

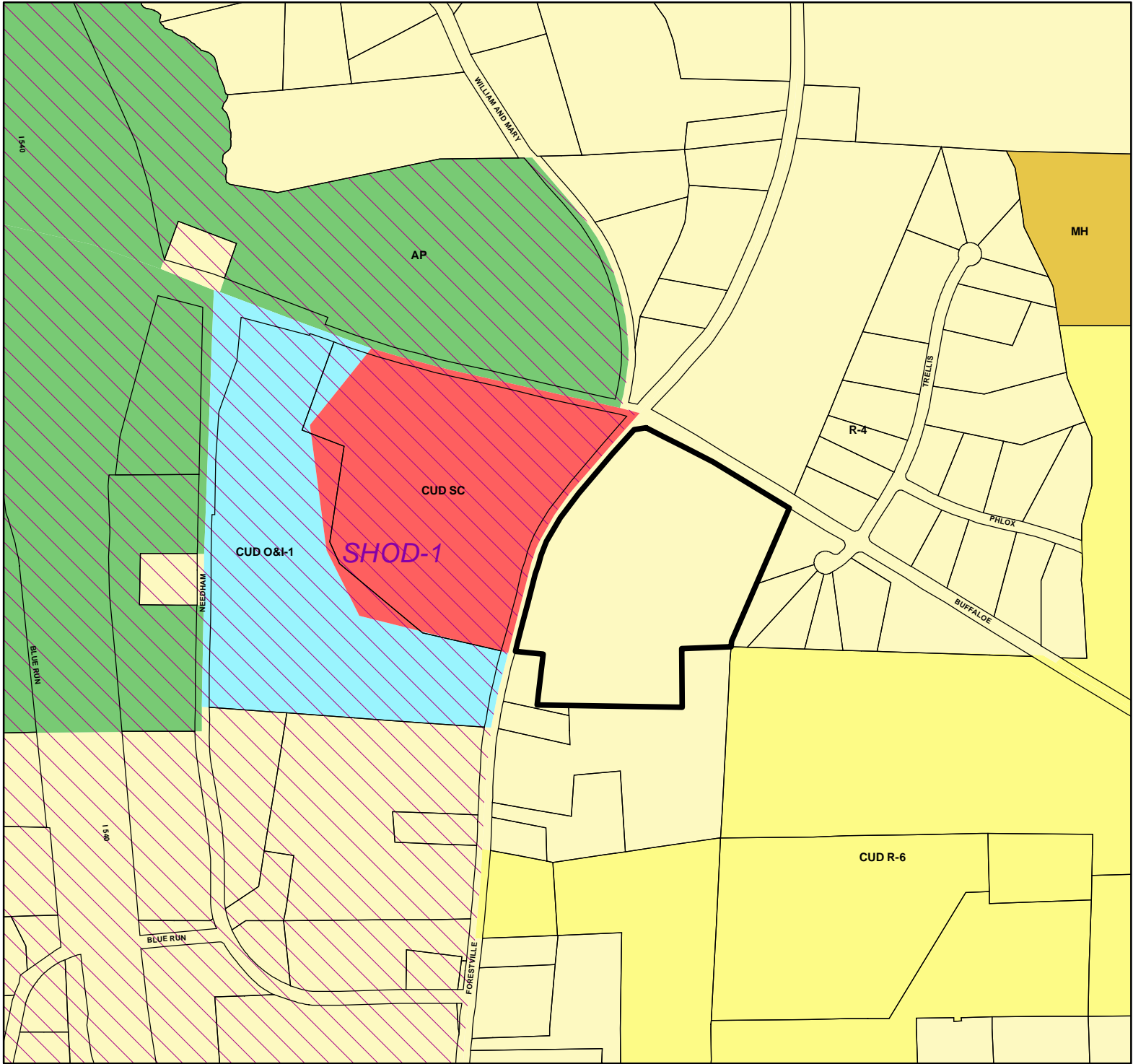
Z-48-08

R-4
to
SC CUD

22.93 acres

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

420
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)

Ransom H. Watkins Jr.

Ransom H. Watkins, Jr., a/k/a Ransom H. Watkins, Jr.

