



Certified Recommendation

Raleigh Planning Commission

CR# 11550

Case Information Z-20-13 Landmark Drive

<i>Location</i>	Lake Boone Trail, north side, between Blue Ridge Road and the I-440 Beltline Address: PIN:
<i>Request</i>	Rezone property from O&I-1 CUD to CX-5-PL CUD, CX-4-PL CUD, NX-4 CUD, OX-3 CUD, OX-4 CUD
<i>Area of Request</i>	34.29 acres
<i>Property Owner</i>	TBR Lake Boone LLC, c/o Tribridge Residential LLC 1575 Northside Drive Bldg. 100, Suite 200 Atlanta, GA 30318
<i>Applicant/Contact Person</i>	Michael Birch Morningstar Law Group 630 Davis Drive Suite 200 Morrisville NC, 27560 919-590-0388 mbirch@morningstarlawgroup.com Stephen Bates Tribridge Residential 1575 Northside Drive Bldg. 100, Suite 200 Atlanta, GA 30318 404-367-6546 Brian Purdy The John R. McAdams Company P. O. Box 14005 RTP, NC 27709 919-361-5000 purdy@johnrmcadams.com
<i>Citizens Advisory Council</i>	Northwest CAC Jay M. Gudeman 919-789-9884 jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	

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

FUTURE LAND USE	Office and Residential Mixed Use
CONSISTENT Policies	Policy LU 2.1—Placemaking Policy LU 2.2—Compact Development Policy LU 4.5—Connectivity Policy LU 5.4—Density Transitions Policy LU 5.6—Buffering Requirements Policy UD 3.8—Screening of Unsightly Uses
INCONSISTENT Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency

Summary of Proposed Conditions

1. Prohibited uses (only certain limited types of retail are prohibited)
2. Provision for tree planting adjacent to single family lots
3. Undisturbed area along eastern side of property
4. Minimum 120 feet between any new construction and single family lot lines
5. Mechanical equipment screening
6. Upon adoption of rezoning, request for traffic signal at Landmark Drive/Lake Boone Trail
7. If traffic signal approved for Landmark Drive/Lake Boone Trail intersection, contribution of \$85,000 for such signal
8. Lighting plan
9. Owners of adjacent single family parcels to be invited to see any proposed site plan at least 30 days prior to submittal of such site plan for City approval
10. Provision for a transit easement
11. No more than 800 dwelling units and no more than 100,000 square feet of nonresidential development
12. Screening of loading areas
13. Screening of service areas
14. Limit days and hours of new construction activity
15. Construction materials not to be stored in buffer areas

Public Meetings

Neighborhood Meeting	Public Hearing	Committee	Planning Commission
April 16, 2013		Date: Action	Date: Action

Valid Statutory Protest Petition

Attachments

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

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission recommends approval
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. Though partially inconsistent with the Future Land Use Map, the rezoning proposal is reasonable and in the public interest. The rezoning proposal will provide retail services that are accessible to pedestrians in this urbanizing area, particularly providing such services adjacent to the Rex Hospital campus. 2. The applicant has offered extensive conditions that provide buffering with adjacent single family housing.
<i>Motion and Vote</i>	Motion: Fleming Second: Braun In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Mattox, Schuster, Swink and Terando

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.

 Planning Director

 Date

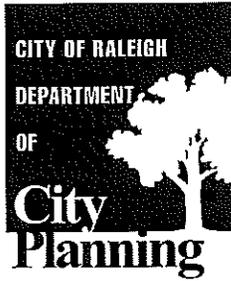
 Planning Commission Chairperson

9/24/13

 Date

Staff Coordinator:

James Brantley james.brantley@raleighnc.gov



Zoning Staff Report – Case Z-20-13

Conditional Use District

Case Summary

Overview

The site of the proposed rezoning is a 32.49 acre property on the north side of Lake Boone Trail, between Blue Ridge Road to the west and Wycliff Road and the I-440 Beltline to the east. The Rex Hospital campus is immediately adjacent to the site to the west. The site is bisected by Landmark Drive, which runs north/south through the property. Off-site to the north, Landmark Drive becomes Ed Drive which accesses Blue Ridge Road. The southern terminus of Landmark Drive is at Lake Boone Trail. This intersection aligns with that of Nancy Ann Drive and Lake Boone Trail. Currently there is no traffic signal at this intersection. The site also contains three publicly owned and maintained cul-de-sacs: Still Forest Place (access from Lake Boone Trail), Woodlake Place (access from Landmark Drive) and Cross Creek Court (access from Landmark Drive).

The site is currently developed as an apartment complex, The Villages of Lake Boone Trail. Meredith Village apartments (zoned R-15 and R-10) are to the east of the site. To the northeast of the site is a single family neighborhood, Meredith Woods; five single family lots in this subdivision about the subject property. The neighborhood is zoned R-4. There is a 3.8 acre vacant parcel zoned O&I-1 CUD to the north. To the northwest is the Ridgcroft Condominium community (zoned R-10), and to the west the Rex Medical Complex, zoned O&I-1.

Across Lake Boone Trail from the site is an office building zoned O&I-1. To the southeast of the site is the mixed use development "The Market Place at Lake Boone Trail" and at the intersection of Wycliff and Lake Boone Trail is the Lake Boone shopping center. These properties are designated Community Mixed Use on the Future Land Use Map. The particular property in question is designated for Office and Residential Mixed Use on the Future Land Use map.

The current O&I-1 CUD zoning on the property was established by Z-15-08. There are 292 dwelling units on the property with a density of just under 9 dwellings per acre. These apartments were constructed in 1972.

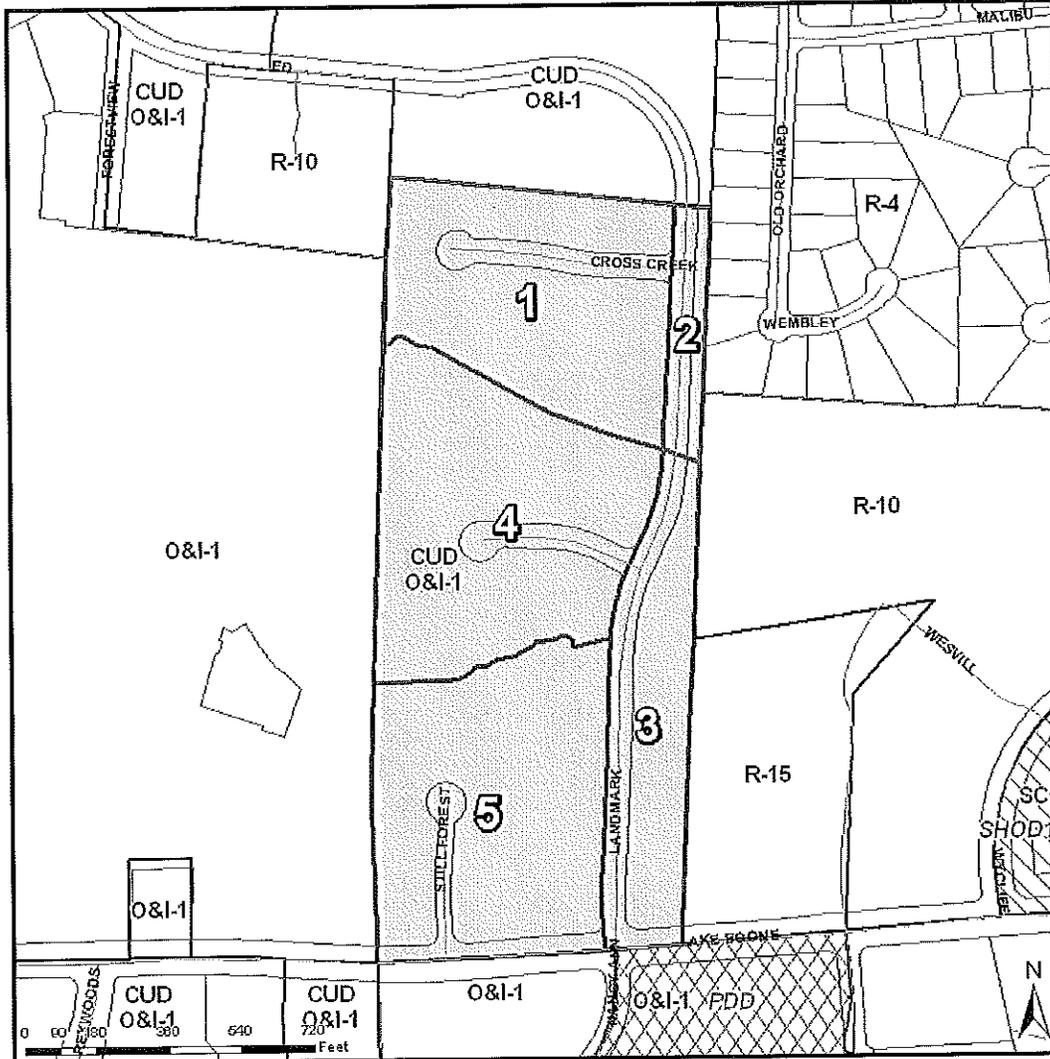
There are two USGS blue line streams that cross the property from west to east. These streams are part of the headwaters of House Creek. The northern of these two streams has an impoundment on the site of approximately 1.5 acres. Both of these streams have been partially culverted.

Outstanding Issues

<i>Outstanding Issues</i>	1. Proposed zoning would allow retail, which is inconsistent with the Future Land Use designation	<i>Suggested Mitigation</i>	1. Remove request for CX zoning from the petition
---------------------------	---	-----------------------------	---

ZONING REQUEST

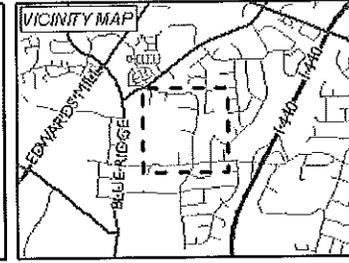
Existing Zoning Map Z-20-2013




Submittal Date
5/1/2013

Request:
Approx. 34.29 acres CUD O&I-1 to be rezoned to:

- (1) 8.20 acres CUD OX-4;
- (2) 1.31 acres CUD OX-3;
- (3) 5.14 acres CUD CX-4-PL;
- (4) 9.58 acres CUD NX-4; and
- (5) 9.89 acres CUD CX-5-PL



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	<i>Subject Property</i>	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Existing Zoning</i>	O&I-1 CUD	O&I-1 CUD	O&I-1	R-4, R-10, R-15	O&I-1
<i>Additional Overlay</i>	n/a	n/a	PDD	n/a	n/a
<i>Future Land Use</i>	Office and residential mixed use	Low density residential	Community Mixed Use	Office and residential mixed use	Institutional
<i>Current Land Use</i>	Multi-family housing	vacant	offices	Multi- and single family housing	Hospital, offices
<i>Urban Form</i>	n/a	n/a	n/a	n/a	City Growth Center

1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	23 dwelling per acre	23 dwellings per acre
<i>Setbacks:</i>		
<i>Front:</i>	Varies	Varies
<i>Side:</i>	Varies	Varies
<i>Rear:</i>	Varies	Varies
<i>Retail Intensity Permitted:</i>	n/a	Total nonresidential development capped at 100,000 square feet
<i>Office Intensity Permitted:</i>	60,000 square feet	Total nonresidential development capped at 100,000 square feet

The proposed rezoning is:

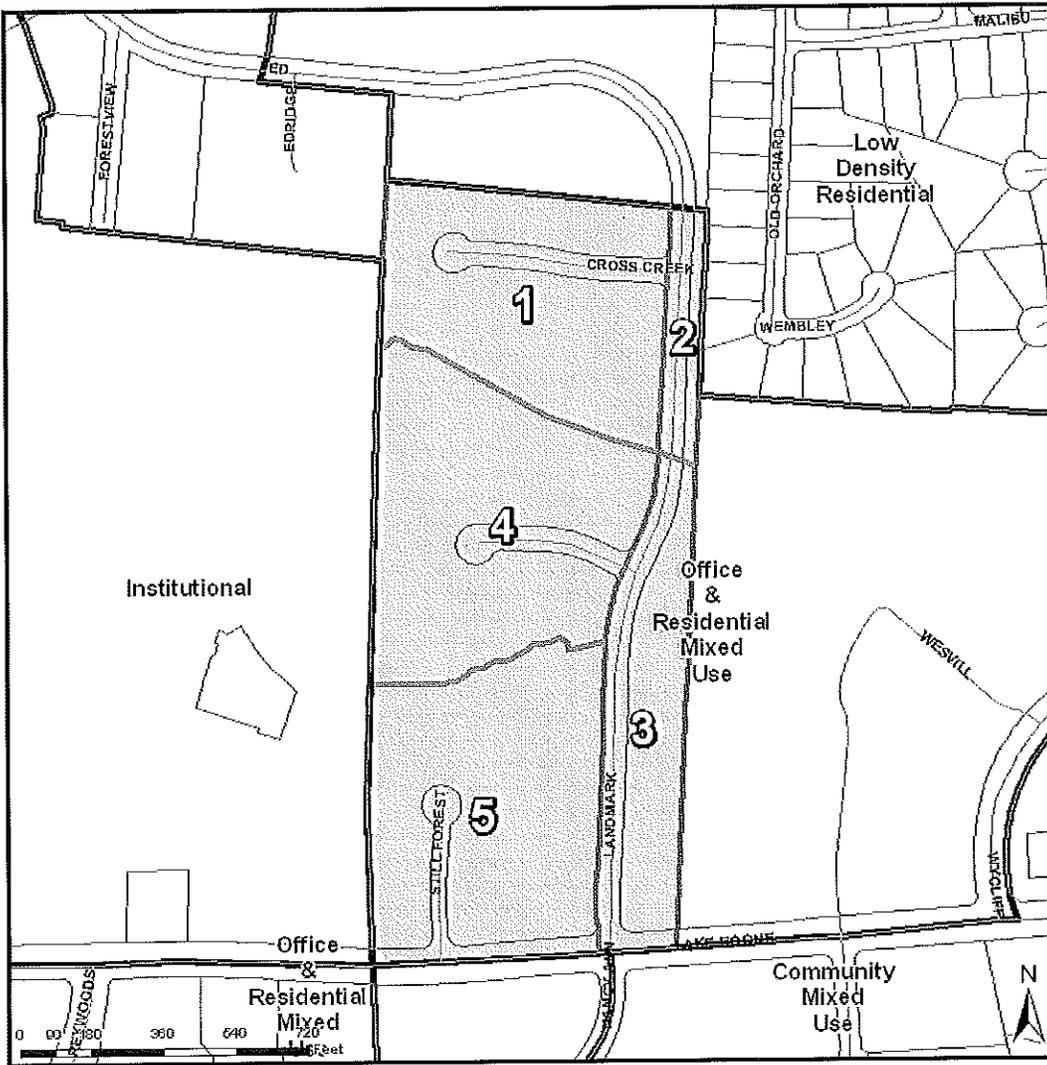
Compatible with the property and surrounding area.

Incompatible.

Analysis of Incompatibility:

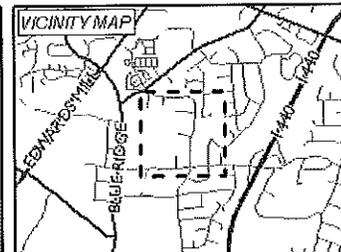
FUTURE LAND USE MAP

Future Land Use Map Z-20-2013




Submittal Date
 5/1/2013

Request:
 Approx. 34.29 acres CUD O&I-1 to be rezoned to:
 (1) 8.20 acres CUD OX-4;
 (2) 1.31 acres CUD OX-3;
 (3) 5.14 acres CUD CX-4-PL;
 (4) 9.58 acres CUD NX-4; and
 (5) 9.89 acres CUD CX-5-PL



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: **Office and Residential Mixed Use**

The rezoning request is:

- Consistent** with the Future Land Use Map.
- Inconsistent** with the Future Land Use Map

The 10 acres requested for CX zoning are inconsistent with the Future Land Use Map, which recommends office and residential mixed uses for the entire property. CX zoning would allow up to 100,000 square feet of retail, as conditioned. The proposed zoning on the remainder of the 34.29 acre site would be compatible with the office and mixed use FLUM recommendation.

2.2 Policy Guidance

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

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. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The 10 acres requested for CX zoning are inconsistent with the Future Land Use Map, which recommends office and residential mixed uses for the entire property. CX zoning would allow retail.

The rezoning request is **consistent** with the following policies.

Policy LU 2.1—Placemaking

Development within Raleigh's jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.

Policy LU 2.2—Compact Development

New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

Policy LU 4.5—Connectivity

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

Policy LU 5.4—Density Transitions

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

Policy LU 5.6—Buffering Requirements

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

Policy UD 3.8—Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

2.3 Area Plan Policy Guidance

There is no small area plan for this vicinity.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

More intense development in this growing area is desirable. The site is well served by bus transit, the road network and public utilities. There is a strong market need for office and higher density residential space in the vicinity. Retail development adjacent to the hospital complex could provide needed pedestrian-accessible services for the hospital's staff and visitors without the need to drive or cross Lake Boone Trail.

