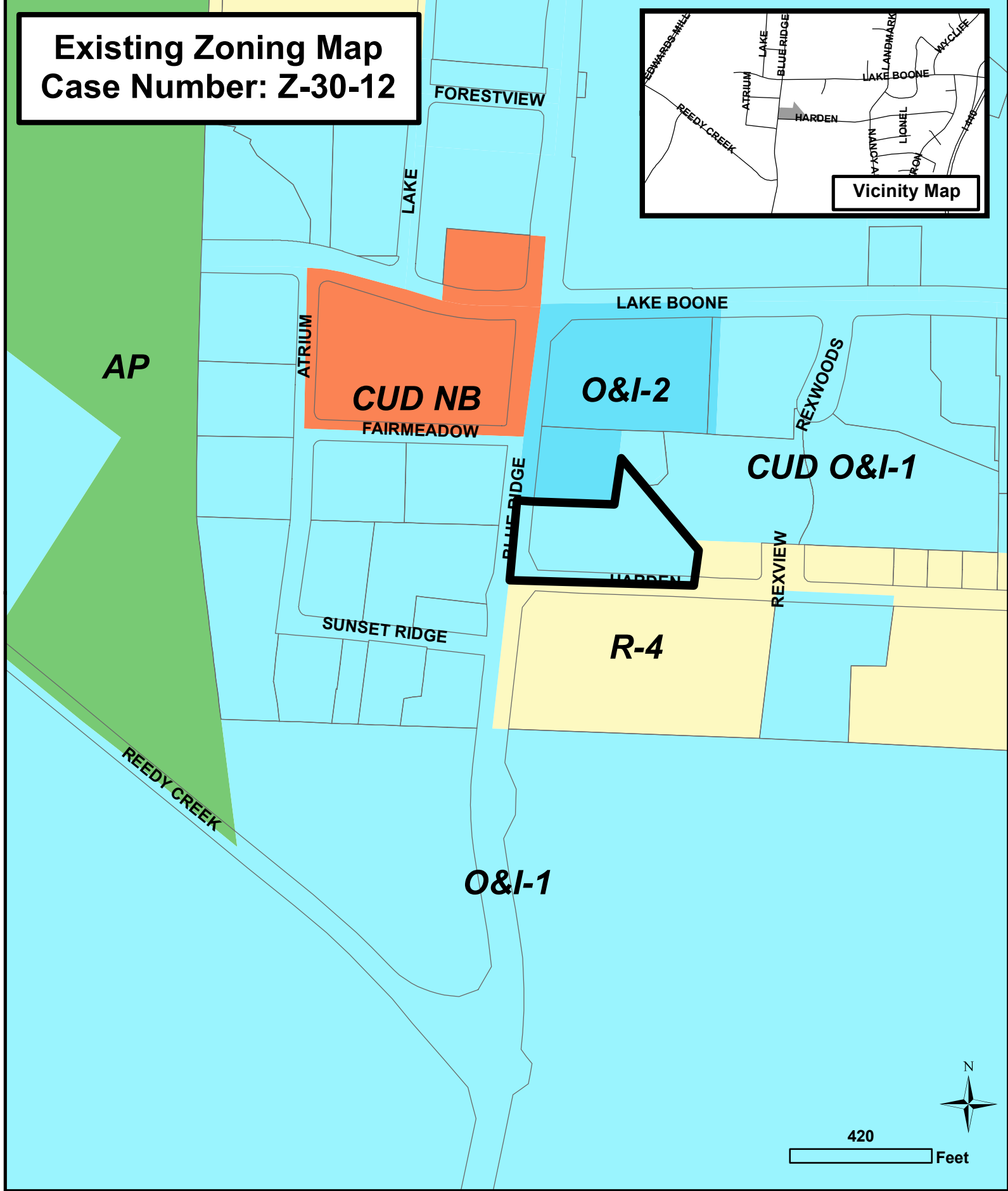
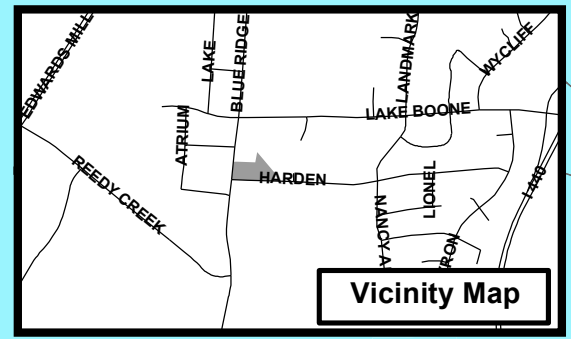


