



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.

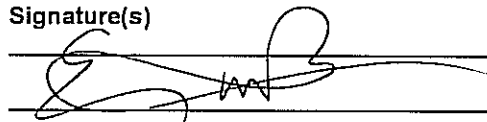
Please check boxes
where appropriate

CITY OF RALEIGH
CITY PLANNING DEPT

2008 JUN 20 AM 11:03

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)



Date:

6/20/08

Please type or print name(s) clearly:

Eric M. Braun, Attorney for the Petitioner

Michael Birch, Attorney for the Petitioner

EXHIBIT B. Request for Zoning Change

Office Use Only

Petition No.

Date Filed:

Filing Fee:

2-47-08

6/20/08

\$1,600.00 by Clerk

783268

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

See instructions, page 6

Name(s)

Address

Telephone / E-Mail

1) Petitioner(s):

Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

Raleigh Northeast
Commercial Associates
Limited Partnership

P.O. Box 19808
Raleigh, NC 27619-9808

2) Property

Owner(s):

Raleigh Northeast
Commercial Associates
Limited Partnership

P.O. Box 19808
Raleigh, NC 27619-9808

3) Contact Person(s):

Eric M. Braun and
Michael Birch
Kennedy Covington
Lobdell & Hickman, L.L.P.

P.O. Box 17047
Raleigh, NC 27619-7047

919-743-7315 and
919-743-7314

ebraun@kennedycoving
ton.com
mbirch@kennedycovingt
on.com

4) Property

Description:

Please provide surveys if proposed
zoning boundary lines do not follow
property lines.

Wake County Property Identification Number(s) (PIN): _____

1736-27-1553, 1736-17-4171

General Street Location (nearest street intersections): Northwest corner of the
Intersection of Spring Forest Road and Louisburg Road

**5) Area of Subject
Property (acres):**

24.59 acres

**6) Current Zoning
District(s)**

Classification:

Include Overlay District(s), if
Applicable

Thoroughfare District CUD with Special Highway Overlay District-3;

Thoroughfare District CUD with Special Highway Overlay District-4 and

Residential-4 CUD

**7) Proposed Zoning
District**

Classification:

Include Overlay District(s) if
Applicable. If existing Overlay
District is to remain, please state.

Thoroughfare District CUD with Special Highway Overlay District-3;

Thoroughfare District CUD with Special Highway Overlay District-4

2-47-08

(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:

[illegible]

3

2-47-08

EXHIBIT B-1

PIN Nos. 1736-17-4171 and 1736-27-1553 Corner of Spring Forest Road and Louisburg Road	
Adjacent Property Owners	
Nancy S. Yancey 5008 Old Elizabeth Road Raleigh, NC 27616-5417	1736-17-0626
James M. & Ruby A. Denning 5008 Elaine Avenue Raleigh, NC 27616-5411	1736-07-9514
Robert Conley Beverly, Sr. Heirs 5016 Elaine Avenue Raleigh, NC 27616-5411	1736-17-1528
Francis Marie Beverly, Trustee 5000 Elaine Avenue Raleigh, NC 27616-5411	1736-07-9400
Francis Marie Beverly, Trustee 5912 Dean Avenue Raleigh, NC 27616-5406	1736-07-9218
Francis Marie Beverly, Trustee 5000 Elaine Avenue Raleigh, NC 27616-5411	1736-07-9102
Ong Art Jaem Khamsane Ruang Jaem 4517 Brost Court Raleigh, NC 27616-5377	1736-06-9921
Four O One Associates Limited Partnership c/o Hunter & Associates 127 W. Hargett Street, Suite 100 Raleigh, NC 27601-1378	1736-06-8507
Four O One Associates Limited Partnership c/o Hunter & Associates 127 W. Hargett Street, Suite 100 Raleigh, NC 27601-1378	1736-16-0212