3.2 Detriments of the Proposed Rezoning

More intense development will bring more vehicles into the area, particularly if the 10 acres fronting onto Lake Boone Trail is developed for retail uses.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2009-2012 NCDOT Traffic Volume (ADT)	2040 Traffic Volume Forecast (CAMPO)			
Lake Boone Trail	Avenue, 4 Lane Divided	21,000	32,649			
Landmark Road	Avenue, 2 Lane Undivided	3,390	795			
Blue Ridge Road/Duraleigh	Avenue, 4 Lane Divided	26,100	35,596			
Blue Ridge Road	Avenue, 2 Lane Divided	10,800	14,344			
Wycliff Road	Avenue, 2 Lane Undivided	9,100	6,893			
Street Conditions						
Lake Boone Trail	Lanes	Street Width	Curb and Gutter	Right- of-Way	Sidewalks	Bicycle Accommodations
Existing	5	60'	Yes	85'	5' sidewalks on both sides	None
City Standard	4	73'	Yes	101'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	No	No	Yes	No	Yes	No
Landmark Road	Lanes	Street Width	Curb and Gutter	Right- of-Way	Sidewalks	Bicycle Accommodations
Existing	2	36'	Yes	60'	Yes	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	7' lane on one side
Meets City Standard?	Yes	Yes	Yes	No	Yes	No
Blue Ridge Road/Duraleigh	Lanes	Street Width	Curb and Gutter	Right- of-Way	Sidewalks	Bicycle Accommodations
Existing	4	75'	Yes	80'	Yes	None
City Standard	4	73'	Yes	101'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	No	Yes	No	Yes	No

<u>Blue Ridge Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	35'	segments of curb and gutter on both sides	75'	segments of 5' sidewalk on both sides	None
City Standard	2	48'	Yes	75'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	No	No	Yes	No	No
<u>Wycliff Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	35'	Yes	64'	5' sidewalks on both sides	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	Yes	Yes	Yes	Yes	No
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	516	552	36			
PM PEAK	909	1058	149			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-20-13. The applicant may want to consider delineating/channelizing the approaches for Landmark Drive/Nancy Ann Drive to Lake Boone Trail to improve the LOS of the intersection without signalization. A right turn only lane should be considered for Landmark Drive/Nancy Ann Drive to allow a right turn movement without waiting for through and left turning traffic.				
Additional Information:	Neither NCDOT nor the City of Raleigh has any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

4.2 Transit

Conditions on the case provide for a transit easement and shelter.

4.3 Hydrology

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

Impact Identified: Neuse River Buffers are present on site.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>	<i>Estimated Remaining Capacity</i>
<i>Water</i>	110,890 gpd	327,025 gpd	
<i>Waste Water</i>	110,890 gpd	327,025 gpd	

Impact Identified: The proposed rezoning would add approximately 216,135 gpd to the wastewater collection and water distribution systems of the City. Presently there are existing eight (8") inch sanitary sewer and water mains located throughout the proposed area for rezoning. The subsequent development would use these mains for connection to the City's utility systems. Downstream sanitary sewer improvements may be required by the City of the developer, depending on actual use. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

This rezoning case does not impact the current recreation level of service in this area. There is no greenway corridor adjacent to this property.

4.6 Urban Forestry

Parking Limited frontage will not require tree conservation areas along Lake Boone Trail .

Impact Identified: The impact of this rezoning (specifically the frontage designation) will be the loss of primary tree conservation areas along Lake Boone Trail.

4.7 Designated Historic Resources

n/a

4.8 Community Development

n/a

4.9 Appearance Commission

n/a

4.10 Impacts Summary

The increase in building intensity will result in additional vehicular and transit use, additional loading to the water and sewer system, and increased use of existing park facilities.

4.11 Mitigation of Impacts

The impacts to the various City of Raleigh road, transit, public utilities and parks systems has been determined to be within the existing capacities of those systems.

5. Conclusions

The proposed zoning allows for the replacement of an aging apartment complex with new office, residential and retail development. The site, adjacent to Rex Hospital and its several associated office buildings, is appropriate for such development as the area is well-served by transit, the road network and public utilities. The site is adjacent to the City Growth Center associated with the Hospital, and more intense development here could complement the Growth Center.

However, the proposal is partially inconsistent with the Future Land Use Map, which does not envision retail uses on this property. The rezoning request would allow 10 acres of retail uses on Lake Boone Trail, and up to a maximum of 100,000 total square feet of nonresidential uses. The applicant will need to address why the benefits of retail in this location outweigh the inconsistency with the City's land use plan.

EXHIBIT C. Request for Zoning Change

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

Narrative of conditions being requested:

1. The following principal uses, as listed in UDO Section 6.1.4. "Allowed Principal Use Table", shall be prohibited on all portions of the property:

- a. Boardinghouse
- b. Dormitory, fraternity, sorority
- c. Monastery, convent
- d. Orphanage
- e. Emergency shelter type A
- f. Emergency shelter type B
- g. Special care facility
- h. Cemetery
- i. College, community college, university
- j. Civic club
- k. Museum, library
- l. School, public or private (K-12)
- m. Aeration facility, artesian well
- n. Telecommunication tower – all types
- o. Water or sanitary sewer treatment plant
- p. Adult establishment
- q. Billiard hall, pool hall
- r. Bingo parlor
- s. Bowling alley
- t. Convention center, arena
- u. Shooting range
- v. Miniature golf facility
- w. Motor track
- x. Movie theater or other indoor theater
- y. Skating rink
- z. Radio, TV or recording studio, utility office
- aa. Outdoor recreation – all types
- bb. Bed and breakfast
- cc. Youth hostel
- dd. Passenger Terminal – all types
- ee. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium
- ff. Locksmith
- gg. Palmist, psychic, medium, fortune telling
- hh. Post office
- ii. Tattoo parlor, body piercing
- jj. Wedding chapel
- kk. Pawnshop
- ll. Vehicle sales/rental
- mm. Light manufacturing
- nn. Car wash
- oo. Vehicle repair – all types

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)



Print Name

Michael Tompkins, as manager of

Date

9-19-13

TBR Lake Boone Owner, LLC

EXHIBIT C. Request for Zoning Change

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

2. Upon redevelopment of the property, excluding maintenance and repairs of existing buildings or structures, or reconstruction with like size buildings and uses, that area on the property (the "Buffer Area") between the eastern edge of the right-of-way of Landmark Drive and the property line adjacent to those properties described in the deeds recorded in the Wake County Registry as follows: Book 14378, Page 1296; Book 4681, Page 860; Book 3491, Page 38; Book 6241, Page 489; and Book 15160, Page 1925 (collectively, the "Single Family Residential Parcels") shall, at a minimum, be planted with five shade trees per 100 lineal feet and four understory trees per 100 lineal feet.
3. Other than the installation and maintenance of the planting material referenced in above Condition 2., the Buffer Area shall not be disturbed, with the following exceptions: (a) utility services and related easements; (b) storm drainage facilities and related easements; (c) planting material and any fences or walls permitted by the UDO to complete any transition requirements; and (d) removal of dead, pest infested, diseased or damaged plant materials that pose safety hazards, provided none of these activities are allowed in designated tree conservation areas, if any.
4. Upon redevelopment of that portion of the property designated Area 1 on the attached Exhibit 1, excluding maintenance and repairs of existing buildings or structures or reconstruction with like size buildings and uses, no new buildings or additions to existing buildings shall be constructed within one hundred and twenty (120) feet of the common property line with the Single Family Residential Parcels. The maximum building height shall be forty-five (45) feet for new buildings or additions to existing buildings located within that portion of Area 1 that is within two hundred and twenty (220) feet from the Single Family Residential Parcels.
5. Except for direct broadcast satellite dishes measuring thirty-nine (30) inches or less, all HVAC or mechanical equipment, including dish antennae, located on the roof of any building constructed after the adoption of this rezoning ordinance shall be screened in accordance with UDO section 7.2.5.D.2.
6. Within thirty (30) days of the date of the adoption of this rezoning ordinance, the property owner shall request the City of Raleigh to install a traffic signal at the intersection of Lake Boone Trail and Landmark Drive. If no traffic light is approved by the City, then the owner of the rezoned property, or if there are more than one lot owner, the owner of the largest portion of the property, shall also make this request at least every two (2) years thereafter. Further, and in addition to other notices required hereunder, the applicant for a subdivision plan or site plan review shall also make this request at the time of application, except for such plans associated with maintenance and repair of existing buildings or structures or reconstruction with like size buildings and uses. Notice of the requests made pursuant to this Condition 6. shall be provided to the Meredith Woods neighborhood and the owners of the Summit Office Building (Book 11297, Page 1077) in accordance with the methods permitted by either subsection a. or subsection b. of UDO section 10.2.1.C.1. The obligations imposed by this Condition 6. shall expire ten (10) years from the date of the adoption of this rezoning ordinance.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael Tompkins, as manager of	9-19-13
TBR Lake Boone Owner, LLC		

EXHIBIT C. Request for Zoning Change

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

7. Within ten (10) years of the date of the adoption of this rezoning ordinance and after written notice from the City of Raleigh of the City's decision to permit the installation of the traffic signal at the intersection of Lake Boone Trail and Landmark Drive, the owner of the rezoned property, or if there are more than one lot owner, the owner of the largest portion of the property, shall contribute \$85,000 to the City of Raleigh for use in connection with the traffic signal's installation. Such payment shall be provided to the City of Raleigh within six (6) months of the date of the City's decision to permit a traffic signal.
8. A lighting plan and photometric analysis of the proposed site lighting for the property shall be submitted in accordance with UDO Article 7.4. For those portions of the property designated Area 1, Area 2 or Area 4 on the attached Exhibit 1, lighting features shall create downward lighting and, if necessary, will utilize shielding, hoods, or other appropriate measures to achieve full cut-off design.
9. The applicant for any site plan concerning any portion of the property, excluding maintenance and repairs of existing buildings or structures or reconstruction with like size buildings and uses, shall provide, at least thirty (30) days in advance of submitting a site plan review application, written notice to all owners of the Single Family Residential Parcels of the applicant's submittal of any site plan to the City. Such notice shall include a proposed meeting date, where the applicant will present the site plan, lighting plan, and photometric analysis prepared in conjunction with such site plan. The applicant shall furnish such notice of this meeting to the owners of the Single Family Residential Parcels at least fourteen (14) days in advance of the applicant's proposed meeting date. The notice required by this condition shall be provided in accordance with the methods permitted by either subsection a. or subsection b. of UDO section 10.2.1.C.1.
10. Prior to recordation of a subdivision plat or issuance of a building permit for new development on the property, whichever shall first occur, 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 or 20 feet in width, and may be reduced by the City based on location) and location of the easement along Lake Boone Trail shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. Prior to issuance of a certificate of occupancy for new development on the property, an ADA accessible transit shelter (free-standing or incorporated into a building), with construction plans approved by the Public Works Department, shall be constructed by the lot owner.
11. Residential development on the property shall not exceed 800 dwelling units. Nonresidential development on the property shall not exceed 100,000 square feet of gross floor area. Prior to recordation of a subdivision plat for the property, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential density and nonresidential floor area upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael Tompkins, as manager of	9-19-13
<hr/>		
TBR Lake Boone Owner, LLC		

EXHIBIT C. Request for Zoning Change

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

12. Within that portion of the property designated Area 1 on the attached Exhibit 1, any unenclosed loading area located on that side of a building facing Landmark Drive, and where no other building is located between the loading area and Landmark Drive, shall be screened with a wall totaling at least eight feet in height and such wall shall comply with UDO sections 7.2.5.B.3 and 7.2.5.B.4.
13. Within that portion of the property designated Area 1 on the attached Exhibit 1, any unenclosed service area located on that side of a building facing Landmark Drive, and where no other building is located between the service area and Landmark Drive, shall be screened on three sides by a wall at least six feet in height and on a fourth side by a solid gate at least six feet in height. For an enclosure subject to this condition, the side of the enclosure with a gate may not face Landmark Drive. For an enclosure subject to this condition, the wall and gate screening the service area must be of a height at least 12 inches above the highest point of any dumpster located in the service area, but in no event less than six feet in height. The walls and gate subject to this condition shall comply with UDO section 7.2.5.C.3.
14. Within that portion of the property designated Area 1 on the attached Exhibit 1, new construction (excluding remodeling, renovation and maintenance of existing structures) shall occur only between the hours of 7:00 AM and 7:00 PM Monday through Friday, 8:00 AM and 6:00 PM Saturday, and shall be prohibited on Sunday.
15. No construction materials, debris or equipment shall be stored, handled or parked within the Buffer Area. This condition shall not prohibit the use of equipment in the Buffer Area for the purposes set forth in above Condition 3 of this rezoning ordinance.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)



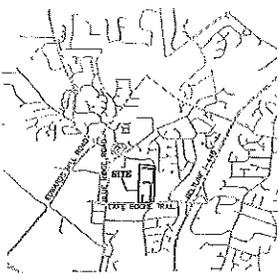
Print Name

Michael Tompkins, as manager of

Date

9-19-13

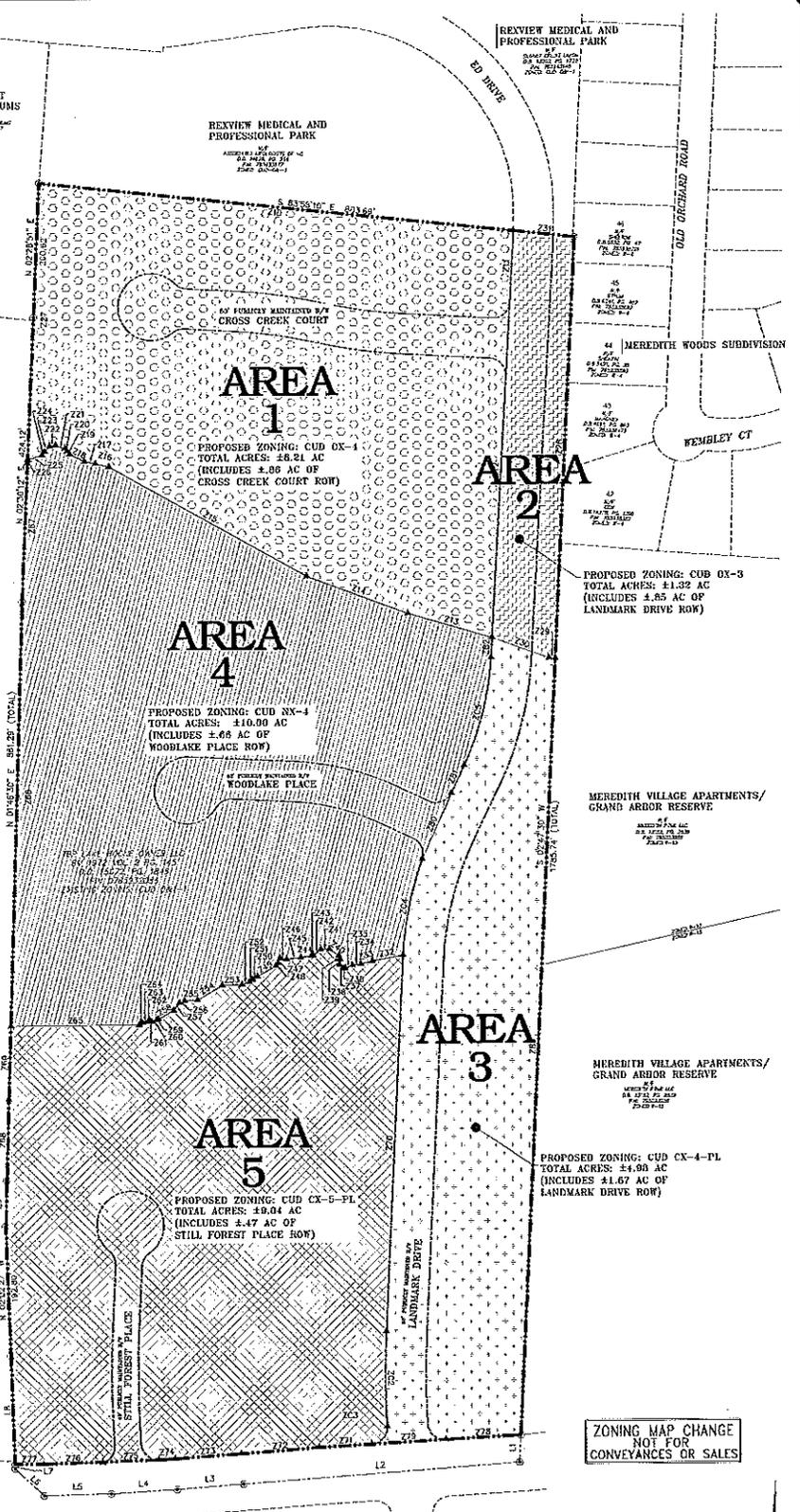
TBR Lake Boone Owner, LLC



Not to Scale
VICINITY MAP

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S 82°42'27" W	482.72	242	N 57°04'07" E	154.07
L2	S 88°59'03" W	413.31	243	N 74°15'03" E	2.78
L3	S 85°54'33" W	829.85	244	S 87°45'28" W	16.12
L4	S 86°33'13" W	99.30	245	S 87°26'15" W	20.80
L5	N 82°48'33" E	888.60	246	S 89°45'01" E	9.85
L6	S 45°30'57" E	58.81	247	N 24°19'31" E	7.67
L7	S 01°20'04" E	6.36	248	N 35°22'21" E	4.43
L8	S 01°50'04" E	161.71	249	N 60°38'33" E	32.51
L9	N 01°27'47" E	67.92	250	N 54°24'57" E	8.12
L10	S 81°58'10" E	712.73	251	N 55°48'14" E	6.44
L11	S 03°14'03" W	107.62	252	N 69°17'54" E	11.97
L12	S 03°11'01" W	500.74	253	N 83°06'05" E	29.01
L13	N 73°35'45" W	129.87	254	N 59°35'06" E	43.12
L14	N 69°11'47" W	169.91	255	N 88°47'38" E	18.21
L15	N 65°46'35" W	333.19	256	N 69°56'39" E	8.83
L16	N 78°27'35" W	20.52	257	N 37°58'10" E	13.14
L17	N 78°33'13" W	16.77	258	N 81°31'39" E	26.49
L18	N 82°38'48" W	25.04	259	N 71°41'56" E	2.53
L19	N 82°32'59" W	31.89	260	N 23°01'41" E	7.90
L20	N 20°52'04" W	14.56	261	N 88°22'36" E	2.52
L21	S 85°54'01" W	83.41	262	N 83°22'07" E	3.91
L22	S 87°42'55" W	11.25	263	N 73°01'01" E	6.77
L23	S 31°29'07" W	6.75	264	N 60°48'38" E	5.84
L24	S 71°51'33" W	10.25	265	S 83°41'51" W	191.82
L25	S 21°16'34" W	11.43	266	S 81°46'33" W	831.56
L26	S 33°00'34" W	0.81	267	S 05°29'48" W	311.22
L27	N 02°29'46" E	413.52	268	S 01°46'30" W	120.93
L28	S 02°47'37" W	628.96	269	S 01°46'33" W	108.74
L29	S 87°17'59" E	9.37	270	N 02°46'24" E	260.37
L30	S 70°09'18" E	89.92	271	N 65°46'21" E	78.06
L31	S 81°58'10" E	90.95	272	N 82°49'03" E	118.19
L32	N 78°21'31" E	46.59	273	N 85°55'31" E	98.46
L33	N 78°21'01" E	18.51	274	N 87°01'31" E	24.51
L34	N 81°04'41" E	12.50	275	N 82°11'28" E	84.00
L35	N 70°21'51" E	11.62	276	N 88°48'33" E	88.64
L36	N 72°37'40" E	1.83	277	S 89°55'09" E	41.93
L37	S 43°32'19" E	7.53	278	S 86°46'21" W	112.16
L38	S 05°29'37" W	8.08	279	S 88°48'54" W	170.99
L39	S 18°25'26" E	5.30	280	N 23°15'17" E	102.83
L40	S 14°58'04" E	17.00	281	N 25°16'31" E	45.00
L41	N 89°50'43" E	12.92	282	N 03°18'13" E	29.24
L42	N 51°01'07" E	15.61	283	S 02°42'30" N	1156.79

