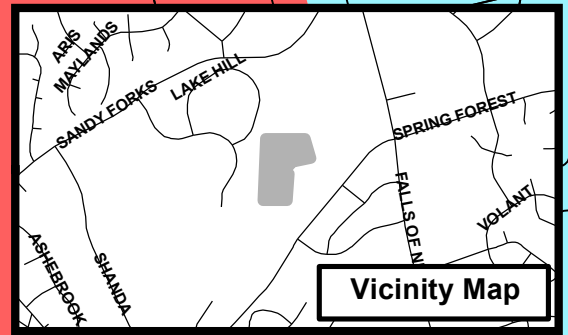


**Existing Zoning Map**  
**Case Number: Z-31-12**

R-4



Vicinity Map

LAKE HILL

THE LAKES

R-10

CUD O&I-1

O&I-3

SPRING FOREST

FALLS OF NEUSE

CUD SC

RIDGEFIELD

O&I-1



280

Feet

R-6

CM

**Request:**

**4.83 acres from O&I-1 CUD to O&I-2 CUD**

City of Raleigh Public Hearing  
October 16, 2012  
(January 14, 2013)



# Certified Recommendation

Raleigh Planning Commission

CR# 11500

## Case Information Z-31-12 Spring Forest Road

<i>Location</i>	Spring Forest Road, north side, west of Falls of Neuse Road
<i>Size</i>	4.83 acres
<i>Request</i>	Rezone property from O&I-1 CUD to O&I-2 CUD

## Comprehensive Plan Consistency

The rezoning case is  Consistent  Inconsistent with the 2030 Comprehensive Plan.

A checked box signifies consistency with the applicable 2030 Comprehensive Plan policy:

### Consistent

<i>Future Land Use Designation</i>	<input type="checkbox"/>	Office/ Research & Development
<i>Applicable Policy Statements</i>	<input type="checkbox"/>	Policy LU 1.3 Conditional Use District Consistency
	<input checked="" type="checkbox"/>	Policy LU 4.5 Connectivity
	<input checked="" type="checkbox"/>	Policy LU 5.1 Reinforcing the Urban Pattern
	<input checked="" type="checkbox"/>	Policy LU 8.10 Infill Development
	<input checked="" type="checkbox"/>	Policy T 5.1 Enhancing Bike/ Pedestrian Circulation
	<input checked="" type="checkbox"/>	Policy T 6.1 Surface Parking Alternatives
	<input checked="" type="checkbox"/>	Policy T 6.6 Parking Connectivity
	<input checked="" type="checkbox"/>	Policy EP 8.1 Light Pollution
	<input checked="" type="checkbox"/>	Policy PU 1.1 Linking Growth and Infrastructure
	<input checked="" type="checkbox"/>	Policy UD 3.9 Parking Lot Design
	<input checked="" type="checkbox"/>	Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Vehicular ingress/ egress from Spring Forest Road limited to two driveways. Sidewalk (min. 5' wide) to be provided from Spring Forest Road to property, with marked pedestrian crossings.</li> <li>2. Minimum of two bicycle racks to be provided.</li> <li>3. All free-standing exterior lighting to be of full cut-off design.</li> <li>4. Prohibited use: Cemetery.</li> <li>5. Any office development limited to Floor Area Ratio of 0.75.</li> <li>6. Sidewalks and marked pedestrian crossings (min. 5' wide) to be provided from property to adjacent parcels.</li> <li>7. Cross-access to be offered.</li> <li>8. Shared parking plan to be submitted to City. All new parking to be beside or behind buildings (relative to Spring Forest Road).</li> <li>9. Min. of 50% of building roofs to be min. 4:12 pitch.</li> <li>10. Building height capped at 65 feet (measured to roof peak).</li> <li>11. Min. 25% of facades, exclusive of fenestration, to be brick or masonry.</li> </ol>
-----------------------------	--

## Issues and Impacts

<i>Outstanding Issues</i>	1. Inconsistency with Future Land Use designation.	<i>Suggested Conditions</i>	1. Consider further limitations on site use (e.g., limit density below district maximums, prohibit single family development, etc.).
<i>Impacts Identified</i>	1. Development for residential use will require dedicated means of public street access 2. Potential need for downstream sewer and/ or fire flow improvements upon redevelopment.	<i>Proposed Mitigation</i>	1. Provide a dedicated means of public street access. 2. Need for sewer and/ or fire flow improvements yet to be determined.

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
3/12/12	10/16/12		11/13/12

**Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	<p>Motion: Buxton</p> <p>Second: Fleming</p> <p>In Favor: Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Terando</p>

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 attached Staff Report.