**Existing Zoning Map  
Case Number: Z-30-12**



420 Feet

**Request:**  
**2.36 acres O&I-1 CUD (Amended Conditions)**

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



# Certified Recommendation

Raleigh Planning Commission

CR# 11498

## Case Information Z-30-12 Blue Ridge Rd. and Harden Rd.

<i>Location</i>	The property is located in the northeastern quadrant of the intersection of Blue Ridge and Harden Roads.
<i>Size</i>	2.36 acres
<i>Request</i>	Amend conditions associated with a property zoned O&I-1 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 checked="" type="checkbox"/>	Office, Research and Development
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency
	<input checked="" type="checkbox"/>	Policy LU 1.3 – Conditional Use District Consistency
	<input checked="" type="checkbox"/>	Policy LU 6.4 – Bus Stop Dedication
	<input checked="" type="checkbox"/>	Policy LU 7.1 – Nodal Development

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Reimbursement for right-of-way</li> <li>2. Size of building</li> <li>3. Provisions of sidewalks</li> <li>4. Limitations for vehicular ingress/egress</li> <li>5. Descriptions and extent of street protective yards and tree protection areas</li> <li>6. Provision for future dedication of transit easement</li> <li>7. Cross-access offered to adjacent property</li> <li>8. Prohibit residential uses</li> </ol>
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## Issues and Impacts

<i>Outstanding Issues</i>	1. No outstanding issues	<i>Suggested Conditions</i>	1.
<i>Impacts Identified</i>	1. No impacts have been identified	<i>Proposed Mitigation</i>	1.

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
May 31, 2012	Oct 16, 2012	Date:	Date: Action





# Zoning Staff Report – Case Z-30-12

## Conditional Use District

### Request

<i>Location</i>	The property is located in the northeastern quadrant of the intersection of Blue Ridge and Harden Roads.
<i>Request</i>	Amend conditions associated with a property zoned O&I-1 CUD.
<i>Area of Request</i>	2.36 acres
<i>Property Owner</i>	Harden Road Associates, LLC
<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-1 CUD (change of conditions)
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	office	office
<i>Residential Density</i>	15 (max. number of units: 35)	Residential not allowed

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	O&I-2	R-4	O&I-1 CUD	O&I-1
<i>Future Land Use</i>	Office, research and development	Office, research and development	Office, research and development	Office, research and development
<i>Current Land Use</i>	Office	Single family dwelling	Office	Office

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Office, research and development
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 6.4 – Bus Stop Dedication Policy LU 7.1 – Nodal Development

### Contact Information

<i>Staff</i>	James Brantley, <a href="mailto:james.brantley@raleighnc.gov">james.brantley@raleighnc.gov</a> , 919-996-2651
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<i>Applicant</i>	Beth Trahos, 434 Fayetteville Street, Suite 2800, Raleigh NC, 27601
<i>Citizens Advisory Council</i>	Northwest CAC, Jay M. Gudeman, 919-789-9884 jay@kilpatrickgudeman.com

## Case Overview

The proposal seeks to change the zoning conditions on a single property, currently approved for all uses allowed in the O&I-1 zoning district. The property is occupied by a two story office building with surface parking and a 50' street protective yard along the entire southern side of the property, that side that faces Harden Road, and a 20' street protective yard along the property's western edge, at Blue Ridge Road. The property is located on the southern edge of a mixed use community center (as designated on the Comprehensive Plan Growth Framework Map) that includes the Rex Medical Complex and several office buildings. The primary change in the conditions, which were initially established by Z-60-99, is to remove the requirement for a 50' wide street yard on the site's southwestern street frontage, facing Harden Road. The removal of this street yard would allow for an expansion of the existing surface parking lot. The southeastern portion of the 50' wide street yard would be unchanged. The conditions also offer cross-access to the property to the northeast, and prohibit residential uses.

## 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 consistent with the Future Land Use Map designation for Office, Research and Development uses.

#### 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

Proposal is consistent with this policy. Rezoning conditions provided by the applicant are consistent with the Comprehensive Plan.

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.

Consistent. Provisions have been made for provision of a transit easement.

