

CITY OF RALEIGH

Z-49-08

O&I-1, R-6 & CM
w/SHOD-2

to

O&I-1 CUD &
CM w/SHOD-2

2.71 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

CITY OF RALEIGH
CITY PLANNING DEPT

2008 JUN 20 AM 9:44

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)

A handwritten signature in black ink, appearing to read "Phillip T. Fisher".

Date:

JUNE 20, 2008

Please type or print name(s) clearly:

Phillip T. Fisher, Executive Director,

North Carolina Real Estate Commission

EXHIBIT B. Request for Zoning Change

| | |
|-----------------|----------------|
| Office Use Only | |
| Petition No. | <u>2-49-08</u> |
| Date Filed: | <u>6/20/08</u> |
| Filing Fee: | <u>9/26/08</u> |
| Amended | |

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>North Carolina Real Estate</u> | <u>1313 Navaho Drive,</u> | <u>919-875-3700</u> |
| | <u>Commission, Phillip Fisher</u> | <u>P.O. Box 17100</u> | <u>exec@ncrec.state.nc.us</u> |
| | <u>Executive Director</u> | <u>Raleigh, NC 27619-7100</u> | |

| | | | |
|----------------------------------|---------------------------------|---------------------------------|---------------------------------|
| 2) Property Owner(s): | <u>Same as Petitioner above</u> | <u>Same as Petitioner above</u> | <u>Same as Petitioner above</u> |
| | | | |
| | | | |

| | | | |
|------------------------------|--------------------|--------------------------------|------------------------------|
| 3) Contact Person(s): | <u>Jimmy Thiem</u> | <u>c/o HagerSmith Design</u> | <u>919-821-5547</u> |
| | | <u>P.O. Box 1308, Raleigh,</u> | <u>jthiem@hagersmith.com</u> |
| | | <u>NC 27602</u> | |

4) Property Description: Wake County Property Identification Number(s) (PIN): _____
Please provide surveys if proposed zoning boundary lines do not follow property lines.
1715350377, 1715351533, 1715351652

General Street Location (nearest street intersections): _____
North corner of Navaho Drive and Pinecrest Drive

5) Area of Subject Property (acres): 2.71 acres

6) Current Zoning District(s)
Classification: Parcel 1715350377: O&I-1 and CM with SHOD-2 overlay
Include Overlay District(s), if Applicable Parcels 1715351533 & 1715351652: R-6

7) Proposed Zoning District
Classification: O&I-1 CUD & CM with SHOD-2 overlay (as presently exists). CM to be strip 30 feet wide adjacent to and paralleling northeast property line then turning south near the east property corner then southeast to close the boundary to the CM strip. Strip is adjacent to the following parcels (PIN's): 1715351553, 1715353669, 1715352604 (see attachment for layout).
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

(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.

| Name(s): | Street Address(es): | City/State/Zip: | Wake Co. PIN #'s: |
|---|-----------------------------|---------------------------|-------------------|
| Clarence E. Jr & Robin E. Swicegood | 1105 Glendale Drive | Raleigh, NC 27612-4709 | 1715350671 |
| Rosalia Pilar Englebrecht | 3225 Pinecrest Drive | Raleigh, NC 27609-4730 | 1715353553 |
| Lucy Swaringen | 3229 Pinecrest Dr. | Raleigh, NC 27609-7436 | 1715354518 |
| Minh Cong Nguyen | 1428 Seminole Trl. | Raleigh, NC 27609-7414 | 1715353669 |
| Clarence E. Swicegood, Jr. | 107 Windel Dr., Ste. 205 | Raleigh, NC 27609-4471 | 1715352604 |
| The Crossland Company c/o John C. Williams | 3111 Glenwood Ave. | Raleigh, NC 27612-5006 | 1715258468 |
| Chaucer Investments, LLC | PO Box 18271 | Raleigh, NC 27619-8271 | 1715259719 |
| Justin J. Brylski | 3208 Pinecrest Drive | Raleigh, NC 27609-7437 | 1715353147 |
| Manuel Benitez | 3212 Pinecrest Dr. | Raleigh, NC 27609-7437 | 1715353263 |
| Edward G. & Sandra W. Lignon | 328 Northfeild Dr. | Raleigh, NC 27609-522 | 1715354310 |
| Sheila Swart | 3220 Pinecrest Dr. | Raleigh, NC 27609-7437 | 1715354365 |
| Donald Lee Fairfax | 3224 Pinecrest Dr. | Raleigh, NC 27609-7437 | 1715355401 |
| Celiniski Properties | PO Box 11487 | Southport, NC 28461-1487 | 1715355457 |
| Gavi Holly Park, LLC & Purser Holly Park, LLC | 801 Grand Ave. | Des Moines, IA 50392-0001 | 1715242768 |
| SBJ Growth, LP | 4309 Emperor Blvd., Ste 110 | Durham, NC 27703-8046 | 1715342707 |
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|-------------------|---------|
| Office Use Only | |
| Petition No. | 2-49-08 |
| Date Filed: | 6/20/08 |
| Amended - 9/24/08 | |