Paul K. Hester

Date:

June 20, 2008

June 20, 2008

CITY OF RALEIGH
CITY PLANNING DEPT
2008 JUN 20 AM 11:30



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- 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)

Ransom H. Watkins, Jr., a/k/a Ransom H. Watkins, Jr.

Paul K. Hester
Paul K. Hester

Date:

June 20, 2008

June 20, 2008

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	
Date Filed:	6-20-08
Filing Fee:	PA. # 6498
	\$ 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
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Ransom K. Watkins, Jr.</u> <u>a/k/a Ranson K. Watkins,</u> <u>Jr.</u>	<u>11428 Jordan Road</u> <u>Raleigh, NC 27603</u>	
	<u>Paul K. Hester</u>	<u>7425 Buffaloe Road</u> <u>Raleigh, NC 27616</u>	
2) Property Owner(s):	<u>Ransom K. Watkins, Jr.</u> <u>a/k/a Ranson K. Watkins,</u> <u>Jr.</u>	<u>11428 Jordan Road</u> <u>Raleigh, NC 27603</u>	
	<u>Paul K. Hester</u>	<u>7425 Jordan Road</u> <u>Raleigh, NC 27603</u>	
3) Contact Person(s):	<u>Thomas C. Worth, Jr.</u>	<u>PO Box 1799</u> <u>Raleigh, NC 27602</u>	<u>919-831-1205 – phone</u> <u>919-831-1125 – fax</u> <u>curnudgtcw@earthlink.net</u>
	<u>Isabel Worthy Mattox</u>	<u>PO Box 946</u> <u>Raleigh, NC 27602</u>	<u>919-828-7171 – phone</u> <u>919-831-1125 – fax</u> <u>isabel@mattoxfirm.com</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>Part of PIN no. 1746426835</u>		
	General Street Location (nearest street intersections): <u>South of Buffaloe Road and</u> <u>East of Forestville Road</u>		
5) Area of Subject Property (acres):	<u>22.93 acres</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>R-4</u>		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>SC-CUD</u>		

Petition No.

Z-48-08

8) Adjacent Property Owners

(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.

[illegible]

For additional space, photocopy this page.

2-48-08
6/20/08

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

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

- 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 Planning District. The property is designated as a Community Focus Area, with a mixed-use commercial core and medium density housing.
- 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 Neuse River East Small Area Plan which designates the property as being in a Community Focus Area adjacent to the Buffaloe/Forestville intersection. Community Focus Areas permit intense uses, including retail, office and institutional, and multi-family uses.

(continued)

Office Use Only	Z-48-08
Petition No.	
Date Filed:	12/20/08

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?** The proposed map amendment is consistent with the Comprehensive Plan. The proposed zoning map designations allow for a retail or mixed use development which will be the core of the Community Focus Area.

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 property is surrounded by single family detached residential uses to the Northeast and East, vacant land to the South, West and North. The site sits at the intersection of two thoroughfares (Buffaloe Road and Forestville Road) and because of its close proximity to an I-540 interchange, the availability of transportation infrastructure and the compatibility of the proposed rezoning with future land use and development criteria prescribed for the area, this site is suited for more intense uses than those that currently exist.
- B. **Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**

Zoning Districts are as follows:

North: R-4

East: R-4

South: R-4

West: SC and O&I-1 with SHOD-1 overlay

- 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 property is located at the intersection of two major thoroughfares in a rapidly developing area with retail and office zoning to the west and low density residential to the East. The proposed map amendment will permit development of a retail development which will be consistent with the zoning to the West and will provide an amenity to the residential properties to the East and Northeast, with appropriate buffers.

III. Benefits and detriments of the proposed map amendment.

- A. **For the landowner(s):** The proposed map amendment will permit a higher and better use of properties which is appropriate, given its location at the intersection of two major thoroughfares and within a Community Focus Area.

(continued)

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B. For the immediate neighbors: The proposed map amendment will provide a neighborhood oriented amenity to provide goods and services for the many residents and workers in the neighborhood.

