760 Six Forks Road  
Raleigh, NC 27615  
PIN 1737632282

Susan G. Aycock  
c/o Mr. Struble  
7706 Six Forks Rd. Suite 100  
Raleigh, NC 27615  
PIN 1737521911

George Wayne Joyner  
Mary R. Joyner  
7100 Pilgrim Road  
Raleigh, NC 27616  
PIN 1737530227

Martha I. Packard  
7212 Carlton Drive  
Raleigh, NC 27616  
PIN 1737531527

Daniel B. Quinn  
PO Box 325  
Vanceboro, NC 28586  
PIN 1737532382

Jose Ramirez-Vazquez  
7304 Carlton Drive  
Raleigh, NC 27616  
PIN 1737533822

Dwight Henry  
7313 Louisburg Road  
Raleigh, NC 27616  
PIN 1737535624

Robert V. Rodgers  
7325 John Hopkins Court  
Raleigh, NC 27616  
PIN 1737536157

George Michael Stiak  
Kathleen P. Stiak  
7200 Carlton Drive  
Raleigh, NC 27616  
PIN 1737439303

Bakulbhai Babubhai Patel  
Sohag B. Patel  
7208 Harnett Drive  
Raleigh, NC 27616  
PIN 1737525855



## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-46-08 Conditional Use; Louisburg Rd.

**General Location:** Louisburg Road, west side, south of Perry Creek Rd

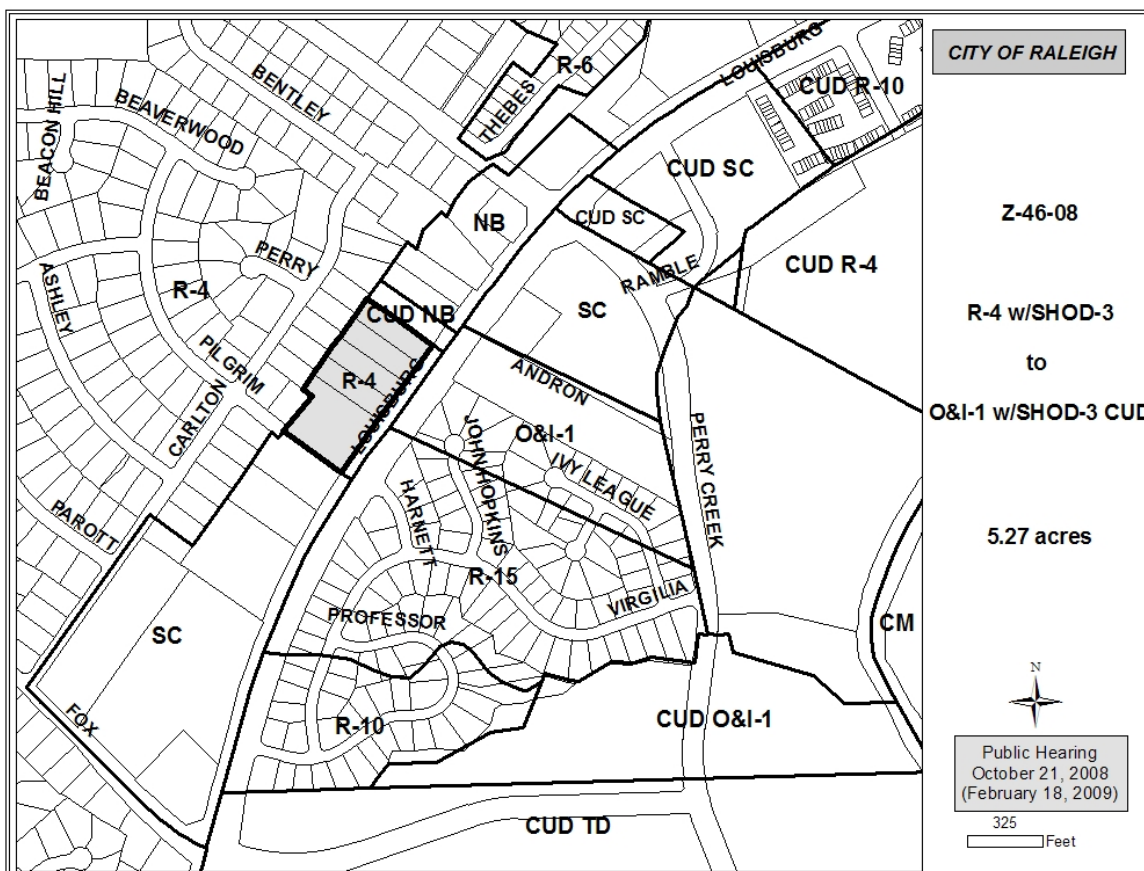
**Planning District  
/ CAC:** Northeast / Northeast

