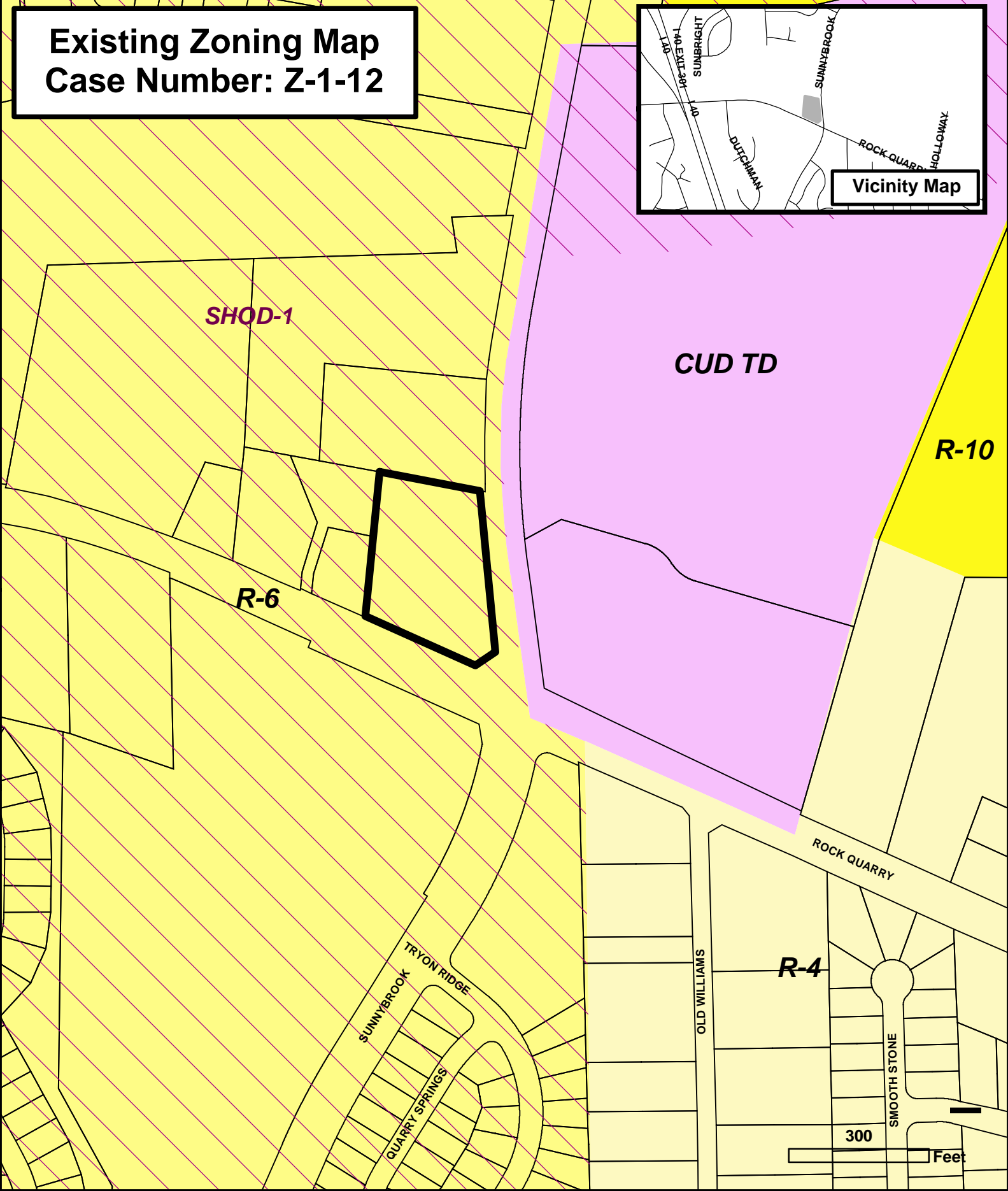
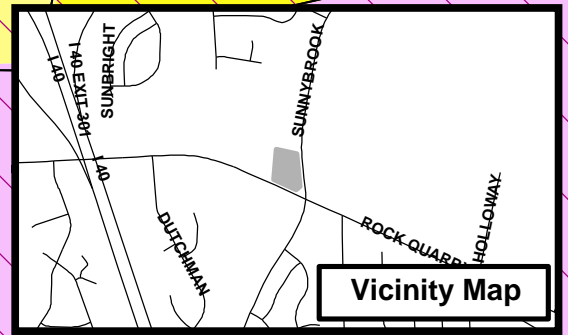


**Existing Zoning Map
Case Number: Z-1-12**



Request:

1.96 ac from R-6 w/ SHOD-1 to NB CUD w/SHOD-1

City of Raleigh Public Hearing
January 17, 2012
(April 16, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11447

Case Information Z-1-12 Rock Quarry Rd. and Sunnybrook Rd.

