

**CITY OF RALEIGH**

**Z-7-09**

**R-4**

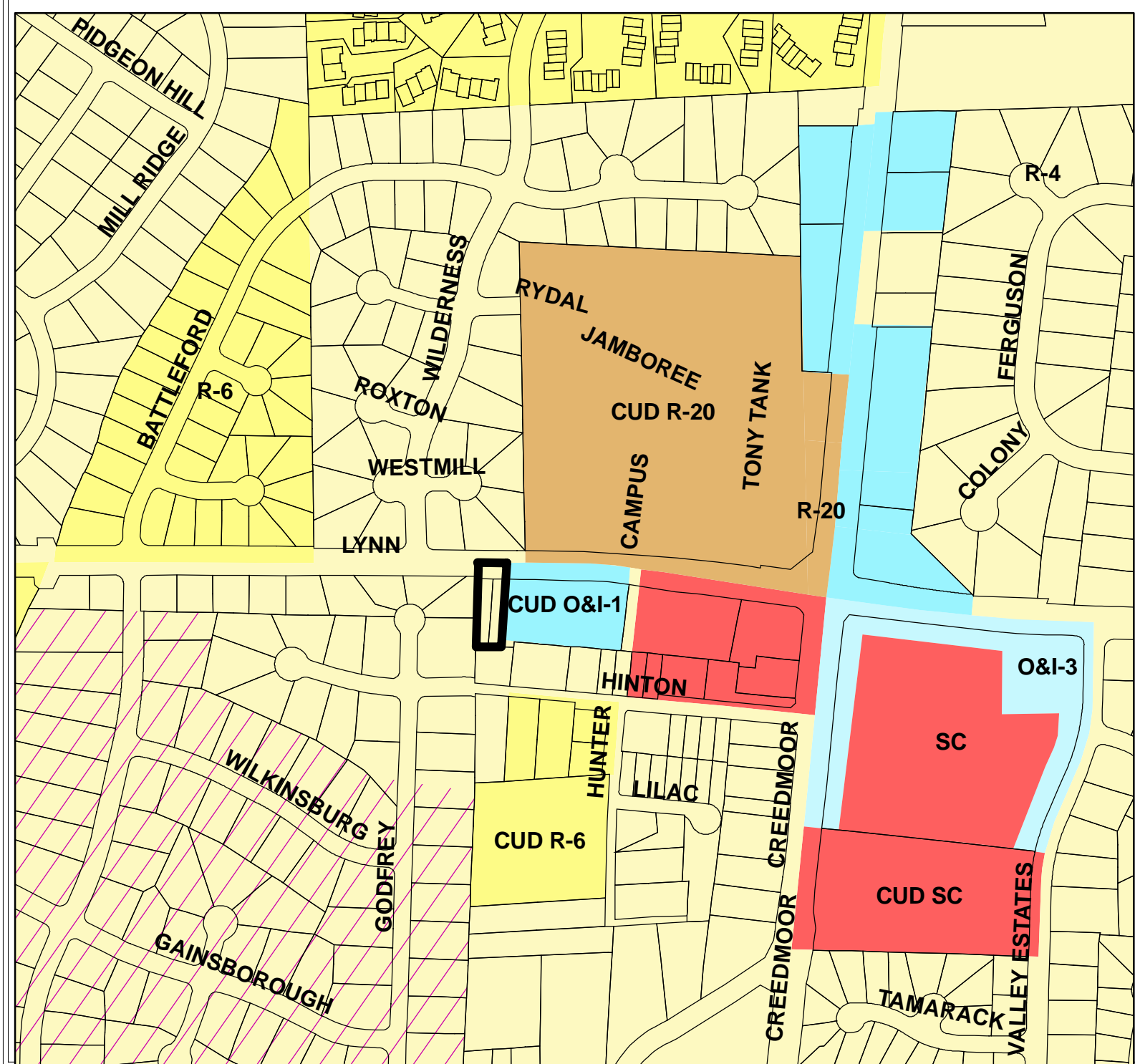
to

**O&I-1 CUD**

**0.361 acres**

Public Hearing  
January 22, 2009  
(May 22, 2009)

340  
Feet



2008 SEP 19 AM 10:14



# Petition to Amend the Official Zoning Map

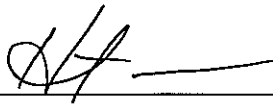
Before the City Council of the City of Raleigh, North Carolina

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)  Date: 9-16-2008

Please type or print name(s) clearly:  
Hunter Marshall, President September 16, 2008  
America's Home Buyers, Inc.

# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	2-7-09
Date Filed:	9-19-08
Filing Fee:	pd 1028.00 by CLK #1293

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

See Instructions, page 6

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Hunter Marshall	PO Box 99548	919-255-0360
	America's Home Buyers	Raleigh NC 27624	Hmarshall2@nc.rr.com
<hr/>			
<b>2) Property Owner(s):</b>	Hunter Marshall	PO Box 99548	919-255-0360
	America's Home Buyers	Raleigh NC 27624	Hmarshall2@nc.rr.com
<hr/>			
<b>3) Contact Person(s):</b>	Hunter Marshall	PO Box 99548	919-255-0360
	America's Home Buyers	Raleigh NC 27624	Hmarshall2@nc.rr.com
<hr/>			
<b>4) Property Description:</b> Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): _____		
	Pin- 0797.14-32-9768 and Pin- 0797.14-32-9727		
<hr/>			
General Street Location (nearest street intersections): _____			
<hr/>			
This site is located on Lynn road, South West of intersection to Creedmoor road			
<hr/>			
<b>5) Area of Subject Property (acres):</b>	0.3611		
<hr/>			
<b>6) Current Zoning District(s)</b>			
<b>Classification:</b>	Residential - 4		
Include Overlay District(s), if Applicable	<hr/>		
<hr/>			
<b>7) Proposed Zoning District</b>			
<b>Classification:</b>	Office and Institution 1, Conditional Use		
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<hr/>		
<hr/>			

Office Use Only  
Petition No. 2-7-09

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:
<u>Jeffrey Cutlip</u>	<u>6412 Godfrey Drive</u>	<u>Raleigh NC 27612</u>	<u>0797327842</u>
<u>Charles Bullock</u>	<u>6400 Godfrey Drive</u>	<u>Raleigh NC 27612</u>	<u>0797328654</u>
<u>Glenda Card</u>	<u>6408 Godfrey Drive</u>	<u>Raleigh NC 27612</u>	<u>0797328759</u>
<u>Janice Johnson</u>	<u>2416 Hinton Street</u>	<u>Raleigh NC 27612</u>	<u>0797329651</u>
<u>Michael Cole</u>	<u>2609 Westmill Court</u>	<u>Raleigh NC 27613</u>	<u>0797338003</u>
<u>Raymond Edwards</u>	<u>2605 Westmill Court</u>	<u>Raleigh NC 27613</u>	<u>0797339013</u>
<u>Comma Alger Danieley</u>	<u>2601 Westmill Court</u>	<u>Raleigh NC 27613</u>	<u>0797339087</u>
<u>Dwight Scott</u>	<u>2412 Hinton Street</u>	<u>Raleigh NC 27612</u>	<u>0797420680</u>
<u>GS Edinborough Commons</u>	<u>11 State Street</u>	<u>Charleston SC 29401</u>	<u>0797434423</u>
<u>CCSS Corp</u>	<u>2435 Lynn Road Suite 100</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>Darn Holdings</u>	<u>2435 Lynn Road Suite 106</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>Kimberly Development Grp</u>	<u>2435 Lynn Road Suite 200</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>LOP Associates LLC</u>	<u>2435 Lynn Road Suite 206</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>Diane and Gary Kuehn</u>	<u>2443 Lynn Road Suite 108</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>Carolyn Padgette</u>	<u>2443 Lynn Road Suite 112</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>ZA Properties LLC</u>	<u>2443 Lynn Road Suite 114</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
<u>John McDonnell and William Salmon</u>	<u>2443 Lynn Road Suite 208</u>	<u>Raleigh NC 27612</u>	<u>0797421765</u>
_____	_____	_____	_____
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## EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

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

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

### **Required items of discussion:**

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

### **Recommended items of discussion (where applicable):**

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

### **PETITIONER'S STATEMENT:**

#### **I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](http://www.raleighnc.gov)).**

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

The subject property is located in the Northwest district. Current zoning is residential-4.

- 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 in the Creedmoor Road Corridor Plan.

2-1-09

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

This request is inconsistent with the Comprehensive Plan in that the properties are located on the residential side of the policy boundary Line and therefore recommended for low density residential uses. I have previously requested that the Comprehensive Plan be amended to shift the policy boundary line to incorporate the subject property however I am told that the Comprehensive Plan is currently being updated therefore no amendments are possible at this time.