**Request:** Petition for Rezoning from Residential-4 w/ Special Highway Overlay District-3 to Office & Institution-1 Conditional Use w/ Special Highway Overlay District-3.

**Comprehensive Plan  
Consistency:** This request is inconsistent with the Comprehensive Plan.

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

**Recommendation:** The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated October 30, 2008.



---

**CASE FILE: Z-46-08 Conditional Use**

**LOCATION:** This site is located on the west side of Louisburg Road, south of its intersection with Perry Creek Road.

**REQUEST:** This request is to rezone approximately 5.27 acres, currently zoned Residential-4 w/ Special Highway Overlay District-3. The proposal is to rezone the property to Office & Institution-1 Conditional Use w/ Special Highway Overlay District-3.

**COMPREHENSIVE  
PLAN CONSISTENCY:** This request is inconsistent with the Comprehensive Plan.

---

**RECOMMENDATION:** The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated October 30, 2008.

---

**FINDINGS  
AND REASONS:**

- (1) The rezoning request is inconsistent with the Comprehensive Plan because it is on the residential side of a Policy Boundary Line in the US 401 Corridor Plan. However, the proposal is considered to be compatible with the surrounding land uses and zoning.
- (2) The request is considered reasonable and in the public interest based on the zoning conditions that will improve the level of compatibility with the surrounding area, and mitigate impacts on surrounding low density residential uses.

---

**To PC:** 10/28/08  
**Case History:**

**To CC:** 11/18/08

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

**Staff Coordinator:** Alysia Bailey Taylor

**Motion:** Holt  
**Second:** Mullins  
**In Favor:** Anderson, Bartholomew, Butler, Chambliss, 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: 11/7/08



## Zoning Staff Report: Z-46-08 Conditional Use

---

**LOCATION:** This site is located on the west side of Louisburg Road, south of its intersection with Perry Creek Road.

**AREA OF REQUEST:** 5.27 acres

**PROPERTY OWNER:** Chandler Swim Club North, Inc; Daniel B. Quinn; Virginia H. Willoughby; Ralph W. Morris; Gary Ray Slade

**CONTACT PERSON:** Isabel Worthy Mattox, 919-828-7171

**PLANNING COMMISSION  
RECOMMENDATION  
DEADLINE:** February 18, 2009

---

<b>ZONING:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Residential-4	Office & Institution-1 CUD
	<b><u>Current Overlay District</u></b>	<b><u>Proposed Overlay District</u></b>
	Special Highway Overlay-3	Special Highway Overlay-3
<b>ALLOWABLE DWELLING UNITS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	21 Units	44 Units (based on conditions)
<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Not Permitted	75,755 square feet (0.33 FAR), per zoning conditions
<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Not Permitted	Limited retail uses (max. of 10%) permitted in an office building in excess of 30,000 sq. ft.
<b>ALLOWABLE GROUND SIGNS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Tract ID	Low Profile (Height = 3.5 feet; Area = 70 sq.ft.)

**ZONING HISTORY:** This property has been zoned Residential-4 since 1986. Property to the north was recently rezoned to NB CUD (Z-7-08).