CURVE	RADIUS	LENGTH	CHORD BEARING	CH. DIST.	DELTA
C03	1347.43	141.50	S 001°27'27" E	141.43	601°01'
C04	25.01	39.98	S 41°45'40" W	35.56	90°04'23"
C05	824.30	185.83	N 11°21'00" E	185.18	183°45'50"
C06	431.83	166.51	N 141°32'26" E	165.48	229°15'13"



REX HOSPITAL
100 REXVIEW MEDICAL AND PROFESSIONAL PARK
RALEIGH, NC 27603

FIRE STATION
1111 MARKETPLACE AT LAKE BOONE TRAIL
RALEIGH, NC 27603

LAKE BOONE TRAIL
1111 MARKETPLACE AT LAKE BOONE TRAIL
RALEIGH, NC 27603

HIGHWOODS REALTY
1111 MARKETPLACE AT LAKE BOONE TRAIL
RALEIGH, NC 27603

HIGHWOODS REALTY
1111 MARKETPLACE AT LAKE BOONE TRAIL
RALEIGH, NC 27603

THE SUMMIT AT LAKE BOONE TRAIL
1111 MARKETPLACE AT LAKE BOONE TRAIL
RALEIGH, NC 27603

MARKETPLACE AT LAKE BOONE TRAIL
1111 MARKETPLACE AT LAKE BOONE TRAIL
RALEIGH, NC 27603

ZONING MAP CHANGE NOT FOR CONVEYANCES OR SALES

LEGEND
 * EXISTING ROAD RIGHT OF WAY
 * CALCULATED POINT
 GRAPHIC SCALE
 1 inch = 81 ft.

EXHIBIT 1 TO Z-20-13

	THE VILLAGES OF LAKE BOONE TRAIL LAKE BOONE TRAIL RALEIGH, NORTH CAROLINA REZONING EXHIBIT 1 TO Z-20-2013	OWNER: Tribridge Residential, LLC 1575 Northside Drive NW Building 100, Suite 200 Atlanta, Georgia 30318	REVISIONS: 1.	THE JOIN R. McADAMS COMPANY, INC. 2965 Meridian Parkway Durham, North Carolina 27713 License No.: 15-0293 (919) 733-6648 • 16McAdamsCo.com
	<p>1 OF 1</p>			



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Michael Tompkins as Manager of Owner	4-29-13
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	TBR Lake Boone Owner, LLC	c/o Tribridge Residential, LLC 1575 Northside Dr. Bldg. 100, Ste. 200 Atlanta, GA 30318	
Property Owner(s)	Same as above	Same as above	
Contact Person(s)	Stephen Bates, Tribridge Residential	1575 Northside Dr. Bldg. 100, Ste. 200 Atlanta, GA 30318	(404) 367-6546
	Michael Birch, Morningstar Law Group	630 Davis Drive Suite 200 Morrisville, NC 27560	(919) 590-0388 mbirch@morningstarlawgroup.com
	Brian Purdy, The John R. McAdams Co.	P.O. Box 14005 RTP, NC 27709	(919) 361-5000 purdy@johnrmcadams.com

Property information

Property Description (Wake County PIN)	0785-93-2086
Nearest Major Intersection	Lake Boone Trail and Landmark Drive
Area of Subject Property (in acres)	34.29 acres per Wake County GIS
Current Zoning Districts (include all overlay districts)	O&J-1 CUD (Z-15-08)
Requested Zoning Districts (include all overlay districts)	CX-5-PL, CX-4-PL, NX-4, OX-4, OX-3, all CUD

EXHIBIT B. Request for Zoning Change

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

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
------	----------------	----------------	--------------

ATTACHED

EXHIBIT D. Request for Zoning Change

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

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

The property is designated "Office Residential – Mixed Use" on the Future Land Use Map. This category is sometimes applied to property more suitable for a more mixed-use development pattern, including residential, office, and ancillary retail uses. The designation recognizes that higher impact uses could be appropriate in some locations. Also, this designation supports building height of up to 4 stories where near neighborhoods, and supports additional height on larger sites and in locations along major corridors where adjacent uses would not be adversely affected.

The proposed rezoning permits a mix of residential, office, and commercial uses. The proposed rezoning also applies height limits of 4 stories near surrounding residential uses and 5 stories adjacent to the hospital use and along Lake Boone Trail.

The proposed map amendment is predominantly consistent with the Future Land Use Map based on the uses and building heights permitted and the location of such uses and building heights. First, the CX, NX and OX districts permit office and residential uses, consistent with the land use recommendations of the ORMU classification. The higher impact uses are located farthest from low-density residential uses, adjacent to the Raleigh Campus of Rex Healthcare, home to Rex Hospital and associated medical office uses, and along Lake Boone Trail, which is a major thoroughfare. Second, the areas proposed for a 4-story building height maximum are those areas near surrounding residential uses, consistent with the height guidance for the ORMU classification. The areas proposed for a 5-story building height maximum are those areas farthest from residential uses, adjacent to Rex Hospital, which will not be adversely affected by five-story buildings, and along Lake Boone Trail, which is a major thoroughfare, all of which is consistent with the height guidance for the ORMU classification.

EXHIBIT D. Request for Zoning Change

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

The ORMU classification acknowledges that higher impact uses are appropriate in some circumstances, and the proposed location and context of the CX and NX districts supports the location of such higher impact uses where proposed by the rezoning petition. However, the applicant acknowledges that the CX and NX district permits principal commercial uses not expressly recommended by the ORMU classification. Despite this potential inconsistency, the proposed map amendment's greater level of consistency with the ORMU category use and height recommendations as noted above, when considered together with its consistency with applicable Comprehensive Plan policies as described below, the proposed map amendment is consistent with the Comprehensive Plan.

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

No, the subject property is not located within Area Plan or other City Council-adopted plans.

The subject property is immediately adjacent to the boundary of the Blue Ridge Road District Study, which was recently adopted by the City Council. Specifically, the subject property is adjacent to the Health & Wellness District. It is important to note that the Study identifies a short-term opportunity to provide convenience retail to existing employees in the area, in addition to the strong demand for conventional and medical office uses and the need for additional residential density to support the workforce commuting to the Health & Wellness District. This short-term opportunity exists because of the recognized "pent-up demand" for each of these uses in the area. The Study identifies few areas as appropriate for this type of commercial development within the Health & Wellness District, so the subject property offers a unique opportunity to accommodate these uses in close proximity to the significant employment area.

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

The proposed map amendment is consistent with the Comprehensive Plan, based on its consistency with the Future Land Use Map as described above and its consistency with the applicable Comprehensive Plan policies as noted below:

- Policy LU 1.2 "Future Land Use Map and Zoning Consistency"
- Policy LU 1.3 "Conditional Use District Consistency"
- Policy LU 2.6 "Zoning and Infrastructure Impacts"
- Policy LU 4.5 "Connectivity"
- Policy LU 5.4 "Density Transitions"
- Policy LU 5.6 "Buffering Requirements"
- Policy LU 10.6 "Retail Nodes"
- Policy EP 2.5 "Protection of Water Features"
- Policy EP 3.12 "Mitigating Stormwater Impacts"
- Policy EP 8.4 "Noise and Light Impacts"
- Policy UD 2.4 "Transitions in Building Intensity"
- Policy UD 7.3 "Design Guidelines"

EXHIBIT D. Request for Zoning Change

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

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The surrounding area is characterized by a mix of residential, office/institutional and commercial uses; is served by alternate modes of transportation; and is in close proximity to public parks and greenways. Surrounding transportation infrastructure includes a principal arterial (Interstate 440), a secondary arterial (Edwards Mill Road), two major thoroughfares (Lake Boone Trail and Blue Ridge Road), and collector streets (Harden Street, Nancy Ann Drive, Landmark Drive, and Ed Drive). Additionally, public bus lines are available on Lake Boone Trail (CAT Route 4 – Rex Hospital) and Blue Ridge Road (CAT Route 4 and CAT Route 16 – Oberlin). Umstead State Park, Laurel Hills Community Center, Ridge Road community pool and City greenways and trails are located in close proximity to the subject property.

To the north of the subject property, the immediately adjacent parcel is actively being developed for office uses, and farther north across Ed Drive (collector street) property was recently developed for multiple office buildings. The office buildings on the north side of Ed Drive directly abut single-family detached residences.

To the east of the subject property, five single-family residences directly abut the subject property to the northeast, and the majority of the subject property's eastern boundary adjoins Meredith Village Apartments/Grand Arbor Reserve.

Lake Boone Trail, which is a major thoroughfare, is immediately south of the subject property. Conventional and medical office uses and a commercial/office use are located on the south side of Lake Boone Trail.

The Raleigh Campus of Rex Healthcare, which includes Rex Hospital and associated medical office uses, is located immediately west of the subject property. Large surface parking lots and structured parking facilities are located on the Rex Healthcare property. To the northwest of the subject property is the Ridgecroft condominium development, which contains 44 residential condominium units.

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

Property to the north is zoned O&I-1 CUD, and is developed/being developed for single-story office buildings. Property to the northeast is zoned R-4 and developed for single-family detached houses. Property to the east is zoned R-10 and R-15 and is developed for a 297-unit, multi-story apartment complex. Property to the south across Lake Boone Trail is zoned O&I-1 CUD and is developed for mid-rise office buildings. The property to the south zoned O&I-1 with a PDD overlay district is developed for a two-story retail/office building and multi-story office buildings.

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

The proposed map amendment, which permits a mix of residential, office and commercial uses, is compatible with the suitability of the property for such uses and the character of the surrounding area.

The subject property is appropriately sized to accommodate a mix of uses, and is situated at the intersection of a major thoroughfare and a collector street, which provides sufficient access to the entire

EXHIBIT D. Request for Zoning Change

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

property and can serve commercial, office and residential uses. The proposed map amendment permits commercial uses on that portion of the property fronting along Lake Boone Trail, which is the most suitable location for such uses. As the property moves away from Lake Boone Trail, it is accessed by a collector road, which is appropriate to serve office and residential uses. Similarly the proposed map amendment permits higher buildings along Lake Boone Trail, and transitions to lower heights as the property moves away from Lake Boone Trail.

The subject property fronts along Lake Boone Trail, and generally property fronting elsewhere along Lake Boone Trail is developed for mid-rise buildings containing non-residential uses. The proposed map amendment permits uses and building heights on that portion of the property closest to Lake Boone Trail, similar to other uses and buildings elsewhere along Lake Boone Trail thoroughfare. The proposed map amendment also permits these non-residential uses and taller buildings adjacent to the Rex Healthcare property, which is currently developed for mid-rise buildings containing non-residential uses. As the property moves away from Lake Boone Trail, the permitted building heights step down to appropriately transition to surrounding uses. Additionally, only office and residential uses are permitted in those areas proximate to the single-family residences and condominium development. Further, the proposed map amendment contains several conditions that require increased transitions to the single-family residences.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowner by permitting a mix of uses on the property, which will facilitate redevelopment of the subject property.

B. For the immediate neighbors:

The proposed map amendment benefits immediate neighbors by providing transitions to the adjacent single-family residences and residential condominium owners. Additionally, the proposed map amendment will permit support and convenience uses within walking distance to residential neighbors and occupants of nearby offices, which, along with providing housing opportunities in close proximity to an employment center, will also reduce vehicle trips on Lake Boone Trail. Additionally, the rezoning ensures that the subject property will be developed in accordance with the new standards of the Unified Development Ordinance, which incorporates heightened standards for walkability and pedestrian connectivity.

C. For the surrounding community:

The proposed map amendment benefits the surrounding community by providing additional housing opportunities in close proximity to major employment generators and office uses. Additionally, the proposed map amendment will facilitate the redevelopment of the subject property, which will result in the implementation of current riparian buffer standards and stormwater management standards.

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

No, the rezoning of the subject property does not provide a significant benefit which is not available to surrounding properties. Many of the surrounding properties are zoned and developed for multi-story buildings that contain residential and non-residential uses. Additionally, convenience commercial uses exist across the street and to the east of the subject property. Many of the uses permitted by the proposed

EXHIBIT D. Request for Zoning Change

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

map amendment are permitted on surrounding properties, so the rezoning does not provide a significant benefit which is not available to surrounding properties.

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

The subject property is appropriately sized for a mix of uses and is located along a major thoroughfare and collector street that provide adequate transportation infrastructure to serve the level of development permitted by the proposed map amendment. Also, the property contains streams and riparian buffers traversing the property, which will contribute to a less-intense character on that portion of the property closer to less-intense surrounding uses. Additionally, there is a thin portion of the property on the eastern side of Landmark Drive which serves as a natural transition area to the adjacent single-family residences. Finally, the property's frontage along Lake Boone Trail lends itself to the application of the parking limited frontage type, which will increase pedestrian interest and connectivity in the area. Based on the foregoing, the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

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

This recommended item of discussion is not applicable.

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

Since the property was last zoned, the future development plans in the area have changed and the demand for additional housing opportunities and convenience uses has been identified. The surrounding area has continued to develop for office/employment uses, generating the demand for such housing and convenience uses.

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

As discussed in the Blue Ridge Road District Study, there is strong demand and near-term opportunities in the area of the subject property for service/convenience non-residential uses.

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

This recommended item of discussion is not applicable.

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

The rezoning advances the fundamental purposes of zoning by providing additional housing and service/convenience uses in close proximity to existing office uses, which may reduce vehicle trips on Lake Boone Trail. Additionally, the rezoning regulates the use of land in accordance with the Comprehensive Plan, because the proposed map amendment permits a mix of residential and non-residential uses at maximum building heights of four and five stories, consistent with the Future Land Use

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

Map and applicable Comprehensive Plan policies. Finally, the proposed map amendment regulates the use of land with reasonable consideration to the character of the district and the suitability of the land for particular uses, as described above.

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

The applicant has two additional arguments on behalf of the proposed map amendment.

First, the subject property is located within a mixed-use community center as shown on the Growth Framework Map. Recently, the City Council amended the Growth Framework Map to place the area to the west of the subject property within a City Growth Center, based on the recommendations of the Blue Ridge Road District Study. As discussed in the Framework section of the Comprehensive Plan, these areas represent redevelopment opportunities and are appropriate for a mix of uses. The proposed map amendment is consistent with these visions.

Second, property on the south side of Lake Boone Trail is designated on the Future Land Use Map as "Community Mixed Use." This classification encourages a mix of uses, including principal commercial uses. The area designated CMU extends from the west side of Nancy Ann Drive, east on Lake Boone Trail to Myron Drive, and across Lake Boone Trail to include the existing Lake Boone shopping center. It is important to note, however, that much of the area on the south side of Lake Boone Trail is not well positioned for redevelopment consistent with the CMU vision. Many properties on the south side of Lake Boone Trail are developed with relatively new, multi-story office buildings. Another property is developed with office condominium units. None of the properties are under similar ownership, and many of the properties are too small to implement the vision of the CMU category. There is significant topography and riparian buffer areas on the south side of Lake Boone Trail, which adversely impacts access to the properties. Finally, there is a lack of adequate transportation infrastructure and connectivity to serve such development on the south side of Lake Boone Trail, and would likely result in the use of a neighborhood road (Harden Street) to access such commercial development. All of these factors significantly limit the redevelopment potential of the south side of Lake Boone Trail.

The conditions on the north side of Lake Boone Trail are much more conducive to such development, particularly on the subject property. The subject property is primed for redevelopment, is under single ownership, is appropriately sized for a mix of uses, is at-grade with Lake Boone Trail, and is bisected by Landmark Drive, which is a collector street that does not serve any single-family neighborhood.

For these reasons, the proposed map amendment is reasonable and in the public interest.