The subject property is located in the Northwest Planning District just outside the edges of a Neighborhood Focus area. This property is located on Lynn road a major 5 lane thoroughfare where traffic is too intense for residential uses and its current zoning of Residential-4. The current zoning of Residential-4 is incompatible with the surrounding uses. Adjacent to this lot is the Lynn Brooke Centre a 55,000 square foot office condominium complex.

**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):**

North: Residential-20 CUD (Edinburgh Commons Apts), and Residential-4 (single family homes)

South: Residential-6 CUD and Residential-4 (single family homes)

East: Office and Institution 1 CUD (Lynnbrooke Centre) and Residential-4 (single family homes)

West: Residential-4 (single family homes)

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

No current or proposed overlay districts in place.

North: Lynn road, across road you have large buffer of pine trees

South: Large hardwood trees acting as buffer

East: Large retaining wall with miscellaneous shrubs, office building height is 40 feet

West: Tall privacy fence and hardwood trees as buffer

**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 a few hundred yards away from a very busy intersection off Lynn road and Creedmoor road. The traffic is too intense for this property to be zoned as it is currently for residential purposes. Therefore a small office building would be better suited for this lot and more compatible with the surrounding area.

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

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

No detriments. Benefits would be a more marketable and desirable community which offers a diverse mix of low density and medium density residential in addition to the conservative mix of office and retail space.

**B. For the immediate neighbors:**

The only detriment would be to the four residential homes surrounding this property. However by incorporating appropriate conditions such as building height, roof pitch and parking lot lights any negative impact to the surrounding homes would be alleviated. With the appropriate building and landscape design the impact would be minimal. Benefits would be the additional amenities more readily available to people in the surrounding communities.

**C. For the surrounding community:**

No detriments. The benefits would be the added services, and potential employment opportunities that would be provided.

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

Rezoning this parcel of land to Office and Institution 1-Conditional Use, would allow the Northwest district to keep pace with the rapid business development of the greater Raleigh area. The surrounding areas would have additional amenities and services that are not currently readily available.

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

This property resides on Lynn road a major thoroughfare which does not make this ideal for residential uses. This lot is adjacent to a small business complex. If zoning were changed to allow this property to be used for business purposes it would allow the neighboring community closer and convenient access to those business services.

V. Recommended items of discussion (where applicable).

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

The zoning was applicable when the previous structure was erected in 1945.

- 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 Residential-4 zoning on this property was appropriate when the property was last developed in 1945. However, since that time the Northwest district has experienced significant growth and Lynn Road has experienced a significant increase in traffic therefore the current zoning would not be appropriate for low density residential uses given its frontage onto Lynn Road. The subject properties are the only two remaining residential properties in this block with frontage along Lynn Road, a five lane residential thoroughfare with very heavy traffic. In addition, the adjacent property Lynn Brooke Centre was recently developed with zoning of Office and Institution 1-Conditional Use the previous zoning was also Residential-4.

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

Rezoning this land to Office and Institution 1- Conditional Use will allow for the continuance of business growth and development in the Northwest district. The Northwest district is almost 14% of Raleigh's population and is expected to increase by 31% in the next 20 years. Employment opportunities will be created for this high demand and rapidly growing district.

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

There will be limited impact on public services if zoning is changed on this small 0.36 acre lot. There will remain only one access point to Lynn road. The property is not located in a flood plain nor are there environmental issues associated with this land. This property is not adjacent to any existing or proposed parks or greenways. There are existing eight inch sanitary sewer and sixteen inch water mains in Lynn road which would have no problems serving the proposed zoning.



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

Hoping to eliminate traffic congestion on Lynn road an attempt to gain cross driveway access with the neighboring Lynn Brooke Centre was proposed. On July 29, 2008 I submitted a formal letter to the Lynn Brooke Centre Condominium Owners requesting one cross driveway access to the subject property. If access were granted, I agreed to incur all costs associated with obtaining, developing, and maintaining that access. I was told that the Condominium Owners saw no benefit in allowing this access. On September 2, 2008 I submitted an email to the Lynn Brooke Centre HOA Chairman again requesting to obtain cross driveway access by requesting that the Condominium Owners provide a monetary value so that access could be gained. In addition, I offered to join the Lynn Brook Centre HOA and assist in the management, maintenance, and any fees so that driveway access could be obtained. Unfortunately after multiple attempts the HOA chairman was very clear that the Lynn Brooke Centre was not going to allow access.