\_\_\_\_\_ Date November 13, 2012  
 Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Doug Hill [Doug.Hill@raleighnc.gov](mailto:Doug.Hill@raleighnc.gov)



# Zoning Staff Report – Case Z-31-12

## Conditional Use District

### Request

<i>Location</i>	Spring Forest Road, north side, west of Falls of Neuse Road
<i>Request</i>	Rezone property from O&I-1 CUD to O&I-2 CUD
<i>Area of Request</i>	4.83 acres
<i>Property Owner</i>	CN Investors
<i>PC Recommendation Deadline</i>	January 14, 2013

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	O&I-1 CUD	O&I-2 CUD
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Office, vacant	Office, multi-family residential
<i>Residential Density</i>	Per Z-78-97: Only congregate care equivalent dwelling units permitted, with only 1.14 acre eligible; max. of 34 congregate care equivalent dwelling units permitted by right (15 standard units x2x1.14 acre), and max. 57 (25x2x1.14) with Planning Commission approval	15 units per acre by right (72 units max.); up to 40 units per acre with Planning Commission approval (193 units max.)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-10; SC CUD	SC CUD; O&I-1; O&I-1 CUD	SC CUD	R-10; O&I-1 CUD
<i>Future Land Use</i>	Community Mixed Use, Moderate Density Residential	Community Mixed Use, Office/ Research & Development	Community Mixed Use, Office/ Research & Development	Moderate Density Residential
<i>Current Land Use</i>	Multi-tenant retail building, multi-family residential complex	Congregate care facility, office building	Retail, office	Multi-family residential complex

## Comprehensive Plan Guidance

<i>Future Land Use</i>	Office/ Research & Development
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 4.5 Connectivity Policy LU 5.1 Reinforcing the Urban Pattern Policy LU 8.10 Infill Development Policy T 5.1 Enhancing Bike/ Pedestrian Circulation Policy T 6.1 Surface Parking Alternatives Policy T 6.6 Parking Connectivity Policy EP 8.1 Light Pollution Policy PU 1.1 Linking Growth and Infrastructure Policy UD 3.9 Parking Lot Design Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience

## Contact Information

<i>Staff</i>	Doug Hill: 919-516-2622; <a href="mailto:Doug.Hill@raleighnc.gov">Doug.Hill@raleighnc.gov</a>
<i>Applicant</i>	Chris Pope: 919-851-4422; <a href="mailto:chris.pope@bnkinc.com">chris.pope@bnkinc.com</a>
<i>Citizens Advisory Council</i>	North – Joe Corey: 919-845-1716; <a href="mailto:corey3rd@gmail.com">corey3rd@gmail.com</a>

## Case Overview

The proposal seeks greater flexibility in regard to the development and future land use of the site. The present zoning of the area, approved as case Z-78-97, crosses parcel boundaries to encompass the property immediately to the south, developed as the Sunrise congregate care facility. The total area encompassed by Z-78-97 is 8.7 acres, of which 5 acres is conditioned to allow the congregate care facility, and the remaining acreage—all of which is on the present site—is limited to O&I-3 uses, which do not include residences of any kind. The Sunrise property encompasses 3.86 acres, leaving 1.14 acres of the subject site currently available for use for congregate care.

The site is currently undeveloped woodland. Rezoning the subject area would permit any uses allowed in O&I-2 zoning—including multi-family housing, offices, hotels, banks, hospitals, and parking lots—except for the conditioned prohibition on “cemetery”. The O&I-3 zoning of the street frontage of the parent parcel, long built out as the Campus North office complex, would remain unaffected by the rezoning request; the parcel’s present split zoning would therefore continue.

Since the site itself has no actual street frontage, either a public street will need to be designed and built to the area, or subdivision of the office complex configured which would link the site to Spring Forest Road, or both.

Future site development will also need to address a 125-foot wide power line easement and a 48-inch water main obliquely crossing the subject area’s northwest corner.

## 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

The proposal is inconsistent with the Future Land Use map in that the map designates the property for “Office/ Research and Development” uses. Of that land use classification, the Comprehensive Plan states: “This category identifies major employment centers where housing is not considered an appropriate future land use. Principal uses are office parks, free-standing office buildings or corporate headquarters, banks, research and development uses, hotels, and ancillary service businesses and retail uses that support the office economy. This category can also apply in appropriate locations to office-industrial hybrids such as light fabrication and assembly ancillary to an R&D use, flex parks, and office-distribution combinations. Most of these areas are currently zoned O&I-1, O&I-2, O&I-3, or Thoroughfare District (TD).” The Office/ Research and Development designation is consistent with the site’s present zoning, which primarily restricts it to office uses. The proposed rezoning could permit the introduction of multi-family housing of up to 40 units per acre.

### 1.2 Policy Guidance

The following policy guidance is applicable with 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

**Inconsistent.** The conditions offered are inconsistent with the Comprehensive Plan, in not prohibiting residential uses (per the Future Land Use designation). To comply with this policy, residential uses would have to be prohibited on the site.