C. For the surrounding community: The proposed map amendment will allow for a retail or mixed use development which will maximize tax base for the City and provide conveniently located goods and services in an area designated for higher intensity uses.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain: It permits the same development opportunities that are available to the properties to the West and more intense development opportunities than are available for other surrounding properties.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest. The subject property is at the intersection of two major thoroughfares, within a Community Focus Area, adjacent to office and retail zoned property and is located in close proximity to many residents. Given these characteristics, a neighborhood oriented development providing for retail, restaurant, office, institutional goods and services, with appropriate buffering for the adjacent residential uses, is reasonable and in the public interest.

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

(continued)

Office Use Only	2-48-08
Petition No.	
Date Filed:	6/20/08

- 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.** In recent years Raleigh has experienced tremendous growth, including the completion of the I-540 outer beltline in close proximity to the subject property. Buffalo Road has been elevated to a secondary arterial major thoroughfare. It intersects with Forestville Road, another major thoroughfare, at this site. The property was last zoned to R-4 when it was brought into the City. The Neuse River East SAP designated the property as a Community Focus Area which permits both retail and office and institutional uses in an effort to provide goods and services to the many members of the public who currently or in the future will live, work, and travel in and through this area.
- c. **The public need for additional land to be zoned to the classification requested.** As the City grows, the public has a need for more land along major corridors, which were formerly rural residential in character, to be zoned in a way that permits more conveniently located retail and office uses to serve the public.
- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.** This property will be serviced by existing streets. Additional right-of-way has already been dedicated along Buffalo and Forestville Roads to negate the impact of the proposed development on existing streets. Public water lines exist at the intersection of Forestville and Buffalo Roads. Sewer lines are proposed for the area and would be extended upon development of this property. Fire and public safety services are located at 4209 Spring Forest Road, Raleigh, NC 27616, in close proximity to the site. Given the location on two (2) major thoroughfares and the provision of a buffer on the East side of the property and likely requirements for transitional protective yards, there is not likely to be any material deprivation of light and air.

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

Exhibit B-1

BRC Buffalo Road Apartments, LLC
Attn: Christopher T. Dunbar
5826 Samet Drive, Suite 105
High Point, NC 27265
PIN 1746216969

Lamont M. Inge
Dolores W. Inge
2504 Old Milburnie Road
Raleigh, NC 27604
PIN 1746316404

George A. Toney
Luana J. Toney
2301 Trellis Court
Raleigh, NC 27604
PIN 1746416877

Jeremy P. Watkins
2309 Trellis Court
Raleigh, NC 27604
PIN 1746427078

Kelly M. Eilers
2405 Trellis Court
Raleigh, NC 27616
PIN 1746429493

D. Wade Lucas
Lynne M. Lucas
2425 Trellis Court
Raleigh, NC 27616
PIN 1746521879

Mario Ponziano
Immaculate Ponziano
2441 Trellis Court
Raleigh, NC 27616
PIN 1746535672

Louise W. Young, Trustee
William C. Young, Trustee
Young Living Trust
5008 Forestville Road
Raleigh, NC 27616
PIN 1746435920

Louise W. Young, Trustee
William C. Young, Trustee
Young Living Trust
5008 Forestville Road
Raleigh, NC 27616
PIN 1746432193

Paul K. Hester
7425 Buffalo Road
Raleigh, NC 27616
PIN 1746236378

Ivon D. Rohrer
1701 E 3rd Street
Charlotte, NC 28204
PIN 1746322355

Melissa Wilson
Michael L. Wilson
2300 Trellis Court
Raleigh, NC 27604
PIN 1746417778

Stuart D. Hogan
2401 Trellis Court
Raleigh, NC 27616
PIN 1746429330

Phyllis B. Brown
Steven M. Brown
2409 Trellis Court
Raleigh, NC 27616
PIN 1746520574

William T. Crist
E. Frances Crist
2433 Trellis Court
Raleigh, NC 27616
PIN 1746532271

City of Raleigh
222 W. Hargett Street
Raleigh, NC 27601
PIN 1746548112

Louise W. Young, Trustee
William C. Young, Trustee
Young Living Trust
5008 Forestville Road
Raleigh, NC 27616
PIN 1746435723