Policy LU 7.1  
Nodal Development  
Discourage auto-oriented commercial "strip" development and instead encourage pedestrian-oriented "nodes" of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of

development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

Consistent. The proposal concentrates more intense development adjacent to similarly intense development and at a designated mixed use center.

**1.3 Area Plan Guidance**

n/a

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

The proposal is not for a change of use but for reduction of the size of the landscaped area along Harden Road. Although the property to the south is currently used for a single family house on 6.99 acres, it is anticipated that all of the land immediately adjacent to the site of this request will eventually be developed for office buildings per the Future Land Use map.

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

Reduction of the size of the landscaped area will allow for addition parking serving the office building on the site.

**4. Detriments of the proposed rezoning**

Harden Road is the western entrance to the Meredith Woods neighborhood. Extensive landscaping on the subject property provides a visual transition between the numerous office buildings along Blue Ridge Road and the Meredith Woods neighborhood.

**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>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Blue Ridge Road	Major Thoroughfare	25,000	37,500			
Harden Road	Collector Street	N/A	N/A			
<b>Street Conditions</b>						
<u>Blue Ridge 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	4	67'	Back-to-back curb and gutter section	95'	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
<b>Meets City Standard?</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>
<u>Harden 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	35'	Back-to-back curb and gutter section	60'	5' sidewalks on north side of the street	None

City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	N/A
<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	104	104	0			
PM PEAK	140	140	0			
<b>Suggested Conditions/ Impact Mitigation:</b>	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-30-12.					
<b>Additional Information:</b>	The City has major streetscape improvement project planned within the vicinity of this case.					

Impact Identified: None

**5.2 Transit**

The future Blue Ridge Connector will operate on this section of Blue Ridge Rd. Please dedicate a 15x20' transit easement along Blue Ridge Rd.

Impact Identified: This zoning change will not have significant impact on transit demand in this area.

**5.3 Hydrology**

<i>Floodplain</i>	none
<i>Drainage Basin</i>	House Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: No impacts identified. Subject to Part 10, Chapter 9 Stormwater Regulations.

**5.4 Public Utilities**

	<b>Maximum Demand (current)</b>	<b>Maximum Demand (proposed)</b>
<i>Water</i>	7,670 gpd	8,750
<i>Waste Water</i>	7,670 gpd	8,750

There is presently an existing eight (8") inch sanitary sewer main within the Harden Road right-of-way and sixteen (16") inch and eight (8") inch water mains in Blue Ridge Road and Harden Road rights-of way, respectively. 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.

Impact Identified: There is presently an existing eight (8") inch sanitary sewer main within the Harden Road right-of-way and sixteen (16") inch and eight (8") inch water mains in Blue Ridge Road and Harden Road rights-of way, respectively.

Redevelopment of the property would use these mains for connection to the City's wastewater collection and water distribution systems. Such redevelopment could have an adverse impact on the wastewater collection and water distribution systems of the City. Down stream sanitary sewer improvements will be required by the City of the petitioner/developer, depending upon the actual use. Upon redevelopment the petitioner/developer must submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. 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.

### **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**

The parcel is larger than two acres and is thus subject to the tree protection and conservation laws—code sections 10-2072 and 10-2082.14. The Landscape Ordinance requires all parking spaces to be within 50 ft. of a tree trunk and 1 tree/2,000 sf of impervious area in addition to the street protective yard tree planting of 1 shade tree /50 linear ft. The street yard can range from 7 to 25 ft. wide. Each ordinance-required tree has to have a minimum 350 sf. The more soil and landscaped area the healthier the trees.

The proposed re-zoning has no impact on tree conservation.

### **5.7 Designated Historic Resources**

N/A

### **5.8 Community Development**

N/A

Impact Identified:

### **5.9 Impacts Summary**

No impacts have been identified except for the loss of a landscaped buffer between the subject property's parking lot and Harden Road.

### **5.10 Mitigation of Impacts**

Additional planting may be provided in the remaining strip of earth north of Harden Road.