#### **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.

#### **Policy T 6.6 – Parking Connectivity**

Promote parking and development that encourage multiple destinations within an area to be connected by pedestrian trips.

**Consistent.** Both vehicular and pedestrian connectivity are conditioned, as is shared parking.

#### **Policy LU 5.1 – Reinforcing the Urban Pattern**

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

#### **Policy LU 8.10 – Infill Development**

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

**Consistent.** The proposal provides a height cap, minimum percentage of brick or masonry for site building façades, places parking at building sides or rear (relative to

Spring Forest Road), and conditions pedestrian access to the street and adjoining properties. The neighboring Lakes Apartments and Sunrise congregate care facility have pitched roofs; the proposal likewise conditions a minimum percentage of pitched roof area per future site building. The Sunrise facility is limited to 40 feet in height, as measured halfway up the pitched roof. The Lakes' buildings are 3 stories in height, and step up or down by modules with the grade. The latter development includes considerable open space, and mature trees. Tree conservation will be required for development of the subject site, and would likely include the triangle of woodland abutting the apartment property on the northwest, on the far side of the power line and water easements.

**Policy T 5.1 – Enhancing Bike/ Pedestrian Circulation**

Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

**Consistent.** Bicycle racks and pedestrian sidewalks/ crosswalks are conditioned.

**Policy T 6.1 – Surface Parking Alternatives**

Reduce the amount of land devoted to parking through measures such as development of parking structures and underground parking, the application of shared parking for mixed-use developments, flexible ordinance requirements, maximum parking standards, and the implementation of Transportation Demand Management plans to reduce parking needs.

**Policy UD 3.9 – Parking Lot Design**

Encourage efficient site design, shared parking between complementary uses, and reduced amounts of impervious surface in parking lot design.

**Consistent.** Shared parking is conditioned within the parent parcel.

**Policy EP 8.1 -- Light Pollution**

Reduce light pollution and promote dark skies by limiting the brightness of exterior fixtures and shielding adjacent uses from light sources, provided safety is not compromised. Minimize flood lighting and maximize low level illumination. Promote the use of efficient, full cut-off lighting fixtures wherever practical. Full cut-off fixtures emit no light above the horizontal plane.

**Consistent.** Free-standing exterior lighting is conditioned to be full cut-off.

**Policy PU 1.1 -- Linking Growth and Infrastructure**

Focus growth in areas adequately served by existing or planned utility infrastructure.

**Consistent.** The site is well-positioned to connect to the City's utility infrastructure, being surrounded by existing development.

**Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience**

Promote a comfortable and convenient pedestrian environment by requiring that buildings face the sidewalk and street area. On-street parking should be provided along the pedestrian streets and surface parking should be in the rear. This should be applied in new development, wherever feasible, especially on transit and urban corridors and in mixed-use centers.

**Consistent.** Surface parking is conditioned to be placed at the rear or sides of buildings (relative to Spring Forest Road). Shared parking will likely be in the existing

lot on the larger parcel, which is now serving the Campus North offices. Yet to be determined is the primary route of site access from Spring Forest Road, including the main route of pedestrian travel.

**1.3 Area Plan Guidance**

The site is not in a location which is part of an Area Plan.

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

The proposal would allow medium-to-high density housing (up to 40 units/ acre) on the subject site. Moderate-density housing exists adjacent to the site. To the west, the Lakes Apartments are built out at a density of 8 units per acre. The Sunrise retirement facility to the south has 130 congregate care equivalent units on its 3.86-acre site, equivalent to a density of 16 standard units per acre [based on the Code ratio of two equivalent units equaling one standard dwelling unit]. On both properties, buildings are three stories in height, with pitched roofs. The proposed building(s) could be four to five stories, but with at least half the structure under pitched roofs.

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

The proposal would allow higher-density residential development in close proximity to existing employment opportunities, goods, and services. The office uses permitted under the present zoning would remain in place, with the added provision of being limited to a floor area ratio commensurate with that of the present O&I-1 zoning.

**4. Detriments of the proposed rezoning**

While building height and office FAR are addressed, building mass remains undefined; minimum fenestration is provided, but façade articulation and other means of reducing apparent scale and form are not noted. While tree conservation statutes will come into play, loss of tree cover otherwise is likely, a circumstance which could add to heat island effects in this area of considerable open asphalt and large-footprint commercial structures. Lack of density cap means build-out could potentially increase—with Planning Commission approval—from 57 congregate care equivalent units (28 standard units) to nearly 200 standard dwelling units.