Richard A. Hill
5000 William and Mary Drive
Raleigh, NC 27616
PIN 1746431400

Lamont M. Inge
Dolores W. Inge
2504 Old Milburnie Road
Raleigh, NC 27604
PIN 1746316238

James Douglas Miles
PO Box 513
Knightdale, NC 27545
PIN 1746410189

Margaret Strickland Heirs
c/o R H Watkins
11428 Jordan Road
Raleigh, NC 27603
PIN 1746426835

Buffaloe Forest, LLC
5882 Faringdon Place, Suite 200
Raleigh, NC 27609
PIN 1746514293

Douglas M. Swinford
2413 Trellis Court
Raleigh, NC 27616
PIN 1746521619

Jay A. Zittle
Cynthia B. Zittle
2437 Trellis Court
Raleigh, NC 27616
PIN 1746534504

Diane C. Noble
Hubert & Phyllis Noble
4925 Forestville Road
Raleigh, NC 27616
PIN 1746438996

William C. Young
Louise W. Young
5008 Forestville Road
Raleigh, NC 27616
PIN 1746434421



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-48-08 Conditional Use; Buffalo Rd. & Forestville Rd.**

General Location: Buffalo Road, south side, east of Forestville Road

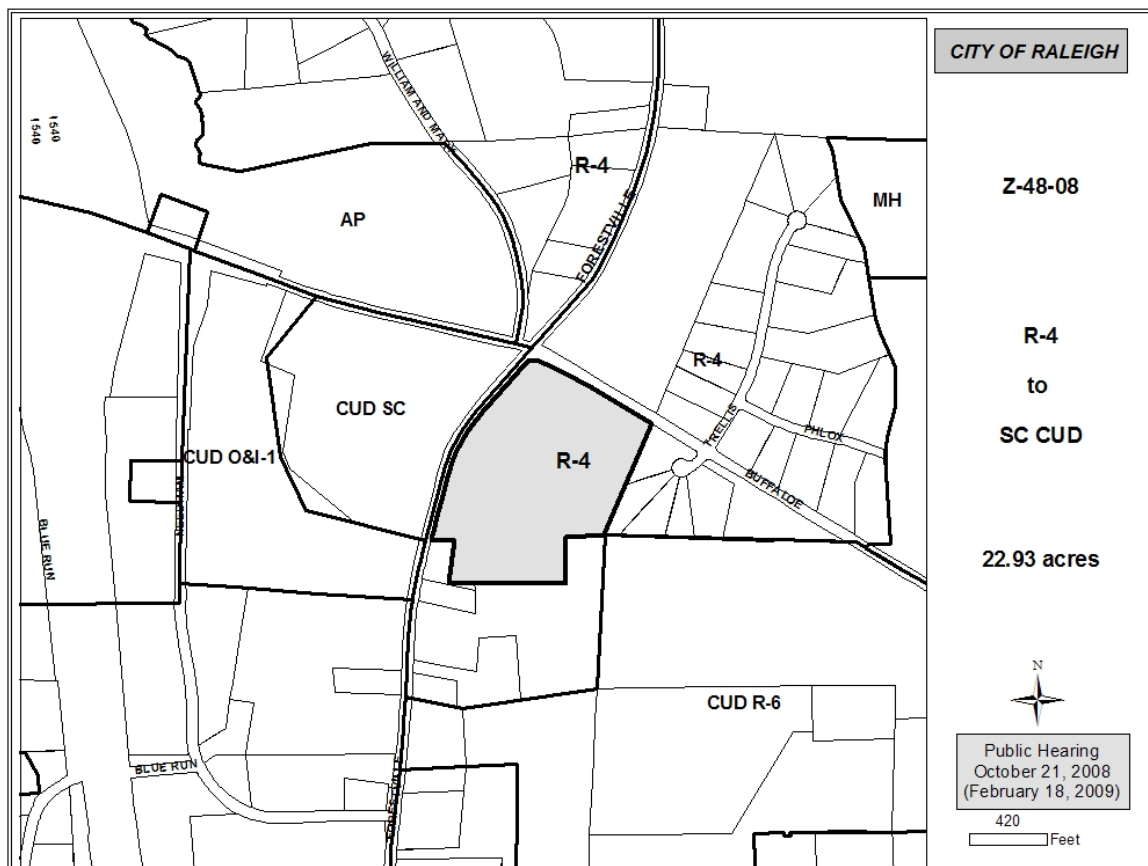
**Planning District
/ CAC:** Northeast / Northeast

Request: Petition for Rezoning from **Residential-4 to Shopping Center Conditional Use District.**

**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 January 26, 2009.



CASE FILE: Z-48-08 Conditional Use

LOCATION: This site is located on the south side of Buffaloe Road, east of its intersection with Forestville Road.