<i>Location</i>	NE quadrant of Rock Quarry Road/ Sunnybrook Road intersection
<i>Size</i>	1.96 acres
<i>Request</i>	Rezone property from R-6 w/ SHOD-1 to NB CUD w/ SHOD-1

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Neighborhood Mixed Use
<i>Applicable Policy Statements</i>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Policy LU 1.3 Conditional Use District Consistency Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 5.6 Buffering Requirements Policy LU 6.4 Bus Stop Dedication Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 10.6 Retail Nodes Policy EP 8.4 Noise and Light Impacts Policy UD 2.1 Building Orientation Policy UD 2.4 Transitions in Building Intensity Policy UD 7.3 Design Guidelines

Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> 1. Certain uses prohibited. 2. Maximum building height: 35 feet. 3. Maximum building square footage: 10,000 ground floor; 12,000 total. 4. Access limited to one driveway on Sunnybrook Road and one on Rock Quarry Road. 5. Transit easement, concrete pad and shelter to be provided. 6. Lighting type limited to full-cutoff fixtures; minimum distance from north & west lot lines: 35 feet. 7. No outdoor audio communications or compressed air pumps within 35 feet of north and west property lines. 8. Vehicular and pedestrian cross-access to be offered to adjacent properties. 9. Minimum 8'-wide sidewalk from primary building entrance to each road frontage. 10. Closed 6'-tall fence to be provided adjacent to lots containing single-family detached dwellings. 11. Min. 30' setback adjacent to lots containing single-family detached dwellings. 12. Max. lighting level of 0.4 foot candle required at lines of lots containing single-family detached dwellings. 13. Primary building entrance to be oriented toward public right-of-way. 14. Min. 100-square-foot outdoor plaza required between primary building
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	and street. 15. Residential density limited to 6 dwelling units per acre.
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Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> 1. Sidewalk widths. 2. Deputy City Attorney's follow-up comments. 	<i>Suggested Conditions</i>	<ol style="list-style-type: none"> 1. Per Design Guidelines, specify minimum sidewalk width(s). 2. Modify conditions per Deputy City Attorney's follow-up comments.
<i>Impacts Identified</i>	(None.)	<i>Proposed Mitigation</i>	N/ A

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
9/6/11	1/17/12	3/6/12 - COW	3/13/12

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/ Vicinity Map
3. Future Land Use
4. Follow-Up Comments/ Recommendations of Deputy City Attorney

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is consistent with the policies of the Comprehensive Plan, and recommends, based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated March 12, 2012.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> (1) The proposal is consistent with the Neighborhood Mixed Use land use category assigned the property by the Comprehensive Plan. Uses permitted under the rezoning would include commercial as well as residential development. Current zoning allows only residential use. (2) The request, while anticipating future transformation of adjacent properties into a higher-intensity mixed use area, is compatible with current land uses and development patterns. Case conditions limit potential impacts on neighboring low-density properties, while including provisions supportive of mixed use development (e.g., offer of transit shelter, and of site connectivity). (3) The request is reasonable and in the public interest. Being at the intersection of two thoroughfares, the site is well-positioned for commercial development. Introducing non-



Zoning Staff Report - Z-1-12

Conditional Use District

Request

<i>Location</i>	NE quadrant of Rock Quarry Road/ Sunnybrook Road intersection
<i>Request</i>	Rezone property from R-6 w/ SHOD-1 to NB CUD w/ SHOD-1
<i>Area of Request</i>	1.96 acres
<i>Property Owner</i>	Richard Joyner Brooks & Francis S. Brooks
<i>PC Recommendation Deadline</i>	April 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-6	NB CUD
<i>Additional Overlay</i>	SHOD-1	SHOD-1
<i>Land Use</i>	Vacant	[not specified]
<i>Residential Density</i>	Six units per acre (max. 11 units)	Six units per acre (max. 11 units)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-6	R-6	TD CUD	R-6
<i>Future Land Use</i>	Neighborhood Mixed Use	Neighborhood Mixed Use	Community Mixed Use	Neighborhood Mixed Use
<i>Current Land Use</i>	Low Density Residential	Institution (Elementary School)	Vacant	Low Density Residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Neighborhood Mixed Use
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 5.6 Buffering Requirements Policy LU 6.4 Bus Stop Dedication Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 10.6 Retail Nodes Policy EP 8.4 Noise and Light Impacts Policy UD 2.1 Building Orientation Policy UD 2.4 Transitions in Building Intensity Policy UD 7.3 Design Guidelines

Contact Information

<i>Staff</i>	Doug Hill: (919) 516-2622; Doug.Hill@raleighnc.gov
<i>Applicant</i>	Chris Pope: (919) 851-4422
<i>Citizens Advisory Council</i>	South; Dr. Norman Camp: (919) 821-4138; normancamp@bellsouth.net

Case Overview

The proposal seeks to rezone the site to allow non-residential development. The single parcel is currently a vacant, grassy field, located at the intersection of two Major Thoroughfares (which are foreseen as future Multi-Modal Corridors). Although much of the surrounding land north of Rock Quarry Road retains a rural residential flavor, in recent years areas south of the road have undergone extensive subdivision and residential build-out (e.g., the Dutchman Creek, Quarry Pointe, and Riverbrooke neighborhoods).

Other key locations nearby are institutional—the new Walnut Creek Elementary School campus immediately opposite the subject property (comprising the intersection’s southwest quadrant), and the Walnut Creek amphitheater complex to the northeast of the site—both of which can be high traffic generators at peak hours. Between the amphitheater property and the subject site, immediately across Sunnybrook Road, lie several large, vacant tracts proposed for development as a Wal-Mart Supercenter and outparcels. Those properties collectively make up a 32-acre site, zoned Thoroughfare District CUD and designated Community Mixed Use by the Comprehensive Plan.