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:

North Hills District Plan. Recommended land use: office and institutional for southwest portion of subject property, residential on northeast portion.

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.

Wake Forest Road Small Area Plan, North Section. The Wake Forest Small Area Plan identifies the area which a portion of the subject property lies as an employment center. A policy boundary line separates the existing O&I-1 zoned portion of the property from the R-6 portion. The Plan encourages screening along this line between residential and non-residential uses. It also suggests limiting direct, vehicular access between residential and non-residential uses. The proposed plan recognizes these concerns and includes conditions to create an expanded CM and transitional protective yard along the residential properties which will abut the subject property's northeast property line.

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 for the southwest portion of the subject property where O&I-1 is proposed and office and institutional is recommended in the Comprehensive Plan. It differs from the Comprehensive Plan on the northeast portion of the subject property where O&I-1 CUD is proposed and the Comprehensive Plan recommends residential. A policy boundary line presently separates these two areas. We are not aware of any of any other City Council-adopted plans or policies pertinent to this proposal.

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 area surrounding the subject property is essentially fully developed. The property is bordered on the northwest by O&I-1 offices uses which are part of an identified employment center in the Comprehensive Plan. To the northeast and south east is R-6 residential. To the southwest is Navaho Drive and the I-440 Beltline. The adjacent office use is a mid-rise office building. Residential lots are developed single family residences. Navaho Drive is classified as a collector street.

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

The southwest portion (roughly half) of the subject property is zoned O&I-1; the northeast portion is zoned R-6. There is a 20' wide strip of CM property running southeast to northwest running down the center of the property between the O&I-1 and R-6 areas. The subject property is bounded by O&I-1 on the southwest and northwest and by R-6 on the northeast and southeast. The single family residences (7) abutting the site have lot sizes which vary from 0.20 to 0.93 acres in area averaging 0.38 acres. The block northeast of the subject property appears typical in layout of the overall residential subdivision. There are 21 lots in this block with an overall area of 5.26 acres, averaging 0.25 acres per lot or a net density of 4 units per acre. The office building (1305 Navaho Drive) to the northwest is one of 14 office buildings in an area bounded by the Beltline to the south, Wake Forest Road to the west, St. Albans Drive to the north and an unnamed stream to the east. The office building is four stories in height. Front yard setbacks for single-family residences in the vicinity of the site are approximately 30 feet. With regard to vegetation, the residential area including the majority of the subject property is characterized by grass lawns with a scattering of trees. Abutting the subject property's northwest boundary is a stream. The stream corridor is wooded.