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

**5.1 Transportation**

<u>Primary Street(s)</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Spring Forest Road	Major Thoroughfare	17,000	32,500			
<b>Street Conditions</b>						
<u>Spring Forest 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	90'	5' sidewalks on both sides	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	YES	YES	YES	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	269	109	-160			
PM PEAK	259	127	-132			
<b>Suggested Conditions/ Impact Mitigation:</b>	<p>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-31-12. <b>Please describe how the subject property will be accessed by a public street.</b> Development of the subject property for residential use will require a dedicated public street access that cannot be satisfied via easements through other properties.</p>					
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

**Impact Identified:** Public street access will be needed.

### 5.2 Transit

No transit amenities are requested. Currently, transit is available on Falls of Neuse Road. The CAT Short Range Transit Plan calls for a new route that will operate along Spring Forest Rd. A transit easement was recently conditioned immediately across Spring Forest Road from the parent property (900 Springfield Commons Drive) in zoning case Z-20-12, along with a financial commitment toward funding safe pedestrian crossing at that point. The subject site will be a beneficiary of that pledge.

**Impact Identified:** This project could increase transit demand in the area. However, existing and anticipated access can be expected to accommodate the change.

### 5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Marsh Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

**Impact Identified:** No impacts identified.

### 5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	20,528 gpd	48,250 gpd
<i>Waste Water</i>	20,528 gpd	48,250 gpd

There is presently an existing eight (8") inch sanitary sewer main within an easement along the lower eastern zoning limits, adjacent to the property and an existing twenty-four (24") inch water main in Spring Forest Road right-of way. Please note the forty-eight (48") inch water transmission main transporting water from the E. M. Johnson Water Treatment Plant traverses in the northwestern portion of the proposed rezoning area of the property. No construction activity shall be allowed near the water main's easement limits. The subsequent development of the property would use these mains for connection to the City's wastewater collection and water

distribution systems. Down stream sanitary sewer improvements may be required, by the City, of the developer depending upon the actual use. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required by the City of the developer.

**Impact Identified:** The proposed rezoning will add approximately 32,550 gpd to the wastewater collection and water distribution systems of the City.

#### **5.5 Parks and Recreation**

The subject tract is not located adjacent to a greenway corridor. The proposed rezoning will not impact the recreation level of service.

**Impact Identified:** None.

#### **5.6 Urban Forestry**

Since the site is larger than 2 acres and is wooded, compliance with Code §10-2082.14 (Tree Conservation Ordinance) will be required when this property is subdivided or a Site Plan is submitted.

**Impact Identified:** Site development will have to comply with the City's Tree Conservation statutes.

#### **5.7 Designated Historic Resources**

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmark or any properties listed in the National Register of Historic Places.

**Impact Identified:** No impacts on the City's historic resources are anticipated as a result of the proposed rezoning.

#### **5.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **5.9 Impacts Summary**

1. Development for residential use will require dedicated public street access.
2. Potential need for downstream sanitary sewer and/ or fire flow improvements upon redevelopment.