The proposed rezoning would capitalize on this mix of uses and locational attributes, as the first non-residential development within a 30+ acre area in the intersection’s northwest quadrant, designated by the Future Land Use Map for Neighborhood Mixed Use. Site build-out could thus set precedence not only in terms of site use, but also the urban form within the future mixed use area.

Exhibit C & D Analysis

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

1.1 Future Land Use

In permitting non-residential uses, the proposal is consistent with the Future Land Use Map. The map designates the site for Neighborhood Mixed Use, which the Comprehensive Plan describes as applying to “neighborhood shopping centers and pedestrian-oriented retail districts”, adding “the service area of these districts is generally about a one mile radius or less. Typical uses would include corner stores or convenience stores, restaurants, bakeries, supermarkets (other than super-stores/centers), drug stores, dry cleaners, video stores, small professional offices, retail banking, and similar uses that serve the immediately surrounding neighborhood.” The proposed rezoning would permit such uses. The Future Land Use designation also foresees, however, that “while this is primarily a commercial category, mixed-use projects with upper story housing are also supported by this designation... Where residential development complements commercial uses, it would generally be in the Moderate to Medium density range (less than 28 units per acre).” The proposal would cap potential residential development at 6 units per acre, a figure compatible with existing development but considerably less than the density recommended under the future land use classification. The building height and square footage caps make it unlikely upper story housing could be provided, leaving

1.2 Policy Guidance

The following policy guidance is applicable to this request:

Policy LU 1.3 - Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

Conditions permitting non-residential uses are consistent with the Future Land Use Map. Most other conditions are also consistent, but capping density at 6 dwelling units per acre is not.

Policy LU 4.5 - Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

The proposal is consistent with this policy. Offers of vehicular and pedestrian cross-access will be made to all abutting properties.

Policy LU 4.9 - Corridor Development

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

The proposal is consistent with this policy. Rock Quarry Road and Sunnybrook Road are both identified on the Growth Framework Map as being Multi-Modal Corridors. A transit easement and bus shelter are conditioned. Vehicular and pedestrian connectivity are conditioned, as is building orientation, with a small outdoor plaza to be provided between the building and street right-of-way.

Policy LU 5.6 - Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The proposal is consistent with this policy. NB zoning carries side and rear yard building setbacks of zero; the request is conditioned to provide a minimum 30' setback. Light and noise impacts are addressed by respective setbacks. Future site development will also need to meet minimum Code transition yard widths for specific commercial uses on site, adding to impact mitigation.

Policy LU 6.4 - Bus Stop Dedication

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

The proposal is consistent with this policy. A transit easement, concrete pad and bus shelter are conditioned to be provided upon development of the site.

Policy LU 7.4 - Scale and Design of New Commercial Uses

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The proposal is partially consistent with this policy. Most existing buildings on adjacent properties measure 1,100 to 2,400 square feet, and are single-story. Building square footage and height are capped at 12,000 square feet and 35 feet respectively. Increased setbacks, however, could help reduce potential disparity.

Policy LU 10.6 - Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear "strip" pattern unless ancillary to office or high-density residential use.

The proposal is consistent with this policy. The adjoining properties to the northwest, while currently low density residential in use and character, are likewise designated for Neighborhood Mixed Use, while those immediately across Sunnybrook Road are foreseen for even more intensive development (as Community Mixed Use).

Policy EP 8.4 - Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The proposal is consistent with this policy. Lighting is conditioned to full cut-off fixtures, set a minimum of 35 feet from adjacent residential properties, with light levels at residential lot lines capped lower than what Code requires. Outdoor audio communications (for drive-through facilities) and compressed air pumps (for tire inflation) are required to be at least 35 feet from north and west lot lines.

Policy UD 2.1 - Building Orientation

Buildings in mixed-use developments should be oriented along streets, plazas and pedestrian ways. Their facades should create an active and engaging public realm.

The request is consistent with this policy. The primary building entrance is conditioned to face a street right-of-way, with a minimum 100-square-foot plaza to be provided between building and street.

Policy UD 2.4 - Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

The proposal is consistent with this policy. As noted above, square footage and height of buildings are capped, with added setbacks provided for the building, site lighting, and air pumps.

Policy UD 7.3 - Design Guidelines

The design guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments, or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts, and mixed use designations on the Future Land Use Map, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Responses to the guidelines suggest the possibility of achieving guideline intent, but leave important details to assumption (e.g., responses to numbers 6, 11, 13, 14, 17, 21, 24, 25 and 26). Guidelines related to more urbanized building placement are deferred to setbacks required of NB zoning and a stated need to meet internal “circulation requirements” (see response to number 14); however, a minimum 100-square foot outdoor plaza is conditioned between the primary building and street. Spatial definition along the streets, nominally provided by building facades, is mostly left to landscaping—which will need to share the vertical space with existing overhead utility lines. Sidewalk widths, other than from the building to the street, are not specifically addressed. Guideline 21 provides that sidewalks in residential areas be 5 to 8 feet wide, but those in commercial areas be a minimum of 14 to 18 feet wide.