THE VILLAGES OF LAKE BOONE TRAIL

2412 LANDMARK DRIVE

COMPLIANCE WITH URBAN DESIGN GUIDELINES FOR MIXED-USE CENTERS

Guideline	Analysis
<p>1 Elements of Mixed-Use Areas</p>	<p>Applicant's Response: The proposed rezoning permits a mix of residential, office and commercial uses, consistent with this guideline. Additionally, the Parking Limited frontage type along Lake Boone Trail will enhance the pedestrian connectivity within the site.</p>
<p>2 Mixed-Use Areas/ Transition to Surrounding Neighborhoods</p>	<p>Applicant's Response: The proposed rezoning incorporates lower building heights adjacent to existing attached housing types (apartments/condos) and office uses, and provides for a 120-foot transition area that includes a 30-foot wide landscaped buffer area adjacent to low density residential uses, consistent with this guideline.</p>
<p>3 Mixed-Use Areas/ The Block, The Street, and The Corridor</p>	<p>Applicant's Response: The site is already appropriately connected directly into the area's road network.</p>
<p>4 Mixed-Use Areas/ The Block, The Street, and The Corridor</p>	<p>Applicant's Response: The site is already appropriately connected to adjacent development to the north and south. The possibility of future connectivity to the west (Rex Hospital) and east (Meredith Village Apartments/Grand Arbor Reserve) will be established by the applicant's commitment to record offers of vehicular and pedestrian cross-access to these properties.</p>
<p>5 Mixed-Use Areas/ The Block, The Street, and The Corridor</p>	<p>Applicant's Response: As currently developed, much of the property conforms to this guideline. Upon redevelopment, it is anticipated that the standards of this guideline will be met.</p>

THE VILLAGES OF LAKE BOONE TRAIL

2412 LANDMARK DRIVE

COMPLIANCE WITH URBAN DESIGN GUIDELINES FOR MIXED-USE CENTERS

<p>6 Site Design/ Building Placement</p>	<p>Applicant's Response: The proposed map amendment includes a Parking Limited frontage type along Lake Boone Trail. This frontage type limits the amount of parking between the road and the building, provides a build-to line, and requires pedestrian connectivity between the right-of-way and buildings, all consistent with this guideline given the context of the property.</p>
<p>7 Site Design/ Building Placement</p>	<p>Applicant's Response: The property fronts along Lake Boone Trail, and this portion of the major thoroughfare is not designated on the urban form map for a more urban frontage than Parking Limited. The Parking Limited frontage limits parking between the building and the right-of-way to no more than one bay of double-loaded parking and requires the building to be located within a build-to line measured from Lake Boone Trail, consistent with this guideline, given the context of the property and the classification of Lake Boone Trail.</p>
<p>8 Site Design/ Building Placement</p>	<p>Applicant's Response: The Parking Limited frontage type being applied along Lake Boone Trail allows for development consistent with this guideline.</p>
<p>9 Site Design/ Urban Open Space</p>	<p>Applicant's Response: It's anticipated that site design for any redevelopment that occurs pursuant to the proposed map amendment will attempt to comply with this guideline. The property contains natural features that provide open space opportunities throughout the site, with access from the public right-of-way.</p>
<p>10 Site Design/ Urban Open Space</p>	<p>Applicant's Response: The UDO requires outdoor amenity areas associated with residential and non-residential building types, and such amenity areas must be located adjacent to public sidewalks, providing for direct pedestrian connections consistent with this guideline.</p>
<p>11 Site Design/ Urban Open Space</p>	<p>Applicant's Response: The UDO requires outdoor amenity areas within the districts proposed by map amendment, including those districts that would permit multi-family residential and non-residential uses that can provide the active space adjacent to these outdoor amenity areas, consistent with this guideline.</p>

THE VILLAGES OF LAKE BOONE TRAIL

2412 LANDMARK DRIVE

COMPLIANCE WITH URBAN DESIGN GUIDELINES FOR MIXED-USE CENTERS

<p>12 Site Design/Urban Open Space</p>	<p>Applicant's Response: Similar to the response to Guideline 11, the higher-density residential uses and non-residential uses will provide outdoor amenity areas in close proximity to the buildings, consistent with this guideline.</p>
<p>13 Site Design/ Public Seating</p>	<p>Applicant's Response: The UDO standards for outdoor amenity areas require seating opportunities, consistent with this guideline.</p>
<p>14 Site Design/ Automobile Parking</p>	<p>Applicant's Response: The Parking Limited frontage type applicable along Lake Boone Trail ensures that parking lots will not dominate site frontage on Lake Boone Trail, and that pedestrian routes will be provided between the building and the right-of-way, consistent with this guideline.</p>
<p>15 Site Design/ Automobile Parking</p>	<p>Applicant's Response: City staff has indicated that the Parking Limited frontage is the most appropriate frontage type for this location given the context of Lake Boone Trail at this point and the surrounding built-environment. The Parking Limited frontage type permits compliance with this guideline, but ensures flexibility to respond to the character of the street and surrounding area.</p>
<p>16 Site Design/ Automobile Parking</p>	<p>Applicant's Response: Whether, and where, a parking structure would be located on the property is not certain at this point in the rezoning process, but the applicant anticipates making efforts to comply with some or all of this guideline in the event a parking structure is developed on the property.</p>
<p>17 Site Design/ Transit Stops</p>	<p>Applicant's Response: The entirety of the site is within walking distance of public transit stops, primarily CAT Route 4 - Rex Hospital.</p>
<p>18 Site Design/ Transit Stops</p>	<p>Applicant's Response: The UDO standards ensure redevelopment of the site will meet the standards of this guideline.</p>

THE VILLAGES OF LAKE BOONE TRAIL
2412 LANDMARK DRIVE
COMPLIANCE WITH URBAN DESIGN GUIDELINES FOR MIXED-USE CENTERS

<p style="text-align: center;">19 Site Design/ Environmental Protection</p>	<p>Applicant's Response: Upon redevelopment, the streams traversing the property will have to be buffered in accordance with the current standards, which will provide a higher degree of protection than the existing development does, and consistent with this guideline.</p>
<p style="text-align: center;">20 Street Design/ General Street Design Principles</p>	<p>Applicant's Response: The UDO pedestrian access and streetscape requirements associated with the Parking Limited frontage type ensure that existing and new streetscapes will fulfill this guideline.</p>
<p style="text-align: center;">21 Street Design/ General Street Design Principles</p>	<p>Applicant's Response: The standards for existing and new streets under the UDO will be complied with, which will largely address this guideline given the context of Lake Boone Trail and Landmark Drive.</p>
<p style="text-align: center;">22 Street Design/ General Street Design Principles</p>	<p>Applicant's Response: The Parking Limited frontage type requires the implementation of an appropriate streetscape element, which will facilitate compliance with this guideline.</p>
<p style="text-align: center;">23 Street Design/ Spatial Definition</p>	<p>Applicant's Response: The building heights and frontage type proposed by this rezoning, along with the building massing and architectural feature requirements in the UDO, will facilitate compliance with this guideline.</p>
<p style="text-align: center;">24 Building Design/ Façade Treatment</p>	<p>Applicant's Response: The Parking Limited frontage type applicable to Lake Boone Trail requires a street-facing entrance on the buildings, consistent with this guideline.</p>

THE VILLAGES OF LAKE BOONE TRAIL
2412 LANDMARK DRIVE
COMPLIANCE WITH URBAN DESIGN GUIDELINES FOR MIXED-USE CENTERS

<p style="text-align: center;">25 Building Design/ Façade Treatment</p>	<p>Applicant's Response: The build-to requirement, street-facing entrance requirement and pedestrian connectivity requirement associated with the Parking Limited frontage type, along with the transparency standards applicable to building types contemplated for the Lake Boone Trail frontage, will ensure compliance with this guideline.</p>
<p style="text-align: center;">26 Building Design/ Street Level Activity</p>	<p>Applicant's Response: Although this guideline is more applicable to a more densely-packed urban development site, the sidewalk along Lake Boone Trail will be a focus of activity, which will be enhanced by the build-to line, street-facing entrances, pedestrian connections and building transparency required by the UDO given the frontage type and building types applicable to the property, all consistent with this guideline.</p>

The Villages of Lake Boone Trail Rezoning

Rezoning Neighborhood Meeting Minutes – April 16, 2013

Present for the Applicant:

Stephen Broome, TriBridge Properties
Yates Dunaway, TriBridge Properties
R. Michael Birch, Jr., Morningstar Law Group
Brian Purdy, RLA, The John R. McAdams Company
Mike Klein, Planner, The John R. McAdams Company

Attendees:

Bob Alger, 3840 Ed Drive, Ste. 102
C.J. Poran & Madeleine Strum, 2809 Old Orchard Road
Chad Lefteris, VP of Operations, Rex Hospital
Ed Shearin, 2805 Old Orchard Road
Amanda Sanchez, 2801-202 Edridge Court

The neighborhood meeting was held in the Art Room of the Laurel Hills Park Community Center at 3808 Edwards Mill Road on Tuesday, April 16, 2013 beginning at 6:30 PM.

Notices of the Neighborhood Meeting were sent by regular mail to property owners within 100' of the subject site (and 100' from the south side of the Lake Boone Trail ROW past the site's frontage) on April 2, 2013. Emailed confirmation from DeShele Sumpter at the City's Planning Department is attached. A list of recipients and a corresponding notification buffer map is also attached.

An aerial of the site and environs was exhibited.

Items of discussion included:

- Possibility of pedestrian crossing and traffic signal at the Landmark/Lake Boone/Nancy Ann intersection;
- The fate of conditions currently in place;
- Parking issues on Ed Drive and potential traffic increase at the Ed Drive & Blue Ridge intersection;
- Ownership post-rezoning; and
- Buffering of the adjacent single-family neighborhood to the northeast (Meredith Woods Subdivision - Old Orchard Road and Wembley Court)

No other invitees arrived late for the meeting. The meeting concluded at 7:10 PM.

The Villages of Lake Boone Trail

Neighborhood Meeting

April 16, 2013

Sign-In Sheet

(please print legibly)

Name	Address	Phone
Bob Alger	3840 Ed Drive Ste W2 Raleigh	(919) 615 2400
C.J. PORAN MADELEINE STRUM	2809 OLD ORCHARD RD. RALEIGH, NC 27607	(919) 696 1909
Chad Loftis	Rex Hospital 4400 Lake Boone Trl.	(919) 784-2242
EA SHEPARD	2805 OLD ORCHARD RD	919 777-3043
Amanda Sanchez	2801-202 Edridge St Raleigh NC 27612	910 988 1150



Certified Recommendation

Raleigh Planning Commission

CR# 11549

Case Information: Z-21-13 - Duraleigh Road

<i>Location</i>	Duraleigh Road, east side, north of its intersection with Blue Ridge Road Address: 3050 Duraleigh Road PIN: 0785745412
<i>Request</i>	Rezone property from O&I-1 CUD to OX-3 CUD
<i>Area of Request</i>	1.5 acres
<i>Property Owner</i>	Bomcelveen LLC
<i>Applicant</i>	Bomcelveen LLC
<i>Citizens Advisory Council</i>	Northwest: Jay M. Gudeman, Chairperson; (919) 789-9884
<i>PC Recommendation Deadline</i>	October 25, 2013

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 & Residential Mixed Use
<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 4.5 – Connectivity Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 5.6 – Buffering Requirements Policy LU 6.4 – Bus Stop Dedication Policy LU 7.1 – Nodal Development Policy LU 7.4 – Scale and Design of New Commercial Uses Policy LU 8.10 – Infill Development Policy UD 7.3 – Design Guidelines
<i>INCONSISTENT Policies</i>	(None.)

Summary of Proposed Conditions

1. Prohibited uses: Outdoor Recreation, Overnight Lodging, Industrial, Resource Extraction
 2. Maximum gross floor area: 30,000 square feet.
 3. Protective yard a minimum 50 feet in width to be maintained along east lot line.
- NOTE: Minor modifications to the above are expected per discussion at the Planning*

Commission meeting, the final wording of which is to be crafted and presented following the City Council's receipt of this recommendation, per the procedures set forth in UDO Sec. 10.2.4.F.2.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
4/30/13			9/10/13: Recommended Approval

Valid Statutory Protest Petition

Attachments:

1. Staff Report
2. Applicant Responses to Design Guidelines for Mixed Use Areas (Table UD-1)

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with the zoning conditions submitted May 1, 2013 but amended per discussion at the Planning Commission meeting.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and applicable Comprehensive Plan policies. The Future Land Use Map designates this area for Office and Residential Mixed Use, and thereby appropriate for office development. 2. The proposal is reasonable and in the public interest. Most land uses currently permitted on the site would continue to be so. 3. The proposal is compatible with the surrounding area. Conditions maintain or enhance the compatibility of the site with adjacent uses and development.
<i>Motion and Vote</i>	Motion: Schuster Second: Swink In Favor: Braun, Buxton, Fluhrer, Lyle, Mattox, Schuster, Sterling Lewis, Swink and Terando

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 _____ 9/10/13 _____ Date
 Planning Director Planning Commission Chairperson

Staff Coordinator: Doug Hill Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-21-13

Conditional Use District

Case Summary

Overview

The proposal seeks to revise existing zoning conditions and permit new office construction. The subject site and all contiguous properties are currently zoned Office and Institution, with build-out ranging from banks and offices, to townhouses and a retirement home complex.

The proposal would continue the trend of subdivision and new office construction on the parent tract, exemplified most recently by the two-story Southern Community Bank building on Edwards Mill Road (S-30-07 & SP-34-07). The oldest building on the parent tract is the largest, with more than 98,000 sf on three floors. The subject parcel, located just to the south, is currently developed with approximately 100 parking spaces serving that adjoining office property. South of the subject site, a separate property contains a one-story bank with drive-through. Adjoining properties to the east are built out in two-story townhouse units, buffered by a 50-foot-wide transition yard which the current proposal would maintain. Across Duraleigh Road from the subject site is the three-story Brighton Gardens retirement home. The wooded area south of that contains a surface parking facility (approved as SP-14-11) serving the Rex Hospital complex, itself located to the south on Blue Ridge Road.

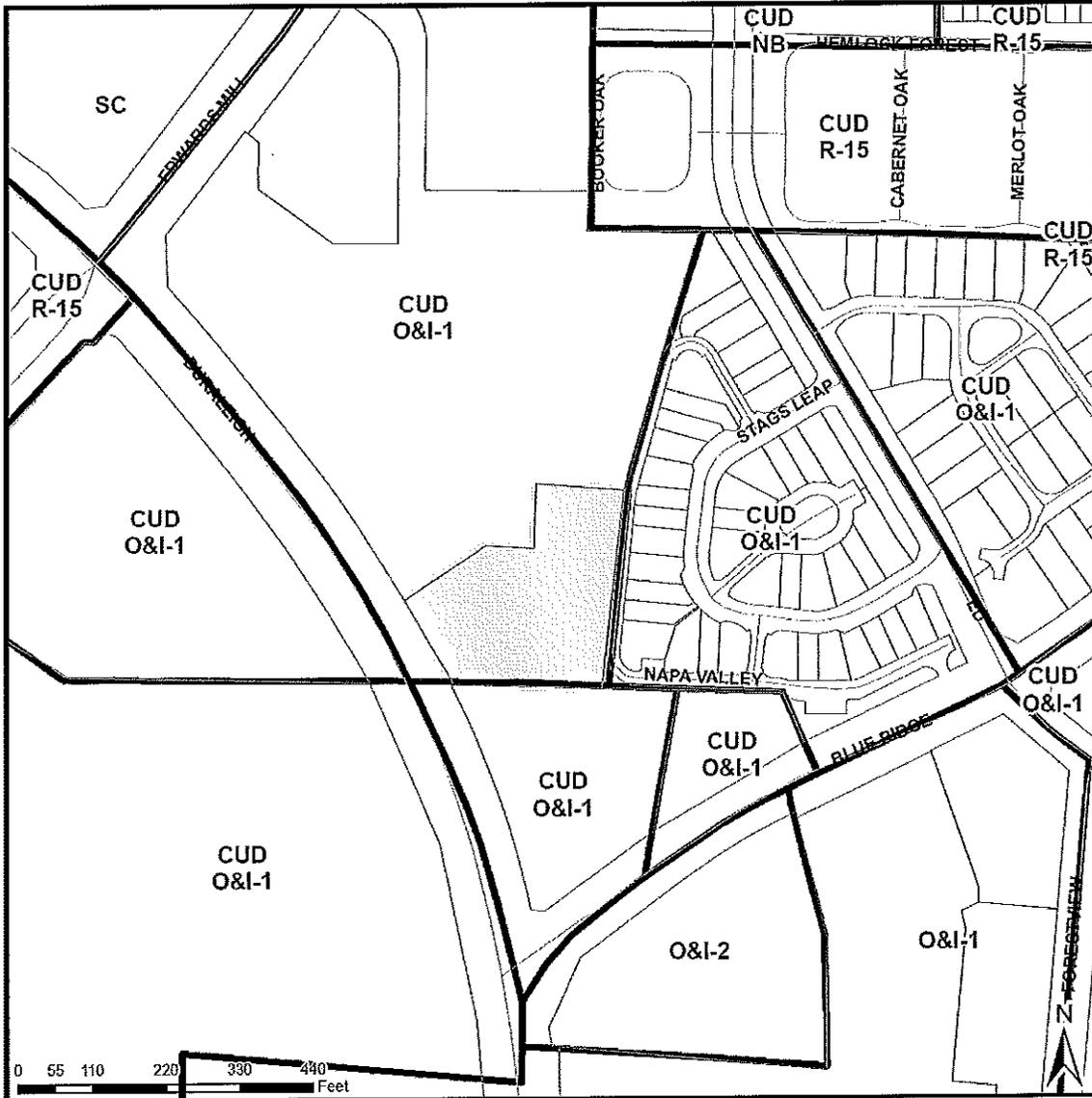
The site is at the edge of the area encompassed by the recent Blue Ridge Road District Study, and is situated immediately north of the proposed "Health and Wellness District". While no specific recommendations are made in the Study regarding the property, multi-modal improvements to adjacent Duraleigh Road are a component of the Study's "complete streets" transportation initiatives.