#### **5.10 Mitigation of Impacts**

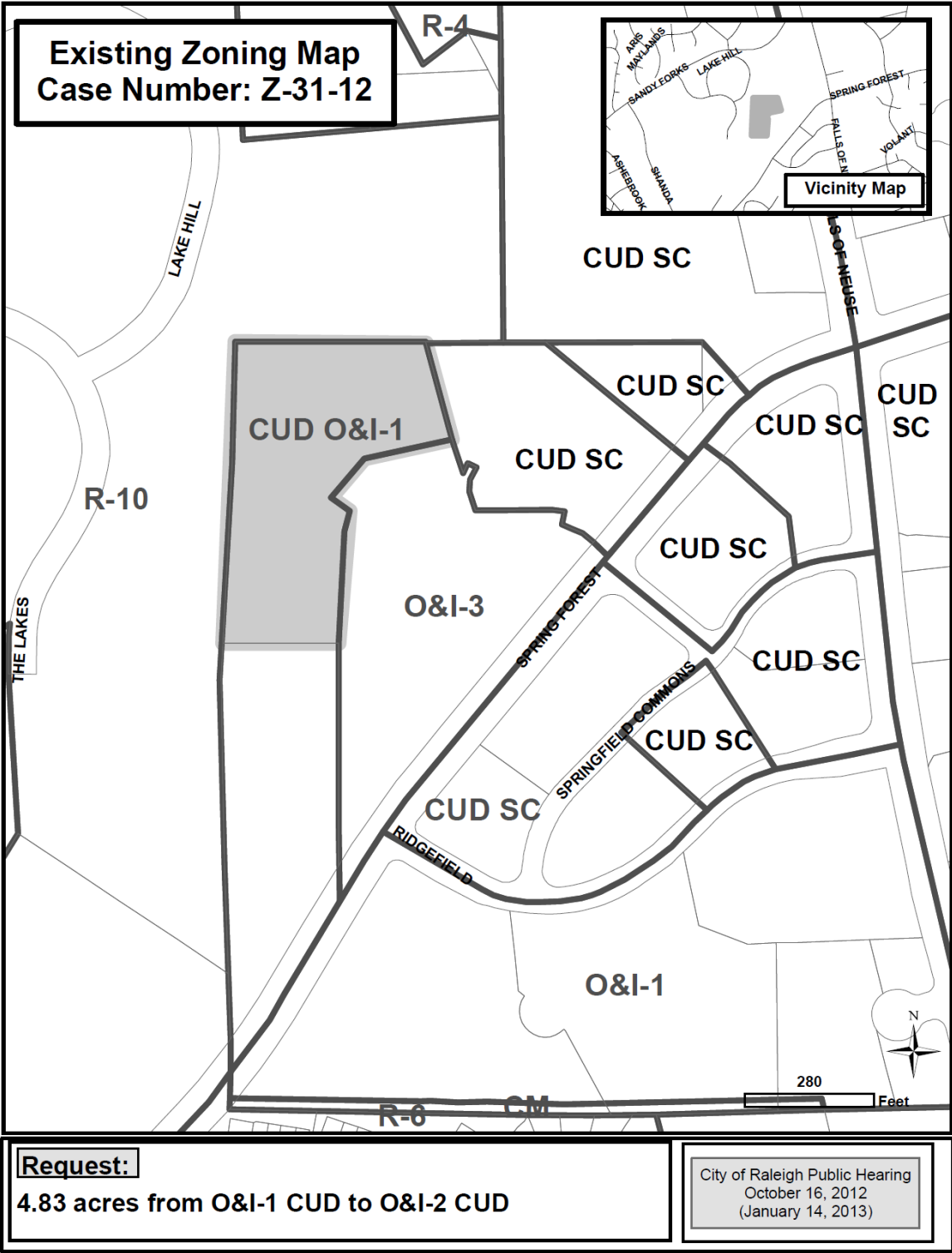
1. Provide a dedicated means of public street access.
2. Mitigation of sewer and fire flow impacts will be dependent on a determination of need.