Z-47-08

Four O One Associates Limited Partnership c/o Hunter & Associates 127 W. Hargett Street, Suite 100 Raleigh, NC 27601-1378	1736-16-0690
McDonald's Corporation AMF O'Hare Airport P.O. Box 66207 Chicago, IL 60666-0207	1736-16-4621
James Albert Moss, Jr., Trustee Patricia Ivey Moss, Trustee 5228 Old Milburnie Road Wendell, NC 227591-7887	1736-16-7475
James Albert Moss, Jr., Trustee Patricia Ivey Moss, Trustee 5228 Old Milburnie Road Wendell, NC 227591-7887	1736-16-7311
Frank E. Acierno P.O. Box 7189 Wilmington, DE 19803-0189	1736-36-9440
Rosenberger Properties LLC 5800 Louisburg Road Raleigh, NC 27616-6210	1736-37-3864 000
Carousel Farms 4306 Batts Road Raleigh, NC 27604-4330	1736-37-3864 800
Raleigh North Christian Center 7715 Louisburg Road Raleigh, NC 27616	1736-28-6158
George Dell McClamb, Jr. Fredrica R. McClamb 6005 Tarleton Ct. Raleigh, NC 27616-6200	1736-28-1360
Dorothy E. Talley 6009 Tarleton Ct. Raleigh, NC 27616-6200	1736-28-2411

Z-47-08

Larry H. Williamson 6000 Dedmon Place Raleigh, NC 27616-6227	1736-28-1348
Vadym Goshovskyy 6004 Tarleton Ct. Raleigh, NC 27616-6200	1736-28-3237
Carl N. Fauntleroy, Jr. 6008 Tarleton Court Raleigh, NC 27616-6200	1736-28-3382
Jeffrey & Kerry Schindler 6001 Tarleton Ct. Raleigh, NC 27616-6200	1736-28-2214
Roger B. & Pamela R. Evans 5924 Holly Drive Raleigh, NC 27616-5433	1736-28-1038
Glen H. & Patricia S. Perry 5920 Holly Drive Raleigh, NC 27616-5433	1736-27-0957
Frank Thomas & Connie M. Sutton 5914 Holly Drive Raleigh, NC 27617-5433	1736-17-9877
Sandra F. Acai 5912 Holly Drive Raleigh, NC 27617-5433	1736-17-8787
Billy Joe & Marie C. Casey 5908 Holly Drive Raleigh, NC 27616-5433	1736-17-8616
Michael Earl & Deborah W. Gay 5904 Holly Drive Raleigh, NC 27616-5433	1736-17-7536
Roy N. & Vivian Carlson 5900 Holly Drive Raleigh, NC 27617-5433	1736-17-6433

Z-47-08

Kenneth E. & Alice Joy Allen 5021 Old Elizabeth Road Raleigh, NC 27616-5416	1736-17-5617
Ronald L. & Pattie S. Montgomery 5017 Old Elizabeth Road Raleigh, NC 27617-5416	1736-17-4724
John T. Rowe, Jr. Debra B. Rowe 5013 Old Elizabeth Rd Raleigh NC 27616-5416	1736-17-3821
Franklin D. & Patricia F. Moore 5009 Old Elizabeth Rd. Raleigh, NC 27616-5416	1736-17-2910
Will-O-Dean Parks, Inc. RR9 Box 64 Raleigh, NC 27606-9809	1736-18-4730

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

A. Please state which District Plan area the subject property is located within and the recommended land use for this property:

The subject property is located within the Northeast District Plan. A general statement as to urban form and land use in the district notes that the large, undeveloped tracts in the plan area make such land attractive for development. The plan does not recommend a specific land use for the subject property, but the Recommended Urban Form Map places the subject property within a regional center. The subject property is dealt with more specifically by the U.S. 401 North Corridor Plan.

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 subject property is located within the U.S. 401 North Corridor Plan. The corridor plan addresses the subject property through general planning objectives, a focus area designation, and specific land use recommendations.

The general planning objectives of the corridor plan attempt to strike a balance between promoting a sense of community while recognizing the need for high density development. To achieve this goal, the

corridor plan recommends (1) limiting strip retail development by separating the intense focus areas with less intense transition areas, (2) maintaining the primarily residential character of the corridor, and (3) promoting higher density and transit oriented housing.

The U.S. 401 North Corridor Plan places a Community Focus area at the intersection of U.S. 401 North and Spring Forest Road. According to the Comprehensive Plan's Urban Form Terms and Policies, focus areas are marked by higher intensity uses. Specifically, a community focus area usually contains a shopping center and high density residential development. The Comprehensive Plan's Retail Use Guidelines suggest up to 566,280 square feet of retail within a community focus area. Also, community focus areas are generally located along gateway corridors. The corridor plan's Land Use map designates the subject property for retail use. However, the current conditions associated with the subject property permit retail and residential uses.

Regarding specific land use recommendations, the corridor plan notes that the land northwest of Kyle Drive, at its intersection with Spring Forest Road, should be used for retail uses that take advantage of high traffic volume. The Corridor Plan Land Use map designates the subject property as retail. Also, point seventeen of the specific land use recommendations calls for mixed uses of predominantly employment with some high density residential and accessory retail uses for the area south of the interchange of U.S. 401 and the Northern Wake Expressway.

