

Please Note Different Meeting Time, Date and Location

COMPREHENSIVE PLANNING COMMITTEE AGENDA

The Comprehensive Planning Committee will meet on **Tuesday, December 8, 2015 at 1:30 p.m.**

Location: Room 305, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, Raleigh, North Carolina. For information call 996-3040 (City Clerk's office) or 996-2626 (Planning Department).

These items will be discussed during the meeting:

15-03 Z-22-14/Creedmoor Road (12/1/15)

This rezoning request was heard at public hearing on December 1, 2015. The public hearing was closed and the case referred to Committee. The request would rezone approximately 6.7 acres of land from O&I-1 conditional use district to OX-3-CU. The request is consistent with the Comprehensive Plan and future land use map.

The zoning conditions provide two potential options for development. The first option would allow all uses in the OX district, except any residential uses would be prohibited. The second option would permit only residential uses. Independent zoning conditions apply to each option. Certain zoning conditions apply to either option.

Site access and street connectivity standards have been discussed at length with this potential rezoning. The property has two existing street stubs; one at Corberrie Lan and one at Brandon Station Road. These are both state-maintained roads. Another public access easement process access to Creedmoor Road through an existing shopping center.

The applicant has submitted revised conditions, which are contained within the packet. The conditions must be finalized with no further changes after December 31, 2015.

The Planning Commission reviewed this request and recommends approval 6-3. The Northwest CAC does not support the request , vote 0 to 150.

15-01 Z-34-15 Oakland Drive (12/1/15)
15-02 Z-35-15 Six Forks Road

These two zoning cases were heard at public hearing on November 17, 2015. The public hearing was closed to allow the applicants to submit signed conditions. The City Council referred these requests at the December 1, 2015 meeting. The requests would rezone approximately two acres of land from R-4 to R-10 conditional use. These requests are inconsistent with the Comprehensive Plan and the future land use map.

The smaller property (Z-34-15) has frontage on Oakland Drive, while the larger property (Z-35-15) has frontage on Six Forks Road. The properties share a common boundary at the rear. The zoning conditions limit the maximum number of dwelling units, prohibit certain building types, offer a transit easement and require a minimum amount of open space.

The Planning Commission reviewed this request and recommends approval 6-1. The Midtown CAC supports the request, voting 10 to 2 with one abstention.

The zoning conditions cannot be modified after December 17, 2015.

- 11-04 TC-9-11 Outdoor Storage Yard – Height of Materials (2/7/12)**
- 11-10 Unified Development Ordinance Topics – Multimodal Transportation Capacity Incentives (5/1/12)**
- 11-12 Comprehensive Plan Amendments/UDO – CP-2-12 (5/1/12)**
- 11-31 Comprehensive Plan – Infrastructure Replacement Policy (5/21/13)**
- 11-99 Retrofitting Suburban Retail Centers (9/3/13)**

These items have been previously discussed in Committee. With the conclusion of the Comprehensive Planning Committee, it would be appropriate to report these items out without action.

The following items are not scheduled for discussion at this meeting:

None



City of Raleigh North Carolina

To: Council Member Russ Stephenson, Chair
Members of Comprehensive Planning Committee

From: Doug Hill, Planner II

Date: December 4, 2015

Re: Comparison of Existing vs. Proposed Zoning: Z-22-14 Site

At the December 1, 2015 Public Hearing, the Raleigh City Council considered rezoning request Z-22-14 (Creedmoor Road). Among the matters discussed was the site development which would be permitted (1) under the existing zoning, (2) under the zoning pending from approval of the UDO remapping of the site, or (3) under the two options being proposed by Z-22-14 (per draft conditions submitted Dec. 3, 2015 and attached for reference). Below is a summary of key points related to each zoning scenario.

- **USES:** Current conditions allow only office development on the south parcel and only a parking lot on the north. Z-22-14 would permit either office uses or residential development, across the site.
- **DENSITY:** The current zoning conditions, which would be maintained under UDO remapping, prohibit dwelling units on both parcels. Z-22-14 would permit, under the Residential scenario, a maximum of 10 units per acre (estimated maximum 40 units total).
- **HEIGHT:** Height restrictions for office developments are comparable under current or proposed zonings. Z-22-14 would introduce residential uses, with buildings within 100' of adjacent residential parcels only slightly taller than pitched-roof office buildings (38' vs. 35'), and with potentially taller residences (up to 42') beyond that 100-foot line. (The existing R-4 zoning now in effect on the neighboring residential properties permits buildings of up to 3 stories/ 50'.)
- **ACCESS:** Code provides that parcels must have direct access to a public street. The existing zoning conditions leave connectivity decisions to the administrative site plan review process. The UDO could require extension/connection of stub streets at time of site plan review, such as those at Corberrie Lane and Brandon Station Road, in relation to block perimeter and subdivision, unless Council finds circumstances merit an alternative approach or conditions are met that warrant a design adjustment at site plan. Alternate options (e.g., bike/pedestrian connection only) could allow block perimeter standards to be met without both street connections, but at least one street must be extended for access.

- **TRANSITION YARD:** Provisions for office developments are comparable under current or proposed zonings, with the exception that the draft conditions submitted for Z-22-14 propose a different berm/ fence configuration along the south and east lot lines. Z-22-14 exceeds UDO requirements in that it proposes a buffer between site residential development and the adjacent residential properties.
- **PARKING LOCATIONS:** Existing zoning defaults to the conditioned 50' transition yards. Z-22-14 would prohibit parking between site office development and neighboring residential properties, and, under the residential scenario, allow no parking within 50 feet of neighboring residential properties.
- **STORMWATER:** The proposed conditions would increase stormwater treatment for development onsite. These conditions exceed the UDO standards and the standards in the previous zoning conditions.

Additional Details

Existing Zoning

The present Office and Institution-1 Conditional Use zoning on both properties resulted from two separate zoning cases, each with distinctive conditions:

- The zoning of southern parcel (PIN 0798317591; 5.7 acres) was approved as Z-75-98. Conditions include:
 - Permitted uses: All allowed in O&I-1, with specified prohibitions, among them Dwelling Units.
 - Maximum density: Dwelling Units prohibited.
 - Maximum height: Pitched roof buildings—25 feet (measured halfway up pitch); flat roofs—16 feet.
 - Access: Extension of Corberrie Lane is left up to the City, but if required, no site buildings could “utilize Corberrie Lane for vehicular ingress and egress.” (Under current UDO regulation, the connection is not required unless the lot is subdivided.)
 - Transition Yard: 50-foot wide protective yard required along the lot lines shared with neighboring residential properties south and west, along with a continuous 10’-tall berm and fence. (If the extension of Corberrie Lane would be required, the portion of the berm/fence at the extension could be removed).
 - Parking Locations: *Not conditioned.*
- The zoning of the northern parcel (PIN 0798315895; 1.0 acre) was approved as Z-33-90. Conditions include:
 - Permitted Use: Surface parking (no other uses allowed).
 - Maximum Density: *No residences permitted.*
 - Maximum Height: *N/A*
 - Access: *Not conditioned.* (Direct public street access would be required, however, presumably from Brandon Station Road, with cross-access provided to other parcels.)
 - Transition Yard: *Not conditioned.*
 - Parking Locations: *Not conditioned.*

UDO Remapping (effective 2/14/16)

The UDO remapping of the site proposes OX-3-CU; each set of conditions now in effect on the two respective properties (from Cases Z-75-98 and Z-33-90), including those pertaining to access, would continue to be in effect. Public street access would continue to be required, along with provision for cross-access.

Z-22-14 (per draft conditions submitted 12/3/15)

Like UDO Remapping, Zoning Case Z-22-14 proposes rezoning the site to OX-3-CU, but removes all existing zoning conditions in favor of new conditions. Among the latter are provisions which would permit either of two development scenarios on the property: *Non-residential Only* or *Residential Only*.

Conditions pertaining to **either development option** include (among others):

- **ACCESS**: If permitted by the City, no vehicular connection to Corberrie Lane would be allowed. Direct vehicular access would be from Brandon Station Road and an easement to Creedmoor Road. In lieu of the vehicular connection and to meet block perimeter, a pedestrian passage is conditioned from Corberrie Lane to a public road. (The extension/connection of stub streets would be considered in relation to block perimeter and subdivision unless Council finds circumstances merit an alternative approach or conditions are met that warrant a design adjustment at site plan. Options are available

which could allow block perimeter standards to be met.) An additional pedestrian pathway/easement is conditioned from site to the adjacent shopping center to the north.

- **TRAFFIC:** Four-way stop installation at Brennan Drive and Brandon Station Road is requested from NCDOT.
- **TRANSITION YARD:** Where there is no Tree Conservation Area, Type 3 (50') with 6.5' fence and 3' berm required within the first 25' from neighboring residential properties (or 2' berm, at tree conservation area).

Conditions for the **Non-residential Only** option include (among others):

- Permitted Uses: Any permitted in OX, except for those specifically prohibited or limited in the conditions.
- Maximum Size: 75,000 square feet
- Maximum Height: 2 stories/35 feet for pitched roof buildings, or 16 feet (plus possible parapet max. 4' per UDO Sec. 1.5.7.A.1.) for flat roof buildings
- Parking Locations: Not permitted between site buildings and neighboring residential properties.

Conditions for the **Residential Only** option include (among others):

- Permitted Uses: Specified 'Household Living' uses permitted under UDO Sec. 6.2.1 in R-6, and not prohibited in OX— Detached, Attached two-unit, and Cottage Court. Apartment and Townhouse prohibited.
- Maximum Density: 6 units/acre.
- Maximum Height: 38 feet within 100 feet of neighboring residential properties; 42 feet beyond.
- Parking Locations: None within 50' of neighboring residential properties.



Certified Recommendation

Raleigh Planning Commission

CR# 11608

Case Information Z-22-14 Creedmoor Road

<i>Location</i>	General location: Southwest quadrant of the intersection of Creedmoor and Strickland Roads, south of Brennan Drive and north of Morgan's Way. Addresses: 8029 and 8131 Creedmoor Road PINs: 0798317591 and 0798315895
<i>Request</i>	Rezone property from O&I-1 CUD to OX-3-CU
<i>Area of Request</i>	6.73 acres
<i>Property Owner</i>	Creedmoor Preserve LLC P. O. Box 99700 Raleigh, NC 27624-9700
<i>Applicant</i>	John Sibert 3230 Glen Royal Rd. Raleigh, NC 27617-7404
<i>Citizens Advisory Council</i>	Northwest CAC-- Chairperson: Jay M. Gudeman; 919-789-9884, jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	February 23, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Office and Residential Mixed Use
<i>URBAN FORM</i>	N/A
<i>CONSISTENT Policies</i>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU 4.5 - Connectivity Policy LU 5.4 - Density Transitions Policy LU 8.10 – Infill Development
<i>INCONSISTENT Policy</i>	Policy LU 2.6 - Zoning and Infrastructure Impacts

Summary of Proposed Conditions

- A) Conditions which apply to any site development:
1. Development limited to either all non-residential uses or all residential uses.
 2. Hours of grading and exterior construction limited.
 3. Stormwater runoff limitations specified.
 4. Pedestrian connection to adjoining shopping center specified.
 5. Service area/ dumpster location limited.
- B) Conditions which apply only under Nonresidential Option:
1. Gross floor area and building height limited; allocation restriction prescribed.
 2. Minimum pitch of sloped roof specified; height of buildings without sloped roofs limited.
 3. Parking lots prohibited between any building and properties adjoining on west and south.
 4. Percentage of window openings in building walls facing properties adjoining on west and south limited.
 5. Uses limited.
 6. Fence and protective yard along west and south lot lines specified.
 7. Building height and operation hours limited for day care center.
 8. Light design and pole height limited.
 9. Exterior HVAC location and screening specified.
 10. Design of exterior building signs limited.
 11. Prior notice of site plan submittal to owners of properties adjoining on west and south required.
- C) Conditions which apply only under Residential Option:
1. Uses limited.
 2. Building height limited within 100 feet of properties adjoining site on west and south.
 3. Parking lots prohibited within 50 feet of properties adjoining site on west and south.
 4. Density limited.
 5. Requirements for exterior materials/ features specified.
 6. Fence and protective yard along west and south lot lines specified for Detached House development.
 7. Fence and protective yard along west and south lot lines specified for Attached House or Multi-Unit Living development.

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>CPC</i>	<i>Public Hearing</i>
6/4/14	11/12/14: Y - 0; N - 150	11/25/14 (deferred); 1/27/15 (deferred); 2/10/15 (recommended approval)	3/3/15	12/8/15	4/7/15 (held open); 12/1/15 (referred to Comprehensive Planning Committee)

Valid Statutory Protest Petition



Zoning Staff Report – Case Z-22-14 Creedmoor Road

Conditional Use District

Case Summary

Overview

The site of the proposed rezoning is composed of two contiguous parcels totaling 6.73 acres. The smaller parcel, in the northern portion of the site, is one acre in size and the larger is 5.73 acres in size.

Though the assigned site addresses are for Creedmoor Road, there is no public access to the parcels from Creedmoor Road. The parcels are contiguous with and lie behind (to the southwest) of Brennan Station, a shopping center in the southwest quadrant of the intersection of Brennan Drive and Creedmoor Road. There is a street stub-out of Brandon Station Road ending at the western property line of the site, and a street stub-out of Corberrie Lane ending at the southern property line of the site. These street stub-outs provide the only currently feasible public access to the site. Neither Brandon Station Road nor Corberrie Lane is built to City standards; rather, they are ribbon-paved without curbs, gutters or sidewalks.

The land is undeveloped. To the northwest is a public water tower on a parcel owned by the City. To the north and northeast is Brennan Station Shopping Center, and to the east, an office building, both of which face Creedmoor Road. To the west is the Brandon Station neighborhood and to the south is the Stonehenge neighborhood. Both of these neighborhoods consist of single-family detached houses. Neither neighborhood, though within Raleigh’s Extra-Territorial Jurisdiction (ETJ), is within the city limits; associated infrastructure is maintained by Wake County.