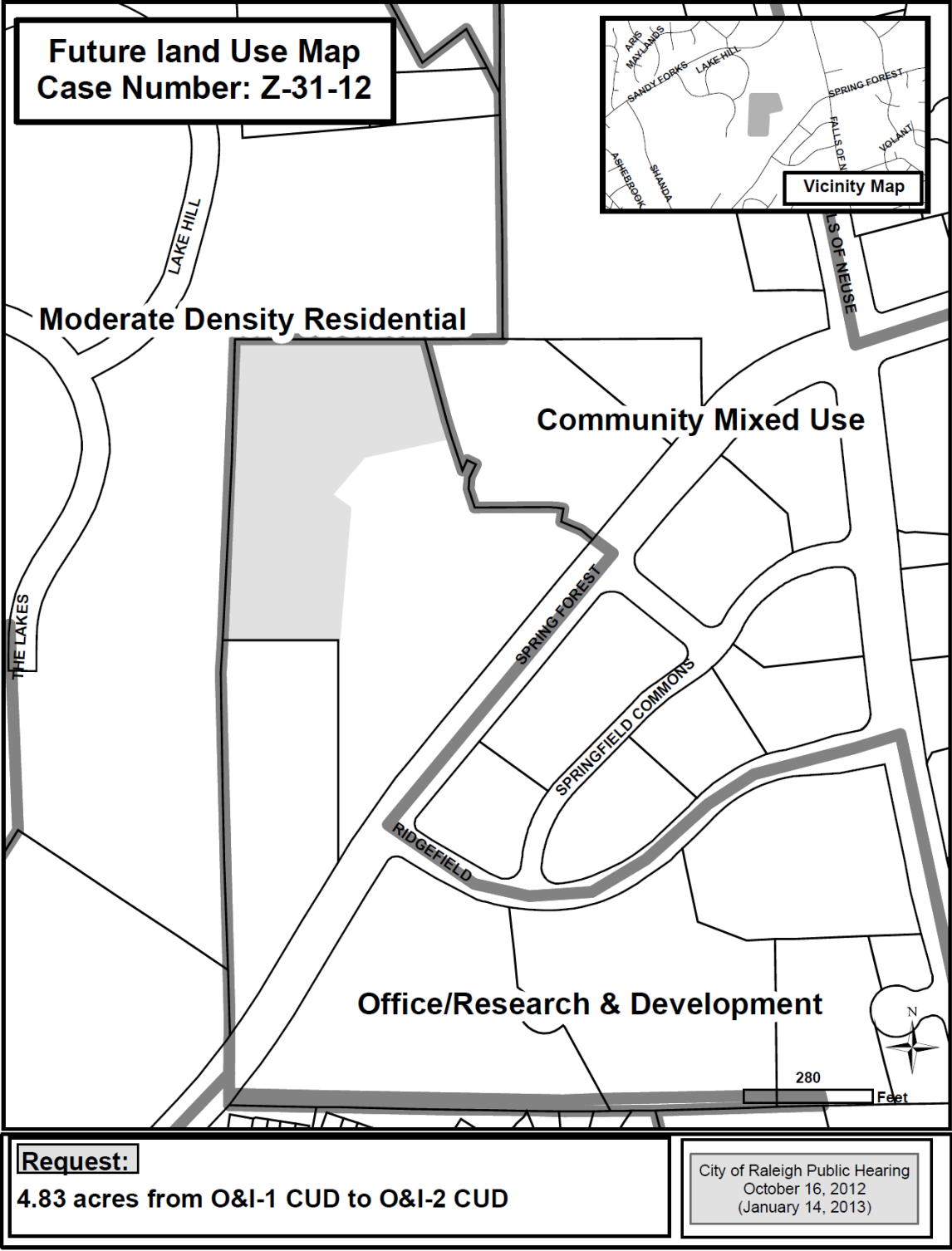
### **6. Appearance Commission**

This rezoning proposal is not within a Planned Development District, a Pedestrian Business Overlay District or the Downtown Overlay District, so is not subject to Appearance Commission review.

### **7. Conclusions**

The proposal would expand the land uses permitted on the site. Integration into the surrounding area and land uses will be key to the site's achieving successful urban design; public street access to Spring Forest Road remains subject to further consideration.







# 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
	JAMES I. ANTHONY, JR	6/15/12
	MANAGING MEMBER	
	CN INUBSTORS, LLC	

**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**

	<b>Name(s)</b>	<b>Address</b>	<b>Telephone/Email</b>
<b>Petitioner(s)</b>	CN Investors	P O Box 10810	
(for conditional use requests, petitioners must own petitioned property)		Raleigh, NC 27605-0810	
<b>Property Owner(s)</b>	CN Investors	P O Box 10810	
		Raleigh, NC 27605-0810	
<b>Contact Person(s)</b>	Chris Pope, RLA	6310 Chapel Hill Rd. S-250	919-851-4422
		Raleigh, NC 27607	chris.pope@bnkinc.com
	Mark Barker	6131 Falls of Neuse Rd.	919-876-9200
		Raleigh, NC 27609	mbarker@northlandpartners.com
	Lacy Reaves	150 Fayetteville St S-2300	919-821-6704
		Raleigh, NC 27601	lreaves@smithlaw.com

**Property information**

<b>Property Description</b> (Wake County PIN)	1717-10-2685 (portion)
<b>Nearest Major Intersection</b>	Spring Forest / Falls of Neuse
<b>Area of Subject Property</b> (in acres)	4.83 AC. +/-
<b>Current Zoning Districts</b> (include all overlay districts)	O & I - 1 CUD
<b>Requested Zoning Districts</b> (include all overlay districts)	O & I - 2 CUD

## 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
Ridgefield AWH LLC	901 Ridgefield Drive	Raleigh, NC 27609-8504	1717105133
Lake Partners LLC Capital Associates	1255 Crescent Grn Ste 300	Cary, NC 27518-8129	1716193752
Heritage Lakes I LLC Heritage Lakes II LLC	123 Prospect St	Ridgewood, NJ 07450-4435	1717003839
Blue Gem Inc	1846 Banking St	Greensboro, NC 27408-7222	1717107461
SZR North Hills LLC c/o Sunrise Senior Living FEIT	7900 Westpark Dr. Fl 7	McLean, VA 22102-4242	1717100286
Spring Peas LLC	2019 Fairview Rd., Ste 200 P O Box 6450	Raleigh, NC 27628-6450	1717106975
Pappamihiel Investments LLC	1040 Regency Dr	Charlotte, NC 28211-4779	1717200731

# EXHIBIT C. Request for Zoning Change

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

2012 NOV -8 PM 4: 03

Conditional Use District requested: Office & Institution - 2 Conditional Use District

Narrative of conditions being requested:

For purposes of the following conditions, the portion of PIN 1717-10-2685 proposed for rezoning is referred to as the "Property."

1) Vehicular ingress and egress to the Property from Spring Forest Road shall be limited to a maximum of two (2) vehicular driveways. Safe and convenient vehicular access shall be provided from Spring Forest Road to the building or buildings constructed upon the Property. A sidewalk a minimum of five (5) feet in width shall be provided from Spring Forest Road to the Property with a clearly marked pedestrian crossing at each crossing of a driveway or other hardscape area.