1.3 Area Plan Guidance

The site is not located in a portion of the City governed by an Area Plan.

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

Conditions permit development attune to the anticipated, more intensive future build-out, but also acknowledge the present built environment, limiting site development to setbacks and orientation respectful of neighboring residences. Permitted uses would include, though, eating establishments, day care, gas stations, and other high-impact facilities. The previous site plan submittals for the yet-vacant properties across Sunnybrook Road model standard automobile-based retail. The proposed conditions, while introducing aspects of urban form compatible with mixed-use development, could also permit future build-out to be demonstrably car-focused.

3. Public benefits of the proposed rezoning

The proposal could initiate the mixed-use development designated for the site by the Comprehensive Plan. The request potentially brings goods and services into closer proximity to existing and potential residential, institutional, and recreational development, and could spark the transformation of the subject area into a significant mixed use center. The pending widening of Rock Quarry Road should accommodate any resulting traffic increase. Case conditions limit intensity of site build-out, toward greater compatibility with existing land uses and built form.

4. Detriments of the proposed rezoning

The possibility of creating the sort of pedestrian-friendly, mixed-use development backed by the Comprehensive Plan is suggested in the responses to the Design Guidelines, with support from several case conditions (e.g., building orientation, transit shelter), but future site development could as easily tend toward automobile-focused retail.

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

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>			
Rock Quarry Road	Major Thoroughfare	15,000	35,000			
Sunnybrook Road	Major Thoroughfare	9,600	16,500			
Street Conditions						
<u>Rock Quarry Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	65'	Back-to-back curb and gutter section	115'	5' sidewalks on south side of the street	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	NO	YES	NO	NO
<u>Sunnybrook Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	36'	None	90'	None	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	NO	YES	NO	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	5	45	40			
PM PEAK	6	165	159			
Suggested Conditions/ Impact Mitigation:			Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-1-12. A condition stating that offers of cross-access will be provided to the properties to the west and to the north has been added. The City of Raleigh has a major capital improvement project currently underway to widen Rock Quarry Road in the vicinity of this case.			
Additional Information:	City of Raleigh has a major street improvement project under construction in the vicinity of this case.					

Impact Identified: No adverse impacts on the City's transportation system is anticipated from the approval of this rezoning.

5.2 Transit

Neighborhood businesses tend to generate transit trips. However, the conditions state that a transit easement, concrete pad and shelter will be provided at the time of site development.

Impact Identified: No impacts on the City's transit services are expected from this rezoning.

5.3 Hydrology

<i>Floodplain</i>	None.
<i>Drainage Basin</i>	Big Branch - S
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

Impact Identified: No adverse impacts regarding stormwater are anticipated from this rezoning.

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	6,860 gpd	8,820 gpd
<i>Waste Water</i>	6,860 gpd	8,820 gpd

The proposed rezoning will add approximately 1,960 gpd to the wastewater collection and water distribution systems of the City. There are existing water mains in Rock Quarry and Sunnybrook Roads. Sanitary sewer is presently not adjacent to the property.

Impact Identified: No adverse impacts to the City's public utilities are expected as a result of rezoning.

5.5 Parks and Recreation

This property is not located adjacent to greenway corridor. This rezoning case does not impact the level of recreation service in this location.

Impact Identified: No impacts on the City's parks are anticipated as a result of this rezoning.

5.6 Urban Forestry

Tree conservation will not be required at this site.

Impact Identified: None expected.

5.7 Wake County Public Schools

The proposal conditions density to a maximum of 6 dwelling units per acre, the same as is possible under the current zoning.

Impact Identified: No additional impact on school resources is expected due to the proposed rezoning.

5.8 Designated Historic Resources

No sites on the National Register of Historic Places and/or Raleigh Historic Landmarks are located on or within 1,000 feet of the subject property.

Impact Identified: The proposed rezoning would not impact the City's historic resources.

5.9 Community Development

The site is not located within a City redevelopment plan area.

Impact Identified: None.

5.10 Impacts Summary

None identified.