## **6. Appearance Commission**

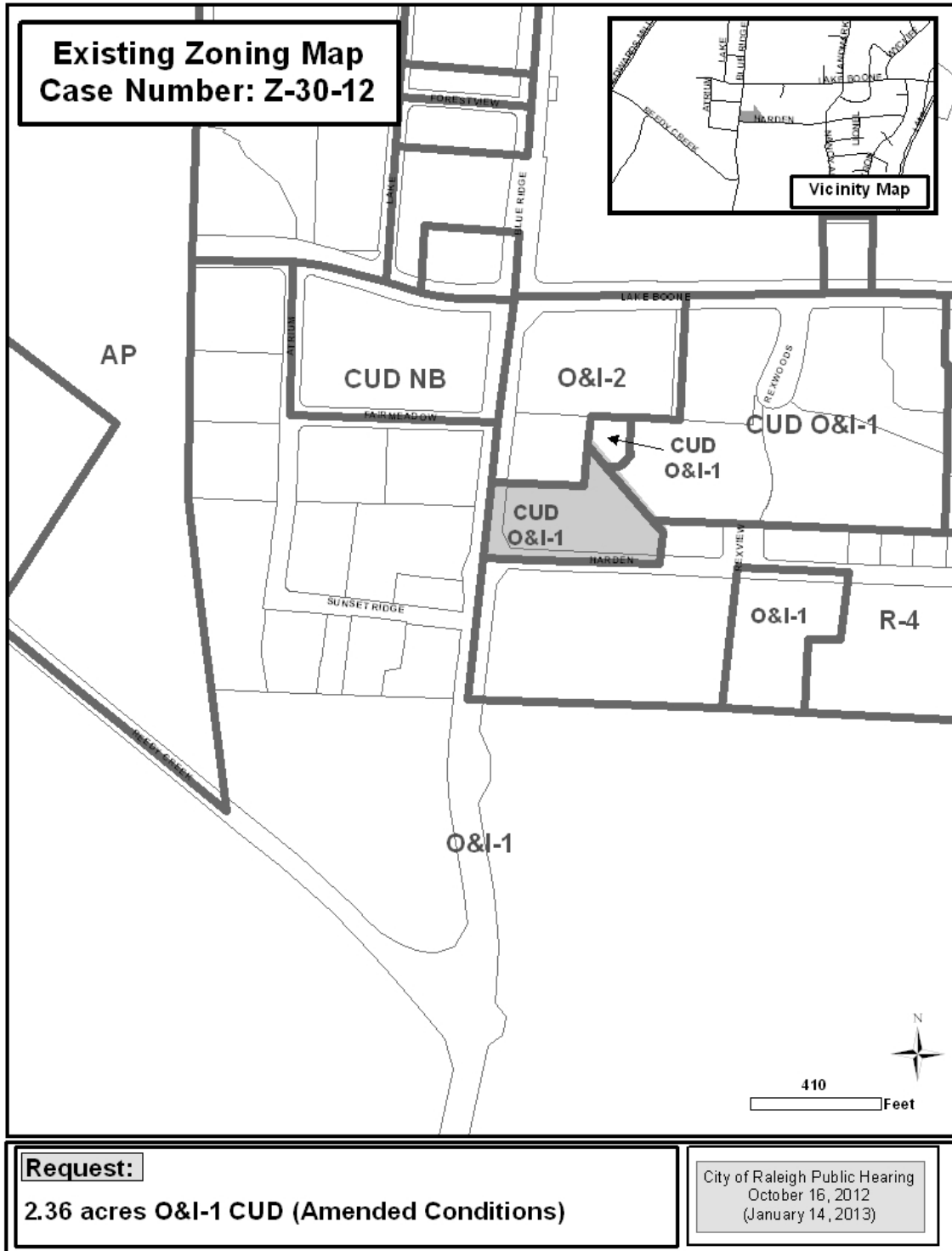
N/A

## **7. Conclusions**

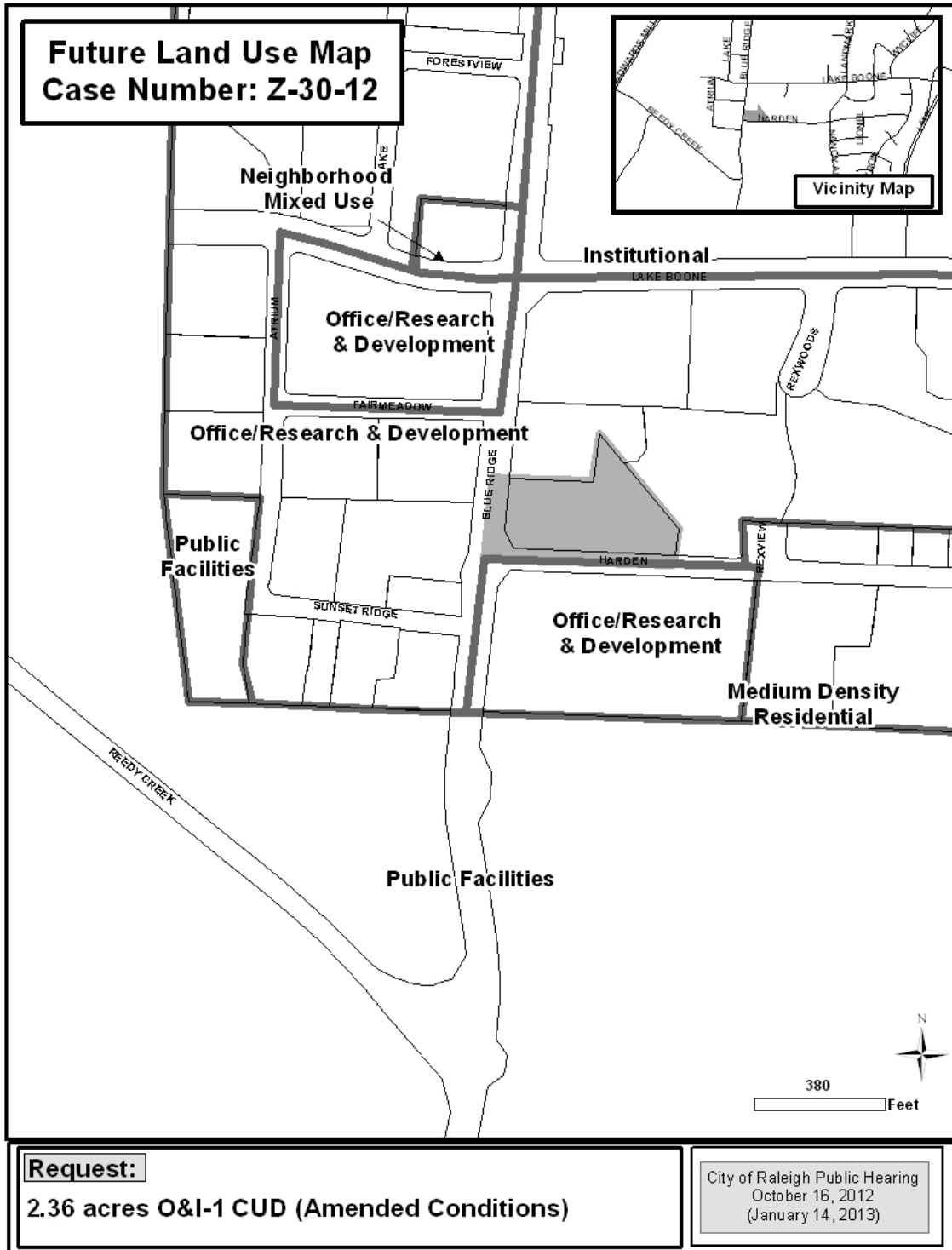
The effects of this rezoning are minimal. The aesthetic quality of the site and the Harden Road corridor could potentially be compromised.



# Existing Zoning Map



# Future Land Use Map





# 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
	Harden Road Associates, LLC Joseph M. Meir, Manager	6-13-12

**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>	Harden Road Associates LLC	2501 Blue Ridge Road Suite 280	
(for conditional use requests, petitioners must own petitioned property)		Raleigh NC 27607-6367	
<b>Property Owner(s)</b>	Same as above		
<b>Contact Person(s)</b>	Beth Trahos	434 Fayetteville St	919.755.8760
	Smith Moore Leatherwood LLP	Suite 2800 Raleigh, NC 27601	<a href="mailto:beth.trahos@smithmoorelaw.com">beth.trahos@smithmoorelaw.com</a>

**Property information**

<b>Property Description (Wake County PIN)</b>	0785715187
<b>Nearest Major Intersection</b>	Blue Ridge Rd and Lake Boone Trl
<b>Area of Subject Property (in acres)</b>	2.36±
<b>Current Zoning Districts (include all overlay districts)</b>	O&I-1 CUD (695 ZC 469)
<b>Requested Zoning Districts (include all overlay districts)</b>	O&I-1 CUD (Amended Conditions)