2) Bicycle racks will be provided at a minimum of two (2) locations on the Property with the location and number of the racks to be determined at the time of site plan approval.

3) All free-standing exterior lighting will utilize full cut-off fixtures.

4) Prohibited Uses: Cemetery

5) Any office development upon the Property shall be limited to a Floor Area Ratio (FAR) of 0.75.

6) Safe and convenient pedestrian access shall be provided which shall connect the main entrances of buildings upon the Property to parking areas and to adjacent parcels. Such access shall be provided by sidewalks or clearly marked pedestrian crossings of hardscape areas, each having a width of at least five (5) feet.

7) Upon development, an offer of vehicular and pedestrian cross-access shall be provided to parcels PIN 1717-10-0286 (owner: SZR North Hills LLC; deed recorded at Book 11426, Page 309, Wake County Registry), 1717-10-6975 (owner: Spring Peas LLC; deed recorded at Book 8900, Page 792, Wake County Registry), and the remaining portion of PIN 1717-10-2685 (owner: CN Investors; deed recorded at Book 6527, Page 142, Wake County Registry) or evidence of existing such cross-access shall be provided to the City.

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
CN Investors LLC	JAMES E. ANTHONY, JR	11/7/12

By:   
Managing Member



# EXHIBIT C. Request for Zoning Change

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

8) While the building or buildings constructed upon the Property might not directly face Spring Forest Road, they will be oriented generally toward such road. Upon development, a plan for the sharing of parking with uses upon the remaining portion of parcel PIN 1717-10-2685 (owner: CN Investors; deed recorded at Book 6527, Page 142, Wake County Registry) shall be submitted to the City for approval and shall be implemented following approval. No new parking constructed upon the Property shall be located between any building now existing on parcel PIN 1717-10-2685 (owner: CN Investors; deed recorded at Book 6527, Page 142, Wake County Registry) and any building constructed upon the Property generally facing Spring Forest Road (i.e. the side of the building generally facing Spring Forest Road).

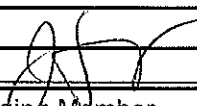
9) At least fifty percent (50%) of the roofs of buildings upon the Property, as determined by roof area, shall be pitched and the minimum pitch shall be 4:12.

10) The height of any building constructed upon the Property shall not exceed 65 feet.

11) At least twenty-five percent (25%) of each building side (excluding windows and doors) of any building constructed upon the Property shall be constructed of brick or masonry.

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
CN Investors LLC	JAMES I. ANTHONY, JR	11/7/12
<hr/>		
By: 		
Managing Member		

# 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](http://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:**

The Future Land Use Map designates this area for Office Research and Development. With the exception of hotels, all allowed uses under the proposed zoning are allowed under the current zoning. With respect to office uses the proposed zoning is consistent with the Future Land Use map, however with respect to residential uses it is inconsistent. The zoning is consistent with its designation as within a Mixed Use Community Center in the Growth Framework Plan. The current zoning is consistent with the Future Land Use designation of Office & Research and allows residential uses.

##### **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.**

See attached summary of policy analysis.

##### **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").**

With respect to office uses the proposed zoning is consistent with the Comprehensive Plan, however with respect to residential uses it is inconsistent. The zoning is consistent with its designation as within a Mixed Use Community Center in the Growth Framework Plan. The current zoning is consistent with the Future Land Use designation of Office & Research and allows residential uses.

# 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):**

Surrounding development to the south and east consists of office uses. A moderate density multifamily development is to the north and west. An assisted living facility is adjacent to the site on the southwest side.

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

Land to the south is zoned O & I - 1.

Land to the northeast and across Spring Forest Road is zoned shopping center.

Land to the northwest is zoned R-10.

### C. **Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:**

Proposed zoning would allow maximum use of property and serve as transition area between office and adjacent residential use.

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

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

Proposed zoning would allow maximum use of property allowing additional residential density in a designated Mixed-Use environment. Current zoning allows a residential density of 15 du/ac by right with 25 du/ac allowed Planning Commission approval. The proposed zoning allows 40 du/ac with Planning Commission approval. These residential densities are not limited by this application.

### B. **For the immediate neighbors:**

Proposed zoning would provide for increased residential density in a Mixed-Use environment that would support business and offices in the immediate vicinity.

### C. **For the surrounding community:**

Proposed zoning would provide for increased residential density in a Mixed-Use environment that would support existing office and retail uses. Existing infrastructure is adequate to support the proposed map amendment.

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

Yes, the proposed rezoning affords the property greater residential density.

# 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.**

Inclusion of a more intense development pattern within an identified Mixed-Use high intensity node assures a compact development utilizing and benefitting from proximity to retail, business, and office uses.

## **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.**

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

There is a public need for additional land to be zoned for higher density residential uses in a Mixed Use Community Center in proximity to the intersection of roads designated a Major Thoroughfare and a Secondary Arterial in the Comprehensive Plan.