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

A portion of the property included within this rezoning proposal is an existing office building occupied by the applicant since 1987. This portion of the property is part of an employment area including retail and office uses. This rezoning amendment is being proposed to allow the

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Originally Filed: 6/20/08
Amended Date: 10/9/08

have occupied since 1987, by providing an opportunity for the creation of needed office space. The inclusion of the additional property adjacent to the existing facility provides for a logical extension of this office use and is a reasonable expansion of the existing overall office use zoning in the area. A relationship has existed in this location between office use and the adjacent residential uses since 1987. The proposed rezoning does not introduce new land uses not already present in the area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning will benefit the landowner, the North Carolina Real Estate (NCREC) Commission, who has occupied the existing office building on the property since 1987, and who has presently outgrown the available space within the building, by allowing them to stay in their present location by expanding the existing facility. The existing NCREC site is bordered by public streets on two sides and a riparian buffer on another. The proposed rezoning represents the only option available to them to expand their existing facility and stay where they are.

B. For the immediate neighbors:

A benefit to the immediate neighbors is that a long time, well-known neighbor, NCREC, will be able to continue to stay in the neighborhood. There is a possible detrimental impact to the residential properties to the northeast as they will now be immediately adjacent to an office occupied property versus a single family occupied property (Note: building density and buffer provisions at standards greater than those required by City of Raleigh ordinance are proposed to address this concern). An additional benefit to the adjacent neighbors will be improvements that will be made to Pinecrest Drive associated with development of the expanded use. It should also be noted that on May 29, 2008, NCREC invited neighbors living adjacent to the site and within the immediate area to discuss the proposed rezoning. Those in attendance expressed their support of the project, and noted concerns for certain specific items such as the need for landscape buffers between the subject property and single family residences.

C. For the surrounding community:

A portion of the subject property is located in and is an active use within an employment area (ref: Wake Forest Small Area Plan). The proposed rezoning represents a minor expansion of the existing O&I-1 zoning within this area. Vehicular access to the existing office building on the subject property is provided via Navaho Drive. This condition is not expected to change. There is no clear or convenient access to this site through the public street network in the adjacent residential neighborhood to the north.

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

The proposed rezoning does not provide a significant benefit which is not available to the surrounding properties.

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

A portion of the subject property is presently occupied by the landowner's office building. The configuration of the existing lot and building, developed in 1987, does not provide a reasonable, economically efficient opportunity to expand to accommodate NCREC's future needs. The portion of the subject property presently zoned R-6, is the only direction available for NCREC to expand their existing lot. This added area effectively abuts office uses on two sides.

V. Recommended items of discussion (where applicable).

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

Not applicable.

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

Not applicable.

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

For much of its life the City of Raleigh has primarily grown through a horizontal expansion of its boundaries. Land was plentiful. Today, Raleigh knows the extent of its city limits. Recognizing this, there has been a change in focus in recent years in both the public and private sector to focus on more efficient use of resources including land, infrastructure and public services. To accomplish this planning and development efforts have adopted and/or placed more emphasis on a variety of concepts including higher density, revitalization, and adaptive reuse. This proposed rezoning finds its basis in this new trend. It looks to allow a long time resident of a facility to remain in their present location, continue to use their existing facility which still has many years of active service life remaining, and allow it to do this without fundamentally changing the existing development pattern in the area.

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

Existing streets, water and sanitary sewer services are presently in place and sufficient to service the proposed level of development associated with the proposed O&I-1 use. Safety and fire access to this site will not change from present conditions which are understood to be adequate. The proposed use will not create any additional demand on the City's parks facilities. Topographic conditions on the site are appropriate to the type and density of development for the permitted uses allowed under O&I-1 with the conditional use restrictions as proposed. Access to light and air for adjacent properties should not be impacted by this proposed zoning change.