The site is currently zoned O&I-1 CUD, per two different zoning cases (Z-33-90 & Z-75-98). Per the existing zoning conditions, housing is prohibited on the two parcels. Brennan Station is zoned SC, and the office buildings south of the shopping center are zoned O&I-2 and O&I-3. The single family neighborhoods are zoned R-4.

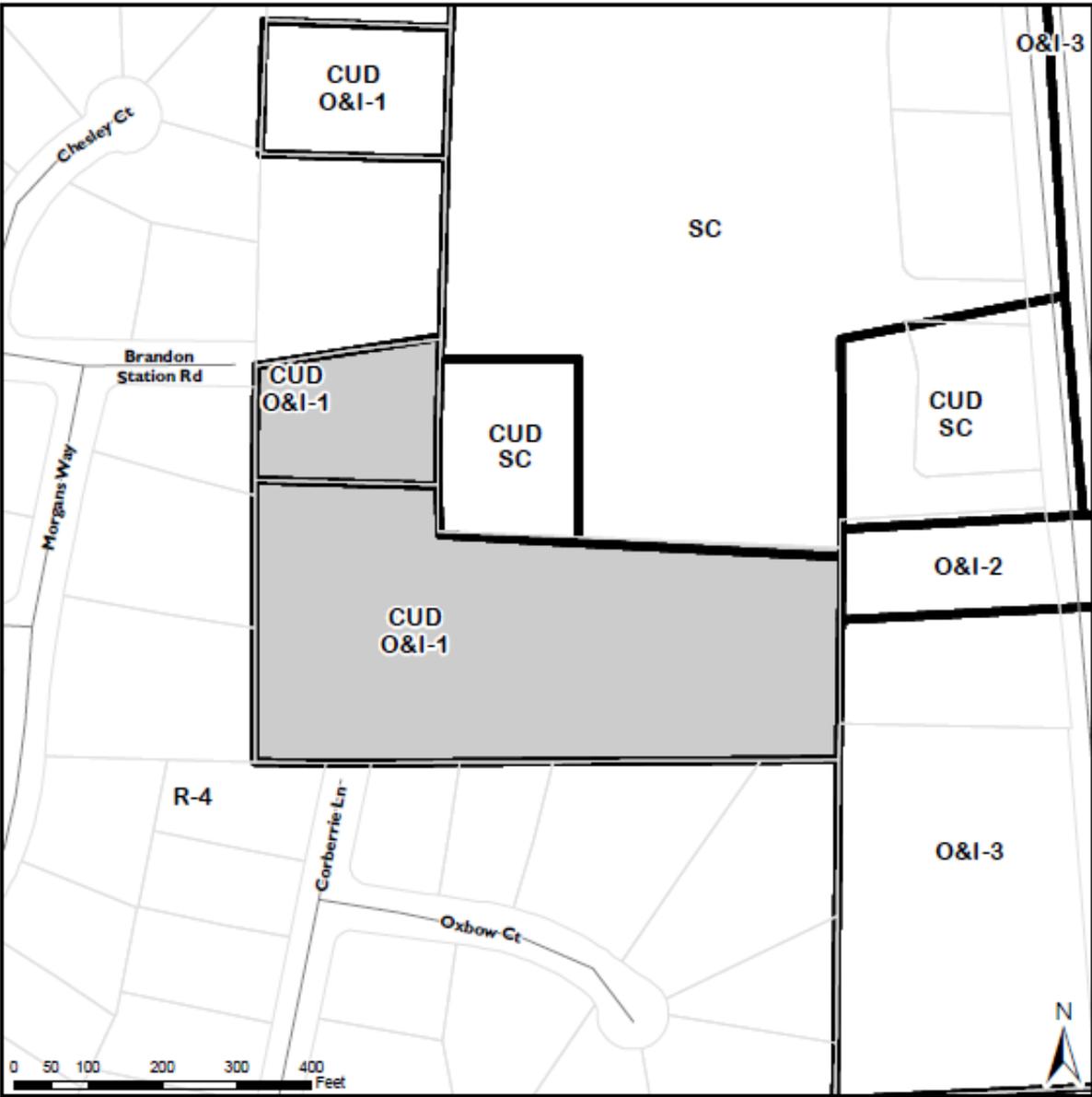
On the Future Land Use Map the site is designated for Office and Residential Mixed Use, as are parcels to the northwest and east of the site. Brandon Station shopping center is designated Neighborhood Mixed Use. The single family neighborhoods to the west and south are designated Low Density Residential.

Near the eastern edge of the site is an approximately 0.3 acre pond which City Utility mapping indicates serves as a collecting point for runoff from the adjacent commercial properties to the north and east. Such status would need to be addressed at the site planning stage.

Outstanding Issues

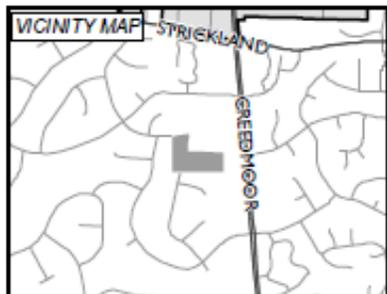
<i>Outstanding Issues</i>	1. Sewer and fire flow capacities may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address sewer and fire flow capacities at the site plan stage.
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Existing Zoning Map Z-22-2014




Submittal Date
8/7/2014

Request:
6.73 acres from
O&I-1 CUD
to OX-3-CU



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	O&I-1 CUD	SC, SC CUD, R-4	R-4	SC CUD, O&I-2, O&I-3	R-4
<i>Additional Overlay</i>	N/A	N/A	N/A	N/A	N/A
<i>Future Land Use</i>	Office and Residential Mixed Use	Office and Residential Mixed Use; Neighborhood Mixed Use	Low Density Residential	Office and Residential Mixed Use; Neighborhood Mixed Use	Low Density Residential
<i>Current Land Use</i>	vacant	Vacant, retail	Single family housing	Retail, office	Single family housing
<i>Urban Form (if applicable)</i>	N/A	N/A	N/A	N/A	N/A

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	- 0 - (per conditions)	10 DUs/ acre (per conditions)
<i>Setbacks:</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	30 feet 5 feet 5 feet	(Apt. or Mixed Use Bldg.) 5 feet 0 feet or 6 feet 0 feet or 6 feet (Note: 50' building setback required adjacent to low density residential zoning)
<i>Retail Intensity Permitted:</i>	7,500 sf * (ancillary to office uses only)	7,500 sf (per conditions)
<i>Office Intensity Permitted:</i>	75,000 sf *	75,000 sf (per conditions)

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	6.73	6.73
<i>Zoning</i>	O&I-1 CUD	OX-3-CU
<i>Max. Gross Building SF (if applicable)</i>	75,000 *	75,000 (per conditions)
<i>Max. # of Residential Units</i>	- 0 - (per conditions)	67 (per conditions)

<i>Max. Gross Office SF</i>	75,000 *	75,000 <i>(per conditions)</i>
<i>Max. Gross Retail SF</i>	7,500 * <i>(ancillary uses only)</i>	7,500 <i>(per conditions)</i>
<i>Max. Gross Industrial SF</i>	<i>(not permitted)</i>	<i>(not permitted)</i>
<i>Potential F.A.R. (max.)</i>	0.26 *	0.26

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

Compatible with the property and surrounding area.

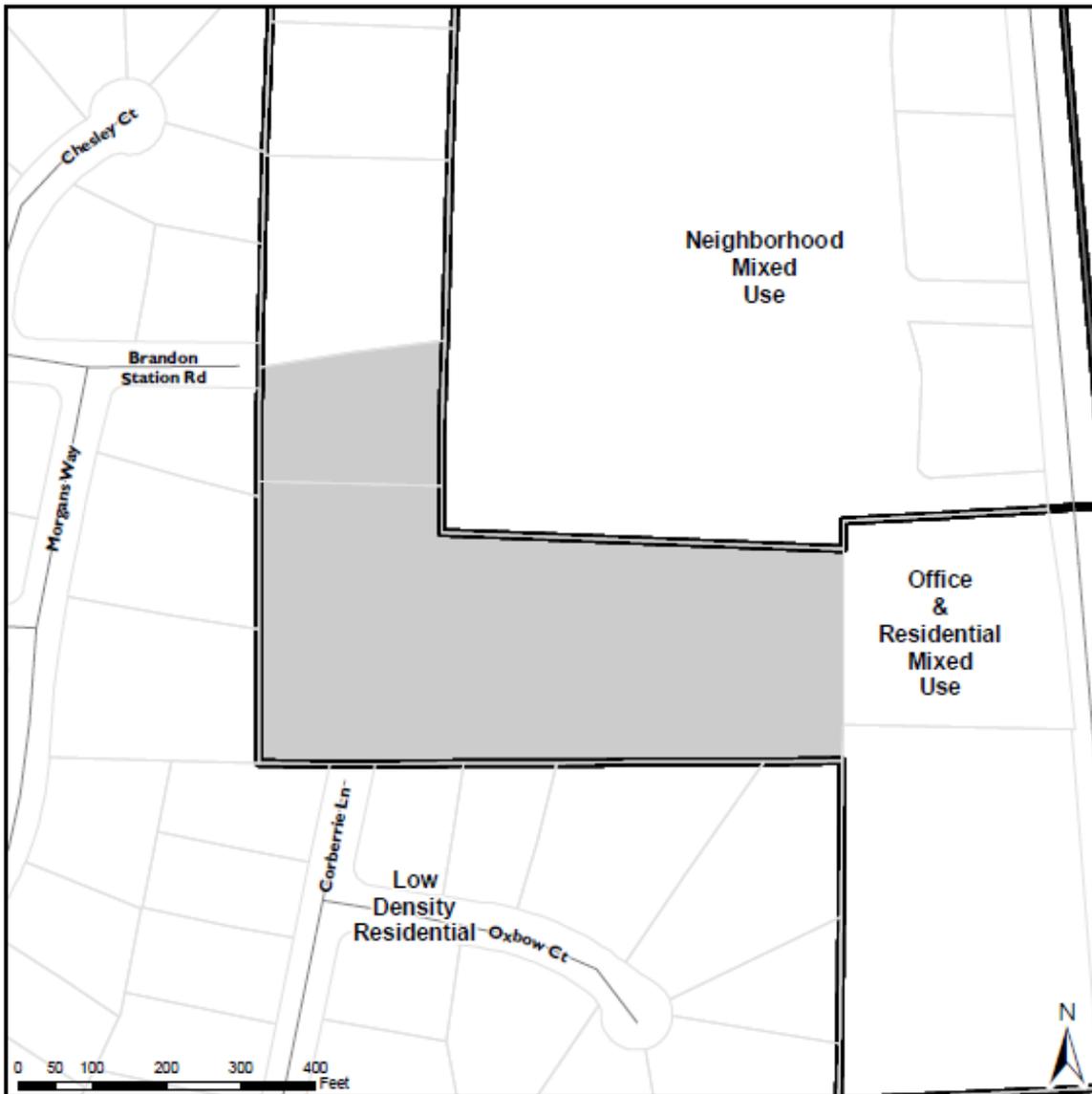
Incompatible.

Analysis of Incompatibility:

Unless an alternative is conclusively available, direct vehicular access to the site would be from existing street stubouts on Brandon Station Road and Corberrie Lane. Both streets are lined with single family detached houses, and lack sidewalks, curbs and gutters. The adjacent neighborhoods, though within Raleigh's Extra Territorial Jurisdiction (ETJ), are not in the City limits; street maintenance rests with non-Raleigh authorities. While the proposed total square footage and building heights are commensurate with existing limitations, some of the land uses allowed, particularly restaurants non-ancillary to office development, may be incompatible with the surrounding neighborhoods.

Future Land Use Map

Z-22-2014

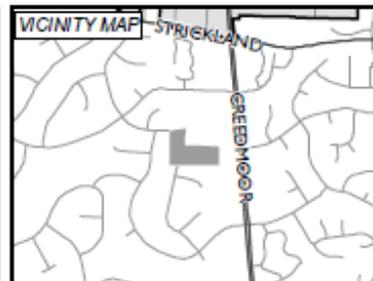


Submittal
Date

8/7/2014

Request:

6.73 acres from
O&I-1 CUD
to OX-3-CU



URBAN FORM MAP

N/A. There are no urban form designations at this site.

2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

1. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
2. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
3. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
4. Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is consistent with the Future Land Use Map of the Comprehensive Plan, which recommends Office and Residential Mixed Use for the site. Tests 1 and 2 are thus met by the proposal.
Test 3 is not applicable.
The proposal does not meet Test 4 in that the road network is built to rural County standards, not City standards.

2.2 Future Land Use

Future Land Use designation: Office and Residential Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

2.3 Urban Form

Urban Form designation:

Not applicable (no Urban Form designation)

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policy:

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Existing access streets are not built to City standards, and, as they are outside the City limits, mitigation of wear which would result from site would fall to an entity other than City.

2.5 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

The proposal could provide additional housing and office space adjacent to similar development along Creedmoor Road.

3.2 Detriments of the Proposed Rezoning

Development of the site would be accessed through established single family neighborhoods along streets that do not meet City standards.

4. Impact Analysis

4.1 Transportation

There are no Capital Improvement Program (CIP) projects slated for this area. Cross access to the adjacent properties will be determined during site plan review. The block perimeter for the proposed site is greater than 3,000 feet. Section 8.3.2 of the Unified Development Ordinance identifies a maximum block perimeter of 3,000 feet for development up to four stories under the Commercial Mixed Use zoning classification. New public streets may be required to maintain a well-connected street network to meet this standard. Conditions limiting development intensity have been offered; a traffic study is not required.

Impact Identified: None.

4.2 Transit

This area is currently served by Route 4 Rex Hospital which operates 7 days a week. The closest stops are on Creedmoor Road at Morgan's Way, approximately a half-mile walk.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Haresnipe
<i>Stormwater Management</i>	Article 9.2, UDO
<i>Overlay District</i>	None

Neuse River Buffers may exist on the site.

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	21,873 gpd	46,080 gpd
<i>Waste Water</i>	21,873 gpd	46,080 gpd

The proposed rezoning would add approximately 24,207 gpd to the wastewater collection and water distribution systems of the City. There are existing water mains adjacent to the proposed rezoning area. The petitioner will be required to extend sanitary sewer mains to the proposed rezoning area.