My previous zoning application Condition # 4 stated that no direct access to Lynn road would be required but regrettably this is no longer a possibility. The new condition on this application will require one access point to Lynn road.

In addition, I have added a fifth condition which states that the subject property if developed for residential purposes will be limited to a maximum of 4 residential dwelling units. The Office and Institution 1 zoning classification with Planning Committee approval would allow up to 9 residential dwelling units. I have decided to add this condition to limit the number of possible residential dwellings units to again minimize the potential for traffic congestion and the potential for multiple driveway access points to Lynn road.

1- Cutlip, Jeffrey  
6412 Godfrey Drive  
Raleigh NC 27612  
PIN 0797327842

2- Bullock, Charles  
6400 Godfrey Drive  
Raleigh NC 27612  
PIN 0797328654

3- Card, Glenda  
6408 Godfrey Drive  
Raleigh NC 27612  
PIN 0797328759

4- Johnson, Janice  
2416 Hinton Street  
Raleigh NC 27612  
PIN 0797329651

5- Cole, Michael  
2609 Westmill Court  
Raleigh NC 27613  
PIN 0797338003

6- Edwards, Raymond  
2605 Westmill Court  
Raleigh NC 27613  
PIN 0797339013

7- Danieleley, Comma Alger  
2601 Westmill Court  
Raleigh NC 27613  
PIN 0797339087

8- Scott, Dwight  
2412 Hinton Street  
Raleigh NC 27612  
PIN 0797420680

10- GS Edinborough Commons  
11 State Street  
Charleston SC 29401  
PIN 0797434423

9- CCSS Corp  
2435 Lynn Road Suite 100  
Raleigh NC 27612  
PIN 0797421765

9- Darn Holdings  
2435 Lynn Road Suite 106  
Raleigh NC 27612  
PIN 0797421765

9- Kimberly Development Group  
2435 Lynn Road Suite 200  
Raleigh NC 27612  
PIN 0797421765

9- LOP Associates LLC  
2435 Lynn Road Suite 206  
Raleigh NC 27612  
PIN 0797421765

9- Kuehn, Gary and Diane  
2443 Lynn Road Suite 108  
Raleigh NC 27612  
PIN 0797421765

9- Padgette, Carolyn  
2443 Lynn Road Suite 112  
Raleigh NC 27612  
PIN 0797421765

2-7-09

9- ZA Properties LLC

2443 Lynn Road Suite 114

Raleigh NC 27612

PIN 0797421765

9- McDonnell, John and Salmon, William

2443 Lynn Road Suite 208

Raleigh NC 27612

PIN 0797421765



## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-7-09 Conditional Use; Lynn Road

**General Location:** Southside of Lynn Road, southwest of its intersection with Creedmoor Road.

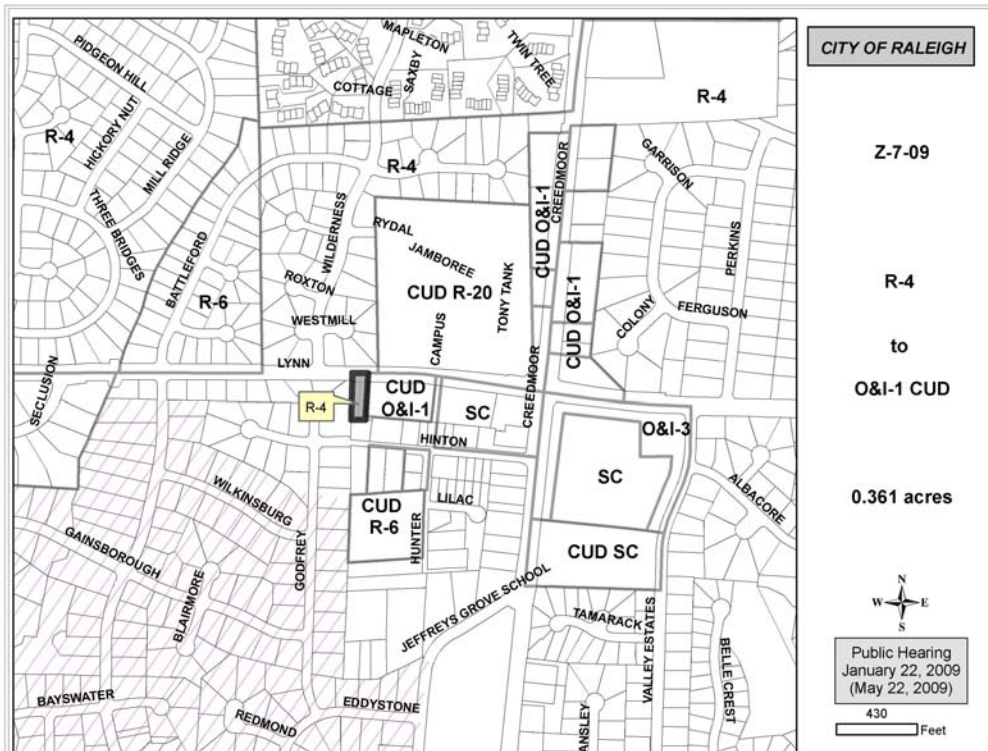
**Planning District  
/ CAC:** Northwest / Northwest-Umstead