According to the Recommended Urban Form Map, the subject property is located within the Northeast Regional Center. However, the subject property is not technically within the Northeast Regional Center Plan area and is not addressed by the regional center plan's text.

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

The Comprehensive Plan's general planning objectives, community focus designation, and specific land use recommendations relating to the subject property call for a mix of retail and high density residential uses. Also, the current conditions on the property permit residential development. Because it permits retail and high density housing, the proposed map amendment is consistent with the previously adopted conditions and the Comprehensive Plan's policies and recommendations.

The proposed map amendment keeps the underlying zoning district as Thoroughfare District, but alters some of the existing conditions on the subject property. As a result, the subject property can be developed for a mix of uses. A mixed use development containing retail and high density residential uses fulfills the general planning objectives of limiting strip retail development, maintaining the primarily residential character of the corridor, and promoting high density housing. The mixed use development permitted by the proposed map amendment also achieves the plan's call for a shopping center and high density residential development in a community focus area, and specifically in the area immediately south of the U.S. 401 and Northern Wake Expressway interchange.

The proposed map amendment, which permits a mix of uses, is consistent with the type of development anticipated by the current conditions on the subject property and the policies and recommendations of the Comprehensive Plan.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The subject property is surrounded by a variety of land uses. First, the subject property is situated in the northwest quadrant of the intersection of Louisburg Road/ U.S. 401 and Spring Forest Road. U.S. 401 North is designated a primary arterial and a gateway corridor; Spring Forest Road is classified as a major thoroughfare.

Single family residences are located to the west and north of the subject property. A more intense residential area is located to the north and northeast of the subject property. To the northeast, along Louisburg Road, is a vacant tract and a single family residence. Farmland is located to the east, across Louisburg Road from the subject property. Also to the east is a large, vacant tract. To the southeast is a commercial building. A fast food restaurant and shopping center are located to the south, at the corner of Spring Forest Road and Louisburg Road. To the south and southwest of the subject property, along Spring Forest Road, is a single family residence and vacant parcels. Additionally, the Northern Wake Campus of Wake Technical Community College is located just north of the subject property, on the northern side of the U.S. 401 and Northern Wake Expressway interchange.

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

The subject property is also surrounded by a variety of zoning classifications. To the north and west of the subject property are neighborhoods currently zoned Residential-4. Land located to the north and northeast is zoned Residential-6 and Residential-10. To the northeast of the subject property, along Louisburg Road, is land zoned Thoroughfare District-Conditional Use, with a Special Highway Overlay District-2. To the east and northeast of the subject property, across Louisburg Road, is a parcel designated Rural Residential-Conditional Use, with a Special Highway Overlay District-1. To the east is a parcel zoned Neighborhood Business with a Special Highway Overlay District-3. To the east and southeast is a large tract designated Residential-15-Conditional Use, with a Special Highway Overlay District-3. To the south, on the other corner of the intersection, is a parcel zoned Shopping Center, with a Special Highway Overlay District-4. To the south and southwest of the subject property, and on the same side of Louisburg Road, are four parcels zoned Thoroughfare District, some of which have a Special Highway Overlay District-4. To the west and southwest, along Spring Forest Road, are parcels zoned Rural Residential and Residential-10.

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

Given the subject property's location, the proposed zoning map amendment is compatible with the suitability of the property for mixed use development. The subject property is located at the intersection of a gateway arterial and major thoroughfare. Moreover, the subject property is at the center of a community focus area. Alterations to the existing conditions will allow the landowner to develop the land in a manner more consistent with the Comprehensive Plan, which recommends retail and high density residential uses in such locations. The subject property is also located in close proximity to an interchange with the Northern Wake Expressway, a regional intensity area, a proposed employment area, and the Northern Wake Campus of Wake Technical Community College. Because of the subject property's location to significant transportation centers, employment areas, and educational institutions, it is suitable for mixed use development.

Considering the nearby land uses and zoning districts, the proposed zoning map amendment is compatible with the character of the surrounding area. Parcels located at the other corners of the intersection are currently zoned for intense commercial uses and mildly dense residential uses. The existing land uses on these parcels include two shopping centers and a fast-food restaurant. Moreover, a mixed use development would serve as a buffer between the gateway arterial and the residential neighborhoods to the west. A mixed use development situated at the corner of a major intersection is consistent with the character of the surrounding area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowner by allowing it to develop the property to its highest and best use. By altering some of the existing conditions, the landowner can take advantage of a greater portion of the residential density and building height allowances permitted by the base zoning district.