Impact Identified: At the time of development plan submittal, a downstream sewer capacity study may be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit.

Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

4.5 Parks and Recreation

The site is not adjacent to an existing or planned greenway trail, or a greenway connector. Park services are currently available at Lake Lynn Park and Community Center (1.4 miles away), and Lake Lynn Greenway Trail (1.4 miles away).

Impact Identified: None.

4.6 Urban Forestry

The proposed rezoning will require that site development comply with UDO Article 9.1 Tree Conservation.

Impact Identified: None.

4.7 Designated Historic Resources

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

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

Sewer and fire flow capacities may need to be addressed upon development.

4.10 Mitigation of Impacts

Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal is consistent with the Future Land Use Map. Rezoning would introduce the option of residential development on site. Non-residential development is conditioned to reflect that currently permitted. Due to the configuration and location of the site, access could solely be through single family neighborhoods, via Brandon Station Road and Corberrie Lane. These streets are not built to City standards in that they have no curb, gutter or sidewalks.

Current Zoning Condition: *PIN 0798315895 (north parcel)*

ORDINANCE NO. (1990) 604 ZC 274

Effective: 6-19-90

Z-33-90 Brandon Station Road, at its eastern termination, between Creedmoor Road (Highway 50) and Morgans Way, being Parcels 96 and 209, Tax Map 301, approximately 1.0 acre rezoned to Office and Institution-1 Conditional Use.

Condition:

1. Transitional protective yards and the use of the property limited to surface parking only.

Current Zoning Conditions: *PIN 0798317591 (south parcel)*

ORDINANCE 547 ZC 454 **Effective 4/20/99**

Z-75-98 Corberrie Lane, at its northern terminus, between Morgan's Way and Creedmoor Road, being Wake County Tax Map Parcel 0798.18 31 7591. Approximately 5.7 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: 03/31/99

1. Development of the subject property shall comply with CR-7107 relating to stormwater management. The runoff rate for the storm events referenced in CR-7107 after development shall not exceed the predevelopment runoff rate.

2. Office development upon this property must comply with the floor area ratio, building lot coverage and height restrictions of the O&I-3 District. Buildings containing two occupied (heated and cooled) stories shall be residential style construction (i.e. peak roofed) not exceeding twenty-five feet (25') in height measured as provided in the Raleigh City Code; however, any buildings nonresidential in style (i.e. flat roofed) shall not exceed sixteen feet (16') in height measured as provided in the Raleigh City Code. Parking lots shall be located so that there is no parking between the ten (10) foot high fence and berm combination and the rear of building located along the southern and western property lines of the property. All windows, which face to the southern and western property lines of the property and which exceed the residential window sizes of 2' 4" (width) and 4' 6" (height) for second story windows and 2' 4" (width) and 6' 2" (height) for first story windows shall be equipped with room darkening blinds which close automatically between 8:00 pm and 6:00 am. The percentage of window openings in building walls which face the southern and western property lines of the property shall be limited to twenty (20%) percent of the area of the walls in which they are located.

3. If the City of Raleigh permits the termination of Corberrie Lane at or in proximity to the south line of the subject property, no vehicular ingress and egress shall be permitted to utilize Corberrie Lane. If the City of Raleigh requires that provision be made for the future extension of Corberrie Lane across the subject property the right-of-way for such extension shall be accommodated but not opened at the south line of the property until required by the City, however, no buildings may utilize Corberrie Lane for vehicular ingress and egress even if its extension is required by the City. In either instance provision shall be made for the entry by emergency vehicles, perhaps by utilizing a crash gate, if the City required that provision be made for such access in the event of emergencies. Under no circumstances may construction related vehicles use Corberrie Lane for any purpose, including without limitation parking.

4. Uses for the subject property shall be as specified in Raleigh City Code Section 10-2071 for the O&I-1 District provided however, that uses shall be restricted as follows:

- 1) The following General Uses, otherwise permitted in the O&I-1 district will not be allowed upon this property:
 - a. Bank
 - b. Cemetery
 - c. Funeral home
 - d. Parking deck and parking garage (however parking lots and ground level parking within/under permitted building is allowed)
 - e. Utility services and substations

- f. Dwelling units
- g. Radio and television studio and recording studio
- h. Tattoo parlors
- i. Schools

2) The following Conditional Uses, otherwise permitted in the O&I-1 District will not be allowed upon this property:

- a. Emergency shelter type B
- b. Multi-facility or group housing
- c. Telecommunication towers
- d. Temporary events
- e. Veterinary hospital
- f. Private or parochial school

3) All Special Uses specified in Raleigh City Code section 10-2035 are prohibited including, without limitation, adult establishments.

5) If the City of Raleigh permits the termination of Corberrie Lane as provided in Condition 3 there shall be constructed, prior to the issuance of Certificates of Occupancy for any building upon the property, fence and berm combination not less than ten (10') feet in height generally parallel to the southern and western property lines of the property within the protective yard established by Condition 6 with the following characteristics: (a) fence - a closed wooden fence not less than four (4') feet in height and (b) a berm not less than two (2') feet in height. Evergreen shrubs shall be planted upon or within ten (10') feet of the southern and western sides of the fence and berm combination a minimum height of three (3') feet at time of planting spaces and staggered at not more than five (5') foot intervals. The centerline of the ten (10') foot high fence and berm combination shall be located no closer than forty (40') feet to the southern and western property lines of the property provided however that said centerline may be located no closer than thirty-five (35') feet to said southern and western property lines where the berm also serves as a retention/detention facility. The fence and berm combination shall be maintained by the owner of the property upon which it is located.

If the City of Raleigh does not permit the termination of Corberrie Lane as provided in Condition 3 the obligation for the construction of the fence and berm combination provided in the immediately preceding paragraph shall apply subject to the City's right to require the removal of a portion of same to enable the extension of Corberrie lane through the property if such extension is required by the City in the future.

Entry by emergency vehicles as provided in Condition 3 shall be accommodated by the fence and berm combination if required by the City.

6) There is hereby established a protective yard fifty (50') feet in width upon the southern and western lines of the property which protective yard area will be preserved in its existing condition except as follows:

a) The removal of dying or dead vegetation and trees from this area as and when needed will be permitted if approved by the City Arborist.

b) The installation of fencing, berms, plantings and underground utility lines such as water, sewer, electric, cable or telephone lines in and across the protective yard area as required for the development of the subject property (and as required to make such utilities accessible to residentially zoned properties to the south and west of this property) is permitted, as is any turnaround required by the City to accomplish the termination of Corberrie Lane at the southern line of the property (provided however, that the protective yard contiguous to any turnaround shall not be less than ten (10') feet in width).

- c) The installation of any drainage facilities including without limitation retention/detention facilities necessary for stormwater management in connection with the development of the property is permitted, however, the toe of the southern and western slopes of the retention/detention facilities may be located no closer than thirty (30') feet to the southern or western property lines.
- d) The filling of the pond located upon the property in proximity to its southern line. The fill-in portion of the pond located within the fifty (50') foot width protective yard shall be replanted with pine seedlings prior to the issuance of Certificate of Occupancy for any buildings upon the property. These seedlings to be planted in an 8' x 10' grid and be not less than thirty (30") inches in height at the time of planting.
- e) Installation of an emergency vehicle access from Corberrie Lane if same is required by the City.
- f) There shall be planted within the protective yard area such evergreen shrubs and trees and canopy trees (to the extent any canopy trees are required by the City) all between four (4') feet and six (6') feet in height at the time of planting spaces not more than ten (10') feet apart as necessary to comply with the applicable landscape ordinance of the City of Raleigh in supplementing existing trees and fences, berms or fence/berm combinations. At least one-half of any required trees and shrubs shall be located between any fencing and/or berms and the southern and western lines of the property and all such required trees and shrubs shall be maintained by the property owner. The trees and shrubs required under this paragraph are in addition to the shrubs required under Condition 5.
- 7) Day care facilities (adult only) constructed upon this property shall contain not more than one occupied (heated and cooled) story and shall not exceed sixteen (16') feet in height measured as provided in the Raleigh City Code. Time of use of day care facilities shall be limited to 7 a.m. to 8 p.m. Monday through Saturday.
- 8) All exterior lighting and exterior light standards located upon the property shall be designed, located, aimed and/or shielded so that light is not projected directly into adjacent properties, in accordance with the provisions of the Raleigh City Code, shall be limited to a maximum height of fifteen (15') feet and shall not exceed one-half (1/2) foot candle of illumination when measured at any point in the southern or western property lines of the property.
- 9) Exterior HVAC facilities located upon the property shall be ground mounted and shall be screened on three sides by walls, berms, plantings and/or wood enclosures of sufficient height to screen the HVAC facilities away from adjacent residential properties.
- 10) Dumpster(s) may only be located in the northeast portion of the property adjacent to Tax Parcel PIN No. 0798-41-3655 and elsewhere along the northern line of the property but no closer than one hundred (100') feet to Tax Parcel PIN No. 0798-31-3649. Time(s) of pickup shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday. Dumpster(s) shall be screened on three sides by walls, berms, plantings and/or wood enclosures of sufficient height to screen them from view from residential properties to the south and west. No dumpster(s) shall be serviced from the south or west and no dumpster screening shall open to the south or west.
- 11) Exterior signs on building constructed upon the property will have no exposed neon elements and will consist of self-illuminated letters or words that appear white, mounted on the building walls and/or illuminated by means of indirect lighting placed either behind the sign or from lights mounted in front of the sign and directed to shine upon the sign, all in accordance with the provisions of the Raleigh City Code. The source lights will be turned off by 9:00 pm for all signs visible from residences adjacent to the southern and western lines of the property in Tax Parcel

PIN Nos. 0798 31 3649, 0798 31 3428, 0798 31 4362, 0798 31 6279, 0798 31 7380, 0798 31 9247 and 0798 41 1200.

12) The owners of the residences adjacent to the southern and western lines of the property identified by those Tax Parcel PIN numbers specified in Condition 11 shall receive written notice at or prior to the filing of site plan approval request for this property with the City of Raleigh, same to be accomplished by deposit in the United States mail by the owner of the property by which is the subject of the site plan approval request.

13) All grading and exterior construction of building upon the property shall be limited to the hours of 7:00 a.m. - 9:00 p.m., Monday through Saturday.

Draft of Proposed Conditions
Creedmoor Rd. Rezoning Case No. Z-22-14
Updated December 3, 2015

Conditions listed include those submitted as of the date of the April, 2015 public hearing (regular font), and those proposed since the closing of the public hearing on December 1, 2015 (in italics and underlined):

- A. These conditions shall apply to the subject property:
1. The Owner of the subject property shall have the option to develop the site either (1) without any Article 6.2 uses allowed in the OX District (“Nonresidential Option”) or (2) with only residential uses *as set forth in Section C.1 below* (“Residential Option”). The Conditions in Section A shall apply to all development on the subject property. If the Owner of the subject property elects the Nonresidential Option, Condition B shall apply; otherwise, Condition C shall apply. The election of either option shall not become irrevocable until such time as a Certificate of Occupancy has been issued for any structure on the site, provided that if development plans or permit requests have been submitted and have not been withdrawn for a development under either of the above Options, development plans for a development under the other Option may not be submitted or considered except if the development plan or permit is withdrawn and the development is made to conform to the newly selected option.
 2. All grading and exterior construction of building upon the property shall be limited to the hours of 8:00 a.m. - 7:00 p.m., Monday through Saturday.
 3. The peak stormwater runoff leaving the site for the 2-, 10-, and 25-year storms shall be no greater along any point of discharge for post-development conditions than pre-development conditions.
 4. Any development at the subject property must provide at least one (1) pedestrian pathway and recorded pedestrian access easement of at least eight feet (8’) in width between the subject property and PIN 0798 42 0285 (Deed Book 14550, Page 2009) prior to the issuance of any building permit.
 5. Service areas for dumpster type garbage collection (but not individual office garbage collection) may only be located generally in the northeast corner of the site adjacent to PIN 0798 42 0285 (Deed Book 14550, Page 2009) or elsewhere along the northern line of PIN 0798 42 0285 and no closer than two hundred feet (200’) from PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed 5630, Page 950) PIN. No dumpster type garbage collection service area shall open to the south or west.

6. If the City of Raleigh permits the lack of connection to Corberrie Lane at the south line of the subject properties, no vehicular ingress and egress shall be permitted to utilize Corberrie Lane. Direct vehicular access to the subject properties from and to a public right-of-way would be from Brandon Station and from the easement out to Creedmoor Rd. A pedestrian passage will be provided from Corberrie Lane to a public road.
7. The developer and/or submitter of a site plan shall (i) request in writing that the North Carolina Department of Transportation create and install a four-way stop sign at Brandon Station and Brennan Dr., and a three-way stop sign at the T-intersection of Morgans Way and Brandon Station, at the time the developer submits a site plan for the subject properties, and (ii) provide a copy of said written request to the property owners along the western boundary of the subject properties and along Brandon Station from the property line to Morgans Way.

B. If the subject property is developed under the Nonresidential Option, the following conditions shall apply:

1. Buildings upon this property shall not exceed any of the following: (a) a gross floor area of 75,000 square feet; (b) 2 stories; or (c) building height of thirty-five feet (35') measured to the top of the highest point of the roof not including a maximum wall parapet wall encroachment. Within forty-five (45) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her designee, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that shall allocate the allowable development upon the Property as provided in this Zoning Condition (B)(1) among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney prior to the conveyance of any of the Subject Property and within forty-five (45) following approval of this rezoning case by the City Council and it shall be approved by the City Attorney or his or her designee prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her designee and the owner(s) of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-22-14.
2. Buildings containing two occupied (heated and cooled) stories shall have a roof pitch of at a ratio at least 4:12. Buildings without a pitched roof shall not exceed sixteen feet (16') in height not including a maximum wall parapet wall encroachment.
3. Parking lots shall be located so that there are no parking lots between any building and the following properties: PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31

6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950), to the extent that the foregoing properties abut the subject property.