Outstanding Issues

<i>Outstanding Issues</i>		<i>Suggested Mitigation</i>	
	1. Potential impacts on downstream sewer capacity and fire flow needs.		1. Provide downstream sewer capacity and fire flow studies; make improvements as needed.

Existing Zoning Map

Z-21-2013



Submittal Date

5/1/2013

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



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	<i>Subject Property</i>	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Existing Zoning</i>	O&I-1 CUD	O&I-1 CUD	O&I-1 CUD	O&I-1 CUD	O&I-1 CUD
<i>Additional Overlay</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Future Land Use</i>	O&R MU	O&R MU	O&R MU	O&R MU	O&R MU; Institutional
<i>Current Land Use</i>	Parking lot	Office	Bank w/ drive-through	Townhouses	Retirement home; Parking lot
<i>Urban Form: Centers</i>	<i>n/a</i>	<i>n/a</i>	City Growth Center	<i>n/a</i>	<i>n/a</i>
<i>Urban Form: Corridors</i>	Urban Thoroughfare	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	Urban Thoroughfare

1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	15 DUs/ acre (up to 25/ acre with Planning Commission approval)	No defined limit
<i>Setbacks:</i>		<i>General Building:</i>
<i>Front:</i>	30 feet	5 feet
<i>Side:</i>	5 feet	6 feet
<i>Rear:</i>	20 feet	6 feet
<i>Height:</i>	50 feet (per conditions)	3 stories/ 50 feet (per district designation)
<i>Retail Intensity Permitted:</i>	4,900 sf max (i.e., 10% for bldg. 49,005 sf gross); nonresidential-related services only	4,500 sf max. (15% of conditioned 30,000 sf gross site limit)
<i>Office Intensity Permitted:</i>	49,005 sf max (per 0.75 FAR)	30,000 sf max. (conditioned sf gross site limit)

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning*</i>
<i>Total Acreage</i>	1.5	1.5
<i>Zoning</i>	O&I-1 CUD	OX CUD - 3
<i>Max. Gross Building SF</i>	49,005 (for Office)	30,000 (as conditioned)
<i>Max. Gross Residential SF</i>	(not defined)	30,000 (as conditioned)
<i>Max. Gross Office SF</i>	49,005	30,000 (as conditioned)
<i>Max. Gross Retail SF</i>	4,900 (10% of 49,005 sf bldg)	4,500 (15% of 30,000 sf)
<i>Potential F.A.R</i>	0.75	0.46

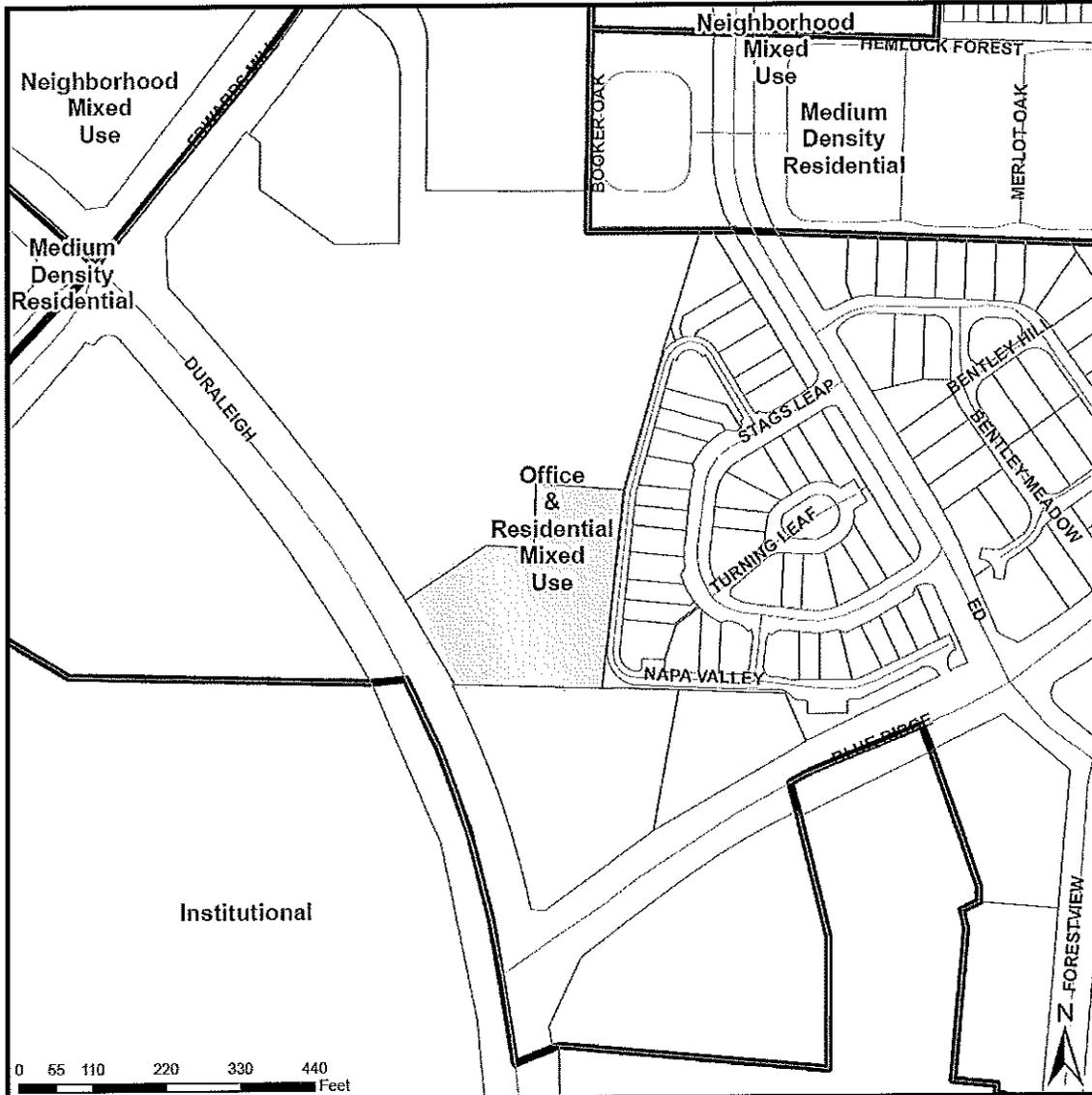
The development intensities for proposed zoning districts were estimated using the **Envision Tomorrow impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.*

The proposed rezoning is:

Compatible with the property and surrounding area.

Future Land Use Map

Z-21-2013



Submittal
Date

5/1/2013

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



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Office and Residential Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

2.2 Policy Guidance

The rezoning request is **consistent** with applicable policies of the Comprehensive Plan.

2.3 Area Plan Policy Guidance

The rezoning request is not located 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

- Increases compactness of area development, while substituting habitable space for surface parking.
- Site is well served by existing infrastructure and access; no major infrastructural demands or impacts expected.
- Maintains existing transition yard width along property line shared with residences to the east, and existing height cap toward contextual continuity.

3.2 Detriments of the Proposed Rezoning

(None identified.)

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2009-2012 NCDOT Traffic Volume (ADT)	2040 Traffic Volume Forecast (CAMPO)			
Duraleigh Road	Avenue, 4 Lane Divided	24,000	36,775			
Edwards Mill Road	Avenue, 6 Lane Divided	21,000	22,346			
Blue Ridge Road	Avenue, 2 Lane Divided	10,800	14,344			
Street Conditions						
Duraleigh Road	Lanes	Street Width	Curb and Gutter	Right-of- Way	Sidewalks	Bicycle Accommodations
Existing	5	60'	Yes	100'	5' sidewalks on both sides Segment of MUP on south side	None
City Standard	4	73'	Yes	101'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	No	Yes	Yes	Yes	No
Edwards Mill Road	Lanes	Street Width	Curb and Gutter	Right-of- Way	Sidewalks	Bicycle Accommodations
Existing	5	65'	Yes	100'	Yes	None
City Standard	6	95'	Yes	123'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	No	No	Yes	No	Yes	No
Blue Ridge Road	Lanes	Street Width	Curb and Gutter	Right-of- Way	Sidewalks	Bicycle Accommodations
Existing	2	35'	segments of curb & gutter on both sides	75'	segments of 5' sidewalk on both sides	None
City Standard	2	48'	Yes	75'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	No	No	Yes	No	No
Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential			
AM PEAK	68	69	1			
PM PEAK	101	104	3			

Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-21-13.
Additional Information:	Neither NCDOT nor the City of Raleigh has any roadway construction projects scheduled in the vicinity of this case.

Impact Identified: None.

4.2 Transit

The site is served by an existing transit stop on Duraleigh Road, fronting the parent tract.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Crabtree
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	4,875 gpd	28,826 gpd
<i>Waste Water</i>	4,875 gpd	28,826 gpd

The proposed rezoning would add approximately 23,951 gpd to the wastewater collection and water distribution systems of the City. Presently there are existing eight (8") inch sanitary sewer and sixteen (16") inch water mains in the Duraleigh Road. The subsequent development would use these mains for connection to the City's utility systems.

Impacts Identified: Downstream sanitary sewer improvements may be required by the City of the developer, depending on actual use. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

The subject rezoning case does not impact the recreational level of service. The subject tract is not adjacent to a greenway corridor.

<i>Proximity to Greenway</i>	<i>Proximity to Park</i>
0.88 mile (Reedy Creek)	0.7 mile (Laurel Hills)

Impact Identified: None.

4.6 Urban Forestry

This site is less than 2 acres and will not have to meet Tree Conservation requirements (UDO Sec 9.1.2).

Impact Identified: No tree conservation requirements on this site.

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 Appearance Commission

As the proposal does not involve a Planned Development District, it is not subject to Appearance Commission review.

4.10 Impacts Summary

- Potential impacts on downstream sewer capacity and fire flow needs.

4.11 Mitigation of Impacts

- Complete downstream sewer capacity and fire flow studies; provide improvements as needed.

5. Conclusions

The proposed rezoning would promote compact development of a nature consistent with Future Land Use designation. Conditions are provided which could increase the compatibility of and minimize potential impacts from site development.

Design Guidelines for Mixed Use Areas

RALEIGH COMPREHENSIVE PLAN

Policy UD 7.3

Design Guidelines

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

Elements of Mixed-Use Areas

1. *All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office and residential within walking distance of each other. Mixed Uses should be arranged in a compact and pedestrian-friendly form.*

Response: The proposed rezoning is consistent with this guideline because it permits residential and office uses within walking distance to existing residential, office and retail uses.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

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

Response: This guideline is inapplicable because the property is not adjacent to lower density neighborhoods. The property is, however, adjacent to a townhome community, and the proposed rezoning limits height to 3 stories and 50 feet and provides a 50 feet wide buffer area adjacent to the townhome community, thereby providing an appropriate transition.

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

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

Response: This guideline is inapplicable given the size and location of the property. The property will not be gaining a separate access to the public right-of-way, but will instead use existing access points through cross-access agreements, which will provide access to Duraleigh Road and Edwards Mill Road.

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

Response: The property will gain access to the public right-of-way via cross-access easements over adjoining properties, consistent with this guideline.

5. *New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.*

Response: The property will not be gaining a new, separate access to Duraleigh Road, but the access point on the adjoining property to Duraleigh Road meets the block length standards of this guideline.

Site Design/Building Placement

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

Response: Based on the requirement for a 50-wide buffer yard adjacent to the townhome community and the location of the existing parking areas, the building will likely be located along the Duraleigh Road right-of-way, consistent with this guideline.

7. *Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.*

Response: Based on the requirement for a 50-wide buffer yard adjacent to the townhome community and the location of the existing parking areas, the building will likely be located along the Duraleigh Road right-of-way, consistent with this guideline.

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

Response: This guideline is not applicable because the property is not located at a street intersection.

Site Design/Urban Open Space

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

Response: Given the suburban context and the size of the property, this guideline is inapplicable. However, the development of the property must comply with the UDO standards for outdoor amenity areas, consistent with this guideline.

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

Response: Given the suburban context and the size of the property, this guideline is inapplicable. However, the development of the property must comply with the UDO standards for outdoor amenity areas, consistent with this guideline.

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

Response: Given the suburban context and the size of the property, this guideline is inapplicable. However, given the size of the parcel, it is likely that the outdoor amenity area will be located near the building, consistent with this guideline.

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

Response: Given the suburban context and the size of the property, this guideline is inapplicable. However, given the size of the parcel, it is likely that the outdoor amenity area will be located near the building, consistent with this guideline.

Site Design/Public Seating

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

Response: The UDO standards for outdoor amenity areas will require provision of seating opportunities, consistent with this guideline.

Site Design/Automobile Parking and Parking Structures

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

Response: Much of the parking area associated with the proposed building is already in place, which drives the probable building location closer to the Duraleigh Road frontage, consistent with this guideline.

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

Response: Much of the parking area associated with the proposed building is already in place, which drives the probable building location closer to the Duraleigh Road frontage, consistent with this guideline.

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

Response: No parking structures are contemplated for development of the property.

Site Design/Transit Stops

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

Response: The rezoning is consistent with this guideline, because the CAT-4 and CAT-16 routes have bus stops located in close proximity to the property.

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

Response: The rezoning is consistent with this guideline, as sidewalks currently exist along Duraleigh Road, Edwards Mill Road and Blue Ridge Road.

Site Design/Environmental Protection

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

Response: This guideline is inapplicable because there appear to be no natural resources or sensitive landscape areas on the property.

Street Design/General Street Design Principles

20. *It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.*

Response: No public streets or new driveways are anticipated as part of development of the property.

21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.*

Response: There is currently a 6-foot wide sidewalk along the frontage of the property, consistent with this guideline given the context of the area and proposed use.

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

Response: This guideline is inapplicable, because no new public streets are anticipated as part of the development of the property.

Street Design/Spatial Definition

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

Response: The proposed building will likely be located along the Duraleigh Road frontage given the location of existing parking areas and the 50-foot wide natural buffer adjacent to the townhome community, consistent with this guideline.

Building Design/Facade Treatment

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

Response: This guideline is more appropriately addressed at the time of site plan approval.

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

Response: The ground-level transparency requirements in the UDO will provide pedestrian-level interest, consistent with this guideline.

Building Design/Street Level Activity

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

Response: The proposed building will likely be located along the Duraleigh Road frontage near the existing sidewalk given the location of existing parking areas and the 50-foot wide natural buffer adjacent to the townhome community, consistent with this guideline.



City of Raleigh
North Carolina

To: Mayor Nancy McFarlane
Members of City Council

From: Travis R. Crane

Date: September 12, 2013

Re: Rezoning Process

CC: Perry James, Interim City Manager

With the adoption of the UDO, the rezoning process has been changed. The most significant alteration occurs once the City Council receives a recommendation from the Planning Commission. This memorandum provides background and offers options for review of rezoning requests by the City Council.

Planning Commission Recommendation

The City Council will receive a recommendation from the Planning Commission very much in the same way it has to date. The Planning Commission chairperson and a staff member will present the Commission's recommendation to the City Council at a regular daytime meeting under the "Planning Commission Report" section of the agenda. The chairperson and staff member can explain the request and provide insight to the discussion at the Commission meetings.

The City Council will have three options once the Planning Commission recommendation has been received. The Council can choose to:

- Set a public hearing date; typically about 30 days from the date City Council receives the recommendation
- Refer the item to a subcommittee for further discussion
- Defer the discussion to a future meeting

Should the City Council choose to deliberate on the case prior to scheduling the public hearing, it has a finite time to do so. The public hearing must be noticed no more than 60 days from the receipt of the Planning Commission recommendation to schedule a public hearing.

Public Hearing

A rezoning public hearing is no longer a joint event with the Planning Commission. The City Council can set a rezoning public hearing to be held at any Council meeting. Staff suggests that the regular evening meeting on the first Tuesday of the month be utilized for rezoning public hearings. The public hearing would allow for a staff presentation, application presentation and public comment. The City Council can approve or deny the request at the conclusion of the public hearing, or may choose to defer action on the request or refer the request to a subcommittee. If the request is held or referred to a subcommittee, the zoning conditions may be changed up to 30 days after the public hearing.