**Request:** Petition for Rezoning from Residential-4 to Office & Institution-1 Conditional Use District.

**Comprehensive Plan  
Consistency:** The 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 conditions dated September 16, 2008



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**CASE FILE: Z-7-09 Conditional Use**

**LOCATION:** This site is located on the south side of Lynn Road, southwest of its intersection with Creedmoor Road.

**REQUEST:** This request is to rezone approximately 0.361 acres, currently zoned Residential-4. The proposal is to rezone the property to Office & Institution-1 Conditional Use District.

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

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**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 conditions dated September 16, 2008

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**FINDINGS AND REASONS:**

- (1) That the request is inconsistent with the Comprehensive Plan. However, given the existing land uses and development patterns of the area, the development of the subject property for low intensity office uses would be compatible with its surrounding uses.
  - (2) That the land use and traffic patterns in the area have changed since the parcels were last zoned for residential uses. Lynn Road has experienced an increase in traffic since its conversion to a busy 5 lane thoroughfare. That the subject property being reasonably small in size and given its location and adjacency to a busy major thoroughfare, may not be appropriate for residential development permitted under the existing residential zoning;
  - (3) That the subject property, being the last of the parcels on the block with frontage along Lynn Road, a busy major thoroughfare, will provide an appropriate edge and transition to provide a clear separation of focus area and preserve the integrity of surrounding residential areas;
  - (4) That other conditions associated with this request address building height, building and parking design standards, access point, and residential density cap that will help achieve compatibility of scale in development of the property with respect to its surroundings and negate any adverse impacts;
  - (5) That offer of cross-access to the adjacent office use could not be pursued due to existing physical constraints of the site;
  - (6) That the development of the property, subject to the stated conditions, and for reasons stated above, appears to be reasonable and to serve the larger public interest.
- 

**To PC:** 1/27/09

**Case History:** 1/27/09 PC voted approval

**To CC:** 2/3/09

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

**Staff Coordinator:** Dhanya Sandeep

**Motion:** Butler  
**Second:** Haq  
**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-7-09 Conditional Use

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**LOCATION:** This site is located on the south side of Lynn Road, southwest of its intersection with Creedmoor Road.

**AREA OF REQUEST:** 0.361 acres

**PROPERTY OWNER:** Hunter Marshall, America's Home Buyers

**CONTACT PERSON:** Hunter Marshall, 919-255-0360

**PLANNING COMMISSION RECOMMENDATION DEADLINE:** *May 22, 2009*

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<b>ZONING:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Residential-4	Office & Institution – 1 CUD
	<u><b>Current Overlay District</b></u>	<u><b>Proposed Overlay District</b></u>
	None	None

<b>ALLOWABLE DWELLING UNITS:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	1 DU	4 DU (per zoning conditions)

<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Not permitted	11,793 square feet (FAR 0.75)

<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Not permitted	Not permitted

<b>ALLOWABLE GROUND SIGNS:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Tract ID sign	Low Profile (Height=3.5 feet; Area=70 sq.ft.)

**ZONING HISTORY:** This property has been zoned Residential-4 for several years. A prior rezoning request for the subject properties for Office & Institution-1 CUD (Z-34-08) zoning was denied by the City Council on 9/2/08. The denial was based on the finding that the condition of record, which prohibits direct access from Lynn Road and requires cross-access with the adjacent property, may not be achievable thereby, rendering the property unusable. Additionally, per sec.10-1065 (c), the applicant was not qualified to provide a less restrictive condition that could have potentially

resolved the outstanding access issue. Subsequently, a waiver of the 2-year waiting period for the subject property was requested that was approved by the City Council on 9/16/08.