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

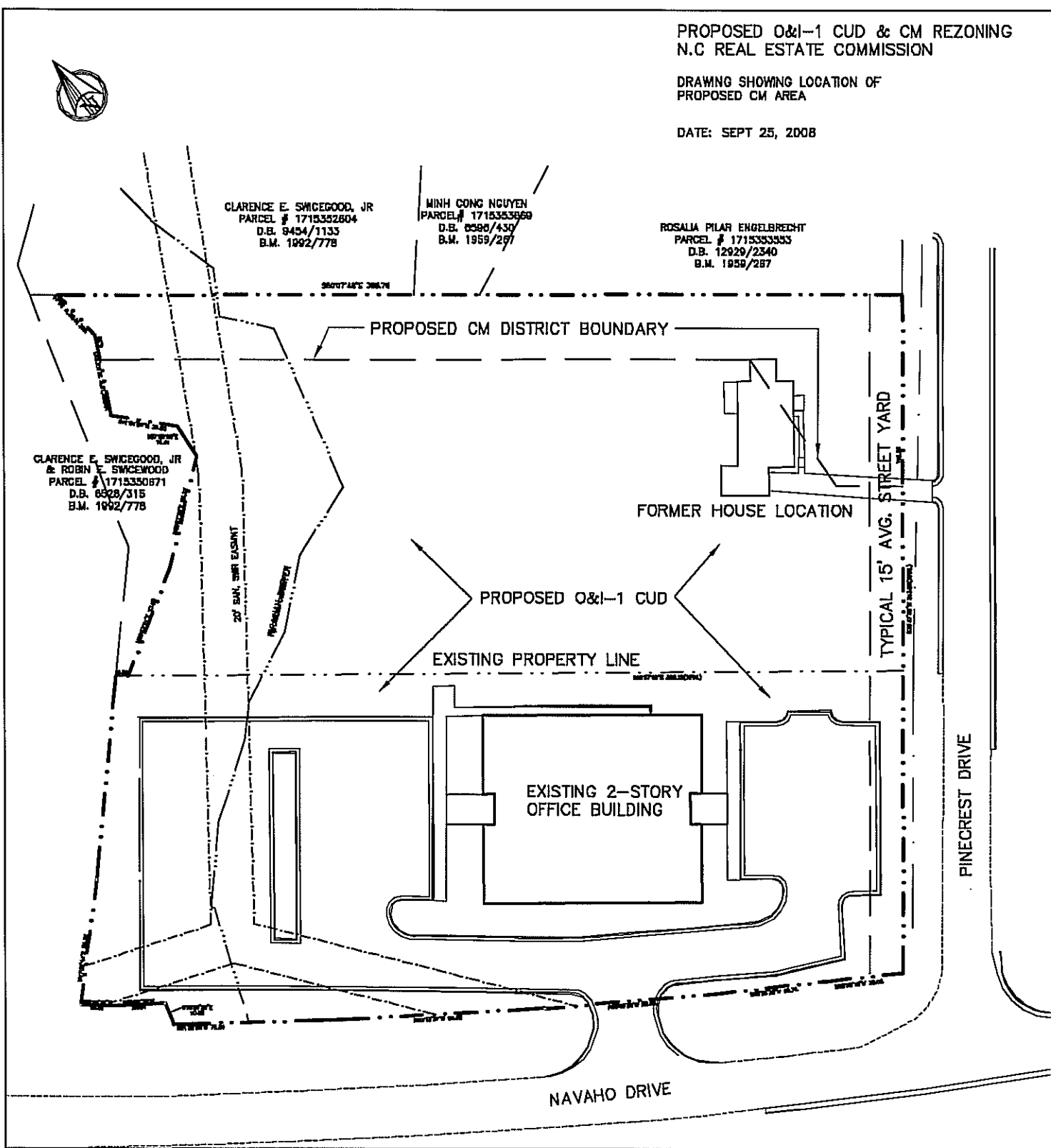
None to be offered at this time.

2-49-08
6/20/08
Amended - 9/26/08

PROPOSED O&I-1 CUD & CM REZONING
N.C REAL ESTATE COMMISSION

DRAWING SHOWING LOCATION OF
PROPOSED CM AREA

DATE: SEPT 25, 2008





Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-49-08 Conditional Use; Navaho Dr.**

General Location: Northwest quadrant of the intersection of Navaho Drive and Pinecrest Drive.