Certified Recommendation

Raleigh Planning Commission

CR# 11552

Case Information Z-22-13 Daniels Street

<i>Location</i>	Daniels Street, west side, just northeast of the intersection of Oberlin Road and Smallwood Drive, north of Cameron Village Shopping Center Address: PIN:
<i>Request</i>	Rezone property from R-20 to R-10
<i>Area of Request</i>	.52 acres
<i>Property Owner</i>	Michael T. and Iris B. Mettrey
<i>Applicant</i>	Same as property owners
<i>Citizens Advisory Council</i>	Hillsborough, Will Allen III chair will@allenheuer.com
<i>PC Recommendation Deadline</i>	December 24, 2013

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>	Medium Density Residential
<i>CONSISTENT Policies</i>	LU 8.2 Neighborhood revitalization LU 8.3 Conserving, enhancing and revitalizing neighborhoods LU 8.5 Conservation of single-family neighborhoods
<i>INCONSISTENT Policies</i>	LU 1.1 Future Land Use Map purpose

Summary of Proposed Conditions

- | |
|------------------------------------|
| 1. General use case: no conditions |
|------------------------------------|

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
May 13, 2013		Date: Action	Initial public meeting: Sept. 24, 2013

Valid Statutory Protest Petition

Attachments

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

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission recommends denying this rezoning request.
<i>Findings & Reasons</i>	The proposed rezoning is not consistent with the Future Land Use Map and is not reasonable or in the public interest.
<i>Motion and Vote</i>	Motion: Braun Second: Fleming In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Mattox, Schuster, Sterling Lewis, Swink and Terando Opposed: Excused:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

Planning Director

Date



Planning Commission Chairperson

10/8/13

Date

Staff Coordinator: James Brantley james.brantley@raleighnc.gov



Zoning Staff Report – Case

Conditional/General Use District

Case Summary

Overview

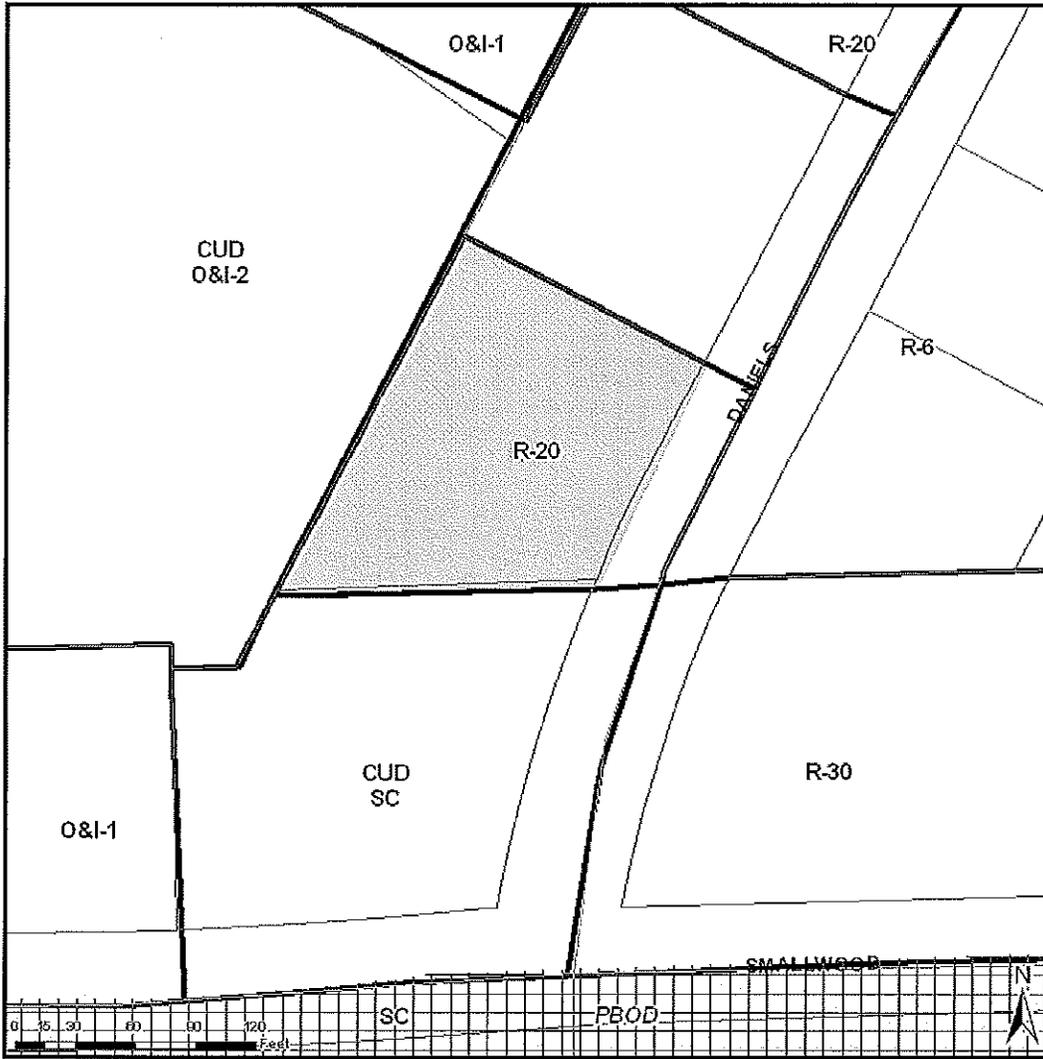
The request is to downzone approximately .52 acres from R-20 to R-10. The site contains a single family house that was built as part of the Cameron Village neighborhood. The rest of this neighborhood is zoned R-6. The property owner wants to bring his zoning more into conformance with that of the rest of the neighborhood.

Outstanding Issues

<i>Outstanding Issues</i>	<i>Suggested Mitigation</i>
1. The site is designated for medium density residential uses. The proposed rezoning would limit density to 10 dwellings per acre.	1. None suggested.

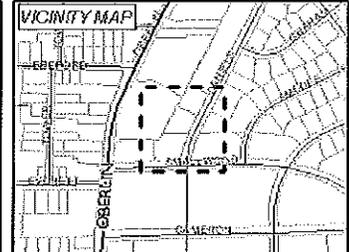
ZONING REQUEST

Existing Zoning Map **Z-22-2013**




Submittal Date
5/14/2013

Request:
0.52 acre from R-20 to R-6



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	<i>Subject Property</i>	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Existing Zoning</i>	R-20	R-20-	SC CUD	R-6	O&I-1 CUD
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	(PBOD)
<i>Future Land Use</i>	Medium density residential	Medium density residential	Office & residential mixed use	Low density residential	Office & residential mixed use
<i>Current Land Use</i>	Single family house	Multi family residential	Retail	Single family houses	Office
<i>Urban Form</i>	n/a	n/a	n/a	n/a	n/a

1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	20 DU/Ac	10 DU/Ac
<i>Setbacks:</i>		
<i>Front:</i>	20 feet	20 feet
<i>Side:</i>	5 feet	5 feet
<i>Rear:</i>	20 feet	20 feet
<i>Retail Intensity Permitted:</i>	n/a	n/a
<i>Office Intensity Permitted:</i>	n/a	n/a

The proposed rezoning is:

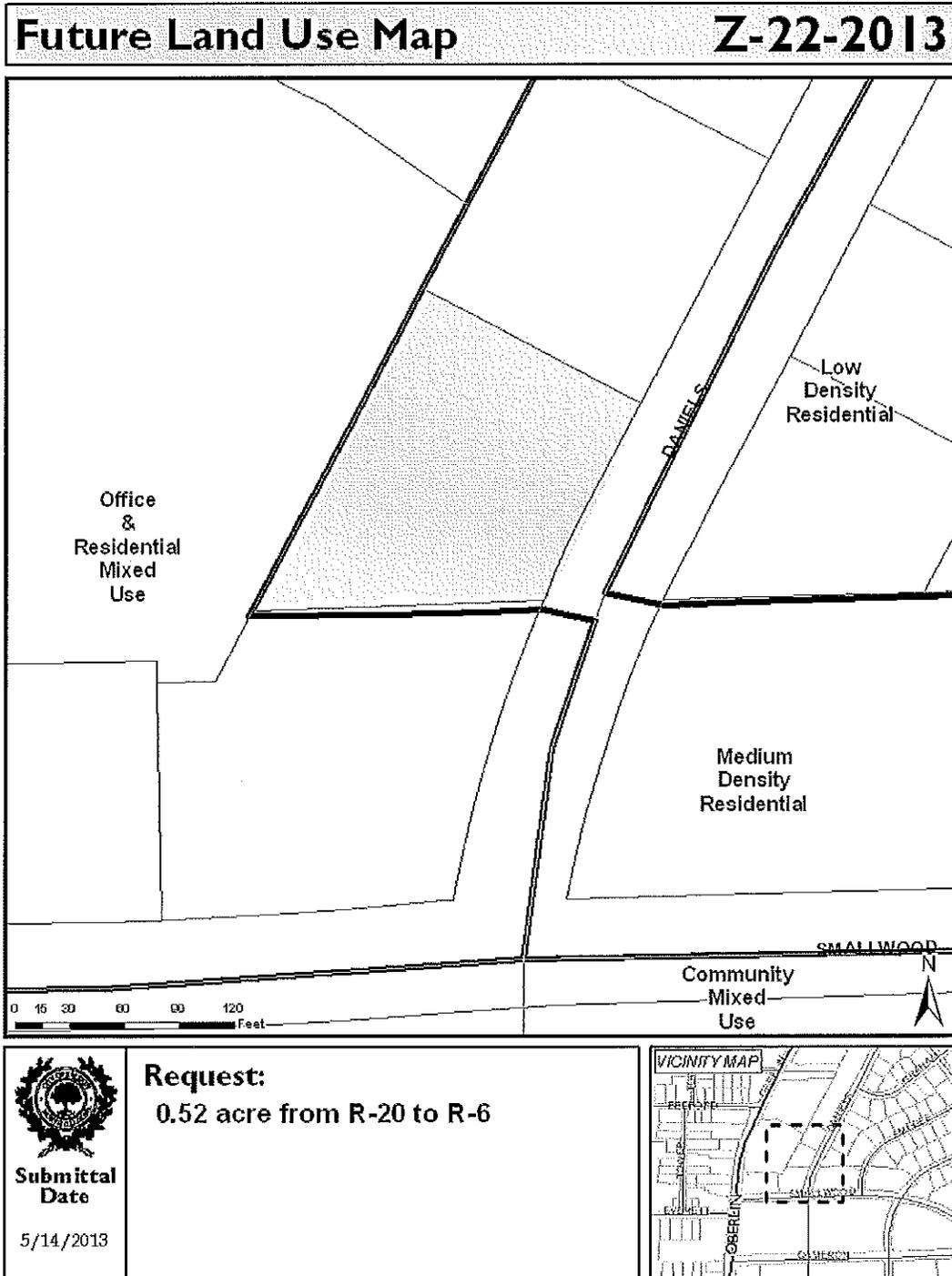
Compatible with the property and surrounding area.

Incompatible.

Analysis of Incompatibility:

The subject property is surrounded on three sides by significantly more intense development, zoning and Future Land Use Map designations than the subject property.

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Medium Density Residential

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The site is designated for medium density residential uses. The proposed rezoning would limit density to 10 dwellings per acre.

2.2 Policy Guidance

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

LU 1.1 Future Land Use Map purpose

Given the surroundings, it is unlikely that a single family house will continue to be a viable use of this property.

2.3 Area Plan Policy Guidance

The rezoning request is **consistent** with the following Area Plan policies:

AP-WO 3

Protecting Wade-Oberlin's Neighborhood Character

Per the "Land Use Intensity" map attached to the Wade Oberlin Small Area Plan, the site is designated for "lower intensity" land uses.

"Lower intensity," is not defined in the small area plan. The R-20 properties to the north of the site are also designated for lower intensity land uses.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

Downzoning will conserve the Cameron Village neighborhood and give clearer definition of that neighborhood's boundaries. Lower intensity land uses here will not burden the water and sewer network, which is nearing capacity in this locale.

3.2 Detriments of the Proposed Rezoning

Over the long term it is unlikely that this site will continue to be viable as a single family house. It is likely that a request to upzone the property will be submitted within a few years.

4. Impact Analysis

4.1 Transportation

	<u>Classification</u>	<u>2009-2012 NCDOT Traffic Volume (ADT)</u>	<u>2040 Traffic Volume Forecast (CAMPO)</u>			
Daniels Street	Neighborhood Street	N/A	N/A			
Oberlin Road	Avenue, 2 Lane Divided	20,999	16,791			
Smallwood Drive	Avenue, 2 Lane Undivided	N/A	14,344			
Street Conditions						
<u>Daniels Street</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	35'	Yes	60'	5' sidewalks on west side	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	None
Meets City Standard?	Yes	Yes	Yes	No	No	Yes
<u>Oberlin Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	55'	Yes	60'	segments of 5' sidewalk on both sides	None
City Standard	2	48'	Yes	75'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	No	No	Yes	No	No	No
<u>Smallwood Drive</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	35'	Yes	55'	5' sidewalks on north side	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	Yes	Yes	Yes	No	No	No
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	N/A	N/A	N/A			

PM PEAK	N/A	N/A	N/A	
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff received a trip generation waiver request for Z-22-13 due to the nature of the zoning change. The waiver request has been approved.		
Additional Information:	NCDOT does not have any roadway projects scheduled in the vicinity of this case. The City of Raleigh has recently completed a Streetscape Improvements Plan for Oberlin Road in the vicinity of this case. The Cameron Village Small Area Study will analyze the transportation network and alternative land use development scenarios for this area. The study is tentatively scheduled to begin in Fall of 2013 or Spring 2014.			

Comparison, R-20 vs. R-10 zoning

Zoning	Daily			AM Peak			PM Peak		
	In	Out	Total	In	Out	Total	In	Out	Total
Current R-20 (10 SF Dwellings)	63	63	126	4	13	17	8	5	13
Proposed R-10 (5 SF Dwellings)	33	33	67	3	10	13	4	3	7
Change	-30	-30	-60	-1	-3	-4	-4	-2	-6

Impact Identified: None

4.2 Transit

This area is served by Route 12 Method which travels in both directions on Cameron Street and to the south on Oberlin Road and Route 16 Oberlin which travels in both directions on Cameron Street and to the north on Oberlin Road. The closest stops are on Cameron Street at Daniels Street.

Impact Identified: This project should not have significant impact on the current transit system.

4.3 Hydrology

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

Impact Identified: None - No FEMA floodplain, no alluvial/floodprone soils, no Neuse Riparian Buffer, No watershed protection overlay

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>	<i>Estimated Remaining Capacity</i>
<i>Water</i>	5,460 gpd	3500 gpd	
<i>Waste Water</i>	5,460 gpd	3500 gpd	

Impact Identified: The proposed rezoning would not impact the wastewater collection and water distribution systems of the City.

4.5 Parks and Recreation

The proposal will decrease potential loading of the parks and greenways system.

4.6 Urban Forestry

1. The subject parcel is smaller than 2 acres. There will be no urban forestry impacts from this rezoning.

4.7 Designated Historic Resources

N/A

4.8 Community Development

N/A

4.9 Appearance Commission

N/A

4.10 Impacts Summary

The proposed rezoning will prevent the loading of infrastructure that would occur if the site were developed at twenty dwellings per acre.

4.11 Mitigation of Impacts

None determined by staff.

5. Conclusions

The proposed rezoning is not in compliance with the Comprehensive Plan's Future Land Use Map. Given the growth in the vicinity and the fact that the property is surrounded on three sides with more intense zoning, development and Future Land Use Map designations, it is likely that in the future viability of the site for single family housing will diminish.



Certified Recommendation

Raleigh Planning Commission

CR# 11551

Case Information Z-25-13 Oberlin Rd and Van Dyke Av

<i>Location</i>	Oberlin Road, west side, in the southwest quadrant of the intersection of Oberlin Road and Van Dyke Avenue Address: 815 and 817 Oberlin Road PIN: 1704043542 and 1704043588
<i>Request</i>	Rezone property from O&I-1 to OX-3-UL
<i>Area of Request</i>	.53 acres
<i>Property Owner</i>	Oberlin Investments 207 Fayetteville Street Raleigh, NC 27601
<i>Applicant</i>	Ross Massey LandDesign 510 Glenwood Avenue Suite 317 Raleigh, NC 27603 919-838-9331 rmassey@landdesign.com
<i>Citizens Advisory Council</i>	Wade CAC Mike Rieder mrieder1945@gmail.com
<i>PC Recommendation Deadline</i>	December 24, 2013

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>CONSISTENT Policies</i>	Policy LU 2.1—Placemaking Policy LU 2.2—Compact Development Policy LU 5.4—Density Transitions Policy LU 5.6—Buffering Requirements Policy UD 3.8—Screening of Unsightly Uses
<i>INCONSISTENT Policies</i>	Policy LU 4.5--Connectivity

Summary of Proposed Conditions

- | |
|---|
| <ol style="list-style-type: none"> 1. Some uses prohibited 2. Limits hours of service for trash/recycling pick up |
|---|



Zoning Staff Report – Case

Conditional Use District

Case Summary

Overview

The site consists of two separate lots, the southern lot is vacant and the northern contains a single family house, now used as a business, built in 1909. The properties are located between Cameron Village to the south and 1028 Oberlin Road/Oberlin Court Apartments to the north. This corridor has been gradually redeveloping from single family housing to more intense development. To the north of the site (across Van Dyke Avenue) are single family houses and, on the northwest corner of Oberlin and Van Dyke, a small retail establishment. To the east (across Oberlin Road) is a single family house and several vacant lots. These vacant lots together total approximately 2.3 acres in size. To the south is a 1.72 acre parcel that contains a 3 story office building with surface parking. Immediate to the west of the site is a vacant lot.

The property is currently zoned O&I-1, as are the properties to the south and west, and one of the vacant lots across Oberlin Road. To the west, north and east of these O&I-1 properties, the zoning is R-10 and R-6. To the southeast of the site, across Oberlin Road, is Oberlin Baptist Church, zoned R-6 CUD. The site is at the northern end of an extensive area of O&I-1 and Shopping Center zoning. The site is within the Special Residential Parking overlay zone. The property is not in a local historic district or under Neighborhood Conservation overlay zoning.

On the Future Land Use Map, the site is designated for Office and Residential Mixed Use, and is at the northern edge of an extensive area with the same designation, and Community Mixed Use centered on Cameron Village Shopping Center. To the west and northwest of the site, the properties are designated Low Density Residential. To the northeast and east the properties are designated Moderate Density Residential.