# EXHIBIT C. Request for Zoning Change

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

CITY OF RALEIGH  
CITY PLANNING DEPT

2012 NOV 13 PM 3:47

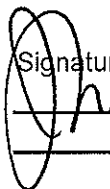
Conditional Use District requested: O&I-1 CUD

Narrative of conditions being requested:

1. The single building constructed upon the Property shall be limited to two (2) occupied stories in height not exceeding forty-six (46') feet, excluding from this limitation HVAC equipment and a parapet wall mounted upon the roof, which parapet wall shall be no height than is necessary to screen the HVAC equipment from view from Blue Ridge Road and Harden Road. The building shall contain not more than 46,100 square feet of floor area gross and shall be utilized only for uses authorized in the Office and Institution District-1, excluding however from such uses a bank and dwelling units which may not be operated upon the Property. There shall be no outparcels upon the subject Property.
2. Upon the development of the Property, sidewalks shall be provided along the boundaries of the Property with Blue Ridge Road and Harden Road. Any building constructed upon the Property shall be connected by sidewalks to the sidewalks along the boundaries with such roadways.
3. There shall be no vehicular ingress and /or egress to or from the Property along its frontage on Blue Ridge Road, SAVE AND EXCEPT a vehicular exit from the Property onto Blue Ridge Road which must be located not more than one hundred (100) feet from the northwest corner of the Property.
4. Vehicular ingress and egress to and from the Property shall be limited to not more than two (2) driveways onto Harden Road along the southern line of the Property. Vehicular exits utilizing the easternmost driveway shall be directed from the Property in a Westerly direction along Harden Road by signage and a traffic island constructed to discourage vehicular exits from this driveway in an easterly direction on Harden Road.

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 Harden Road Associates, LLC Date 11-13-12  
By: Joseph M. Meir, Manager

# EXHIBIT C. Request for Zoning Change

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

5. Upon final approval of a site plan or plot plan upon this Property, the owner of the Property shall offer to property now or formerly known by Wake County PIN 0785 71 9311 and further described in Deed Book 6168, Page 560, Wake County Registry (Highwoods) adjacent to the Property's northeast line, a vehicular cross-access drive incorporating pedestrian cross-access to be located at a mutually agreed upon point along the Property's northeast property line within the existing CP&L easement.

6. Street Protective Yards will be provided as follows:

a. Harden Road: Beginning at the eastern most Property boundary line and running west along Harden Road's northern right-of-way line approximately 200 feet to eastern curb line of the full access driveway into the Property, there shall be a Street Protective Yard fifty (50) feet in width measured perpendicular from Harden Road's northern right-of-way line (the "Fifty-Foot Width Street Protective Yard").

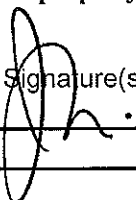
Street trees shall be planted within the Fifty-Foot Width Street Protective Yard of Harden Road at a standard or not less than forty (40%) percent in excess of the ten (10) street trees required therein by the City Code. These street trees shall include as examples but not limited to one or more of the following species: Red Maple, White Ash, Anise Tree, Eastern Red Cedar, Japanese Cryptomeria, Leyland Cypress, Arizona Cypress, Southern Magnolia, Shumard Oak, Nuttall Oak, and Lacebark Elm (scientific names as follows respectively: *Acer rubrum*, *Fraxinus americana*, *Illicium anisatum*, *Juniperus virginiana*, *Cryptomeria Japonica*, *x Cupressocyparis leylandii*, *Cupressus arizonica*, *Magnolia grandiflora*, *Quercus shumardi*, *Quercus texana* and *Ulmus Parivifolia 'Allee'*). Evergreen trees shall not be less than eight (8') feet in height at time of planting. Deciduous trees shall meet the caliper requirement of the City Code's Street Protective Yard requirements at the time of planting.

In addition to the street trees to be planted within the Fifty-Foot Width Street Protective Yard, evergreen shrubs shall be planted therein at the maximum rate of a "D" transitional yard, utilizing as example but not limited to such species as the following: Little Leaf Japanese Holly, Otto Laurel and Variegated Chinese Privet (scientific names as follow respectively: *Ilex crenata 'Microphylla'*, *Prunus laurocerasus 'Otto Luyken'* and *Ligustrum sinense 'Variegatum'*) together with an evergreen hedgerow shall be planted five (5) feet on center to provide visual screening of interior parking areas within the Property. The shrubs and hedgerow shall be not less than eighteen (18") in height at the time of planting.