B. For the immediate neighbors:

The proposed map amendment benefits the neighbors by allowing the landowner to develop a transitional use to buffer the neighboring residents from the highway. The neighbors would benefit from a retail center located within walking distance from their homes that also limits strip development of the corridor.

C. For the surrounding community:

The proposed map amendment benefits the surrounding community by permitting the landowner to provide additional housing opportunities in close proximity to a proposed employment area and regional intensity center. The surrounding community would benefit from a development that maintains the primarily residential character of the area and does not strip out the corridor. Developing a vacant tract into a mixed used development would also benefit the surrounding community by enhancing the city's tax base.

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

No, the rezoning of this property does not provide a significant benefit which is not available to the surrounding properties. Parcels located across Spring Forest Road from the subject property are similarly zoned and have similar development potential. Also, the parcels zoned for low- to mid- density residential uses located along Louisburg Road have the same right to petition the City Council for a zoning change consistent with the Comprehensive Plan.

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

The proposed map amendment is reasonable and in the public interest because it allows for development of the parcel free of conditions imposed over twenty years ago, before Raleigh experienced rapid growth. The subject property is currently vacant, but it is located at the intersection of a gateway arterial and a major thoroughfare. The subject property is at the epicenter of a community focus area. Moreover, a major interchange with the Northern Wake Expressway is just north of the subject property. The location of the subject property and the surrounding growth increases the need for a mixed use

development that would include high density residential uses and a retail center to serve the development's residents and the surrounding community.

Also, the proposed map amendment is reasonable and in the public interest because it will further the City's goals of having transit-oriented and pedestrian-oriented development. The proposed map amendment would allow for increased housing opportunities along a major transit corridor, which is congruent with the City's policy of promoting transit-oriented development. Such a development can also provide a pedestrian-oriented retail center, accessible to the neighborhoods located west along Spring Forest Road.

V. Recommended items of discussion (where applicable).

- a. An error by the City Council in establishing the current zoning classification of the property.**

This recommended item of discussion is 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.**

The subject property was last rezoned in 1986 as a part of rezoning case number Z-14-86. As a result, the subject property was rezoned to Thoroughfare District-Conditional Use with a small portion zoned Residential-4-Conditional Use. The attendant conditions limit residential density, limit building height, and impose greater buffer requirements than required by the base district.

In the more than twenty years that has passed since the rezoning case, much has changed in terms of infrastructure and development patterns. First, additional transportation infrastructure has made this area more accessible. For example, the Northern Wake Expressway now interchanges with U.S. 401 North and the City has plans to extend Buffalo Road so as to meet Spring Forest Road at the intersection with Louisburg Road. Also, residential development continues to spread to the suburbs of Raleigh, especially to the northeast. Second, the development patterns of the City have changed in the past twenty years. In 1986, mixed use development and transit-oriented development were not City priorities. Now, as reflected in the Comprehensive Plan and recent development trends, the City is encouraging mixed use and transit-oriented development. With greater access to the area, increased demand for housing in the area, and a change in development patterns since the property was last rezoned, circumstances have sufficiently changed to warrant an alteration of the conditions.

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

Raleigh continues to experience population growth. As a result, there is a public need for more housing opportunities. But, in order to preserve the environment and to decrease automobile traffic, there is a public need for more transit-oriented and pedestrian-oriented development. A map amendment allowing mixed use development at a major intersection along a gateway arterial and close to residential communities would satisfy some of this public need.

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

The proposed map amendment will not have an adverse impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, or access to light and air. Spring Forest Park is located to the west of the subject property. There is also an existing greenway corridor north of the subject property. The subject property is not located within a park search area. Fire Station Nineteen is located just west of the subject property along Spring Forest Road.

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

The applicant does not have any other arguments on behalf of the map amendment at this time.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-47-08 Conditional Use; Louisburg Rd. & Spring Forest Rd.**

General Location: This site is located on the northwest quadrant of Louisburg Road and Spring Forest Road.