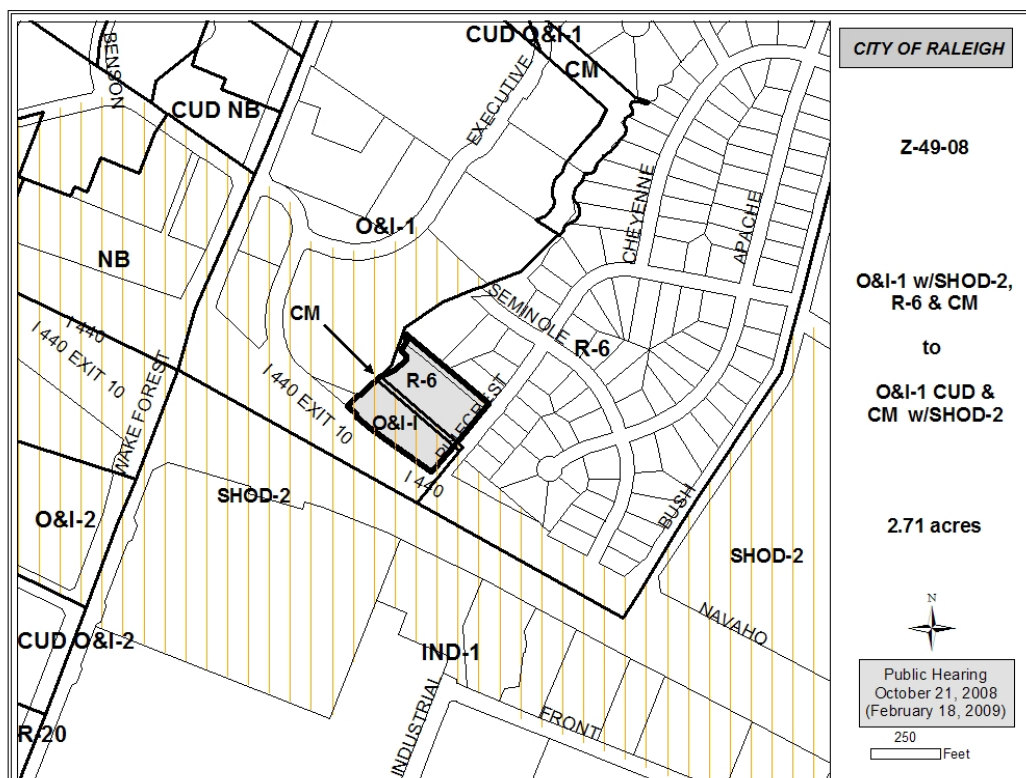
**Planning District
/ CAC:** North Hills / Falls of Neuse

Request: Petition for rezoning from **Office and Institution-1 and Conservation Management with Special Highway Overlay District-2, and Residential-6**, to **O&I-1 Conditional Use District and CM**, with SHOD-2 remaining.

**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 September 15, 2008, and CM boundary maps dated September 26, 2008.



CASE FILE: **Z-49-08 Conditional Use**

LOCATION: This site is located in northwest quadrant of the intersection of Navaho Drive and Pinecrest Drive.

REQUEST: This request is to rezone approximately 2.71 acres, currently zoned Office and Institution-1 and Conservation Management with Special Highway Overlay District-2, and Residential-6. The proposal is to rezone the property to O&I-1 Conditional Use District and CM, with SHOD-2 remaining.