REQUEST: This request is to rezone approximately 22.93 acres, currently zoned Residential-4. The proposal is to rezone the property to Shopping Center Conditional Use District.

**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 January 26, 2009.

**FINDINGS
AND REASONS:**

- (1) The rezoning request is inconsistent with the Comprehensive Plan because the Neuse River East Small Area Plan specifically states, "Commercial development should be concentrated within the Focus Area between I-540, Forestville Road, Buffaloe Road and Skycrest Drive Extension." However, the proposal is considered to be compatible with the surrounding zoning.
- (2) The request is considered reasonable and in the public interest based on the zoning conditions, which will mitigate impacts on surrounding low density residential uses, and limit development intensity until such time as the Buffaloe Road bridge over I-540 can be adequately expanded to accommodate additional vehicular movement.

To PC: 10/28/08
Case History:

To CC: 2/3/09

City Council Status: _____

Staff Coordinator: Alysia Bailey Taylor

Motion: Bartholomew

Second: Butler

In Favor: Anderson, Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Mullins

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: 1/29/09



Zoning Staff Report: Z-48-08 Conditional Use

LOCATION: This site is located on the south side of Buffaloe Road, east of its intersection with Forestville Road.

AREA OF REQUEST: 22.93 acres

PROPERTY OWNER: Ransom K. Watkins, Jr.; Paul K. Hester

CONTACT PERSON: Thomas C. Worth, Jr., 919-831-1205

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

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-4	Shopping Center CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	N/A	N/A

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	91 Units	229 Units

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Not Permitted	20,000 Sq. Ft. (<i>based on conditions</i>)

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No Limitation Specified	130,000 Sq. Ft. (<i>based on conditions</i>)

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID	High Profile (Height = 15 feet, Area = 100 sq.ft.)

ZONING HISTORY: This property has been zoned R-4 since being brought into the city's ETJ.

**SURROUNDING
ZONING:** NORTH: Residential-4
SOUTH: Residential-4
EAST: Residential-4 & Residential-6 CUD (Z-54-06) Conditions are:

- a. Reimbursement for additional right-of-way dedications along Buffaloe Road, Old Milburnie Road and Forestville Road shall be at Residential-4 District values.
- b. There shall be no more than: (i) two (2) public street accesses onto Buffaloe Road from the Property; (ii) one (1) public street access onto Forestville Road from the Property; and (iii) one (1) public street access onto Old Milburnie Road from the Property.
- c. Development of the Property shall consist of only single family detached dwelling units and/or townhomes. Residential density for the Property shall not exceed 600 dwelling units or an average of 4.7 dwelling units per acre, whichever is less. There shall be a maximum of 120 townhouse dwelling units located on the Property. All townhouses located on the Property shall be served by at least a one-car garage.
- d. Development of those portions of the Property adjacent to and abutting the properties identified by Wake County PINs (**collectively, the "Adjacent Properties"**) shall consist only of: (i) single-family dwelling unit lots with a minimum depth of 110 feet and a minimum width of 75 feet; or (ii) open space lots with a minimum depth of 50 feet; or (iii) public rights-of-way.
- e. Except for open space adjacent to and abutting Wake County PIN 1745-49-5347 (Bk 7222, Pg 867) and prior to the issuance of a certificate of occupancy for the Property, the owner of the Property shall construct and install a six (6') foot high solid wood or vinyl fence within five (5') feet of the common property lines along those portions of the Property adjacent to and abutting the Adjacent Properties (as defined in Condition d. above.)
- f. Any townhouse structures located upon the Property shall be located no closer than 400 feet from the common property lines of the Property and the Adjacent Properties.
- g. The front exterior wall of dwelling units, exclusive of foundations, constructed upon the Property shall have areas of brick and/or stone, and hardiplank siding or vinyl siding.
- h. Buildings constructed upon the Property shall not exceed forty (40) feet in height or three (3) stories, whichever is lesser.
- i. Prior to the issuance of a certificate occupancy for the three hundredth single family dwelling unit constructed upon the Property, development upon the Property shall include the following, completed amenities: a clubhouse not less than 1200 square feet in size; a swimming pool; and three (3) tot lots not less than 900 square feet each in size.
- j. Single family detached dwelling units constructed on the Property shall include crawl space foundations.
- k. Where there are no mature trees meeting the basal standards of Section 10-2082.5(f) of the City landscape ordinance and within twenty feet (20') of Buffaloe Road, an earthen berm at least four feet (4') in height measured from the edge of right of way of Buffaloe Road shall be constructed and installed along the northern boundary of the Property that abuts Buffaloe Road.