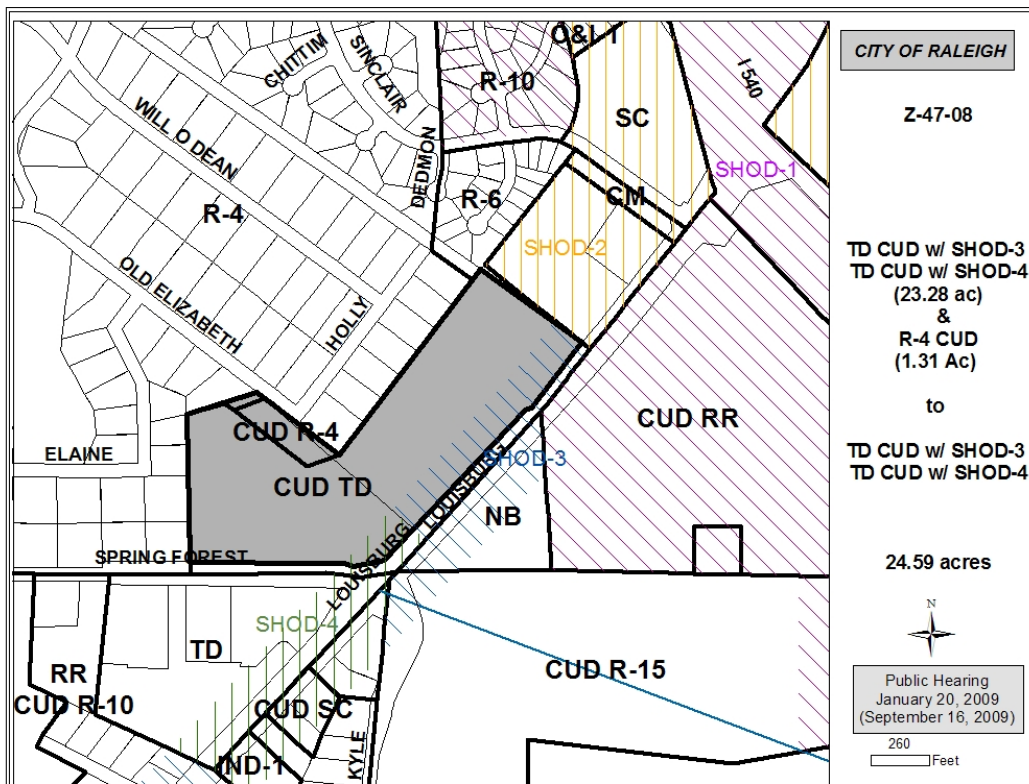
**Planning District
/ CAC:** Northeast / Northeast

Request: Petition for Rezoning from **Thoroughfare Conditional Use District with Special Highway Overlay District -3 and Special Highway Overlay District -4 and Residential -4 Conditional Use** to **Thoroughfare District Conditional Use District with Special Highway Overlay District -3 and Special Highway Overlay District -4.**

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

**Valid Protest
Petition (VSPP):** YES

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends that this request be approved in accordance with the conditions dated June 4, 2009.



CASE FILE: Z-47-08 Conditional Use

LOCATION: This site is located on the northwest quadrant of Louisburg Road and Spring Forest Road.

REQUEST: This request is to rezone approximately 24.59 acres, currently zoned Thoroughfare CUD w/ SHOD-3 and SHOD-4 and Residential -4 CUD. The proposal is to rezone the property to Thoroughfare CUD w/ SHOD-3 and SHOD-4.

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

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends that this request be approved in accordance with the conditions dated June 4, 2009.

- FINDINGS AND REASONS:**
- (1) The proposal is consistent with the Comprehensive Plan. The US 401 North Corridor Plan designates this site as being appropriate for retail uses. The plan also mentions higher density residential development being appropriate in close proximity to employment areas near the I-540 interchange.
 - (2) The proposal is reasonable and in the public interest. The development of retail on this site will help to serve the many residential neighborhoods in the surrounding area. The rezoning will also help to provide additional housing opportunities for surrounding employments areas and the North Wake Campus of Wake Technical Community College.
 - (3) Conditions proposed with this rezoning provide adequate buffers and regulations to mitigate any impacts to the adjacent low density residential neighborhood.
 - (4) Based on the above stated reasons that this case be approved.
-

To PC: 10/28/08
Case History: 10/28/08 Referred to COW, deferred until meeting on 2/3/09
2/3/09 COW- Applicant requests time extension
5/5/09 COW- Applicant requests further time extension to continue working with staff and to complete Traffic Impact Analysis
6/2/09 COW
6/7/09 Planning Commission

To CC: 6/16/09 **City Council Status:** _____
Staff Coordinator: Stan Wingo

Motion: Smith
Second: Butler
In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris
Edmisten, Holt, Mullins, Smith
Opposed: Vance
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: 6/10/09



Zoning Staff Report: Z-47-08 Conditional Use

LOCATION: This site is located on the northwest quadrant of Louisburg Road and Spring Forest Road.