5.11 Mitigation of Impacts

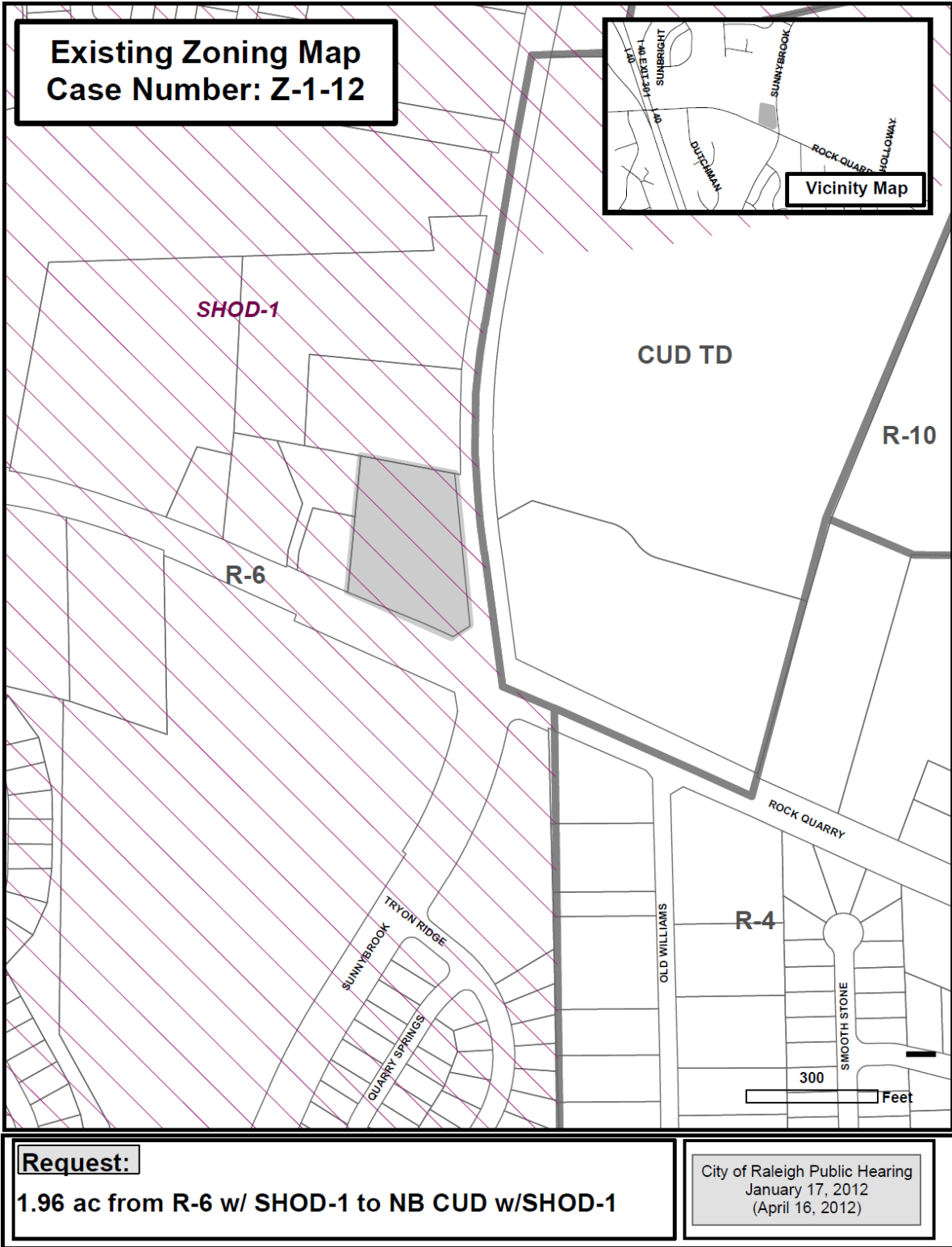
(N/ A)