4. The percentage of window openings in building walls which face the southern and western property lines of the property, including the following properties: PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950), shall be limited to the greater of twenty (20%) percent of the area of the walls in which they are located or any percentage transparency requirement which may be applicable.
5. All uses permitted in the OX District as outlined in the UDO are permitted except as follows:
 - a) Single-unit living; two-unit living; *and* cottage court;. These uses are allowed if the Residential Option, Subsection (C), is developed.
 - b) Cemetery; telecommunication tower; radio, TV or recording studio; utility substation; overnight lodging; commercial parking lot; and funeral home.
 - (c) All uses requiring a Special Use Permit from the Board of Adjustment.
 - (d) Eating establishments and retail sales on the site shall not exceed an aggregate gross floor area of 7,500 square feet and no single retail sales or eating establishment shall be greater than 3,000 square feet.
6. Prior to the issuance of a Certificate of Occupancy for any building upon the property, *where there is no Tree Conservation Area*, a Type 3 protective yard as set forth in UDO Sec. 3.5.3 C, with a width that shall be no less than fifty (50) feet, with a fence at least six-and-one-half feet (6.5') in height together with a berm with a minimum height of three (3) feet both of which shall be located within the first twenty-five (25) feet of said Type 3 protective yard shall be installed and maintained where the site abuts PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950) and the same shall satisfy the Neighborhood Transition requirement under the UDO. *Where there is a Tree Conservation Area*, a 2' berm will be installed in a location determined by the TCA mapping. Notwithstanding anything to the contrary herein, for any of the properties directly adjacent to the subject property along the southern and western property lines which do not have any designated tree conservation areas

sufficient to satisfy Type B2 plantings in a transitional protective yard as set forth in Section 7.2.4 in the UDO, or in areas within fifty feet (50') where the subject property abuts PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950) such Type B2 plantings shall be installed and maintained by the developer and/or the owner's association and the developer shall cause restrictions to be recorded obligating the owner's association accordingly.

7. Any day care center constructed upon this property shall contain not more than one occupied (heated and cooled) story and shall not exceed sixteen feet (16') in height. Time of use of day care center shall be limited to 7 a.m. to 8 p.m. Monday through Saturday.
8. Light poles shall have full cutoff illumination and shall not exceed fifteen feet (15') in height.
9. Exterior HVAC facilities located upon the property shall be ground mounted and shall be screened on three sides by walls, berms, plantings and/or enclosures compatible with the principal building served by the HVAC in terms of texture, quality, material and color and shall be of sufficient height to screen the highest point of the HVAC facilities.
10. Exterior signs on buildings constructed upon the property shall have no neon or LED elements and shall consist of no illuminated lettering other than self-illuminated letters or words that appear white, mounted on the building walls and/or illuminated by means of indirect lighting placed either behind the sign or from lights mounted in front of the sign and directed to shine upon the sign.
11. The owner of the subject property, developer, and/or submitter of a site plan shall provide written notice at least ten (10) days prior to the filing of site plan approval request for the subject property with the City of Raleigh, which shall include a copy of the site plan to be submitted for review by the City of Raleigh, by deposit in the United States mail to the owners of PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950). The notice shall include phone and e-mail contact information for the owner of the subject property, the developer, and the submitter of the site plan.

C. If the subject property is developed under the Residential Option, the following conditions shall apply:

1. Uses on the subject property shall include the following Household Living uses permitted under Section 6.2.1 of the UDO which are permitted in R-6 zoning districts and that are not prohibited in an OX district: (i) Detached single-family housing, (ii) Attached two-unit single family housing, and (iii) Cottage Court; Apartment and Townhome uses shall be prohibited.
2. No structure within one-hundred feet (100') of the lot line of the subject property, as it abuts PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950) shall exceed thirty-eight feet (38') in height and no buildings on the subject property shall exceed forty-two feet (42') in height.
3. No parking lots shall be located within fifty feet (50') of the lot line of the subject property, as it abuts PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950).
4. Residential development shall not exceed a maximum of six (6) dwelling units per acre, provided that in any event the maximum number of dwelling units shall be thirty-six (36).
5. The exterior of each Detached House, Attached House, and Townhouse constructed on the subject property shall include a mix of materials and architectural features including at least four (4) of the following materials or features: lap siding, brick, stone, masonry, pitched roofs with a minimum pitch of 4:12, decorative window shutters, gables, dormers, or decorative columns. No vinyl materials shall be used on the exterior walls of any principal structure.
6. Prior to the issuance of a Certificate of Occupancy for any single family attached dwelling unit, attached two (2) unit single family dwelling unit, or a Cottage Court upon the property, where there is no Tree Conservation Area, a Type 3 protective yard as set forth in UDO Sec. 3.5.3 C, with a width that shall be no less than fifty (50) feet, with a fence at least six-and-one-half feet (6.5') in height together with a berm with a minimum height of three (3) feet both of which shall be located within the first twenty-five (25) feet of said Type 3 protective yard shall be installed and maintained where the site abuts PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed

Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950) and the same shall satisfy the Neighborhood Transition requirement under the UDO. Where there is a Tree Conservation Area, a 2' berm will be installed in a location determined by the TCA mapping. Notwithstanding anything to the contrary herein, for any of the properties directly adjacent to the subject property along the southern and western property lines which do not have any designated tree conservation areas sufficient to satisfy Type B2 plantings in a transitional protective yard as set forth in Section 7.2.4 in the UDO, or in areas within fifty feet (50') where the subject property abuts PIN 0798 31 3873 (Deed Book 15501, Page 2323), PIN 0798 31 3649 (Deed Book 3185, Page 791), PIN 0798 31 3428 (Deed Book 13140, Page 1394), PIN 0798 31 4362 (Deed Book 4849, Page 338), PIN 0798 31 6279 (Deed Book 6582, Page 838), PIN 0798 31 7380 (Deed Book 12685, Page 1702), PIN 0798 31 9247 (Deed Book 10047, Page 900), and PIN 0798 41 1200 (Deed Book 5630, Page 950) such Type B2 plantings shall be installed and maintained by the developer and/or the owner's association and the developer shall cause restrictions to be recorded obligating the owner's association accordingly.



City of Raleigh North Carolina

February 6, 2015

MEMORANDUM

TO: Ken Bowers, AICP
Department of Planning and Development

FROM: Todd B. Delk, PE
Office of Transportation Planning

SUBJECT: Rezoning Petition Z-22-14 – Access Evaluation

Based on inquiries by members of the Planning Commission at its meeting on January 27, 2015, the Office of Transportation Planning has reviewed Rezoning Case Z-22-14 for the subject properties located near the intersection of Creedmoor Road and Brennan Drive (8029 and 8131 Creedmoor Road, PIN# 0798317591 and 0798315895) in regards to access in light of the Unified Development Ordinance (UDO) and cross-access easements deeded on adjacent Brennan Station shopping center property (8111 Creedmoor Rd., PIN# 0798420285).

As discussed before during presentations on the case, UDO Section 10.2.4.E.2.f states “No condition shall be submitted that proposes to...prohibit cross-access or public street connections or extensions...” and therefore no conditions can be offered prohibiting connections to Corberrie Lane and Brandon Station Road.

Based on Article 8.3 “Blocks, Lots, Access” for subdivision and site plans, the following requirements shall be met for development on the subject lot:

- Any development on the subject lot must have frontage on a public street (§8.3.3.A).
- Any development must provide a satisfactory means of vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site (§8.3.5.A.1).
- Any development must have vehicular access from a street, an alley, a drive aisle, or a cross-access easement to on-site parking areas (§8.3.5.A.2).
- Any development must meet the block perimeter standards (§8.3.2.A.2.b).
 - The proposed OX-3 zoning as well as the adjacent commercial use requires maximum 3,000-foot block perimeters and 400-foot dead-end street lengths.
 - The adjacent residential neighborhood uses, based on lot sizes, require maximum 6,000-foot block perimeters and 750-foot dead end street lengths.
 - The Public Works Director may waive the block perimeter standards when certain natural and built features make the standard infeasible, none of which pertain to this property (§8.3.2.B.6).

- Non-residential or multi-unit living uses shall not be permitted driveway access to smaller neighborhood streets (neighborhood yield or neighborhood local) unless the proposed access point is the lesser of 300' from an avenue, boulevard or parkway, or the intersection of another public street (§8.3.5.C.3.d).
- Cross-access shall not be established allowing for a driveway where non-residential or multi-unit living uses gain access from a residential street, unless they meet the conditions previously stated for driveway placement (§8.3.5.C.3.e).
- None of the requirements for non-residential or multi-unit living driveways shall prevent all site access to any property (§8.3.5.C.3.g).
- Any development must allow cross-access between abutting lots and developments for internal vehicular circulation and to stub to the adjacent lots when those cross-access cannot be established (§8.3.5.D).

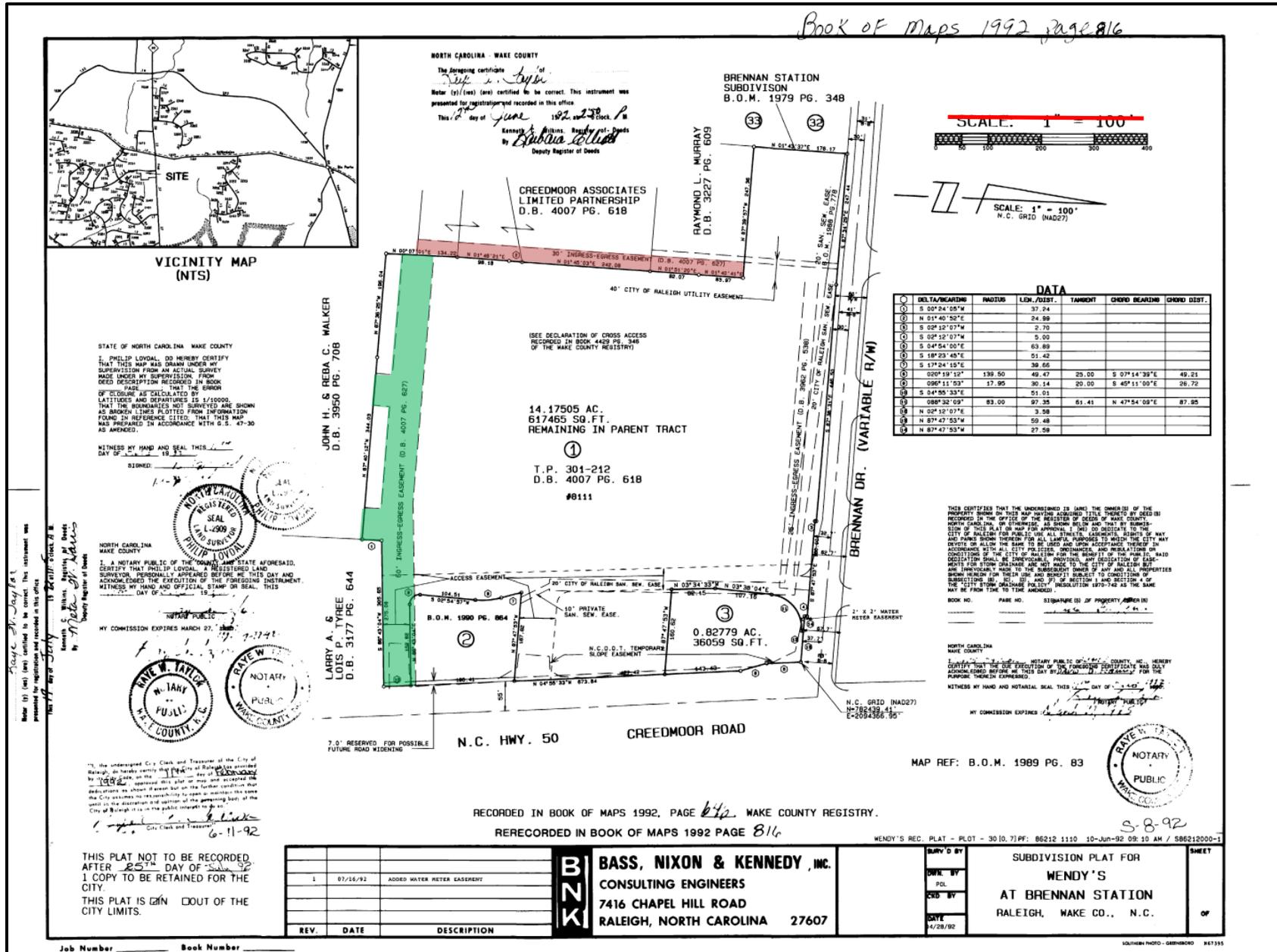
In reviewing the property records for the subject property and the adjacent commercial shopping center, Staff believes the two cross-access easements established on the Brennan Station property (Wake County Deeds, Book 4007, page 627; Book of Maps 1992, page 816 as shown in **Figure 1**) exist for use by the subject property. The deed of easement also stipulates that either of the property owners “shall have the right to improve said sixty foot (60’) easement at any time hereafter, including the right to pave, curb and gutter said sixty foot (60’) easement at each parties’ own expense.”

Based the review of the UDO and the property records, the following describe how both proposed development scenarios (residential and non-residential) could be accommodated by the access available to the subject lot.

- The site can meet the public street frontage requirement with the extension of Brandon Station Road and/or Corberrie Lane.
- Extensions of Corberrie Lane and/or Brandon Station Road could provide satisfactory access to a residential development.
- Non-residential development can be accessed via Creedmoor Road via (a) dedication of public right-of-way for an extension of Brandon Station Road or (b) the existing 60’ cross-access easement with improvements to existing access drive on the south side of the shopping center.
 - The two property owners would have to determine which of the options would be in their mutual interest, but the deed of easement allows for improvements on the easement.
 - The adequacy of the proposed improvements would be determined during site plan review, but would be based off the requirements set for internal access drives (§8.4.8.A).
- With the extension of Brandon Station across the north portion of the lot to the property line and a stub to the easement running north to Brennan Road, the block perimeter for the proposed and existing commercial zonings is achievable.
- With the extension of Corberrie Lane or a dedicated pedestrian passage (§8.4.8.B) from the end of Corberrie Lane to Brandon Station Road, the block perimeter standard for the residential areas is also achievable.