**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 September 15, 2008, and CM boundary maps dated September 26, 2008.**

**FINDINGS
AND REASONS:**

- (1) This request is inconsistent with the Comprehensive Plan. The northern two parcels of the subject property are located on the residential side of a Policy Boundary Line.
- (2) The Commission feels that the request is reasonable and in the public interest in allowing the existing use and building to expand. The zoning conditions offered provide mitigation of potential impacts on the adjacent residential properties, especially regarding the preservation of existing site trees.
- (3) The Commission feels that an error was made in the graphic representation of the Policy Boundary Line in the Wake Forest Road Small Area Plan. The Line should be drawn so as to encompass the entire subject site, commensurate with the Plan map's designation of the whole site for Office and Institutional uses.
-

To PC: 10/28/08

To CC: 11/4/08

City Council Status: _____

Staff Coordinator: Doug Hill

Motion: Chambliss

Second: Smith

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: 10/29/08



Zoning Staff Report: Z-49-08 Conditional Use

LOCATION: This site is located in northwest quadrant of the intersection of Navaho Drive and Pinecrest Drive.

AREA OF REQUEST: 2.71 acres

PROPERTY OWNER: North Carolina Real Estate Commission

CONTACT PERSON: Jimmy Thiem, 821-5547

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

ZONING: Current Zoning

Office & Institution-1,
Residential-6, and
Conservation Management

Proposed Zoning

Office & Institution-1 CUD and
Conservation Management

Current Overlay District

Special Highway Overlay
District - 2

Proposed Overlay District

SHOD - 2 (to remain as is)

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

w / Staff approval: 26 units
w / PC approval: 37 units

Proposed Zoning

23 units
(as per Condition 1 prohibiting group or
multi-family housing)

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

R-6: Office uses not permitted
O&I-1: 42,797 sq. ft. (0.75 FAR)

Proposed Zoning

O&I-1: 88,535 sq. ft. (0.75 FAR)

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

R-6: Retail uses not permitted
O&I-1: Limited retail uses (maximum
of 10%) permitted in
association with an office
building exceeding 30,000
square feet

Proposed Zoning

O&I-1: Limited retail uses (maximum of
10%) permitted in association
with an office building exceeding
30,000 square feet

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

R-6: Tract ID Sign
O&I-1: Low Profile Sign

Proposed Zoning

Low Profile Sign (Height = 3.5 feet; Area = 70 sq.ft.)

ZONING HISTORY:

The two north parcels of this site have been zoned R-6 since 1960 (Z-2-60). The south parcel been zoned O&I-1 and CM since 1982 (Z-85-82). The SHOD-2 was placed on the south parcel in 1987 (Z-86-87).

**SURROUNDING
ZONING:**

NORTH: Residential-6
SOUTH: Office & Institution-1 with SHOD-2
EAST: Residential-6 and Residential-6 with SHOD-2
WEST: Office & Institution-1 with SHOD-2

LAND USE:

South parcel: Office; North parcels: single family residence

**SURROUNDING
LAND USE:**

NORTH: Single family residence
SOUTH: I-440
EAST: Single family residence
WEST: Office & institution (hospital)

**DESIGNATED
HISTORIC
RESOURCES:**

None on the properties; none within 100 feet of the properties.

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 | North Hills |
| Urban Form | Employment Area (NHPD); Medium Density Residential/ Medium Intensity O&I (WFRSAP) |
| Specific Area Plan | Wake Forest Road Small Area Plan |
| Guidelines | Office Use Floor Area Ratio and Building Lot Coverage Guidelines |

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

The proposal is inconsistent with the North Hills District Plan and the Wake Forest Road Small Area Plan, which show a Policy Boundary Line (PBL) dividing the site along the existing east-west property line. The southernmost parcel, currently zoned Office and Institution-1, is located on the non-residential side of the PBL; the northern two parcels are on the residential side of the line. The Small Area Plan, though, also graphically designates the northern two parcels for Office and Institutional

land use. (The origin of this discrepancy in the placement of the Office and Institution area is unknown.)