AREA OF REQUEST: 24.59 acres

PROPERTY OWNER: Raleigh Northeast Commercial Associates Limited Partnership

CONTACT PERSON: Eric Braun 919-743-7315

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

ZONING: **Current Zoning**

Thoroughfare District CUD
(23.38 ac)
Residential -4 CUD (1.31 ac)

Proposed Zoning

Thoroughfare District CUD

Current Overlay District

Special Highway Overlay District -3
Special Highway Overlay District -4

Proposed Overlay District

Special Highway Overlay District -3
Special Highway Overlay District -4

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

235 dwelling units (avg. density
of 9.5 units/acre)

Proposed Zoning

302 dwelling units (avg. density
of 12.28 units/acre)

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

TD CUD: No max. specified
R-4 CUD: Not permitted

Proposed Zoning

No max. specified

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

TD CUD: No max. specified
R-4 CUD: Not permitted

Proposed Zoning

No max. specified

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

TD CUD: High Profile (Height = 15
feet, Area = 100 sq.ft.)

Proposed Zoning

High Profile (Height = 15 feet, Area =
100 sq.ft.)

R-4 CUD: Low Profile (Height = 3.5 feet, Area = 70 sq.ft.

ZONING HISTORY: This property has been zoned Residential -4 Conditional Use and Thoroughfare District Conditional Use since 1986 (Z-14-86). Special Highway Overlay Districts 3 & 4 were established in 1994 (Z-2-94)

Z-14-86 U.S. 401 North (Louisburg Road),

No more than 10 dwelling units per acre

1. All uses as per 10-2045.1(1) except the following are permitted:
 - a. Telecommunications towers in accordance with 10-2023 (l)o:
 - b. Indoor and outdoor recreation uses, sports facilities, outdoor gathering areas, outdoor theaters.
 - c. Public utilities plants, storage terminals, facilities.
 - d. Industrial uses involving the processing of materials, fabricating, mixing, printing, assembling, cutting or repairing of articles and products for handling, storing and distribution of materials, articles, or products.
 - e. Above ground bulk storage of flammable and combustible liquids if a public water supply is available for fire fighting purposes.
 - g. Indoor operation of solid waste reclamation.
 - c. Air landing strips 10-2073 (c)(15).
 - d. Riding stables 10-2073 (c)(23).
 - e. Adult establishments 10-2073 (c)(25).
 - f. Kennels and catteries. 10-2073 (c)(26).
2. There shall be no vehicular access to the subject property from Holly Street or Elizabeth Street except for driveway accesses to serve single-family detached uses.
3. The entire frontage of both Elizabeth and Holly Streets shall be zoned R-4 CUD, a minimum of 120' deep and not to exceed 3 lots.
- 4) A 100 foot deep existing natural buffer shall remain with no development or construction, buildings, walks, walls, parking, drives, and the like except for public utilities, other public facilities, and/or drainage easements required by the City and a 6 foot high fence (see item 67 below) that shall be constructed by the owners. The owners shall maintain this buffer.
- 5) Upon development of the property all exterior flood, display and parking lot lighting shall be shaded, shielded, and or directed away from the adjacent residential uses.
- 6) No buildings constructed on the property shall exceed 3 stories (39') in height.
- 7) Upon development of any portion of the property, the owners shall install and permanently maintain a 6 ft. high black chain link fence, along the property lines common to lots # 383-192, 191, 190, 189, 188, 187, 186, 98, 45, 46, 47 (10 & 11) of the Will-O-Dean Subdivision in accordance with the recorded maps found in book of maps 1973 vol. 2, page 208 and book 1971 vol. 3, page 262, and common to the rear zoning line of the R-4 CUD described in item #3 above. Said fence shall be set a minimum of 2 feet off the common property lines and be continuous for its entire distance (see attached tax map 383, titles Z-14-86 Conditional Uses drawn by LaMarr Bunn and Associates, P.A. dated February 26, 1986).

SURROUNDING

ZONING:

NORTH: R-4, R-6, TD CUD w/SHOD-2 (Z-31-90)
SOUTH: TD w/SHOD-4, SC w/SHOD-4 and R-15 CUD w/SHOD-3
EAST: R-4
WEST: NB w/SHOD-3, RR CUD w/SHOD-3 (Z-45-03)

LAND USE: Undeveloped heavily wooded land.