If you have questions about the above mentioned discussions and comments, please advise.

Figure 1. Subdivision Plat with Cross-Access Easements (highlighted)





City of Raleigh North Carolina

To: Members of the Comprehensive Planning Committee

From: Vivian Ekstrom, Planner II

CC: Ken Bowers, AICP, Planning Director
Travis Crane, Assistant Planning Director
Bynum Walter, AICP, Senior Planner

Date: December 3, 2015

Re: Zoning Cases Z-34-15 - Oakland Drive and Z-35-15 - Six Forks Road

At its December 1 meeting, City Council voted to send these two related zoning cases to Comprehensive Planning Committee for further review and discussion. While separate cases, the subject properties are adjacent to one another, share the same applicant and therefore can be considered together.

Summary of Request and Zoning Conditions

The request is to rezone three properties (one fronting Oakland Drive and two fronting Six Forks Road) from Residential-4 (R-4) to Residential-10-Conditional Use (R-10-CU). The subject properties are currently occupied by single family detached houses, as are all adjacent properties. The request for R-10-CU would allow smaller lot sizes and setbacks. There are several conditions that apply to both cases:

- The number of single family detached units is limited to a maximum of 3 units on the Oakland Drive property and a maximum of 9 units on the Six Forks Road properties; a maximum of 12 units is allowed if the three properties are recombined. *This condition effectively limits density to less than 6 units per acre.*
- Certain building types are prohibited: attached house, townhouse, apartment, and civic building. *This condition effectively limits allowable building types to detached houses.*
- Only uses allowed in both R-4 and R-10 are allowed on the subject properties, and if there is a difference in method of approval between the two districts the more stringent method of approval will apply. *This condition effectively limits uses to R-4 uses. While R-10 and R-4 allow similar uses, there are some uses that are allowed only by special permit or as a limited use in R-4 as opposed to being a permitted use or limited use in R-10.*
- A minimum of 3.33% of the net site area will be set aside as open space. *There are no open space requirements for residential districts, so this condition exceeds code requirements for open space. The*

applicant has offered this condition as a response to policy guidance in the Low Density Residential future land use designation stating that “smaller lots... would only be appropriate as part of a conservation subdivision resulting in a significant open space set aside.” This offer would not be considered significant as the compact and conservation development options in the UDO require a minimum of 20% and 40% open space respectively.

Z-35-15 – Six Forks Road also includes a condition offering a transit easement and concrete pad along Six Forks Road.

Comprehensive Plan Analysis

Both cases are inconsistent with the Future Land Use Map and Comprehensive Plan. Although the conditioned density (less than 6 units per acre) meets the Low Density Residential future land use designation standards, the proposal allows smaller lot sizes. The Low Density Residential designation states that “smaller lots . . . would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside.” The compact and conservation development options in the UDO require a minimum of 20% and 40% open space respectively; a 20% open space set-aside would be considered significant. The proposal can also be considered inconsistent with other Comprehensive Plan policies related to compatibility, neighborhood conservation, and infill development.

Planning Commission and Midtown CAC Recommendations

The Midtown CAC recommends approval of both cases by a vote of 10 – 2, with 1 abstention. The Planning Commission also recommends approval of the cases by a vote of 6 - 1. Planning Commission’s findings and reasons are:

- Despite the inconsistency with the Future Land Use Map and the Comprehensive Plan, the cases are consistent with several Comprehensive Plan policies related to compact development, development impacts, and connectivity.
- The proposal is reasonable and in the public interest since it provides additional housing options in a City Growth Center.
- The proposal is compatible with the surrounding areas as the conditions restrict potential development to single family detached houses and require an open space set aside that addresses potential impacts.

Issues

While there are no outstanding issues from a staff perspective, Council members have raised questions about several issues:

- Inconsistencies with the Future Land Use Map and the Comprehensive Plan
 - *The Comprehensive Plan Analysis section above and the attached staff report provide more details on the determination that the request is inconsistent with the Comprehensive Plan.*
- Potential new street through the subject properties from Oakland Drive to Six Forks Road
 - *This issue would be determined at the site plan stage and is not currently addressed by the zoning conditions. However, the construction of a new street here seems unlikely since it would have little impact on overall connectivity in the area. The applicant has also expressed a desire to keep the existing house with frontage on Oakland Drive which would preclude a new street connection from Six Forks to Oakland.*
- Possibility of providing screening for adjacent properties

- *The applicant has not offered zoning conditions related to screening along property boundaries with existing houses. The conditions effectively limit development on the subject properties to single family detached houses, and there is no policy guidance supporting screening between lots developed as single family detached houses.*
- **Impact of the properties' City Growth Center designation on the Urban Form Map**
 - *While the subject properties are shown within a City Growth Center on the Urban Form Map, the policy guidance for these areas generally applies to frontage recommendations for mixed-use districts. Since the applicant is requesting a residential district, this policy guidance is not applicable.*



Certified Recommendation

Raleigh Planning Commission

CR# 11674

Case Information: Z-34-15 Oakland Drive

<i>Location</i>	Oakland Drive, south side, just east of its intersection with Six Forks Road Address: 422 Oakland Drive PIN: 1705950463
<i>Request</i>	Rezone property from Residential-4 (R-4) to Residential-10-CU (R-10-CU)
<i>Area of Request</i>	0.55 acre
<i>Property Owner</i>	David Chad Allison 422 Oakland Drive Raleigh, NC 27609
<i>Applicant</i>	William E. Jackson II 6405 Westgate Road, Suite 113 Raleigh, NC 27617 bjackson@jacksonanton.com
<i>Citizens Advisory Council (CAC)</i>	Midtown CAC – Patrick Martin, Chair acemar@aol.com
<i>PC Recommendation Deadline</i>	January 11, 2016

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

The rezoning case is Consistent Inconsistent with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Low Density Residential
<i>URBAN FORM</i>	<i>Center:</i> City Growth Center <i>Corridor:</i> n/a
<i>CONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.2 – Compact Development Policy LU 2.6 – Zoning and Infrastructure Impacts
<i>INCONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 8.9 – Open Space in New Development Policy LU 8.5 – Conservation of Single-Family Neighborhoods Policy LU 8.6 – Teardowns Policy LU 8.10 – Infill Development

Summary of Proposed Conditions

1. Limits the maximum number of dwelling units.
2. Prohibits attached house, townhouse, apartment, and civic building types.



Zoning Staff Report – Case Z-34-15

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone an approximately half acre property located just off the Six Forks Road corridor mid-way between Wake Forest Road and I-440. The property is currently occupied by a single-family home built in the early 1980s. Most of the homes in the immediate area along Oakland Drive and Cheswick Drive were constructed in the 1950s. The Anderson Forest neighborhood – developed in the 1980s and 1990s – is located to the south of the subject property. There are several office uses located to the north of the property further along the Six Forks Road corridor. Across Six Forks Road and to the south, there are several office uses as well as two multi-family developments.

The subject property is classified as Low Density Residential on the Future Land Use Map, as are all immediately adjacent properties. Further north on Six Forks Road, there is an area designated for Office & Residential Mixed Use development; to the south across Six Forks, several properties are designated as Medium Density Residential.

In terms of Urban Form Map designations, the site is located on the southwestern edge of a large City Growth Center that stretches from Raleigh Blvd and I-440 to the North Hills area. Looking at guidance in the Comprehensive Plan, City Growth Centers “are where significant infill development and redevelopment are anticipated in the future.” Since the rezoning request is for a Residential district, the frontage recommendations of the Urban Form Map do not apply.

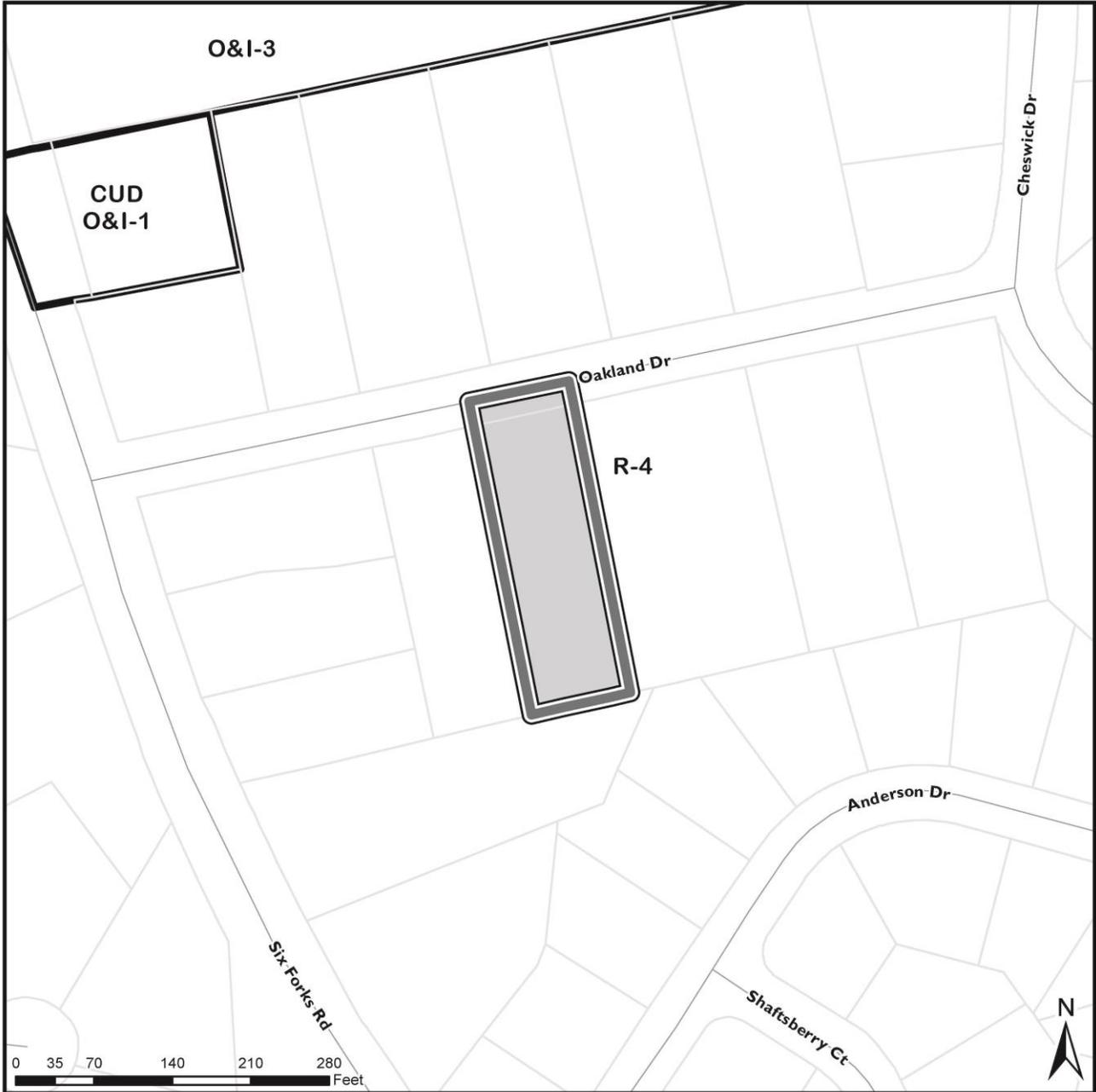
The site is currently zoned Residential-4 (R-4), as are the vast majority of surrounding properties. The requested Residential-10 (R-10) zoning would allow smaller lot sizes and setbacks. The proposal has several zoning conditions, including: a limit on the maximum number of single family detached units (3) which equates to a density of under 6 dwelling units/acre; a prohibition on the attached house, townhouse, apartment, and civic building types; a requirement that the only uses allowed are those allowed within both the R-4 and R-10 districts; a provision that specifies the maximum number of dwelling units if the property is recombined with an adjacent property under consideration for rezoning (Z-35-15 / Six Forks Road); and a requirement that at least 3.33% of the net site area will be designated as open space.

Outstanding Issues

<i>Outstanding Issues</i>	<i>(None.)</i>	<i>Suggested Mitigation</i>	<i>n/a</i>
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Existing Zoning Map

Z-34-2015



Submittal Date

8/20/2015

Request:

0.55 acres from

R-4

to R-10-CU



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-4	Residential-4 and Office & Institution-1 and 3	Residential-4 and Office & Institution-1	Residential-4	Residential-4
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Low Density Residential	Low Density Residential and Office & Residential Mixed Use	Low Density Residential and Medium Density Residential	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Single family home	Single family homes and offices	Single family homes	Single family homes	Single family homes
<i>Urban Form (if applicable)</i>	City Growth Center	City Growth Center and Transit Emphasis Corridor	City Growth Center and Transit Emphasis Corridor	City Growth Center	City Growth Center and Transit Emphasis Corridor

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	3.6 units/acre (2 total units)	5.5 units/acre* (3 total units)*
<i>Setbacks:</i>		
<i>Front:</i>	20'	10'
<i>Side:</i>	10'	5'
<i>Rear:</i>	30'	20'
<i>Retail Intensity Permitted:</i>	Not permitted	Not permitted
<i>Office Intensity Permitted:</i>	Not permitted	Not permitted

*Per zoning conditions

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	0.55 acres	0.55 acres
<i>Zoning</i>	R-4	R-10-CU
<i>Max. Gross Building SF (if applicable)</i>	n/a	n/a
<i>Max. # of Residential Units</i>	2	3**

<i>Max. Gross Office SF</i>	Not permitted	Not permitted
<i>Max. Gross Retail SF</i>	Not permitted	Not permitted
<i>Max. Gross Industrial SF</i>	Not permitted	Not permitted
<i>Potential F.A.R</i>	<i>n/a</i>	<i>n/a</i>

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

** Per zoning conditions

The proposed rezoning is:

Compatible with the property and surrounding area.