WEST: Office & Institution-1 CUD and Shopping Center CUD w/ SHOD-1
CONDITIONS:

- 1. Access to Buffaloe and Forestville Roads will be in accordance with NCDOT and the City of Raleigh regulations and standards.

2. The petitioner will utilize the standards of the City SHOD-1 Overlay District requirements within 1,250 feet from the proposed right-of-way boundary of the Northern Wake Expressway.

3. If a package treatment plant is used, the developer agrees to discontinue the package treatment plant at the time that public sewer is available and utilize the public sewer system.

4. The petitioner will reserve the necessary right-of-way along the subject property frontage for the relocation of Buffaloe Road near the Northern Wake Expressway. All reservations shall be in accordance with the Official Northern Wake Expressway Corridor Plan.

5. The petitioner will reserve an additional 15 feet of right-of-way along Buffaloe and Forestville Roads for the future City of Raleigh Thoroughfare improvements.

LAND USE: vacant

SURROUNDING

LAND USE: NORTH: vacant
SOUTH: vacant and low density residential
EAST: vacant
WEST: low density 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	Buffaloe/Skycrest Community Focus Area
Specific Area Plan	Neuse River East Small Area Plan
Guidelines	n/a

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

The request is inconsistent with the Comprehensive Plan. The subject property is located in the Northeast District with specific recommendations in the Neuse River East Small Area Plan (SAP). The site is a part of a Community Focus Areas; however, the Small Area Plan specifically states "Commercial development should be concentrated within the Focus Area between I-540, Forestville Road, Buffaloe Road and Skycrest Drive Extension."

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

The subject property is in close proximity to low density residential development to the north and south. Southeast of the proposed rezoning is property that was rezoned in 2006 (Z-54-06) from R-4 to R-6 CUD, which is the future site of Buckhorn Place (S-68-07), an approximately 524 lot subdivision. The property to the west is currently vacant, but consists of approximately 49 acres of Shopping Center and Office & Institution zoned land. The petitioner has stated that the subject property is located at the intersection of two major thoroughfares in a rapidly developing area with retail and office zoning to the west, and the proposed zoning will be consistent with the zoning to the west and provide an amenity to the residential development in the area. While the petitioner has provided a condition to buffer the uses on the subject property from development to the east, there are no conditions indicating that the development that would occur on this property would be compatible with the residential development planned and existing in this area, nor have they provided conditions that indicate that development of this property will consist of any residential design characteristics.

3. Public benefits of the proposed rezoning

The petitioner has indicated that the proposed rezoning is a benefit because it will permit a higher and better use of the property which is appropriate, given its location at the intersection of two major thoroughfares and within a Community Focus Area. The petitioner also pointed out that allowing this rezoning would present an opportunity to provide a neighborhood oriented amenity that could provide conveniently located goods and services, as well as mixed use development. Staff would like to point out that the property immediately west of the subject property fulfills the same need the requested rezoning would only increase the intensity of development in this area, and will not necessarily create any increased benefit.