**SURROUNDING  
ZONING:**

NORTH: Residential-4 & Residential-20 CUD (Z-19-94)  
SOUTH: Residential-4 & Residential-6  
EAST: Office & Institution-1 CUD (Z-45-05) & Residential-4

Zoning Conditions – (Z-45-05)

- a. Reimbursement for future right-of-way dedication shall be based on R-4 values.
- b. Non-residential buildings on the Property shall be limited to a maximum building height of forty (40) feet.
- c. All exterior building and parking lot lighting fixtures directed toward residential properties shall be of full cut-off (shielded) design, and be a maximum of twenty (20) feet in height.
- d. Any building constructed on the Property shall have a pitched roof with a minimum slope of 6:12.
- e. Required transitional protective yards may not be reduced in width by the installation of a wall or fence.
- f. Cross-access will be provided to the 7 parcels encompassed in this petition in the event that they are not recombined into a single parcel.
- g. Vehicular access from Lynn Road will be limited to no more than (2) access points.

WEST: Residential-4

**LAND USE:** Vacant, wildy vegetated lot

**SURROUNDING  
LAND USE:**

NORTH: Single family & multi-family residential uses  
SOUTH: Single family residential use  
EAST: Office use (Lynnbrooke Center)  
WEST: Single family residential uses

**DESIGNATED  
HISTORIC  
RESOURCES:**

None

**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	Northwest
Urban Form	Outside edges of a Neighborhood Focus Area; residential side of a PBL
Specific Area Plan	Creedmoor Road Corridor Plan
Guidelines	None



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

The rezoning sites are located in the Northwest Planning District, along a Residential thoroughfare, just outside the edges of a Neighborhood Focus area. The request is inconsistent with the Comprehensive Plan in that, the properties are located on the residential side of the Policy Boundary Line and therefore, recommended for low density residential uses. The Policy Boundary Line is designated by the Neighborhood Focus Area at the intersection of Creedmoor and Lynn Roads per the Creedmoor Road Corridor Plan, and is applied to delineate residential from non-residential uses. The proposal to rezone the subject parcel to Office & Institution-1 with stated conditions would allow the development of low intensity office uses.

The Creedmoor Road Corridor Plan primarily provides policy recommendations for lots with frontage on Creedmoor Road. However, emphasis is given to encourage strengthening the edges of low-density residential areas, and providing for a clear separation of focus areas to preserve the integrity of residential areas. New development should not adversely impact adjoining residential properties as a result of stormwater run-off or noise caused by high levels of activity of service area functions. Adverse impacts on adjacent residential properties should not be created by new development as a result of bulk, scale, mass, fenestration or orientation of structures. The applicant has included a few conditions that address building height, building scale, vehicular access, signage and lighting specifications.

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

The parcels are located in an area surrounded predominantly by low density residential uses. To the immediate north, west and south are low density residential properties zoned Residential-4. Further to the south are a few properties zoned Residential-6. To the immediate east, the abutting large parcel was rezoned in 2005 to Office & Institution-1 CUD (Z-45-05) and developed for low density office uses (Lynnbrooke Center, a 55,000 sq. ft. office condominium complex). Shopping Center zoning exists further east at the intersection of Lynn and Creedmoor Roads located within a designated focus area. To the northeast, to the north of Lynn Road is property with Residential-20 CUD zoning, which has been developed for multi-family residential uses (Edinburgh Common Apts.).

The proposal to rezone the subject parcel to Office & Institution-1 with stated conditions would allow the development of low intensity office uses. The applicant notes that the subject properties are located a few hundred yards away from a very busy intersection off Lynn Road and Creedmoor Road, and the traffic along Lynn Road is too intense for this property to be utilized for low density residential uses, a permitted use under the existing zoning. The applicant further states that a rezoning to permit a small office building would be better suited for this lot and more compatible with this area.