Outstanding Issues

<i>Outstanding Issues</i>	1. No offer of cross access to property immediately to the south	<i>Suggested Mitigation</i>	1. Offer cross access to property to the south.
---------------------------	--	-----------------------------	---

ZONING REQUEST

Existing Zoning Map

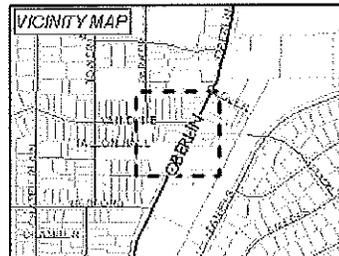
Z-25-2013



**Submittal
Date**

7/31/2013

Request:
0.53 acres from O&I-1 w/SRPOD
to OX-3-UL



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	<i>Subject Property</i>	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Existing Zoning</i>	O&I-1	R-10	O&I-1	O&I-1, R-6	O&I-1
<i>Additional Overlay</i>	Special Residential Parking	Special Residential Parking, NCOD	Special Residential Parking	NCOD	Special Residential Parking
<i>Future Land Use</i>	Office and Residential Mixed Use	Low Density Residential, Moderate Density Residential	Office and Residential Mixed Use	Moderate Density Residential	Office and Residential Mixed Use
<i>Current Land Use</i>	Single family house, vacant lot	Single family houses, retail	Office	Single family house, vacant lots	Parking Lot
<i>Urban Form (if applicable)</i>	n/a	n/a	n/a	n/a	n/a

1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	15 dwellings per acre	11 dwellings per acre
<i>Setbacks:</i>		
<i>Front:</i>	10 feet	0'/20' (min./max build-to)
<i>Side:</i>	5 feet	Side street: 0'/20' build-to Side lot: 0' or 6'
<i>Rear:</i>	20 feet	0' or 6'
<i>Retail Intensity Permitted:</i>	Not permitted	Not permitted
<i>Office Intensity Permitted:</i>	.75 floor/area ratio	.76 floor area ratio

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Total Acreage</i>	.53 ac.	.53 ac.
<i>Zoning</i>	O&I-1	OX-3-UL
<i>Max. # of Residential Units</i>	7	6
<i>Max. Gross Office SF</i>	17,315	17,300
<i>Max. Gross Retail SF</i>	n/a	2,595
<i>Max. Gross Industrial SF</i>	n/a	n/a

The proposed rezoning is:

Compatible with the property and surrounding area.

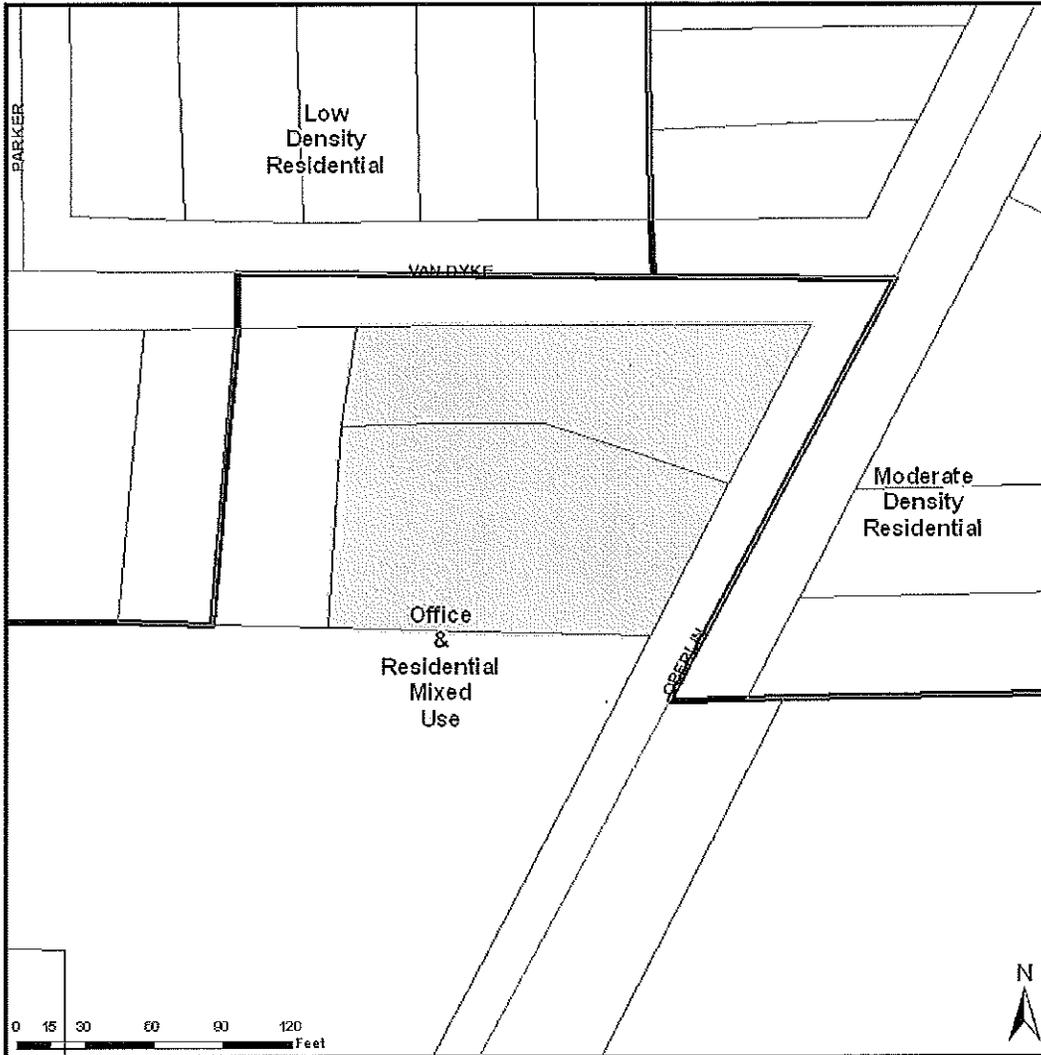
Incompatible.

Analysis of Incompatibility:

The development allowed on the site by the proposed rezoning is in scale with the evolving urban nature of the Oberlin Road corridor. Vehicular access to the site will be limited to Oberlin Road, thus decreasing the impact of the development on Van Dyke Avenue and the neighborhood to the west.

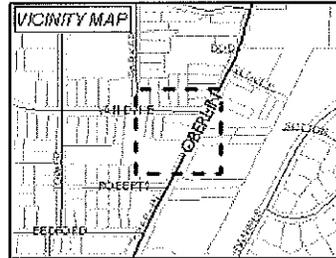
FUTURE LAND USE MAP

Future Land Use Map Z-25-2013




Submittal Date
7/31/2013

Request:
0.53 acres from O&I-1 to OX-3-UL



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Office and Residential Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

Proposed land uses are limited to office and residential.

2.2 Policy Guidance

The proposal is generally consistent with Comprehensive Plan policies.

2.3 Area Plan Policy Guidance

The rezoning request is **consistent** with the following Area Plan policies:

The site is designated for "higher intensity" uses in the Wade Oberlin Small Area Plan. "Higher intensity" is not defined, however.

Policy AP-WO 1 - Wade-Oberlin Vision
Policy AP-WO 2 - Wade-Oberlin Land Use Compatibility
Policy AP-WO 6 - Wade-Oberlin Transition
Policy AP-WO 7 - Oberlin Road Main Street

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

The proposal will help enliven the Oberlin Road corridor as it continues to urbanize. Conditions attached to the case minimized conflict with nearby single family neighborhoods. The scale of the development allowed by the rezoning will complement the surrounding area.

3.2 Detriments of the Proposed Rezoning

Redevelopment of the site will slightly increase the loading of the transportation, transit, water and sewer systems.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)				
Oberlin Road	Avenue, 2 Lane Divided	17,000				
Van Dyke Road	Neighborhood Street	N/A				
Street Conditions						
Oberlin Road	Lanes	Street Width	Curb and Gutter	Right- of-Way	Sidewalks	Bicycle Accommodations
Existing	4	55'	Yes	60'	segments of 5' sidewalk on both sides	None
City Standard	2	48'	Yes	75'	minimum 6' sidewalks on both sides	Yes
Meets City Standard?	No	No	Yes	No	No	No
Van Dyke Road	Lanes	Street Width	Curb and Gutter	Right- of-Way	Sidewalks	Bicycle Accommodations
Existing	2	30'	Back-to-back curb and gutter section	50'	None	None
City Standard	2	36'	Back-to-back curb and gutter section	64'	minimum 6' sidewalks on both sides	None

Meets City Standard?	YES	No	Yes	No	No	Yes
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	46	58	12			
PM PEAK	98	135	37			
Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-25-13.					
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

1. Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-25-13.

4.2 Transit

1. There are no transit requests for this case
2. This area is currently served by Route 16 Oberlin Rd

4.3 Hydrology

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

4.4 Parks and Recreation

The subject tract is not adjacent to any corridors of the Capital Area Greenway. Recreation services are provided by Jaycee Park.

4.5 Urban Forestry

1. There are no impacts to potential tree conservation areas with this proposed re-zoning.
2. The combined parcels are smaller than two acres, subsequently Article 9.1 Tree Conservation is not applicable.

4.6 Designated Historic Resources

n/a

4.7 Community Development

n/a

4.8 Appearance Commission

n/a

4.9 Impacts Summary

The proposal will have minimal impacts on City services and the surrounding area.

4.10 Mitigation of Impacts

None noted.

5. Conclusions

The proposal is consistent with the Raleigh Comprehensive Plan, and particularly with the Future Land Use Map. Development of the site per the conditions offered will have minimal impacts on City infrastructure. The scale of the structure will be compatible with the surroundings.



Planning & Development

Development Services Customer Service Center

One Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number	2-25-13	Transaction Number
Date Submitted	Sept. 25, 2013	

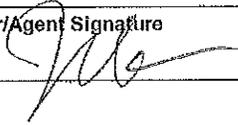
NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited on the property: <ul style="list-style-type: none">(i) Stand-alone telecommunication tower(ii) Landfill - all types(iii) Electrical substation(iv) Light Manufacturing set forth in section 6.5.3 A 2
2.	Hours of operation for service of trash/recycle facilities shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Friday.
3.	If visible from adjoining properties and/or public right of way, structured parking (parking deck) shall be clad in building materials compatible to the principal building(s) located on the property in terms of texture, quality, material, and color.
4.	With regard to traffic generation, the following shall apply: <ul style="list-style-type: none">(i) residential development on the properties shall not exceed 6 dwelling units;(ii) office development on the "Oberlin Parcels" [815 Oberlin Parcel, PIN 1704043542 and Deed Book 13263, Page 0158 and 817 Oberlin Parcel, PIN 1704043588 and Deed Book 13263, Page 0154] shall not exceed 0.86 floor area ratio (FAR);(iii) in the event that the Oberlin Parcels are developed for a mix of uses, the number of trips associated with the mixed use development shall not exceed 40 am Peak Primary vehicle trips or 112 pm Peak Primary Vehicle Trips; and(iv) vehicle trips shall be measured by the most recent version of the ITE Trip Generation Manual, and deductions for internal capture and pass-by trips will be allowed by calculating Primary trip volumes for mixed use.

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
	Jack Kimball

5.	No drive-through window shall be permitted on the properties. This shall not prohibit any porte-cochere covered drive aisle or other similar feature used for the drop-off or pick-up of passengers.
6.	No more than 50% of the total number of dwelling units located within any single "group housing development", "apartment house", "multi-family dwelling development", or "multi-unit living" as defined by the Raleigh City Code shall contain more than two bedrooms.
7.	Conditions (2) through (6) of this rezoning ordinance shall only apply upon redevelopment of the property that is initiated by a site plan. The current use of the properties shall be allowed to remain in place and operation until redevelopment of the property commences.

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 Jack Kimball



Planning & Development

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

Rezoning Application Intake Requirements

TO BE COMPLETED BY APPLICANT	COMPLETED BY CITY STAFF				
	YES	N/A	YES	NO	N/A
General Requirements - Rezoning					
1. I have referenced the Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>				
2. Rezoning application review fee (see Fee Schedule for rate)	<input checked="" type="checkbox"/>				
3. Completed application	<input checked="" type="checkbox"/>				
4. Two sets of stamped envelopes addressed to all property owners within 100 feet of property to be rezoned	<input checked="" type="checkbox"/>				
5. Pre-Application Conference	<input checked="" type="checkbox"/>				
6. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>				
7. Trip Generation Study	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Completed and signed zoning conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
10. Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>				
11. Completed Response to the Urban Design Guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
12. For applications filed by a third party, proof of actual notice to the property owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			



Planning & Development

Development Services Customer

Service Center

One Exchange Plaza, Suite 400

Raleigh, North Carolina 27601

Phone 919-996-2495

Fax 919-516-2685

Rezoning Checklist

TO BE COMPLETED BY APPLICANT	YES	N/A
PRE-SUBMITTAL REQUIREMENTS		
1. Pre-Application Conference	X	
2. Neighborhood meeting with property owners within 100 feet of the subject property	X	
3. Completed Rezoning Intake Requirements sheet	X	
CONDITIONAL USE CONSIDERATIONS		
1. Prior to submitting zoning conditions, a draft, unsigned version must be submitted to staff for review. If the conditions are in preparation for a public meeting, the conditions must be submitted to staff at least 10 days before the public meeting date	X	
2. All submitted conditions must be signed by the property owner	X	
3. Conditions may contain electronic signatures provided the original document is submitted to staff at least 24 hours before the final City Council action		X
4. Conditions proposed must be more restrictive than UDO requirements and may not duplicate UDO requirements	X	
5. If conditions are limited to certain portions of the property to be rezoned, those areas must be identifiable	X	
6. Zoning conditions that reference specific properties must include the property identification number (PIN) and deed book and page number from the Book of Maps	X	
7. Conditions may not be offered that specify the ownership status, race, religion or character of occupant or minimum value of the Improvements		X
8. Conditions may not be offered that restrict cross access or street connections, specify right-of-way reimbursement values, or defer a traffic analysis		X
9. Conditions may not be offered that restrict the sale of alcoholic beverages		X
10. Graphic exhibits may only be submitted if all elements are replicated in the written conditions		X
11. Conditions regarding tree conservation areas must preserve 100% of the critical root zone of the protected trees		X
12. Conditions must specify the use(s) prohibited OR the use(s) permitted. The uses should be listed as shown in the "Allowed Principle Use Table" in Section 6.1.4	X	
TIMING OF SUBMITTAL OF CONDITIONS		
1. Zoning conditions may be submitted at time of the initial application	X	
2. Zoning conditions may be altered through the staff review process	X	
3. Prior to any Planning Commission or City Council meeting, a draft unsigned set of conditions must be submitted to staff at least ten days before the meeting date	X	
4. Conditions may not be altered after a Planning Commission recommendation and prior to the City Council's receipt of that recommendation	X	
5. Conditions may be altered up to 30 days following the public hearing date	X	
6. After the public hearing, conditions may only be made more restrictive	X	



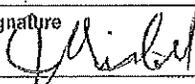
Planning & Development

Development Services Customer

Service Center
 One Exchange Plaza, Suite 400
 Raleigh, North Carolina 27601
 Phone 919-996-2495
 Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use Existing Zoning Classification O&I-1 Proposed Zoning Classification Base District OX Height 3 Frontage UL If the property has been previously rezoned, provide the rezoning case number. Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	Transaction Number

GENERAL INFORMATION	
Property Address 815 & 817 Oberlin Rd., Raleigh, NC 27605	Date 7/26/13
Property PIN 1704043542 & 1704043588	
Nearest Intersection Oberlin Rd. & Van Dyke Ave.	Property size (in acres) 0.53
Property Owner Oberlin Investments 207 Fayetteville Street Raleigh, NC 27601	Phone 919-782-1110 Fax
	Email jack.kimball@kimballandcompany.com
Project Contact Person Ross Massey, PE LandDesign, Inc.	Phone 919-838-9331 Fax 919-800-3583
	Email rmassey@landdesign.com
Owner/Agent Signature 	Email jack.kimball@kimballandcompany.com

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



Planning & Development

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

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number</p> <p>Zoning Case Number</p>

STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
1.	The future land use map shows office and residential mixed use, which is consistent with proposed OX district.
2.	Updates the zoning to the newly adopted UDO.
3.	
4.	

PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
1.	Better accomodates mixed use using newly adopted UDO.
2.	Reinforces urban pattern with building closer to street.
3.	Allows development of vacant site.
4.	