One of the two (2) vehicular driveways permitted pursuant to Condition (6), namely the right-in, right-out driveway, shall be located in this Fifty-Foot Width Street Protective Yard.

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 Harden Road Associates, LLC Date 11-13-12  
By: Joseph M. Meier, Manager

# EXHIBIT C. Request for Zoning Change

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

b. Blue Ridge Road frontage: There shall be a Street Protective Yard twenty (20) feet in width along the Property's Blue Ridge Road frontage wherein the street tree, shrub and hedgerow standards for the Harden Road Fifty Foot Width Street Protective Yard as specified in subparagraph (a) shall be continued, including the requirement of not less than forty (40%) percent more than the four (4) street trees required under the City Code.

The vehicular exit permitted pursuant to Condition (5) shall be located within this Street Protective Yard.

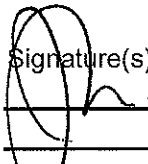
## 7. Tree Protection Area:

All trees located upon the Property within fifty (50) feet of the east property line of Tax Parcel No. 0785.19 71 4347 and further described in Book 6168, Page 493, Wake County Registry, as of the date of approval of this rezoning case by the Raleigh City Council which are eight (8") inches in caliper and greater measured four (4) feet from ground level (i.e. twenty-five (25") inches in circumference similarly measured) shall be protected except as follows: unsafe, dying or dead trees may be removed and underground utilities and stormwater management facilities may be installed in this Tree Protection Area. A tree inventory, dated as of the date of approval of this rezoning case, of the trees within this Tree Protection Area, which meet the above established criteria shall be certified to the Arborist of the City of Raleigh, by a Landscape Architect licensed to practice in North Carolina.

8. If desired by the City, at subdivision, site plan or plot plan, which ever first occurs, the property owner shall dedicate a 20-foot by 15-foot transit easement to support a bus stop along Blue Ridge Road. The specific location of such easement shall be mutually agreed to and approved by the Transit Division of the City at the time of such subdivision, site plan, or plot plan approval.

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 Harden Road Associates, LLC Date 11-13-12  
By: Joseph M. Meir, Manager



## 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 the property as Office/Research and Development. This land use category identifies major employment centers in the city and encourages office buildings and related uses. Appropriate zoning districts to support this Comprehensive Plan designation include Office & Institutional-1 (O&I-1), Office & Institutional-2 (O&I-2), Office & Institutional-3 (O&I-3), or Thoroughfare District (TD). In 1999, the property was zoned O&I-1 Conditional Use CUD. The proposed zoning request retains the existing zoning with revised conditions. The proposed zoning request is consistent with the Future Land Use Map.

An office building is currently located on the property. The property includes a number of medical tenants including pediatricians, obstetricians/gynecologists, oncologists, ophthalmologists, cardiologists, dermatologists, and urgent care general practitioners.

The practice of medicine has changed since this building was originally zoned resulting in more frequent patient turnover. Additional parking is needed, particularly in close proximity to the building's entrance. The proposed zoning amends the 1999 zoning condition 8(a) to allow the property owner to rearrange the existing parking lot to accommodate additional parking along Harden Road west of the existing full-access driveway to Blue Ridge Road. No changes are planned for the existing office building.

# EXHIBIT D. Request for Zoning Change

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

- 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.**

The property is not within a designated Area Plan (it currently lies just north of the area covered by the Arena Plan); however, the property is included in the on-going Blue Ridge Road District Study. In the draft Blue Ridge Road District Study document dated April 12, 2012, the property is located in the "Health and Wellness District." This District is planned to be a strong medical office location now and in the future. The Plan envisions the area growing into a "Health Village" as more convenience retail and residential (seniors housing and apartments to accommodate workforce) locates within the area.

- 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").**

The proposed zoning map amendment is consistent with the following policies of the City of Raleigh 2030 Comprehensive Plan.