The subject properties are the only two remaining properties in this block with frontage along Lynn Road, a residential thoroughfare with heavy traffic. Given the small size of the subject sites (0.36 acre), it is unsuitable for single-family detached uses that will require direct access from Lynn Road, a busy thoroughfare. A driveway access to the Lynnbrooke Center located less than 100 feet from the subject property would encourage limiting any direct access from Lynn Road to one point. The proposed conditions limit direct access from Lynn Road to one point, thereby eliminating any adverse impacts on traffic. The applicant indicates that the rezoning would be compatible with the surrounding area. The conditions offered would strengthen the edges of residential uses and protect the surrounding single family neighborhoods from any adverse impacts.

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

The applicant notes that the benefits associated with this rezoning would be a more marketable and desirable community which offers a diverse mix of low and medium density residential in addition to the conservative mix of office and retail space. The Northwest District is experiencing growth and therefore, it is vital to have a strong mix of residential, office and retail space in this area.

The petitioner proposes to redevelop the property while maintaining a compatible scale and minimizing impacts to the low density residential neighborhood to the west and south. Proposed conditions reduce potential negative impacts on the adjoining single family properties to the west and south. The proposed rezoning and its uses would be complementary to the adjacent low intensity office center to its east while still strengthening the edges of residential uses and protecting the surrounding single family neighborhoods from any adverse impacts. With appropriate building and landscape design, impacts would be minimal, while the benefits rendered would be the additional amenities available to people in the surrounding communities, reduction of traffic conflicts, and better use of the property.

**4. Detriments of the proposed rezoning**

As noted by the applicant, the only detriment perceived would be to the four single family lots abutting the western edge of the properties. However, by incorporating appropriate conditions that address scale, mass, bulk, parking, height & buffering, any negative impacts to these lots could be alleviated. The subject rezoning conditions address building height, roof pitch, residential density and parking lot lights, thus alleviating any negative impacts on the surrounding single-family homes.

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

**TRANSPORTATION:** Lynn Road is classified as a major thoroughfare (2007 ADT 19,000 vpd) and is constructed to City standards as five-lane curb and gutter section with sidewalks on both sides within a varying 85-90-foot right of way. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

**TRANSIT:** This site is within close proximity of current and future bus routes, but does not provide an appropriate space for a bus stop. No transit easement is needed.

**HYDROLOGY:** FLOODPLAIN: None  
DRAINAGE BASIN: Haresnipe  
STORMWATER MANAGEMENT: Pt. 10 Ch. 9

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>722</u> gpd	Approx. <u>1,173</u> gpd
Waste Water	Approx. <u>722</u> gpd	Approx. <u>1,173</u> gpd

The proposed rezoning would add approximately 451 gpd of wastewater and water to the wastewater collection and water distribution systems of the City's utilities. There are existing water and sanitary sewer mains in the Lynn Road right-of-way which would serve the proposed rezoning area.

**PARKS AND RECREATION:**

This property is not adjacent to a greenway corridor. Existing recreation services are provided at Lake Lynn Park to meet the needs of this property.

**WAKE COUNTY PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under the proposed zoning would be 4, while the current zoning permits 1 unit. This would result in 1 school enrollment and therefore, not impact the school capacity numbers.

**Impacts on School Capacity**

<b>School name</b>	<b>Current enrollment</b>	<b>Current Capacity</b>	<b>Future Enrollment</b>	<b>Future Capacity</b>
Lynn Road	472	74.3%	472	74.3%
Carroll	714	83.9%	714	83.9%
Sanderson	1,876	98.8%	1,876	98.8%

**IMPACTS SUMMARY:** The proposed zoning would have no impact on school capacity numbers.

No major impacts on infrastructure services have been noted for this case.

**OPTIONAL ITEMS OF DISCUSSION**

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

The zoning was applicable when the previous structure was built in 1945.

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

The Residential-4 zoning on the property was appropriate when the property was last developed. However, since that time, this area has experienced significant growth and the current zoning on the property would not be appropriate for low density residential uses, given its frontage onto Lynn Road, a busy residential thoroughfare. Since the properties were initially zoned R-4, Lynn Road has been converted into a busy 5 lane thoroughfare, experiencing an increase in traffic. This significant change in the circumstances in land use and traffic pattern make the parcels unsuitable for low density residential development allowed under the existing R-4 zoning category. Given the conditions attached to the petition, the development of these parcels can be made compatible with adjacent uses, when carefully designed and provide for a transitional buffer between the high impact residential thoroughfares and the residential uses to the east.