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

The proposed rezoning would have no adverse impact upon public infrastructure facilities, which are adequate to serve the increased density proposed in the rezoning.

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

The proposed rezoning advances the public health, safety, morals, general welfare of the community by authorizing residential densities that are beneficial and that support the policies of the Comprehensive Plan.

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

## SUMMARY OF POLICY ANALYSIS

### Policy LU 4.5 Connectivity

Multiple points of connectivity currently exist on the site with two primary access points on Spring Forest Road as well as three internal driveways to adjacent developments.

### Policy LU 4.7 Capitalizing on Transit Access

Site is within convenient walking distance (~800' +/-) from Sutton Square Shopping Center and CAT routes 2 and 25C as well as TTA service.

### Policy LU 5.1 Reinforcing the Urban Pattern

The site presents an opportunity for compatible infill development within a mixed-use environment of commercial, retail, employment and residential uses.

### Policy LU 7.1 Encouraging Nodal Development

The site's location within an existing high intensity mixed use node furthers the objectives of community focus points.

### Policy LU 7.6 Pedestrian Friendly Development

The site is within convenient walking distance of a variety of services including retail shopping, support services, employment and transit options. Multiple pedestrian access points will connect to the existing pedestrian network.

### Policy LU 8.10 Infill Development

This rezoning will allow development of vacant land within an otherwise intensely developed area, filling a gap in the urban fabric. Allowed development options are consistent with existing uses and would supplement these uses.

### Policy T 5.1 Enhancing Bike/Pedestrian Circulation

The site is within convenient walking/cycling distance of a variety of services including retail shopping, support services, employment and transit options. Multiple pedestrian/bicycle access points will connect to the existing pedestrian network. Bicycle Route 11 is approximately 1/3 of a mile east of the site.

### Policy T 5.3 Bicycle and Pedestrian Mobility

Safe and convenient pedestrian and bicycle facilities that are universally accessible, adequately illuminated, and properly designed to reduce conflicts among motor vehicles, bicycles and pedestrians

#### Policy T 5.5 Sidewalk Requirements

Sidewalk connections will be provided to connect to the existing sidewalk network and public right-of-way.

#### Policy T 6.4 Shared Parking

The site provides an opportunity for shared parking with adjacent uses.

#### Policy T 6.8 Parking Lot Design

Parking lots shall be designed to minimize conflicts with pedestrian.

#### Policy EP 8.1 Light Pollution

Site lighting shall be designed to minimize flood lighting and maximize low level illumination and shall promote the use of efficient, full cut-off fixtures consistent with site lighting ordinances.

#### Policy PU 1.1 Linking Growth and Infrastructure

This development would focus growth in an areas adequately served by existing utility infrastructure.

#### Policy UD 2.1 Building Orientation

Buildings shall be oriented along streets, plazas, and pedestrian ways.

#### Policy UD 2.2 Multi-modal Design

This development will accommodate all modes of transportation to the greatest extent possible.

#### Policy UD 3.8 Screening of Unsightly Views

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors shall be minimized.

#### Policy UD 3.9 Parking Lot Design

Site development will encourage efficient site design, shared parking between complementary uses, and reduced amounts of impervious surfaces.

Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience

On-street parking shall be provided along the pedestrian streets and surface parking shall be provided in the rear.

SUBMITTED DATE: March 14, 2012

### **SUMMARY OF ISSUES**

A neighborhood meeting was held on March 12, 2012, to discuss a potential rezoning located at 805 Spring Forest Road. The neighborhood meeting was held at Northland Partners/Robuck Homes, 6131 Falls of Neuse Rd., Suite 200, Raleigh, NC 27609. There was one neighbor in attendance. The general issues discussed were:

#### Summary of Issues:

One neighbor attended the meeting. She is the property owner at the Women's Clinic, 901 Ridgefield Drive (1717 10 5133). Mark Barker of Northland Partners led with a description of the project and the basis for the request to rezone the site. The neighbor's concerns centered around how the site would be accessed from Spring Forest Road, and whether new traffic lights were proposed. Also, the neighbor voiced concerns about existing stormwater problems currently experienced along Ridgefield Drive. She expressed that this project was "seen as a positive" and that she had no objections.



Attendance Roster:

Name:

Address:

Valerie Bedside

901 Ridgely Drive

Marcus Jackson

~~770~~ 702 Oberlin Pl Suite 400

James Bird

11

CHRIS POPE

6310 CHAPEL HILL RD RALEIGH  
27606

Mark R. Barker

6131 Falls of Neuse Rd. Suite 200 Raleigh, NC

Frank Morisy

6131 Falls of Neuse Rd, Suite 200 Raleigh, NC