- LU 1.1 – Future Land Use Map Purpose
- LU 1.2 - Future Land Use Map and Zoning Consistency
- LU 1.3 - Conditional Use District Consistency
- LU 2.1 – Placemaking
- LU 5.1 – Reinforcing the Urban Pattern
- LU 6.2 – Complementary Uses and Urban Vitality
- LU 8.12 – Infill Compatibility
- LU 9.2 – Coordinating Institutional Growth
- LU 9.4 – Health Care Industry

## **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 and East of the property are other office buildings, including medical offices. South of the property, directly across Harden Road, is a single-family residence on seven (7) acres that is designated Office/Research & Development by the FLUM. The North Carolina Museum of Art property, also zoned O&1, is beyond the residential property. West of the property, directly across Blue Ridge Road are a Credit Union, a small Bank branch, and a couple medical offices. The property fronts on Blue Ridge Road, a 4-lane, median divided major thoroughfare.

# EXHIBIT D. Request for Zoning Change

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

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

The predominant zoning in the immediate area surrounding the property is Office & Institutional. There is Residential-4 to the south, on the opposite side of Harden Road. Single-family residential development, such as Harden Place and Meredith Woods, are located further east on Harden Road. Adjacent to this residential area is the North Carolina Museum of Art. The Museum of Art property is over 1,000 acres, zoned O&I-1.

The Rex Hospital complex is north of the property, at the corner of Lake Boone Trail and Blue Ridge Road. Between the subject property and Rex Hospital are medical office buildings.

West of the property, on the other side of Blue Ridge Road, there is a mix of offices and associated retail including medical offices, banks, credit union, a pharmacy, a real estate agency, and AAA auto club.

## **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 requested zoning retains the current O&I-1 CUD zoning with a change to the conditions regarding a street protective yard along Harden Road west of the existing full-service driveway. The street protective yard is no longer necessary at the property across Harden Road is now planned to develop as “office/research & development” under the 2030 Comprehensive Plan. Amending the CUD zoning, allows for the provision of additional on-site parking and improves internal circulation.

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

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

Amending the CUD zoning allows for better utilization of the property. Reconfiguration of the existing parking area will allow for additional parking for use by patients, whose physical condition may limit their mobility, doctors and staff and will improve internal traffic flow.

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

When the property was originally zoned in 1999, a transition was planned from the subject property to planned residential across Harden Road. This property has now been designated “Office/Research & Development” by the 2030 Comprehensive Plan to encourage office, instead of residential, development.

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

The recommended development pattern is for the surrounding area to become more urban. The proposed zoning allows for better utilization of the property and a more urban feel.

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

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No. As previously stated, many of the surrounding properties are also zoned O&I-1. The residential property across Harden Road is now designated for Office/Research & Development in the Raleigh 2030 Comprehensive Plan.

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

The recommended development pattern is for the surrounding area to become more urban – the draft Blue Ridge Road District Study uses the term “health village” – the draft plan expects that medical office uses will be in even greater demand in this area in the future. Allowing for the provision of adequate parking will make the subject property a better neighbor.

### **V. Recommended items of discussion (where applicable).**

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

The conditions on the current zoning district are no longer appropriate given the 2030 Comprehensive Plan.

- 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.**

With the adoption of the 2030 Comprehensive Plan in 2009 and the Unified Development Ordinance that is nearing completion, policies (and soon regulations) are in place that emphasizes reinforcing the urban pattern.

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

Amending the CUD zoning allows for the provision of more on-site parking for patients, doctors and staff, limits intrusion into nearby neighbors to fulfill their need to park, and improves the internal flow of traffic.

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

There will be no impact on public services, facilities, and infrastructure.

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

The proposed zoning accomplishes the fundamental purposes of zoning by taking into consideration the character of the surrounding area, encouraging the most appropriate use of the property and the continued development of this area of the City, consistent with the recommendations found in the City of Raleigh’s 2030 Comprehensive Plan.

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

### **Pre-submittal Rezoning Information Meeting Minutes**

A Pre-submittal Rezoning Information Meeting was held on May 31, 2012 at 2501 Blue Ridge Road, Suite 280 in Raleigh to discuss the potential rezoning of property located at 2406 Blue Ridge Road. Patricia Beach, Joe Meir and Beth Trahos attended the meeting

Ms. Trahos and Mr. Meir told Ms. Beach that the purpose of the zoning case was to amend the conditions so that the parking lot could be reconfigured to add additional parking adjacent to Harden Road. Ms. Beach indicated that she supported the proposal. The meeting adjourned about 7:40.

Attached please find a copy of the letter setting the neighborhood meeting. No one signed the sign in sheet at the meeting.