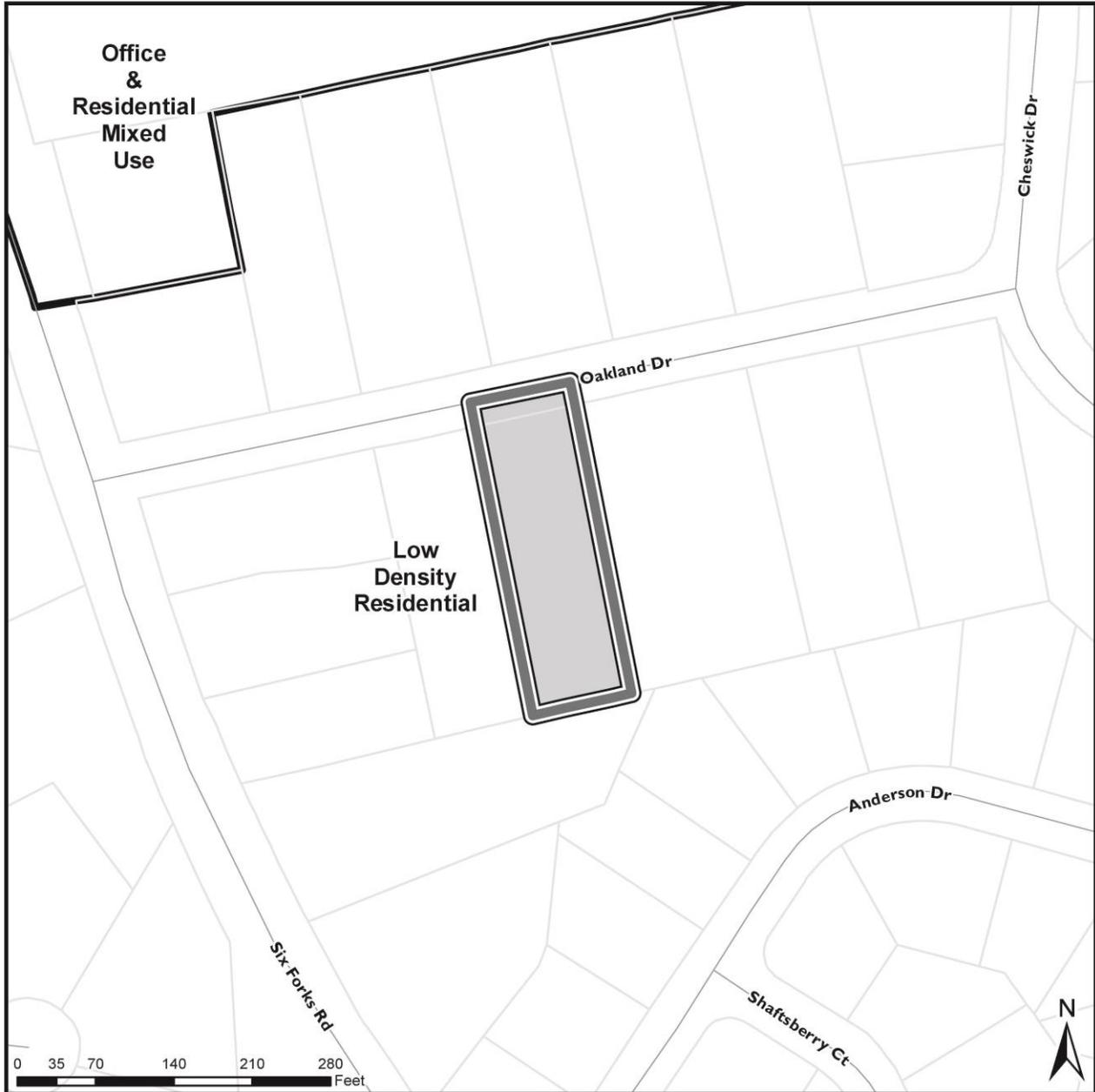
Incompatible.

Analysis of Incompatibility:

Although the proposal limits residential development to single family detached buildings and limits density to below 6 dwelling units per acre, the requested R-10 district would permit significantly smaller minimum lot sizes (10,000 sf versus 4,000 sf) and smaller setbacks in the middle of an established neighborhood with a fairly uniform development pattern. The proposal does not have any provisions that address design compatibility with the surrounding residential area.

Future Land Use Map

Z-34-2015

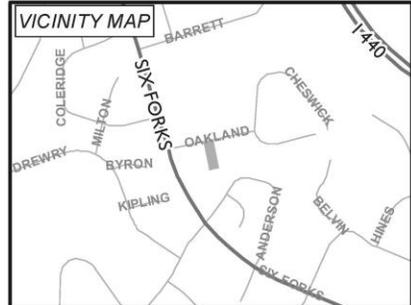


**Submittal
Date**

8/20/2015

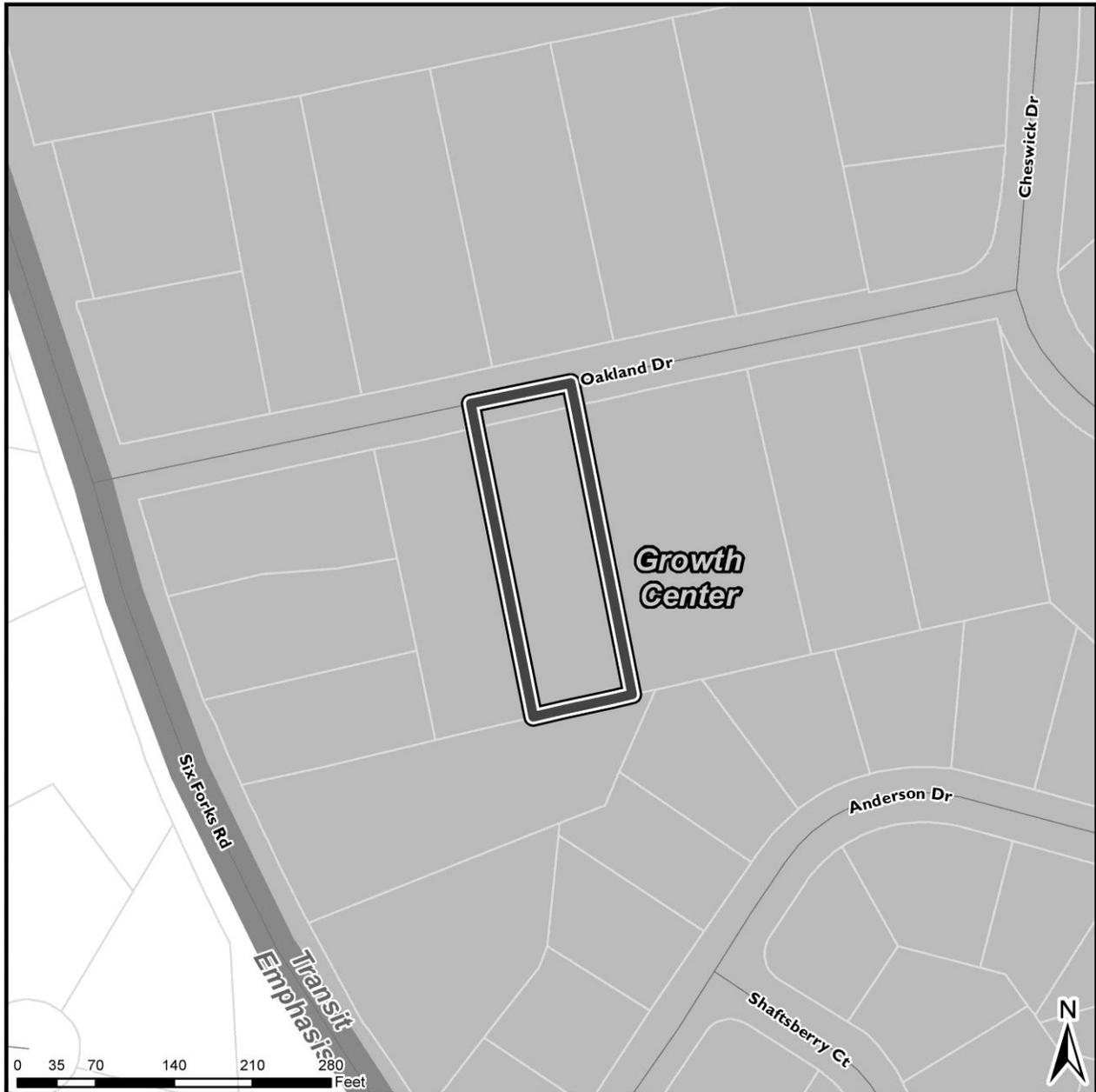
Request:

**0.55 acres from
R-4
to R-10-CU**



Urban Form Map

Z-34-2015

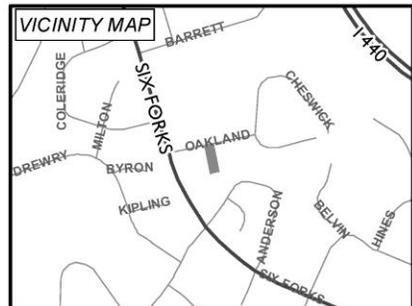


**Submittal
Date**

8/20/2015

Request:

**0.55 acres from
R-4
to R-10-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

While the proposal can be considered consistent with some Comprehensive Plan policies, it is not consistent with the Future Land Use Map and several other key policies within the Comprehensive Plan. The Low Density Residential Future Land Use designation recommends a density between 1 and 6 dwelling units per acre. The description for this category also states in part: "Smaller lots, townhouses and multifamily dwellings would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside." While the proposal is consistent with the density recommendations of this category, it allows smaller lot sizes without a corresponding provision of significant open space and is therefore inconsistent with the Future Land Use Map. The offer of an open space designation for 3.33% of the site amounts to about 800 square feet. The proposal is also inconsistent with other policies related to compatibility, neighborhood conservation, and infill development.

Existing community facilities and streets appear sufficient to accommodate the development possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The Low Density Residential Future Land Use designation recommends a density between 1 and 6 dwelling units per acre. The description for this category also states in part: "Smaller lots, townhouses and multifamily dwellings would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside." While the proposal is consistent with the density recommendations of this category, it allows smaller lot sizes without a corresponding provision of significant open space and is therefore inconsistent with the Future Land Use Map.

2.3 Urban Form

Urban Form designation:

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Analysis:

Although the site is located in a City Growth Center on the Urban Form Map, the zoning request is for a Residential district and frontage recommendations do not apply.

Inconsistent

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2 – Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

Policy LU 8.9 – Open Space in New Development

New residential development should be developed with common and usable open space that preserves the natural landscape and the highest quality ecological resources on the site.

Policy LU 8.5 – Conservation of Single-Family Neighborhoods

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

Policy LU 8.6 – Teardowns

Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock.

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.

In addition to its inconsistency with the Future Land Use Map, the proposal is inconsistent with a number of policies related to compatibility, neighborhood conservation, and infill development. The proposal does not offer a significant open space set-aside to balance the allowed smaller lot sizes, as recommended in the Low Density Residential future land use category. The compact and conservation development options in the UDO have a minimum of 20% and 40% open space respectively. In addition, the proposal would facilitate the demolition of existing homes and the construction of new homes with a different development pattern and potentially of a different

scale. The proposal is also inconsistent with infill development policies as it proposes infill on non-vacant property and would create a contrasting physical development pattern in the middle of an established residential neighborhood.

2.5 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provides the opportunity for additional housing in an area designated as a City Growth Center.
- Prohibits building types that would exacerbate incompatibility with surrounding development (attached house, townhouse, apartment, and civic building types).

3.2 Detriments of the Proposed Rezoning

- Would permit residential development with a significantly different physical development pattern in the middle of an established neighborhood.

4. Impact Analysis

4.1 Transportation

A traffic study is not required for Z-34-2015. No additional transportation comments.

Impact Identified: None.

4.2 Transit

GoRaleigh Route 24L North Crosstown operates northbound on Six Forks Road. There are no transit requests for this rezoning.

Impact Identified: None.

4.3 Hydrology

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

Impact Identified: An existing 24 inch drainage pipe and drainage channel is located on the property. Future development must maintain and protect these drainage features.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	1,100 gpd	2,887 gpd
<i>Waste Water</i>	1,100 gpd	2,887 gpd

Impact Identified: The proposed rezoning would add approximately 1,787 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

There are no greenway trails, corridor, or proposed connectors on this site. Nearest trail access is 0.4 miles (Crabtree Creek Trail). Recreation services are provided by Kiwanis Park, 0.7 miles.

Impact Identified: None.

4.6 Urban Forestry

UDO 9.1 Tree Conservation does not apply to sites less than 2 gross acres. If the property is recombined with the property that is part of Z-35-15 and the resulting acreage is over 2 acres, UDO Tree Conservation regulations will apply.

Impact Identified: None.

4.7 Designated Historic Resources

There are no known historic resources within 1,000 feet.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

- Address sewer and fire flow capacities at the site plan stage.

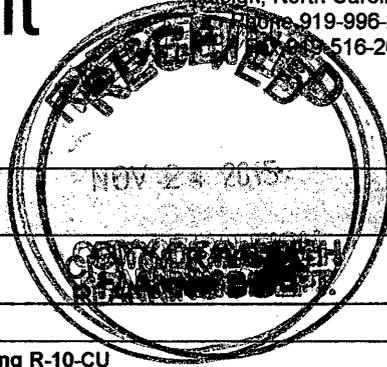
5. Conclusions

The proposal seeks to allow higher density and more compact single-family residential development in an established neighborhood located in a City Growth Center. Although the proposed residential density is under 6 dwelling units an acre, the rezoning request allows smaller lot sizes and does not offer a significant open space set-aside as required in the Low Density Residential future land use category. As such, the request is inconsistent with the Comprehensive Plan's Future Land Use Map. In addition, the proposal is inconsistent with other Comprehensive Plan policies related to compatibility, neighborhood conservation, and infill development.



Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
516-2685



Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-34-15		Transaction Number
Date Submitted 10/2/15		
Existing Zoning R-4	Proposed Zoning R-10-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	No more than three (3) single family detached houses shall be constructed on the subject property. Additionally, open space lots may be allowed on the subject property.
2.	Attached house, townhouse, apartment, and civic building types shall be prohibited on the subject property.
3.	The only uses allowed on the rezoned land are those uses allowed under the <u>Allowed Principal Use Table</u> (UDO Sec. 6.1.4) in both the R-4 and R-10 zoning districts. Where the method of approval of such uses is different in the R-4 and R-10 districts, the more stringent method of approval shall apply.
4.	No more than three (3) single living units shall be constructed on the property. But if the properties subject to rezoning applications Z-34-15 and Z-35-15 are recombined with the same amount, or less, of total acreage as the two numbered zoning cases, then the maximum number of single living units located on the recombined properties, regardless of the number of lots, shall not exceed twelve (12) units. Notwithstanding this condition, there will be no transfer of density between the two numbered cases without recombination.
5.	A minimum of 3.33% of the net site area shall be set aside as open space. The open space required to be set aside by this condition shall be subject to UDO Article 2.5 with respect to those ordinances which address priority of allocation, configuration, allowed and prohibited uses, stormwater control measures, and ownership and management.
6.	
7.	
8.	
9.	

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature 	Print Name DAVID CHAD Allison
--	----------------------------------





Certified Recommendation

Raleigh Planning Commission

CR# 11675

Case Information Z-35-15 Six Forks Road

<i>Location</i>	Six Forks Road, east side, just north of its intersection with Anderson Drive Address: 3222 and 3224 Six Forks Road PINs: 1705859067 and 1705859159
<i>Request</i>	Rezone property from Residential-4 (R-4) to Residential-10-Conditional Use (R-10-CU)
<i>Area of Request</i>	1.57 acres
<i>Property Owner</i>	Speed LLC 220 Dartmouth Road Raleigh, NC 27609
<i>Applicant</i>	William E. Jackson II 6405 Westgate Road, Suite 113 Raleigh, NC 27617 bjackson@jacksonanton.com
<i>Citizens Advisory Council (CAC)</i>	Midtown CAC – Patrick Martin, Chair acemar@aol.com
<i>PC Recommendation Deadline</i>	January 11, 2016

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

The rezoning case is Consistent Inconsistent with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Low Density Residential
<i>URBAN FORM</i>	<i>Center:</i> City Growth Center <i>Corridor:</i> Transit Emphasis Corridor
<i>CONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.2 – Compact Development Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 6.4 – Bus Stop Dedication
<i>INCONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 8.9 – Open Space in New Development Policy LU 8.5 – Conservation of Single-Family Neighborhoods Policy LU 8.6 – Teardowns Policy LU 8.10 – Infill Development

Summary of Proposed Conditions

<ol style="list-style-type: none"> Limits the maximum number of dwelling units. Prohibits attached house, townhouse, apartment, and civic building types. Permits only those uses allowed in both the R-4 and R-10 districts. Limits the number of dwelling units if recombined with an adjacent property under consideration for rezoning. Requires a minimum amount of open space. Offers a transit easement and concrete pad along Six Forks Road.

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
8/16/15	10/26/15 (Y – 10; N – 2; Abst. – 1)	10/13/15; 10/27/15	11/3/15; 12/1/15	11/17/15

Attachments

- Staff report

Planning Commission Recommendation

<i>Recommendation</i>	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> While the proposal is inconsistent with the Future Land Use Map and Comprehensive Plan, it is consistent with several key Comprehensive Plan policies related to compact development, development impacts, and connectivity. The proposed rezoning is reasonable and in the public interest. The proposal provides for additional housing options in a City Growth Center and supports improved transit service through provision of a transit easement and concrete pad on Six Forks Road. The proposal is compatible with the surrounding area. Although the proposed zoning would allow smaller lot sizes, conditions restrict potential development to single family detached housing. In addition, conditions require an open space set aside to address potential impacts.
<i>Motion and Vote</i>	Motion: Terando Second: Buxton In Favor: Alcine, Buxton, Fluhrer, Hicks, Schuster and Terando Opposed: Braun

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 10/27/15
 Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Vivian Ekstrom: (919) 996-2657; vivian.ekstrom@raleighnc.gov



Zoning Staff Report – Case Z-35-15

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone two properties - totaling approximately 1.5 acres - located along the Six Forks Road corridor almost mid-way between Wake Forest Road and I-440. The properties are currently occupied by single-family homes built in the 1950s. Most of the homes in the immediate area along Six Forks, Oakland Drive, and Cheswick Drive were constructed in the 1950s. The Anderson Forest subdivision – developed in the 1980s – is located to the south of the subject property. There are several office uses located to the north of the property further along the Six Forks Road corridor. Across Six Forks Road and to the south, there are several office uses as well as two multi-family developments.

The subject property is classified as Low Density Residential on the Future Land Use Map, as are all immediately adjacent properties. Further north on Six Forks Road, there is an area designated for Office & Residential Mixed Use development; to the south across Six Forks, several properties are designated as Medium Density Residential.

In terms of Urban Form Map designations, the site is located on the southwestern edge of a large City Growth Center that stretches from Raleigh Blvd and I-440 to the North Hills area. Looking at guidance in the Comprehensive Plan, City Growth Centers “are where significant infill development and redevelopment are anticipated in the future.” Six Forks Road is also designated as a Transit Emphasis Corridor. Since the rezoning request is for a Residential district, the frontage recommendations of the Urban Form Map do not apply.

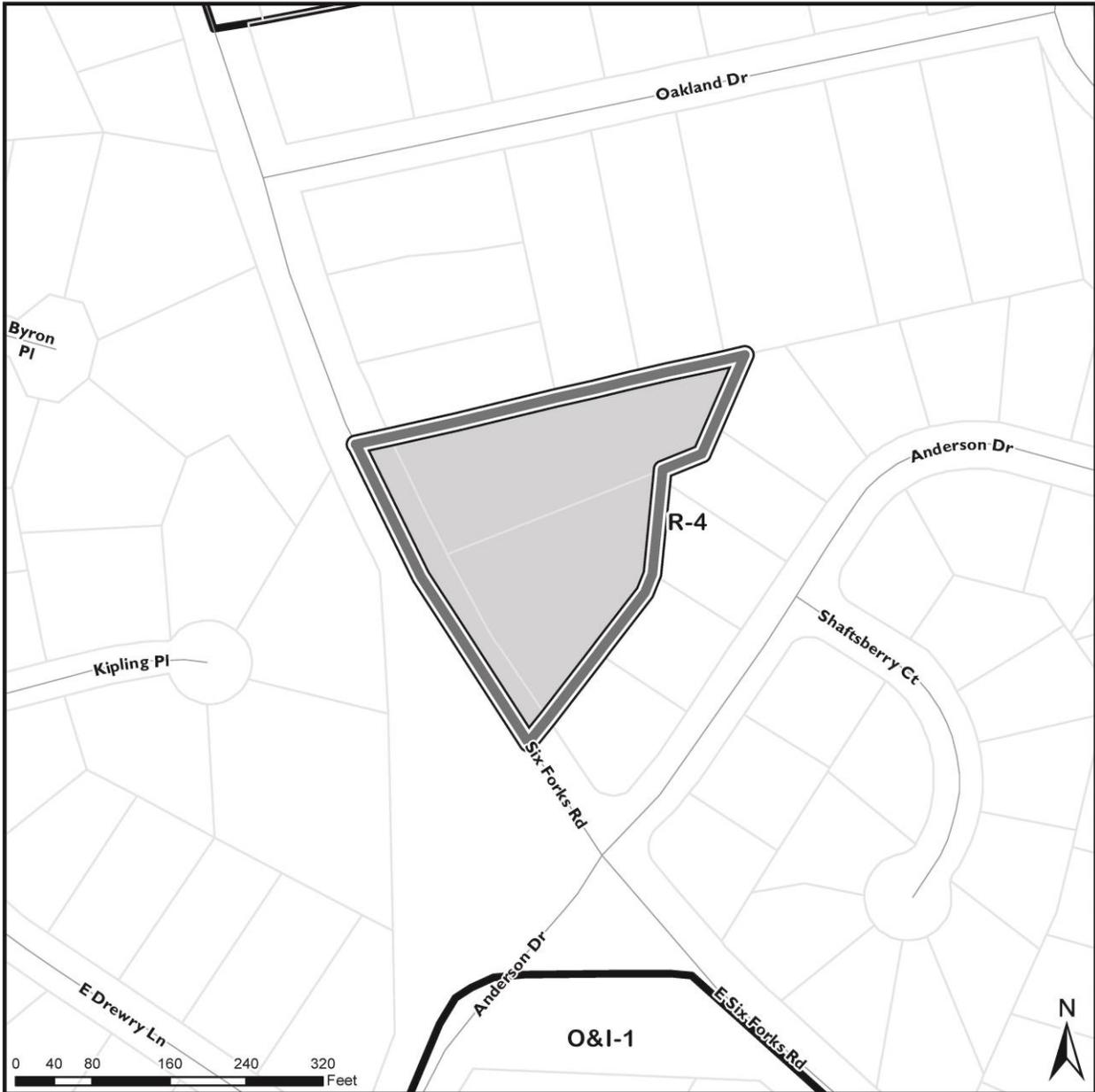
The site is currently zoned Residential-4 (R-4), as are the vast majority of surrounding properties. The requested Residential-10 (R-10) zoning would allow smaller lot sizes and setbacks. The proposal has several zoning conditions, including: a limit on the maximum number of single family detached units (9) which equates to a density of under 6 units/acre; a prohibition on the attached house, townhouse, apartment, and civic building types; a requirement that the only uses allowed are those allowed within both the R-4 and R-10 districts; a provision that specifies the maximum number of dwelling units if the property is recombined with an adjacent property under consideration for rezoning (Z-34-15 / Oakland Drive); a requirement that at least 3.33% of the net site area will be designated as open space; and an offer of a transit easement and concrete pad along Six Forks Road.

Outstanding Issues

<i>Outstanding Issues</i>	<i>(None.)</i>	<i>Suggested Mitigation</i>	<i>n/a</i>
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Existing Zoning Map

Z-35-2015



Submittal Date

9/2/2015

Request:

1.57 acres from
R-4
to R-10-CU

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-4	Residential-4 and Office & Institution-1 and 3	Residential-4 and Office & Institution-1	Residential-4	Residential-4
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Low Density Residential	Low Density Residential and Office & Residential Mixed Use	Low Density Residential and Medium Density Residential	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Single family home	Single family homes and offices	Single family homes and offices	Single family homes	Single family homes
<i>Urban Form (if applicable)</i>	City Growth Center and Transit Emphasis Corridor	City Growth Center and Transit Emphasis Corridor	City Growth Center and Transit Emphasis Corridor	City Growth Center	City Growth Center and Transit Emphasis Corridor

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	3.8 dwelling units/acre (6 total dwelling units)	5.7 dwelling units per acre* (9 total dwelling units)*
<i>Setbacks:</i>		
<i>Front:</i>	20'	10'
<i>Side:</i>	10'	5'
<i>Rear:</i>	30'	20'
<i>Retail Intensity Permitted:</i>	Not permitted	Not permitted
<i>Office Intensity Permitted:</i>	Not permitted	Not permitted

* Per zoning conditions

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	1.57 acres	1.57 acres
<i>Zoning</i>	R-4	R-10-CU
<i>Max. Gross Building SF (if applicable)</i>	n/a	n/a
<i>Max. # of Residential Units</i>	2	3**

<i>Max. Gross Office SF</i>	Not permitted	Not permitted
<i>Max. Gross Retail SF</i>	Not permitted	Not permitted
<i>Max. Gross Industrial SF</i>	Not permitted	Not permitted
<i>Potential F.A.R</i>	<i>n/a</i>	<i>n/a</i>

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

** Per zoning conditions

The proposed rezoning is:

Compatible with the property and surrounding area.

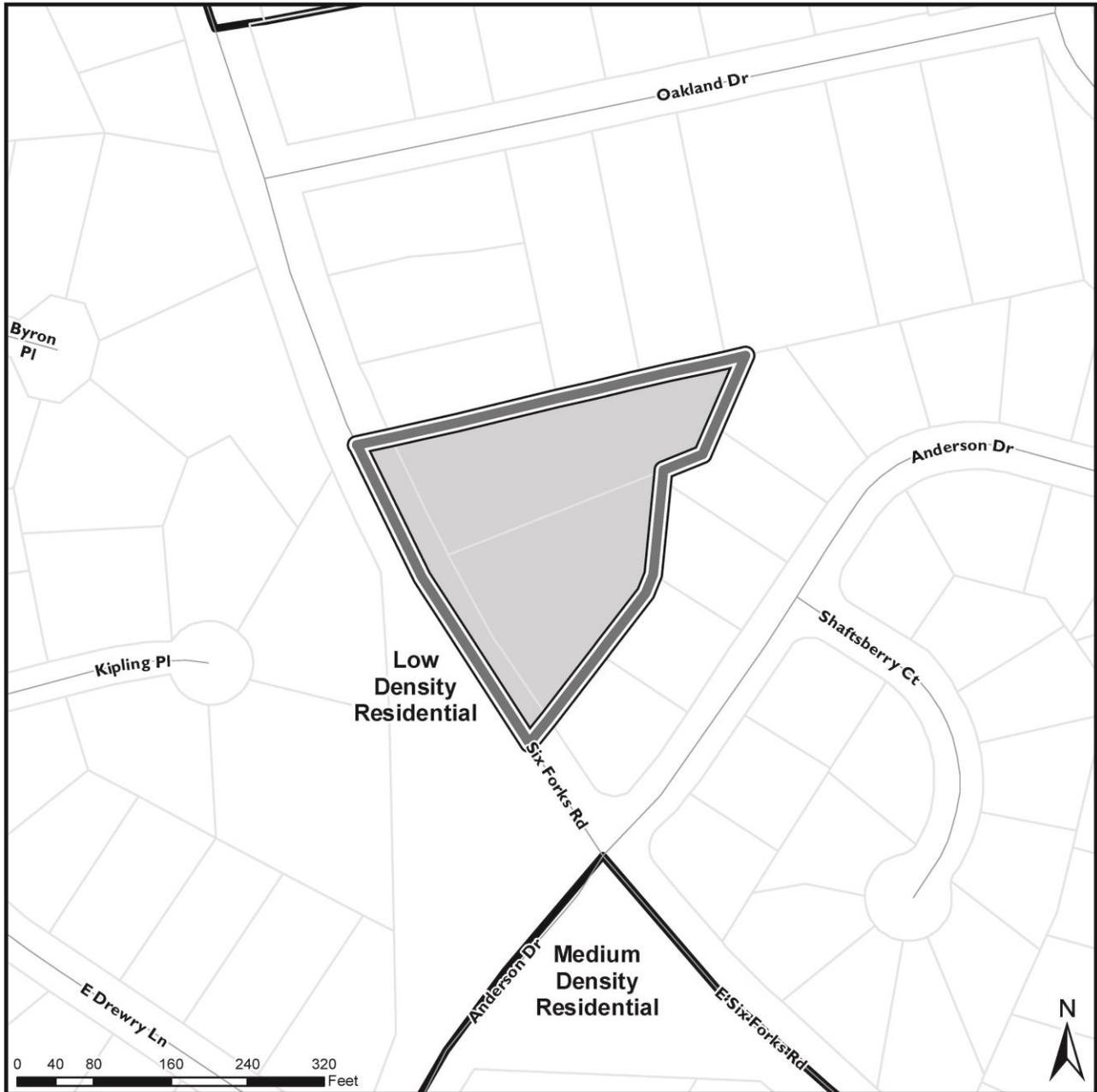
Incompatible.