**APPEARANCE COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZENS' ADVISORY COUNCIL:**

DISTRICT: Northwest  
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884;  
Nancy Murray, 845-8845

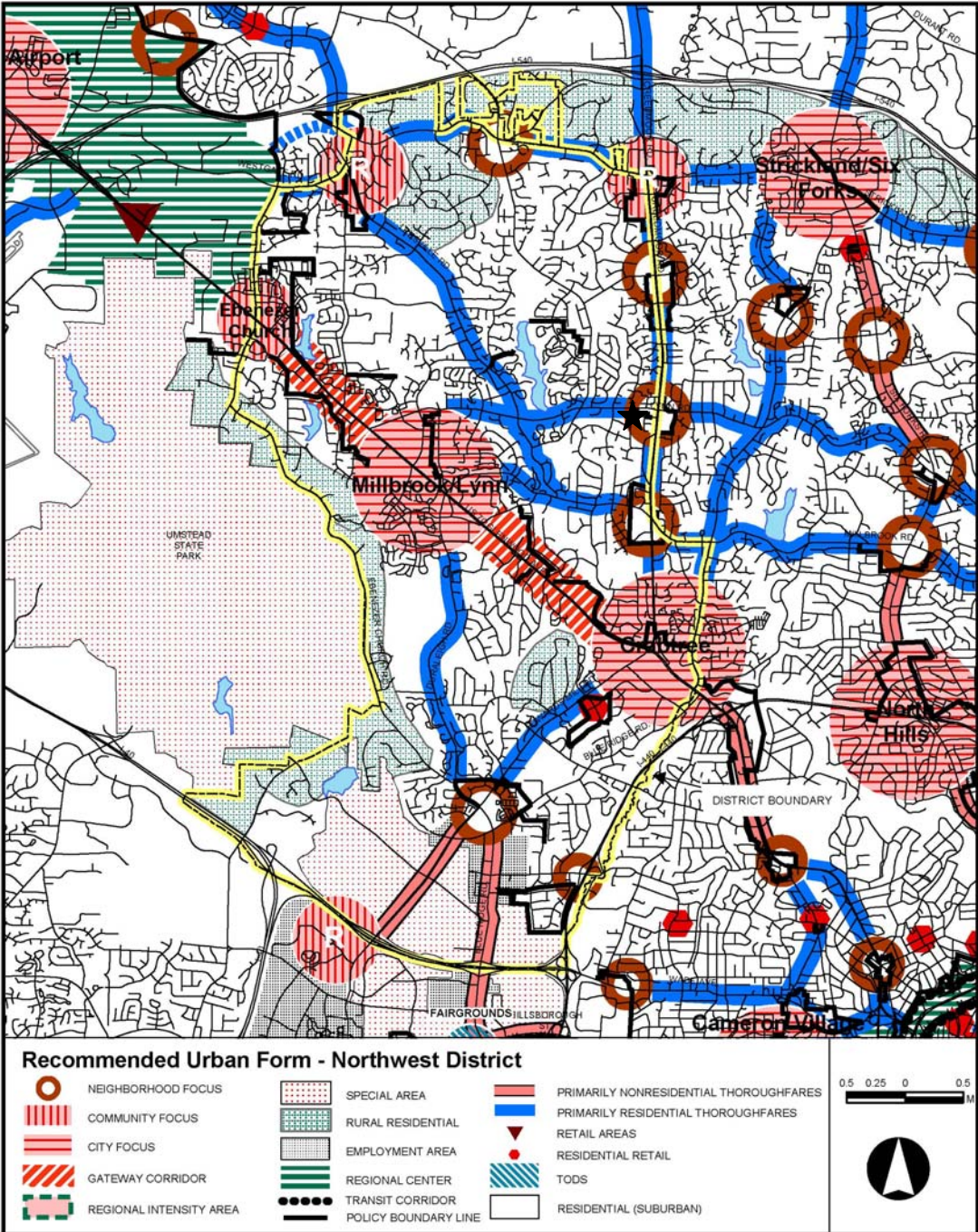
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**SUMMARY OF ISSUES:**

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

**1. Outstanding issues**

- The request is inconsistent with the Comprehensive Plan in that, the property is located on the residential side of Policy Boundary Line of a Focus Area located at the intersection of Creedmoor and Lynn Roads, as designated by the Creedmoor Road Corridor Plan, and is therefore, recommended for low density residential uses.



6/06 Raleigh Comprehensive Plan

Northwest District 5-5.F