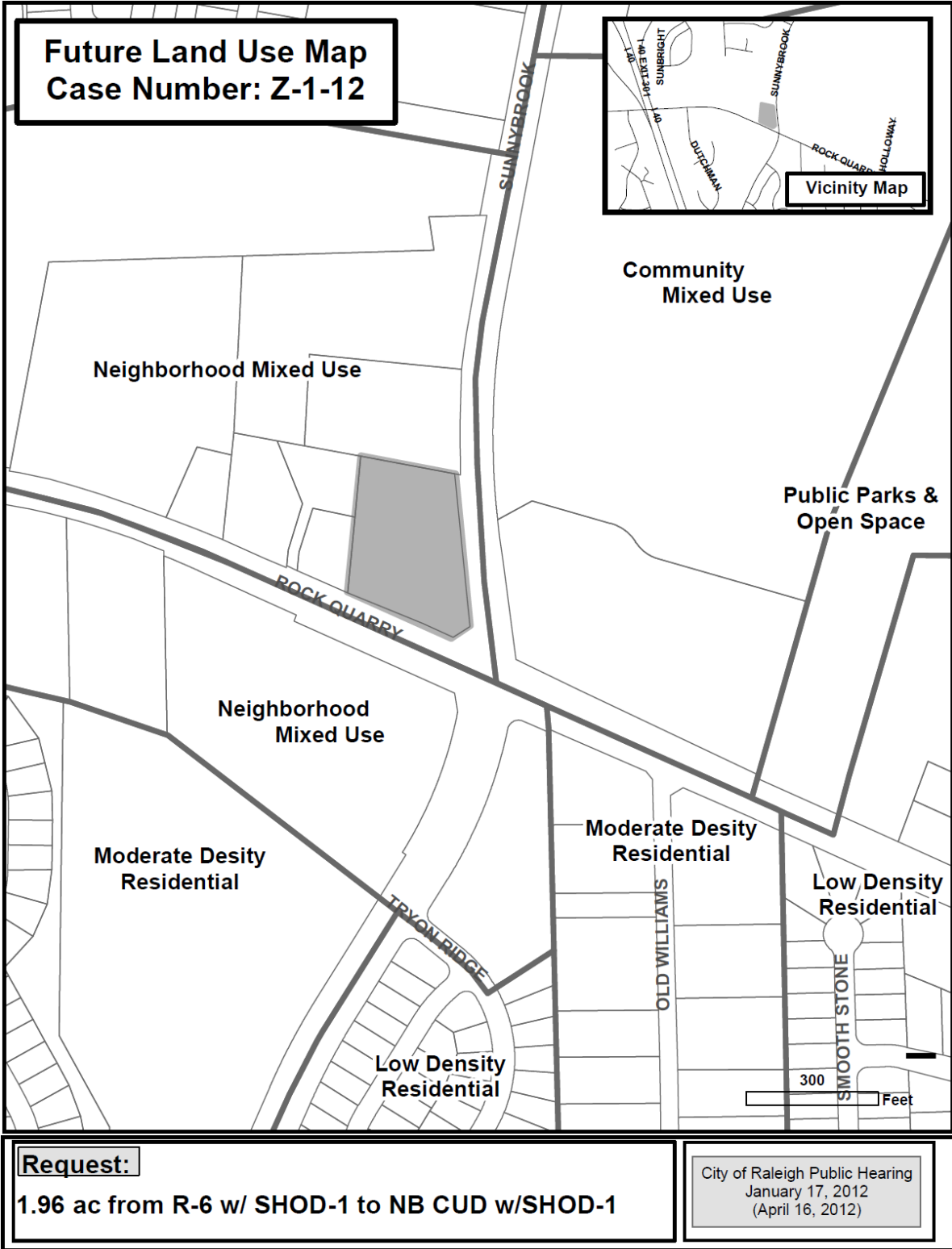
6. Appearance Commission

This proposal is not subject to Appearance Commission review.

7. Conclusions

The proposal is consistent with the Future Land Use Map in permitting the introduction of non-residential uses on site; however, the conditioned density cap is inconsistent with the density supported by Neighborhood Mixed Use designation (i.e., up to 28 units per acre). Minimum street sidewalk widths should be stated. In addition, the Deputy City Attorney has recommended provisions of several conditions be further refined (see below).





Follow-Up Comments/ Recommendations of Deputy City Attorney

Condition 5

Use the standard language in conditional use zoning cases for providing the City a transit easement:

Prior to the issuance of any building permit for the property, the property owner shall convey to the City of Raleigh a transit easement on _____ Road measuring twenty (20) feet by fifteen (15) feet. The location of the easement shall be approved by the City of Raleigh Public Works Department Transit Division, and the City Attorney shall approve the transit easement deed prior to recordation.

Condition 8

There is no timing trigger. The beginning of the condition should read "Upon development".

Condition 14

Add a minimum dimension for the outdoor plaza, like at least 10 feet in width and length.



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 consistent 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:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. 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.

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. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<i>Frances S. Brooks</i>	Frances S. Brooks	9-9-11
<i>R. Joyner Brooks</i>	R. JOYNER BROOKS	9-9-11

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	Richard Joyner Brooks Frances S. Brooks	404 McKirkland Ct. Cary, NC 27511-6719	919-467-9524
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Richard Joyner Brooks Frances S. Brooks	404 McKirkland Ct. Cary, NC 27511-6719	919-467-9524
Contact Person(s)	Chris Pope, RLA	6310 Chapel Hill Rd. S-250 Raleigh, NC 27607	919-851-4422

Property information

Property Description (Wake County PIN)	1722 27 6122
Nearest Major Intersection	Sunnybrook Road & Rock Quarry Road
Area of Subject Property (in acres)	1.96
Current Zoning Districts (include all overlay districts)	R-6/SHOD-1
Requested Zoning Districts (include all overlay districts)	Neighborhood Business/SHOD-1

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs 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. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
Goodwin, William E	2502 Cravenridge Pl	Garner NC 27529-5117	1722 27 4229
Wal Mart Stores East LP Ltd Ptnrps Store #4447-00	1301 SE 10th St Dept. 8013	Bentonville AR 72712-7998	1722 37 3788
Goodwin Grier & Associates	2718 Rocky Quarry Rd.	Raleigh NC 27610-5104	1722 27 6412
CRM Mid Atlantic Properties LLC	211 Perimeter Center Pkwy NE FL 100	Atlanta GA 30346-1305	1722 26 8336
Williams Ulice H Trustee Ulice H Williams Living Trust	2800 Old Williams Rd	Raleigh NC 27610-5138	1722 36 0622
Goodwin, William E	2718 Rock Quarry Rd	Raleigh NC 27610-5104	1722 27 4162
Granite Sunnybrook LLC	P O Box 1928	Mount Airy NC 27030-6928	1722 36 1963
Wake Cnty Bd of Education The Facilities Bldg	Attn Betty L Parker 1429 Rocky Quarry Rd Ste 116	Raleigh NC 27610-4185	1722 26 2307

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: _____

Narrative of conditions being requested:

1. The following uses are excluded: sale of drug paraphernalia, agricultural uses, recreational uses, cemeteries, correctional/penal facilities, special care facilities, residential transitional housing (with the exception of supportive housing residence), bars, nightclubs, taverns, lounges, adult establishments, alcohol sales for on-site consumption, hotel/motel, commercial parking facilities, movie theater, pest exterminating services, kennel, cattery, riding stable, outdoor stadium, reservoirs, landfills, utilities, telecommunication tower, mini-warehouses, airfield, landing strip, heliport, veterinary hospital.
2. Residential density shall not exceed 6 dwellings per acre.
3. Building height shall be no higher than 35'
4. Building ground floor shall not exceed 10,000 sf. and total floor area shall not exceed 12,000 sf.
5. Driveways shall be limited to one on Sunnybrook Road and one on Rock Quarry Road.
6. A transit easement, bus shelter and concrete pad shall be provided.
7. All outdoor lighting fixtures shall be full cut-off design and shall be located no closer than 35' to north or west property lines.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<i>Frances S. Brooks</i>	Frances S. Brooks	9-9-11
<i>R. Joyner Brooks</i>	R. JOYNER BROOKS	9-9-11