In defining Policy Boundary Lines, the Comprehensive Plan notes PBLs can take one of two forms:

“...A policy boundary line can be used on land use maps to denote either a specific line of demarcation or a general area of transition between residential and nonresidential land uses. In determining whether the line should be definitive or generalized in nature, the following conditions should be examined:

...In areas of the city which have already been predominantly urbanized or developed, conditions may exist which allow for the placement of a specific policy boundary line. Existing land use patterns or zoning lines may already be established to a point that boundaries between residential and nonresidential uses are identifiable. In these cases, a specific line of demarcation can be drawn which clearly shows the extent to which nonresidential land uses should be extended. Such a specific policy boundary line would indicate that the nonresidential area within a focus area, transition area or employment area meets standards set forth in the Comprehensive Plan. Such a line also alerts the Council that neighborhoods may exist beyond the policy boundary line and that public or private actions in this vicinity should minimize or ameliorate any negative impacts on the adjacent residential character or quality of life.”

The north two parcels, and those north and east beyond them, are identifiably residential in use and character. However, as per the excerpt above, the rezoning request proposes a series of conditions which would reduce potential impacts on the adjacent neighborhood, thereby providing a transition.

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

The immediate area is essentially built out. Parcels contiguous on the west, zoned Office and Institution-1, feature offices (and associated parking) of various scales; adjacent to Wake Forest Road is the most intensive nearby land use—the Duke Raleigh Hospital complex. The office tracts to the west, however, are physically separated from the subject properties by a wooded stream course. Likewise, immediately across Navaho Drive, I-440 isolates the site from retail, office and industrial properties to the south. From the subject site, the most prominent structures visible on the south side of Navaho Drive are the brick sound wall and the sign support trusses on the Beltline right-of-way. North and east, properties are characterized by low-density, single-family residential development, one to two stories in height. The maximum building height for the subject properties is conditioned as being 40 feet.

Along Pinecrest Drive, building setbacks vary, but most houses are positioned 30 to 35 feet from the right-of-way. The setback of the existing office building from Pinecrest is approximately 90 feet; of the residence on the north parcel of the subject site, about 45 feet. The minimum setback conditioned in the proposal is 30 feet.

3. Public benefits of the proposed rezoning

The applicant notes that the rezoning will benefit the owner in permitting expansion of an established use, the neighbors in that a viable office use will be retained, and the community in that the office expansion can be accommodated within present infrastructure. Staff concurs.

4. Detriments of the proposed rezoning

The chief impacts center on the potential intensity of site development. Conditions provide a series of mitigation measures.

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

TRANSPORTATION: Navaho Drive is classified as a collector street and exists as two lane 21-foot shoulder section. Navaho Drive is within the NCDOT right-of-way for I-440 which

is approximately 295 feet in the area of the subject property. City standards call for Navaho Drive to be constructed as a 41-foot back-to-back curb and gutter section with sidewalks on a minimum of one side within a 60-foot right-of-way. Pinecrest Drive is classified as a minor residential street and exists as two-lane, 26-foot edge of pavement soft shoulder section within a 60-foot right-of-way. City standards call for Pinecrest Drive to be constructed with sidewalks on a minimum of one side within the existing right-of-way.

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

HYDROLOGY: FLOODPLAIN: No FEMA; no flood-prone soils
DRAINAGE BASIN: Crabtree
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater regulations. No WSPOD. Some downstream drainage complaints along Cheyenne Rd (channel erosion and yard flooding). Neuse River Buffer is located on the NW portion of the properties.

PUBLIC UTILITIES:

| | Maximum Demand on Current Zoning | Maximum Demand on Proposed Zoning |
|-------------|-------------------------------------|--------------------------------------|
| Water | Approx. <u>8011</u> gpd | Approx. <u>8807</u> gpd |
| Waste Water | Approx. <u>8011</u> gpd | Approx. <u>8807</u> gpd |

The proposed rezoning would add approximately 795 gpd to the wastewater and water treatment systems of the City. There are currently sanitary sewer and water mains available at the properties for connection to the City's utilities systems.

**PARKS AND
RECREATION:**

This property is not adjacent to a greenway corridor. This property is served by Eastgate Park.