**SURROUNDING  
ZONING:**

NORTH: Residential-4  
SOUTH: Residential-15 and SHOD-3 & Office & Institution-1 and SHOD-3

EAST: Neighborhood Business and SHOD-3 CUD (Z-7-08)

Conditions:

1. A minimum fifty (50) foot protective yard, meeting SHOD 3 minimum requirements, shall be provided along the frontage of Louisburg Rd. (Hwy 401).
2. Maximum height of building not to exceed single story of thirty-five (35) feet.
3. All sides of the exterior of the building, with a minimum of 50% of each side, shall be mix of materials such as wood, cement siding, stone or brick to provide an architecturally attractive appearance on Louisburg Road.
4. No parking shall be permitted within fifty (50) feet of the rear property line that is adjacent to the residential lots.
5. No outdoor storage or materials shall be permitted.
6. Hours of operation are prohibited after 8:00 PM or before 6:00 AM.
7. Dumpster service shall only be permitted between 7:00 AM to 7:00 PM Monday through Saturday.
8. A minimum thirty (30) foot transitional protective yard, Type B, shall be provided at the rear and sides of the property adjacent to any lots with existing residential dwellings.
9. A fully closed privacy fence or wall, at least six (6) feet in height, shall be installed at the rear of the property. This shall be a solid fence or wall which has no openings and contains shiplap, or tongue and groove or similar overlapping design if made of wood.
10. No barbed wire, razor wire, barbed tape, or similar materials shall be installed on the property.
11. Ground signage will be limited to a maximum of one low profile ground sign.
12. Prior to the issuance of any building permit, an offer of cross access shall be provided to the property to the north, PIN 1737535773, Deed Book 10638, Page 1940.
13. Direct Access from Louisburg Rd. (Hwy 401) will be limited to no more than one right in/right out driveway, subject to approval by the City of Raleigh Public Works Department and North Carolina Department of Transportation.
14. All outdoor lighting will be the full cutoff type (shielded) design, such that no glare from the light can be seen from Louisburg Road and will not cause excessive illumination on a lot containing a dwelling or zoned a residential district. Any light poles located outside of the transitional protective yards shall be a maximum height of twenty (20) feet.
15. Only those uses allowed within Residential-4 district, and automobile service and repair facility, shall be permitted.

WEST: Shopping Center and SHOD-3

**LAND USE:** Chandler Swim Club & Single-family residential

**SURROUNDING  
LAND USE:**

NORTH: Single-family residential  
SOUTH: Single-family residential  
EAST: Retail development  
WEST: Retail development & Single-family residential

**DESIGNATED HISTORIC RESOURCES:** N/A

---

**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	Northeast
Urban Form	Gateway Corridor
Specific Area Plan	U.S. 401 North Corridor Plan
Guidelines	Frontage Lot Guidelines

**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. The site is located on the residential side of the Policy Boundary Line which encompasses the Louisburg Road/Perry Creek Road Retail Area. The US 401 Corridor Plan notes "The existing Bentley Woods lots on U.S. 401 are deep with large setbacks and could remain residential."

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

All but one of the subject properties are occupied by single-family homes. The remainder of the subject property is occupied by the Chandler Swim Club. The properties immediately north and west of the subject property are also occupied by single-family homes; however, the lots to the north are zoned for non-residential uses. The properties east of the subject properties are occupied by single-family and multi-family development. While property to the south is primarily vacant, a convenience store with gas pumps is located at the intersection of Louisburg Road and Fox Road. The subject property is located along a designated Gateway Corridor and is flanked with non-residential uses and zoning to the south, and properties that have the mechanism in place to develop with non-residential uses to the north. The proposed zoning, with the appropriate conditions, presents an opportunity to recombine five lots and create a single or shared access point in contrast to the individual driveways that currently exist. The proposed zoning also presents an opportunity for development that is more compatible with the uses on this portion of Louisburg Road.