Analysis of Incompatibility:

Although the proposal limits residential development to single family detached buildings and limits density to below 6 dwelling units per acre, the requested R-10 district would permit significantly smaller minimum lot sizes (10,000 sf versus 4,000 sf) and smaller setbacks in the middle of an established neighborhood with a fairly uniform development pattern. The proposal does not have any provisions that address design compatibility with the surrounding residential area.

Future Land Use Map

Z-35-2015



Submittal Date

9/2/2015

Request:

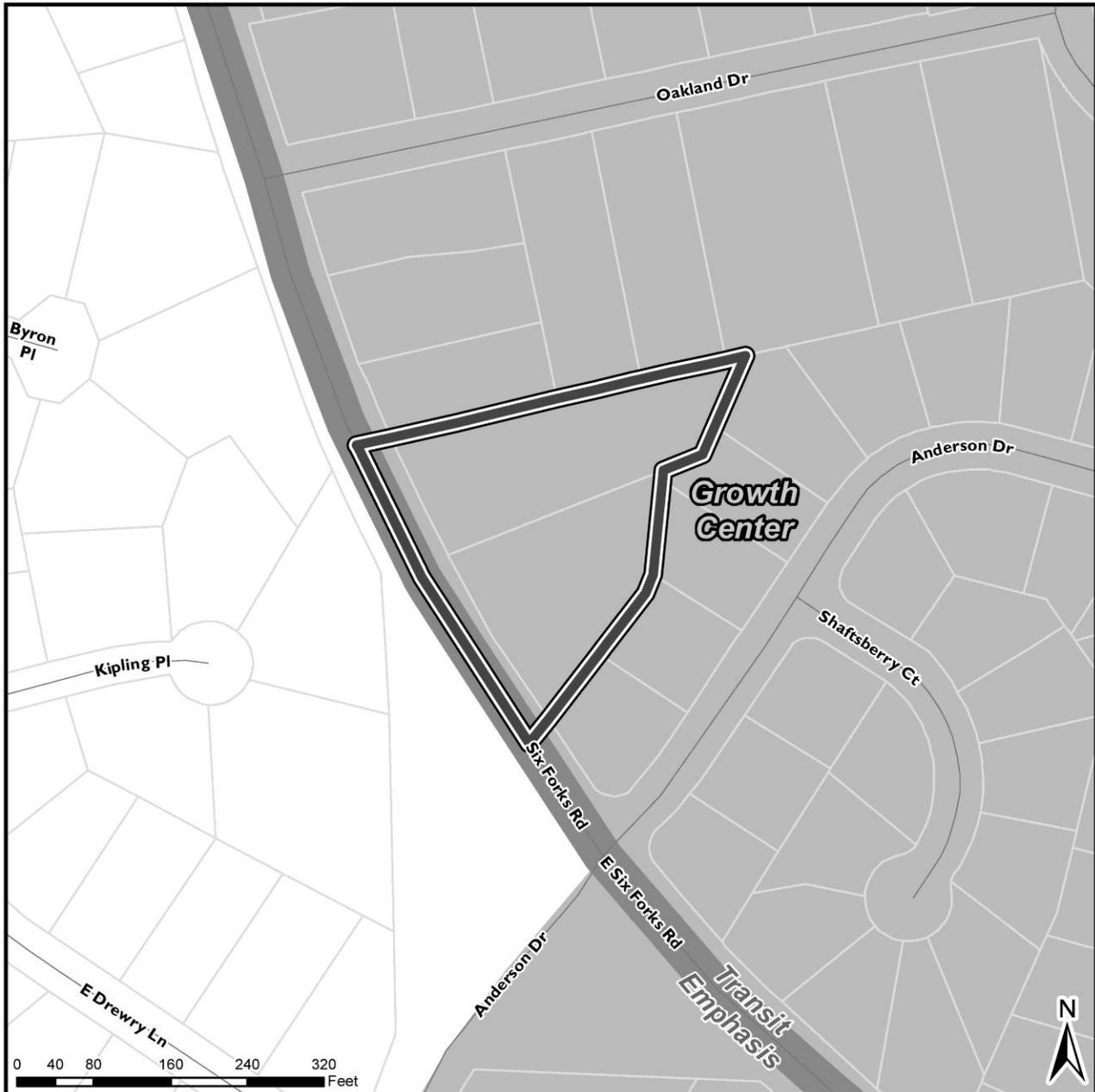
1.57 acres from
R-4
to R-10-CU

VICINITY MAP



Urban Form Map

Z-35-2015

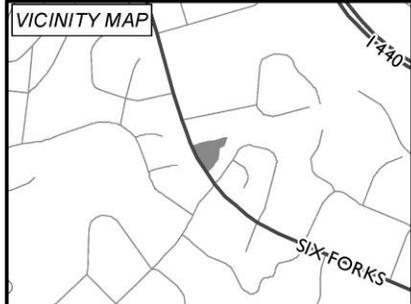


Submittal Date

9/2/2015

Request:

**1.57 acres from
R-4
to R-10-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

While the proposal can be considered consistent with some Comprehensive Plan policies, it is not consistent with the Future Land Use Map and several other key policies within the Comprehensive Plan. The Low Density Residential Future Land Use designation recommends a density between 1 and 6 dwelling units per acre. The description for this category also states in part: "Smaller lots, townhouses and multifamily dwellings would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside." While the proposal is consistent with the density recommendations of this category, it allows smaller lot sizes without a corresponding provision of significant open space and is therefore inconsistent with the Future Land Use Map. The offer of an open space designation for 3.33% of the site amounts to about 2,280 square feet. The proposal is also inconsistent with other policies related to compatibility, neighborhood conservation, and infill development.

Existing community facilities and streets appear sufficient to accommodate the development possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The Low Density Residential Future Land Use designation recommends a density between 1 and 6 dwelling units per acre. The description for this category also states in part: "Smaller lots, townhouses and multifamily dwellings would only be appropriate as part of a conservation subdivision resulting in a significant open space set-aside." While the proposal is consistent with the density recommendations of this category, it allows smaller lot sizes without a corresponding provision of significant open space and is therefore inconsistent with the Future Land Use Map.

2.3 Urban Form

Urban Form designation:

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Analysis:

Although the site is located in a City Growth Center and along a Transit Emphasis Corridor on the Urban Form Map, the zoning request is for a Residential district and frontage recommendations do not apply. Consistent with the Transit Emphasis Corridor designation, the proposal offers a transit easement along Six Forks Road.

Inconsistent

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2 – Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

Policy LU 8.9 – Open Space in New Development

New residential development should be developed with common and usable open space that preserves the natural landscape and the highest quality ecological resources on the site.

Policy LU 8.5 – Conservation of Single-Family Neighborhoods

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

Policy LU 8.6 – Teardowns

Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock.

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.

In addition to its inconsistency with the Future Land Use Map, the proposal is inconsistent with a number of policies related to compatibility, neighborhood conservation, and infill development. The proposal does not offer a significant open space set-aside to balance the allowed smaller lot sizes, as recommended in the Low Density Residential future land use category. The compact

and conservation development options in the UDO have a minimum of 20% and 40% open space respectively. In addition, the proposal would facilitate the demolition of existing homes and the construction of new homes with a different development pattern and potentially of a different scale. The proposal is also inconsistent with infill development policies as it proposes infill on non-vacant property and would create a contrasting physical development pattern in the middle of an established residential neighborhood.

2.5 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provides the opportunity for additional housing in an area designated as a City Growth Center.
- Prohibits building types that would exacerbate incompatibility with surrounding development (attached house, townhouse, apartment, and civic building types).

3.2 Detriments of the Proposed Rezoning

- Would permit residential development with a significantly different physical development pattern in the middle of an established neighborhood.

4. Impact Analysis

4.1 Transportation

Approval of case Z-35-2015 will increase traffic volume by less than 30 vehicles/day. A traffic study is not required for case Z-35-2015.

Impact Identified: None.

4.2 Transit

Six Forks Road is designated as a Priority Transit Corridor. This area of Six Forks Road is served by GoRaleigh Route 24L North Crosstown Connector. The offer of a transit easement will advance Policy T 4.15 and improve rider experience here. The current closest stop is a sign on a utility pole at Six Forks/Anderson. This unimproved stop will be relocated to the easement.

Impact Identified: Increased density will increase ridership but it is not expected to exceed the capacity of the current system. The offer of a transit easement and concrete pad will mitigate this impact.

4.3 Hydrology

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

Impact Identified: Development will be subject to Article 9.2 of the UDO, and will be required to show compliance with stormwater quantity and quality regulations. Stormwater discharge into the downstream neighborhood may require offsite improvements, depending on design outfall location. No new point discharge locations will be allowed to be created.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	3,140 gpd	8,242 gpd
<i>Waste Water</i>	3,140 gpd	8,242 gpd

Impact Identified: The proposed rezoning would add approximately 6,102 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

There are no greenway trails, corridor, or proposed connectors on this site. Nearest trail access is 0.25 miles (Crabtree Creek Trail). Recreation services are provided by Kiwanis Park, 0.5 miles.

Impact Identified: None.

4.6 Urban Forestry

The combined acreage of the two subject parcels is smaller than two acres. Compliance with UDO Article 9.1 Tree Conservation will therefore not be required when the properties are submitted for development. If the properties are recombined with the property that is part of Z-34-15 and the resulting acreage is over 2 acres, UDO Tree Conservation regulations will apply.

Impact Identified: No tree preservation conditions are proposed in the initial submittal. There are no urban forestry impacts with the case as submitted.

4.7 Designated Historic Resources

There are no known historic resources within 1,000 feet.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon development.
- Increased density may result in increased transit ridership.

4.10 Mitigation of Impacts

- Address sewer and fire flow capacities at the site plan stage.
- The offer of a transit easement and concrete pad will mitigate possible increased ridership.

5. Conclusions

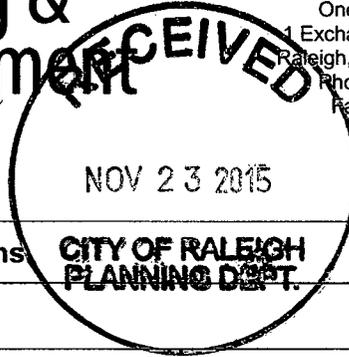
The proposal seeks to allow higher density and more compact single-family residential development in an established neighborhood located in a City Growth Center. Although the proposed residential density is under 6 dwelling units an acre, the rezoning request allows smaller lot sizes and does not offer a significant open space set-aside as required in the Low Density Residential future land use category. As such, the request is inconsistent with the Comprehensive Plan's Future Land Use Map. In addition, the proposal is inconsistent with other Comprehensive Plan policies related to compatibility, neighborhood conservation, and infill development.



Planning & Development

**Development Services
Customer Service Center**

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 Raleigh, North Carolina 27601
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 Fax 919-516-2685



Conditional Use District Zoning Conditions		CITY OF RALEIGH PLANNING DEPT.	OFFICE USE ONLY
Zoning Case Number Z-35-15			Transaction Number
Date Submitted 10/2/15			
Existing Zoning R-4	Proposed Zoning R-10-CU		

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	No more than nine (9) single family detached houses shall be constructed on the subject property. Additionally, open space lots may be allowed on the subject property.
2.	Attached house, townhouse, apartment, and civic building types shall be prohibited on the subject property.
3.	The only uses allowed on the rezoned land are those uses allowed under the <u>Allowed Principal Use Table</u> (UDO Sec. 6.1.4) in both the R-4 and R-10 zoning districts. Where the method of approval of such uses is different in the R-4 and R-10 districts, the more stringent method of approval shall apply.
4.	No more than nine (9) single living units shall be constructed on the subject property. But if the properties subject to rezoning applications Z-34-15 and Z-35-15 are recombined with the same amount, or less, of total acreage as the two numbered zoning cases, then the maximum number of single living units located on the recombined properties, regardless of the number of lots, shall not exceed twelve (12) units. Notwithstanding this condition, there will be no transfer of density between the two numbered cases without recombination.
5.	A minimum of 3.33% of the net site area shall be set aside as open space. The open space required to be set aside by this condition shall be subject to UDO Article 2.5 with respect to those ordinances which address priority of allocation, configuration, allowed and prohibited uses, stormwater control measures, and ownership and management.
6.	If requested by the City of Raleigh, prior to the issuance of a building permit for new development or the recordation of a subdivision plat or the sale of any lot, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Six Forks Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. At the time of installation of public improvements associated with subdivision or prior to the issuance of a certificate of occupancy, a 15 foot x 20 foot concrete pad will be placed upon the easement.
7.	
8.	
9.	

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature <i>Speed, LLC by Marilyn Kilgore</i>	Print Name MARILYN KILGORE <i>Manager</i>
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