4. Detriments of the proposed rezoning

The proposed rezoning has the potential to generate significantly more dwelling units than the current zoning, and it would increase the amount of retail and office uses that could be developed at this major intersection, all of which could potentially cause a negative impact on traffic in this area. More consideration should be given to the character that will be created by the development that may be produced as a result of this rezoning. The applicant should consider adding conditions that address building materials, scale, and orientation in an effort to encourage development that will complement the existing residential development and the residential development that has been approved (S-68-07 *Buckhorn Place*) in the area, and to create a more pedestrian friendly environment.

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

TRANSPORTATION: Buffalo Road is classified as a major thoroughfare (2007 ADT - 7,500 vpd) and exists as a two-lane ribbon paved road on 60 feet of right-of-way. Forestville Road (2007 ADT- 4,200 vpd) is also classified as a major thoroughfare and exists as a two-lane road ribbon paved on 60 feet of right-of-way. City standards call for both Buffalo Road and Forestville Road to provide a 65-foot back-to-back curb and gutter section on 90 feet of right-of-way with sidewalks on both sides. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case. Due to the proposed change in land use intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

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: Neuse and Harris Creek
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater regulations. No WSPD. No downstream drainage complaints on file.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>45,860</u> gpd	Approx. <u>103,185</u> gpd
Waste Water	Approx. <u>45,860</u> gpd	Approx. <u>103,185</u> gpd

The proposed rezoning would add approximately 57,325 gpd to the wastewater and water treatment systems of the City. The petitioner would be required to extend sanitary sewer and water mains to serve the property.

PARKS AND

RECREATION: This property is not adjacent to a greenway corridor. Park services are anticipated to be provided in the future by an undeveloped park located north of Buffalo Road on Forestville Road.

WAKE COUNTY

PUBLIC SCHOOLS: Based on the Wake County data, students living in this area may be assigned to attend either: Forestville Road Elementary, East Wake Middle, or Knightdale High. Development of the subject property at the requested rezoning could potentially yield the following increases as the assigned schools: Forestville Road Elementary may increase by 2 students, East Wake Middle may increase by 11 students, and Knightdale High may increase by 4 students.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Forestville Road	682	112.9%	684	113.2%
East Wake	1,016	80.4%	1,027	81.3%
Knightdale	1,800	90.9%	1,804	91.1%

IMPACTS SUMMARY: The rezoning could increase school enrollment by 17 students, and would require extension of sanitary sewer and water mains in order to serve the property. In addition to the increased demand that could be placed on the city's water and sewer system, the proposed rezoning creates the need for a traffic impact analysis to determine how much this development will effect the vehicular travel in this area.

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.

According to the petitioner circumstances that have changed since the last rezoning were that the property was designated as part of a Community Focus Area, the area grew significantly, I-540 was

extended, and Buffalo Road was elevated to a secondary arterial major thoroughfare. However, the circumstances presented by the petitioner do not substantiate the requested rezoning when the Comprehensive Plan specifically states, "Commercial development should be concentrated within the Focus Area between I-540, Forestville Road, Buffalo Road and Skycrest Drive Extension." There are 24 acres of land zoned Shopping Center and 25 acres of land zoned Office and Institution within approximately 60 feet of the subject property.

APPEARANCE

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

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Northeast
CAC CONTACT PERSON: Bob Mulder, 919-876-2828

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- a. The rezoning request is inconsistent with the Comprehensive Plan.

2. Suggested conditions

Please be aware that making the suggested modifications to the proposed zoning conditions for this case **will not** alter its inconsistency with the Comprehensive Plan.

- a. Consider providing conditions that will encourage pedestrian friendly development that limits parking to the side and rear of the buildings.
- b. Consider providing conditions that begin to address use of building materials and building design.

DEVELOPMENT REGULATIONS:

- 1. Clarify Condition b) in regard to "buffer area". Ideally, use the Code defined term "protective yard".
- 2. Clarify Condition d) Include a definition for retail. For example the definition can be retail as defined in 10-8002 of the Raleigh City Code or retail can be defined as retail sales-convenience, retail sales-general, retail sales- highway and retails-sales personal service.

TRANSPORTATION:

Due to the proposed change in land use intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