**WAKE COUNTY
PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under the current zoning is 37; the proposed rezoning could permit 23 single-family units. This could result in a net increase in school enrollment of 2. The current base schools for the site, and their respective capacities, are indicated below:

| School name | Current enrollment | Current Capacity | Future Enrollment | Future Capacity |
|-------------|-----------------------|---------------------|----------------------|--------------------|
| Joyner | 525 | 112.2% | 527 | 112.6% |
| Daniels | 1,162 | 101.5% | 1,161 | 101.4% |
| Broughton | 2,174 | 106.3% | 2,174 | 106.3% |

IMPACTS SUMMARY:

Some downstream drainage complaints have been received along Cheyenne Road (channel erosion and yard flooding). The proposed rezoning could add approximately 795 gpd to the wastewater and water treatment systems of the City.

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.

N/A

APPEARANCE

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

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Falls of Neuse
CAC CONTACT PERSON: Alan Wiggs, 872-5819

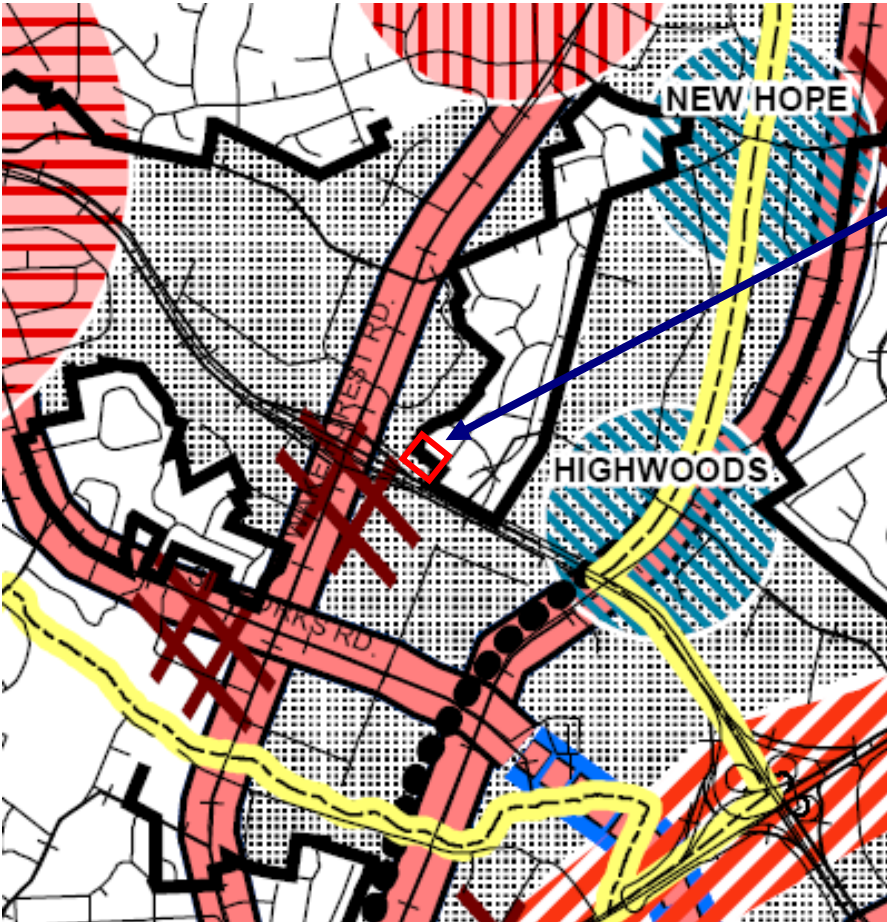
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- The Wake Forest Road Small Area Plan notes the northern two properties of the site are located on the residential side of a Policy Boundary Line.
- There is a discrepancy in the "Wake Forest Road Small Area Plan – North Section" map. The Policy Boundary Line is drawn separating land uses which are currently non-residential from those which are residential in use. However, the two northern parcels of the subject site are depicted graphically as being intended for "Office and Institutional" use—that is, non-residential purposes.

Urban Form— North Hills District Plan



Site

Recommended Urban Form - North Hills District



Urban Form— Wake Forest Road Small Area Plan