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

The applicant has indicated that the benefit of the proposed rezoning would be the prospect of being able to utilize the property for a low intensity office use, and reduce access points along Louisburg Road/ Highway 401. According to the Comprehensive Plan, "Gateway Corridors are appropriate places for major employment generating land uses..." The wording of the proposed conditions allows the opportunity for the property to be developed for office uses, residential uses or a combination of the two. Use intensification may increase traffic to and from the site.

**4. Detriments of the proposed rezoning**

With this rezoning request there is potential for increased traffic in this location along Louisburg Road and along Pilgrim Road, a road interior to the Bentley Woods subdivision..

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

**TRANSPORTATION:** Louisburg Road is classified as a principle arterial thoroughfare (2007 ADT - 38,000 vpd) and is constructed as a 6-lane median divided median soft shoulder roadway with 103 feet between each edge of pavement within a 170-foot right-of-way. City standards call for Louisburg Road to be constructed as a multi-lane facility with curb and gutter cross section and sidewalks on both sides within the existing right-of-way. Pilgrim Road is classified as a collector street and is constructed as a 20-foot ribbon paved road within a 60-foot right-of-way. City standards call for Pilgrim Road to be constructed as 41-foot back-to-back curb and gutter section with sidewalk on a minimum of one side within the existing right-of-way. Pilgrim Road is planned for extension to Louisburg Road as a collector street tying in across from Harnett Drive. Right-of-way dedication will be required on the subject property adjacent to the planned extension of Pilgrim Road.

**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 FEMA; No flood-prone soils  
DRAINAGE BASIN: Perry  
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater regulations. No WSPD.  
Some downstream drainage complaints found on file regarding pipe joint failure and sink hole along Beaverwood Drive.

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
<b>Water</b>	<b>Approx. <u>10,540</u> gpd</b>	<b>Approx. <u>17,125</u> gpd</b>
<b>Waste Water</b>	<b>Approx. <u>10,540</u> gpd</b>	<b>Approx. <u>17,125</u> gpd</b>

The proposed rezoning would add approximately 6,385 gpd to the wastewater and water treatment systems of the City. A water main is available in Louisburg Road. Sanitary sewer mains will be installed as a result of the city initiated annexation program of 2007.

**PARKS AND**

**RECREATION:** This property is not adjacent to any greenway corridors and it is located within an area in which a neighborhood park search has been identified. The additional dwelling units allowed under this rezoning will be met by the parkland that is identified by the search area. The nearest park facility is Horseshoe Farm Park, which does not provide neighborhood and community park services.

**WAKE COUNTY**

**PUBLIC SCHOOLS:** Based on the Wake County data, students living in this area may be assigned to attend either: Fox Road Elementary, Wake Forest – Rolesville Middle, or Wakefield High. Development of the subject property at the requested rezoning could potentially yield the following increases as the assigned schools: Fox Road



Elementary may increase by 11 students, Wake Forest Middle may increase by 9 students, and Wakefield High may increase by 6 students.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Fox Road	855	91.0%	863	91.8%
W.F.-Rolesville	1,145	100.7%	1,147	100.9%
Wakefield	2,626	93.4%	2,629	93.5%

**IMPACTS SUMMARY:** There are no adverse impacts.

**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.**

The applicant has indicated that the existing swim club has been operating as a non-conforming use since 1979, the increased traffic along Louisburg Road, and the subject property's adjacency to Shopping Center and Neighborhood Business zoning have made it unlikely, and economically risky to develop as residential property. The US 401 Corridor Plan, adopted in 1991, shows this property on the residential side of a Policy Boundary Line; however, a great deal of the development that has occurred in this area occurred after the adoption of the Corridor Plan.

**APPEARANCE**

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

**CITIZEN'S**

**ADVISORY COUNCIL:** DISTRICT: Northeast  
CAC CONTACT PERSON: Paul Brant, 919-875-1114

---

**SUMMARY OF ISSUES:**

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

1. **Outstanding issues**

- The requested rezoning is inconsistent with the Comprehensive Plan.