**SURROUNDING
LAND USE:**

NORTH: Single family residential, undeveloped wooded land.
SOUTH: Gas Station, McDonalds, Food Lion Grocery, undeveloped wooded land
EAST: Undeveloped wooded land, rural livestock farm
WEST: 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	Retail
Specific Area Plan	US 401 North Corridor Plan
Guidelines	N/A

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

This site is located in the Northeast Planning District within the US 401 North Corridor Plan. The Corridor plan designates this site as being appropriate for retail uses. The applicant's request is consistent with the guidelines set forth in the Comprehensive Plan.

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

Applicant states that given the subject property's location, the proposed rezoning is compatible with the suitability of the property for mixed use development. Alteration to the current zoning conditions will allow the landowner to develop the land with higher density residential and retail uses. The property is located in close proximity to the Northern Wake Expressway (I-540), as well as the Northern Wake Campus of Wake Technical Community College. Considering the nearby land uses and zoning, the proposed zoning map amendment is compatible with the character of the surrounding area. A mixed use development on this site would serve as a buffer between the gateway arterial and residential neighborhoods to the west.

Staff concurs with the applicant's assessment. Increased residential densities as well as retail uses would be appropriate in this location. As conditioned the residential density would be increased by 67 units, the base zoning would remain the same for the vast majority of the site. The proposal as conditioned would serve as an appropriate buffer between US 401 and the Will-O-Dean neighborhood to the west. Due to the location and proximity to I-540, this proposal is compatible with surrounding land uses and zoning.

3. Public benefits of the proposed rezoning

Applicant states that the proposed amendment would benefit the surrounding community by allowing the landowner to provide additional housing opportunities to nearby employment areas. Also, the

proposed retail uses will help to serve surrounding residential neighborhoods and provide walkable retail services. Staff also states that the immediate neighbors will benefit from the transitional use.

Staff agrees that retail in this location will serve the many residential neighborhoods in the area. Increased residential densities will also provide additional housing opportunities to nearby employment areas and Wake Technical Community College.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request.

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

TRANSPORTATION: Louisburg Road is classified as a principal arterial thoroughfare (2007 ADT - 29,000 vpd) and is constructed to City standards as a six-lane median-divided roadway with a 95-foot back-to-back curb and gutter cross-section with sidewalk on both sides on 140 feet of right-of-way. Spring Forest Road is classified as a major thoroughfare (2007 ADT - 10,000 vpd) and exists as a 2-lane shoulder section within a 100-foot right-of-way. City standards call for Spring Forest Road to be constructed as 65-foot back-to-back curb and gutter section with sidewalks on both sides within the existing right-of-way. The Comprehensive Plan calls for the extension of Spring Forest Road east of Louisburg Road as a proposed major thoroughfare that will connect to Buffaloe Road. Old Elizabeth is classified as a minor residential street and exists as a 2-lane, 20-foot edge of pavement roadway within a 60-foot right-of-way. City standards call for Old Elizabeth Road to be constructed as a 26-foot back-to-back curb and gutter section with sidewalk on a minimum of one side within the existing right-of-way.

The petitioner should strike condition "N" as it is in conflict with the City's policies on interconnectivity and cross-access.

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. There are Neuse River Buffers on site. No downstream drainage complaints on file.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>307,375</u> gpd	Approx. <u>307,375</u> gpd
Waste Water	Approx. <u>307,375</u> gpd	Approx. <u>307,375</u> gpd

The proposed rezoning would not change the amount of wastewater or water to the wastewater collection or water distribution systems of the City's utilities.

There are existing sanitary sewer and water mains in the streets rights-of-way which would serve the proposed rezoning area.

PARKS AND

RECREATION:

This property is not adjacent to a greenway corridor or within a park search area. Neighborhood park services are provided by Spring Forest Road Park. The parkland and recreational needs of the additional residents created by this rezoning can be met at Spring Forest Road Park.

WAKE COUNTY

PUBLIC SCHOOLS:

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Fox Road	855	91.0%	875	93.1%
Wakefield	1,336	105.5%	1,342	106.0%
Wakefield	2,626	93.4%	2,633	93.6%

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

OPTIONAL ITEMS OF DISCUSSION

[Only address if the applicant has]

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.

N/A

APPEARANCE

COMMISSION:

This request is not subject to Appearance Commission review.