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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 the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

Neighborhood Retail Mixed Use is the Future Land Use Map designation for this site. The proposed zoning of Neighborhood Business is consistent with this designation.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

It is not.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

Proposed map amendment is consistent with the Comprehensive Plan and other Council adopted plans and policies.

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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):**

Adjacent properties (north and west) are zoned R-6/Neighborhood Retail Mixed Use and occupied by single family residences. The land across Sunnybrook to the east is zoned TD-CUD/Community Retail Mixed Use and is vacant. Land diagonally across the intersection is zoned R-6/Neighborhood Retail Mixed Use and vacant. Land across Rock Quarry Road (south) is zoned R-6/Neighborhood Retail Mixed Use and contains Walnut Creek Elementary School.

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

All adjacent land is designated for either Neighborhood or Community Retail Mixed Use. Adjacent residential uses average 0.996 Acres (1 d.u./ac. density) with an average front setback of 103 ft. and are single-story. Tree cover is variable.

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 position of the site, at the intersection of two major thoroughfares, and the proximity of the site to the Walnut Creek Amphitheater makes it ideal for Neighborhood Business/Retail Uses.

III. Benefits and detriments of the proposed map amendment.

A. **For the landowner(s):**

Benefits: Allows Landowner to realize maximum economic potential of the land in accordance with the Future Land Use Plan

Detriments: None

B. **For the immediate neighbors:**

Benefits: Provides for supportive Neighborhood Business Uses within walking distance of their home.

Detriments: None

C. **For the surrounding community:**

Benefits: Provides for supportive Neighborhood Business Uses within close proximity.

Detriments: None

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

No. Adjacent properties are designated similarly on Future Land Use Plan.

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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

major thoroughfares. Site has relatively flat topography and is not wooded.

V. Recommended items of discussion (where applicable).

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

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 inclusion of this parcel in the Neighborhood Business Mixed Use designation on the Future Land Use Plan updates this land from its current use as very low density residential. This change encourages uses at this location that are not obtainable under current zoning.

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

The Comprehensive Plan identifies the public need for Neighborhood Business development in this location. The proposed zoning will allow a development that can achieve these objectives.

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

The site is relatively flat, former farmland and open. The location of the site at the intersection of two thoroughfares makes it conveniently served by all existing infrastructure. Fire and safety are provided for.

e. How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.

By allowing development in accordance with the stated objectives of the Comprehensive Plan, the rezoning provides for an orderly and predictable transition of land uses towards these objectives.

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

N/A

Z-1-12 -- Responses to Design Guidelines (Table UD-1):

Elements of Mixed-Use Areas

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

Response: *Proposed zoning will allow for retail and office where currently not allowed.*

Mixed-Use Areas /Transition to Surrounding Neighborhoods

2. *Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.*

Response: *Height and density restrictions have been placed in proposed conditions.*

Mixed-Use Areas /The Block, The Street and The Corridor

3. *A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.*

Response: *The location of the site at the intersection of two thoroughfares makes it as directly connected to the surrounding community as is possible. Site development rules require vehicular connectivity with adjacent uses. Public sidewalk will be provided on both street frontages connecting pedestrian activities.*

4. *Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.*

Response: *No new streets would be required with this rezoning. Development rules will require a driveway stub to the adjacent under-developed land for future inter-connectivity.*

5. *Block faces should have a length generally not exceeding 660 feet.*

Response: *No new block face is established with this rezoning.*

Site Design/Building Placement

6. *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.*

Response: *Proposed zoning will allow better compliance with these objectives.*

7. *Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.*

Response: *The proposed zoning has a front building setback of 30'*

8. *If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

Response: *The proposed zoning has a front building setback of 30'*

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*

Response: *The location of the site at the intersection of two thoroughfares makes it as visible and easily accessible as possible.*

10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

Response: *The location of the site at the intersection of two thoroughfares makes it as visible and easily accessible as possible. The site will be as visually permeable as allowed under the landscape ordinance. No existing vegetation that would limit site visibility exists.*

11. *The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.*

Response: *The adjacent residential properties are similarly designed as Neighborhood Business and are anticipated to develop consistently with this plan. The proposed zoning would allow the stated uses to be developed on this site, which is central to this Mixed Use node.*

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

Response: *The proposed zoning requires a 30' front setback.*

Site Design/Public Seating

13. *New public spaces should provide seating opportunities.*

Response: *Proposed zoning will allow creation of public spaces for seating opportunities.*

Site Design/Automobile Parking and Parking Structures

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

Response: Proposed conditions limit site to one driveway on each frontage; pedestrian ramps and crosswalks will be required at each. Building setbacks of 30' as well as required transition yards of 30' dictate building placement as well as circulation requirements for safe and efficient movement within the site.

15. Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.

Response: Building setbacks of 30' as well as required transition yards of 30' dictate building placement as well as circulation requirements for safe and efficient movement within the site.

16. Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.

Response: Due to the size of the parcel being rezoned (1.96 ac) and the required yards/setbacks a parking structure is not a viable element.

Site Design/Transit Stops

17. Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.

Response: This rezoning will allow more intensive land uses on this site.

18. Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.

Response: A transit stop is offered as a condition of this rezoning proposal.

Site Design/Environmental Protection

19. All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.

Response: This site does not contain these conditions.

Street Design/General Street Design Principles

20. It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.

Response: The site fronts two major thoroughfares. No additional streets are anticipated.

21. Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a

minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.

Response: *Public sidewalks will be required along both street frontages as well as a private sidewalk connection to all accessible site areas.*

22. *Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.*

Response: *No new streets are anticipated with this rezoning case.*

Street Design/Spatial Definition

23. *Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.*

Response: *The required street yard landscape requirements ensure establishment of defining street elements.*

Building Design/Facade Treatment

24. *The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.*

Response: *The proposed rezoning will allow uses that can achieve these objectives.*

25. *The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.*

Response: *The proposed rezoning will allow uses that can achieve these objectives.*

Building Design/Street Level Activity

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

Response: *Much of the pedestrian movement within the site will occur on sidewalks.*

TRAFFIC GENERATION REPORT

Site size: 1.96 ac

Current site zoning: R-6/SHOD-1

Proposed zoning: NB-CUD/SHOD-1 (with conditional cap of 12,000 square feet)

Current density allowed: 6 du/ac (11 units total)

Current traffic: ITE Code 230 – Townhomes – AM peak = 5 trips
PM peak = 6 trips
ADT = 64 trips

Proposed zoning: ITE Code 820 – Shopping Center – 12,000 sf
AM peak = 45 trips
PM peak = 165 trips
ADT = 1,821 trips

SUBMITTED DATE: 9/7/11

SUMMARY OF ISSUES

A neighborhood meeting was held on September 6, 2011 to discuss a potential rezoning located at 2418 Sunnybrook Road. The neighborhood meeting was held at Bass, Nixon & Kennedy, Inc., 6310 Chapel Hill Rd, Suite 250, Raleigh, NC . There was one neighbor in attendance. The general issues discussed were:

Summary of Issues:

One neighbor attended the meeting and is the common owner of three adjacent R-6 zoned properties to the north and west of the site. This neighbor had no concerns about the proposed rezoning and was supportive of the project.

List for city prop owners corrected.txt

PIN
OWNER
ADDR1
ADDR2

- A 1722274229
GOODWIN, WILLIAM E
2502 CRAVENRIDGE PL
GARNER NC 27529-5117
- B 1722373788
WAL MART STORES EAST LP LTD PTNRP
STORE #4447-00
1301 SE 10TH ST DEPT 8013
BENTONVILLE AR 72712-7998
- C 1722276412
GOODWIN GRIER & ASSOCIATES LLC
2718 ROCK QUARRY RD
RALEIGH NC 27610-5104
- D 1722268336
CRM MID ATLANTIC PROPERTIES LLC
211 PERIMETER CENTER PKWY NE FL 100
ATLANTA GA 30346-1305
- E 1722360622
WILLIAMS, ULICE H TRUSTEE ULICE H WILLIAMS LIVING TRUST
2800 OLD WILLIAMS RD
RALEIGH NC 27610-5138
- F 1722274162
GOODWIN, WILLIAM E
2718 ROCK QUARRY RD
RALEIGH NC 27610-5104
- G 1722361963
GRANITE SUNNYBROOK LLC
PO BOX 1928
MOUNT AIRY NC 27030-6928
- H 1722262307
WAKE CNTY BOARD OF EDUCATION THE FACILITIES BLDG
ATTN: BETTY L PARKER
1429 ROCK QUARRY RD STE 116
RALEIGH NC 27610-4185



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 www.bnkinc.com

August 24, 2011

1722 27 6412
GOODWIN GRIER & ASSOCIATES LLC
2718 ROCK QUARRY RD
RALEIGH NC 27610-5104

Neighboring Property Owner:

You are invited to attend a neighborhood meeting on September 6, 2011. The meeting will be held at the office of Bass, Nixon & Kennedy, Inc., 6310 Chapel Hill Rd., Suite 250, Raleigh, NC 27607, and will begin at 7:00 PM.

The purpose of this meeting is to discuss a potential rezoning of the property located at 2418 Sunnybrook Rd. (1722 27 6122). This site is currently zoned R-6 and is proposed to be rezoned to Neighborhood Business.

The City of Raleigh requires that prior to the submittal of any rezoning petition, a neighborhood meeting be held involving the property owners within 100 feet of the area requested for rezoning.

If you have any concerns or questions, feel free to contact me.

Thank you,

Bass, Nixon & Kennedy, Inc.

A handwritten signature in cursive script that reads "Chris Pope".

Chris Pope

CP/t

2-1-12

CITY OF RALEIGH
CITY PLANNING DEPT

list for city prop owners corrected.txt

2011 AUG 24 PM 2:41

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