CITIZEN'S

ADVISORY COUNCIL:

DISTRICT: Northeast

CAC CONTACT PERSON: Bob Mulder (876-2828)

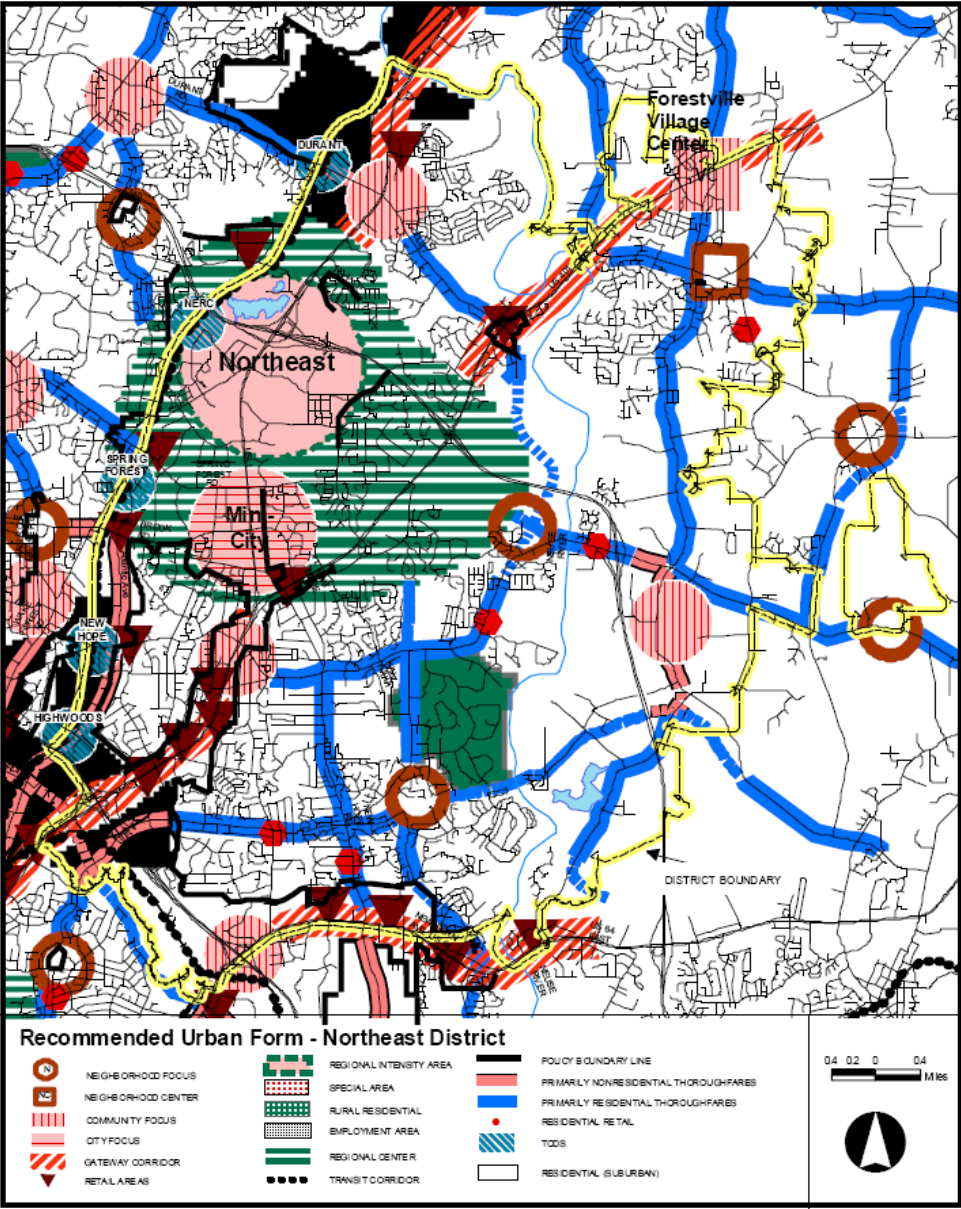
SUMMARY OF ISSUES:

DEVELOPMENT REGULATIONS:

The petitioner may wish to incorporate a zoning condition providing bench and shelter construction within the Transit easement, if requested by the City at time of site plan review.

TRANSPORTATION

The petitioner should strike condition "N" as it is in conflict with the City's policies on interconnectivity and cross-access.



9/07 Raleigh Comprehensive Plan

Northeast District 5-4.F