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i>
2.	<i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i>
3.	<i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i>
4.	<i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i>
5.	<i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i>
6.	<i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i>
7.	<i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i>
8.	<i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i>
9.	<i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i>
10.	<i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i>
11.	<i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i>
12.	<i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i>
13.	<i>New public spaces should provide seating opportunities.</i>
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i>
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i>
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i>

17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i>
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i>
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i>
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i>
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i>
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i>
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i>
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i>
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i>
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i>



Certified Recommendation

Raleigh Planning Commission

CR# 11554

Case Information Z-26-13 - Hillsborough Street

<i>Location</i>	3000 block of Hillsborough Street, south side; 0 block of Concord Street, east side; and 100 block of Friendly Drive, west side Addresses: 3027, 3023, 3021, 3017, 3013, & 3009 Hillsborough Street; 3 & 7 Concord Street; 110 & 114 Friendly Drive PINs: 0794525466, 0794526405, 0794526454, 0794526454, 0794527402, 0794527471, 0794529334, 0794526361, 0794526197, 0794528290, 0794528161
<i>Request</i>	Rezone NB, O&I-2, & IND-2 with PDD & PBOD, and NB CUD with PBOD, all w/ SRPOD, to NX-5-UL CU w/ SRPOD
<i>Area of Request</i>	4.281 acres±
<i>Property Owner</i>	Stanhope 2013 LLC
<i>Applicants</i>	Lacy H. Reaves: 919-821-6704; lreaves@smithlaw.com T. J. Barringer: 919-719-5435; tbarringer@kanerealtycorp.com
<i>Citizens Advisory Council</i>	Wade: Mike Rieder, Chairperson: 919-755-1352; Mrieder1945@gmail.com
<i>PC Recommendation Deadline</i>	December 6, 2013

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 USES</i>	Neighborhood Mixed Use/ High Density Residential
<i>CONSISTENT Policies</i>	Policy LU 1.2 Future Land Use Map and Zoning Consistency Policy LU 1.3 Conditional Use District Consistency Policy LU 4.7 Capitalizing on Transit Access Policy LU 6.4 Bus Stop Dedication Policy LU 10.3 Ancillary Retail Uses Policy LU 10.6 Retail Nodes Policy UD 4.5 Improving the Street Environment Policy UD 5.1 Contextual Design Policy UD 6.1 Encouraging Pedestrian Oriented Uses Policy UD 7.3 Design Guidelines Policy AP-SV 1 Hillsborough Street Building Frontages

	Policy AP-SV 13 Stanhope Village Parking Design
INCONSISTENT Policies	Policy AP-SV 2 Concord Street as a Public Space Policy AP-SV 3 Concord Street Land Uses Policy AP-SV 4 Residential Uses Policy AP-SV 5 Entry Stoops for Stanhope Village Housing Policy AP-SV 6 Stanhope Village Balconies Policy AP-SV 7 Concord Street Flexible Shoulder Zone

Summary of Proposed Conditions

<ol style="list-style-type: none"> 1. Ninety-five percent of off-street parking contained in parking structure, wrapped by heated space, with no vehicles on top level of deck visible from ground level at rights-of-way, and no vehicular entrance from Hillsborough Street. 2. Building side on Hillsborough Street to extend the entirety of right-of-way (side may or may not abut right-of-way). 3. Setback an average of at least 6 feet provided above first floor along Hillsborough Street, varying in width at least 4 feet every 80 feet; average setback of at least 10 feet within 100 feet of Concord Street right-of-way. 4. Transit shelter with trash container offered on Hillsborough Street. 5. Building materials restricted on Hillsborough Street façade and 100 feet back along Concord Street and Friendly Drive. 6. Signage restricted. 7. Benches specified and required on Hillsborough Street. 8. Trash receptacles specified and required on Hillsborough Street. 9. Sidewalk pavers specified. 10. Trip Generation limited to equivalent of 660 residential units and 50,000 sf of retail.
--

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
8/12/13	11/5/13		10/22/13

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Applicant Responses to Design Guidelines for Mixed Use Areas (Table UD-1)

Planning Commission Recommendation

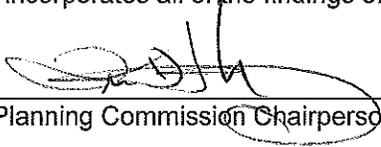
<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, the commission recommends that the request be approved in accordance with zoning conditions dated October 8, 2013.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map, which designates this area for Neighborhood Mixed Use and High Density Residential development. 2. The proposal is consistent with most applicable policies of the Comprehensive Plan, although it has not addressed several prescriptive policies of the Area Plan. However, it is

	<p>reasonable and in the public interest; e.g., unlike the current zoning, conditions provide for a continuous streetwall along Hillsborough Street.</p> <p>3. The proposal is compatible with the surrounding area. Conditions maintain or enhance the compatibility of the site with adjacent uses and development.</p>
<i>Motion and Vote</i>	<p>Motion: Swink Second: Braun In Favor: Braun, Buxton, Fleming, Lyle, Sterling Lewis, Swink and Terando Opposed:</p>

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

Planning Director

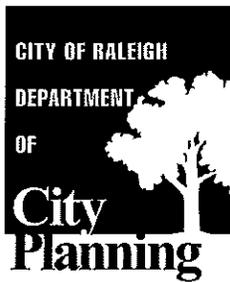
Date


Planning Commission Chairperson

10/22/13

Date

Staff Coordinator: Doug Hill, Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-26-13

Conditional Use District

Case Summary

Overview

The proposal seeks to revise existing zoning provisions to permit an alternative build-out of the subject site. The majority of the site has been cleared in anticipation of previously-approved development plans (SP-125-07 & SP-43-11); the exceptions are several one-story commercial buildings at the Hillsborough/ Concord intersection, which are part of the West Raleigh National Register Historic District.

For the past decade, most of the site has been subject to the provisions of Planned Development District (PDD) Master Plans, which most recently guided the construction of the Valentine Commons student housing mid-rise to the south (Section "A" of the current Master Plan). Amendments to the PDD approved in March, 2013 (Z-37-12/ MP-2-12) permitted increased height and density in the northern portions of the PDD area (Master Plan Sections B and C). The present proposal seeks to remove the PDD from the two northern portions, plus rezone the contiguous property immediately east (at the intersection of Hillsborough Street and Friendly Drive), mostly recently rezoned as Z-12-11. (Between the time of that rezoning and the recent PDD amendments, a site plan, SP-43-11, was approved which includes the Z-12-11 area.)

The entire site is also subject to streetscape and parking standards of the Stanhope Center Pedestrian Business Overlay District. That overlay district would be removed under the current rezoning request, but several of its streetscape provisions have been directly incorporated into zoning conditions (e.g., style of benches, trash receptacles, and pavers), and other streetscape improvements must follow the adopted streetscape plan per UDO *Sec. 8.5.1.F*. The site is also fully within the Special Residential Parking Overlay District, which will remain in place.

The proposal incorporates several aspects of the present zoning: a height cap of five stories/ 75 feet, site parking mostly contained in a deck structure, and the stated intention of mixing land uses.

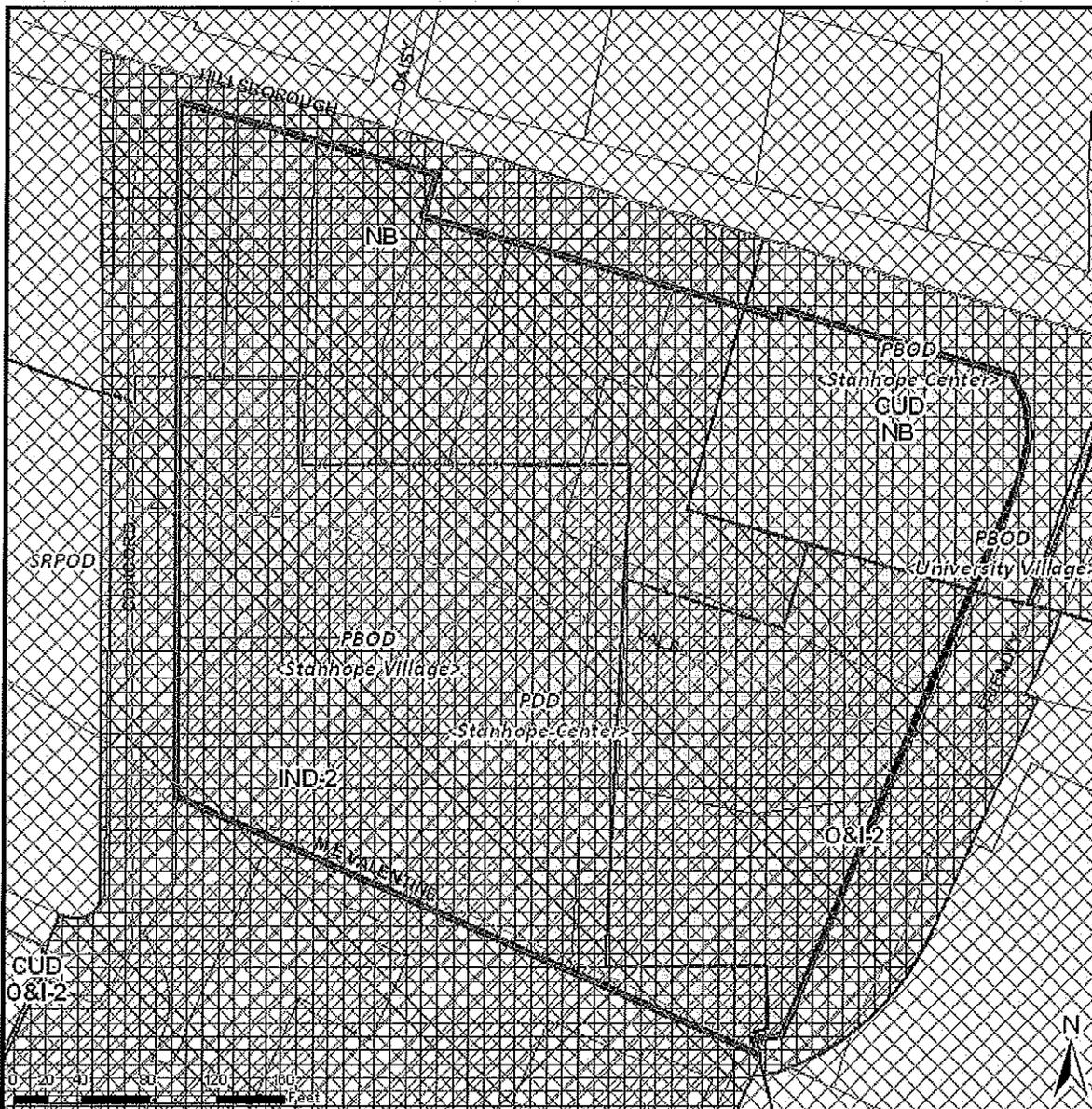
The rezoning case is consistent with the Future Land Use Map and the general policy guidance of the citywide Elements. Consistent with the Stanhope Village Area Plan, the proposal conditions a continuous building wall along Hillsborough Street (unlike the Master Plan, which maps a surface parking area mid-block). However, several other design-focused policies of the Area Plan remain to be addressed.

Outstanding Issues

<p><i>Outstanding Issues</i></p>	<ol style="list-style-type: none"> 1. Unaddressed Area Plan policies. 2. Potential impacts on downstream sewer capacity and fire flow needs. 	<p><i>Suggested Mitigation</i></p>	<ol style="list-style-type: none"> 1. Integrate Area Plan policies in rezoning petition. 2. Provide downstream sewer capacity and fire flow studies; make improvements as needed.
----------------------------------	--	------------------------------------	---

Existing Zoning Map

Z-26-2013



Submittal
Date

8/20/2013

Request:

4.28 acres from NB, O&I-2,
& IND-2 with PDD & PBOD,
and NB CUD with PBOD, w/SRPOD
to NX-5-UL-CU w/SRPOD



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
Existing Zoning	NB, NB CUD, O&I-2, & IND-2	NB	IND-2, O&I-2	O&I-2, NB	NB, IND-2
Additional Overlays	PDD, PBOD, SRPOD	(none)	PDD, PBOD, SRPOD	PBOD, SRPOD	(none)
Future Land Use	NMU, HDR	NMU	NMU, HDR	MHU, HDR	NMU, O&RMU
Current Land Use	Vacant	Retail Shops and Services	Apartment Building	Retail; Structured Parking	Office; Surface Parking
Urban Form: Centers	Within Transit Stop ½ Mile Radius				
Urban Form: Corridors	Main Street/ Transit Emphasis	Main Street/ Transit Emphasis	(none)	(none)	(none)

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Residential Density:	Approx. 67 DUs/ acre (per combined max. from Z-37-12/ MP-2-12 & SP-43-11)	Not defined (154 DUs/ acre, if 660 DUs from trip generation letter are applied)
Setbacks: Front: Side: Rear:	Per Z-37-12 or Z-21-11: 0 feet 0 feet 0 feet	Urban Limited: Min. 50% of building within 0 to 20 feet Min. 25% of building within 0 to 20 feet
Height:	5 stories/ 75 feet (per Z-37-12 & Z-21-11)	5 stories/ 75 feet (per district designation)

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
Total Acreage	4.281	4.281
Zoning	NB, O&I-2, & IND-2 with PDD, PBOD & SRPOD; NB CUD with PBOD & SRPOD	NX-5-UL CU with SRPOD
Max. Gross Building SF	324,950 (per estimates in Master Plan, & as provided in SP-43-11)	572,500 **

Max. # of Residential Units	264 (per caps in Master Plan & Z-12-11 conditions)	649 ** (660 units applied in trip generation letter)
Max. Gross Office SF	43,090 (as provided in SP-43-11; not specifically defined in Master Plan)	450,000
Max. Gross Retail SF	65,710 (per estimates in Master Plan, & as provided in SP-43-11)	84,000 (one-story retail only)
Max. Retail/ Office SF	65,710/ 43,090 (per estimates in Master Plan, & as provided in SP-43-11)	66,000/ 374,500 (first floor retail only)
Max. Retail SF & Max. # of Residential Units	65,710 + 264 units (per estimates in Master Plan, & as provided in SP-43-11)	79,000 + 506 units
Potential F.A.R	(Not specified)	2.82

* The development intensities for proposed zoning districts were estimated using the *Envision Tomorrow* impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

** If only residential units are constructed.

The proposed rezoning is:

Compatible with the property and surrounding area.

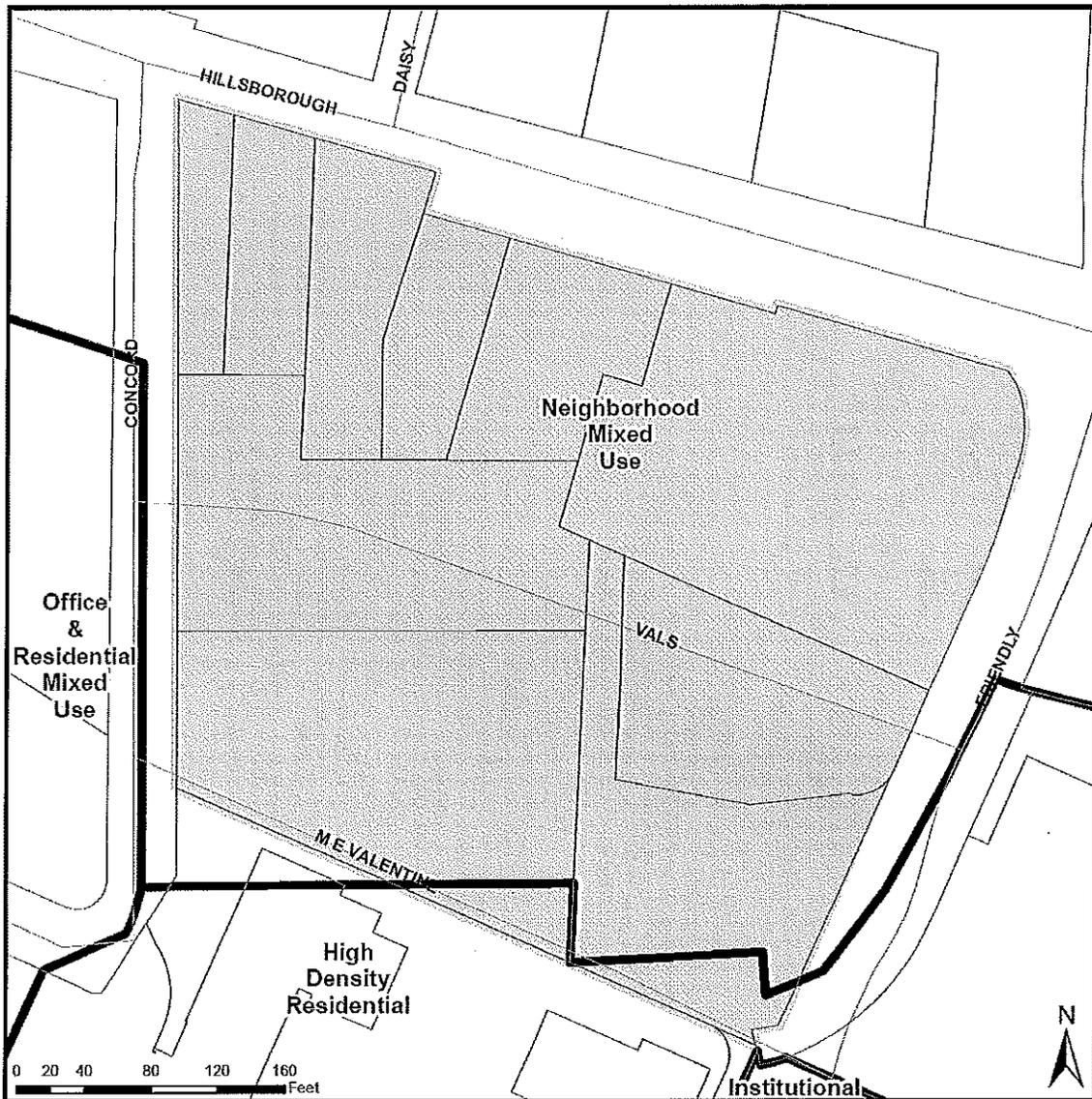
Incompatible.

Analysis of Incompatibility:

n/a

Future Land Use Map

Z-26-2013



Submittal
Date

8/20/2013

Request:

4.28 acres from NB, O&I-2,
& IND-2 with PDD & PBOD,
and NB CUD with PBOD, w/SRPOD
to NX-5-UL-CU w/SRPOD



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Neighborhood Mixed Use; High Density Residential (sub-portion of southern site area only)

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

n/a

2.2 Area Plan Policy Guidance

The rezoning request is **inconsistent** with the following Stanhope Village Area Plan policies:

Policy AP-SV 4—Residential Uses

Residential uses should be predominant, particularly for the upper floors of mixed-use buildings and within the interior of the plan area.

While the requested zoning district permits a mix of land uses, the proposal does not specify which would be predominant, or site spatial arrangement of uses on site (i.e., by building story). Consistent with the Area Plan, the proposal could note a minimum percentage of the total site square footage, guaranteeing a majority dedicated to residential uses.

Policy AP-SV 2—Concord Street as a Public Space

Concord Street should serve as the primary public space and entry feature for the area. This street should include on-street parking and areas for public seating and temporary events, such as markets or festivals.

Policy AP-SV 3—Concord Street Land Uses

Concord Street should be an active pedestrian-oriented street with diverse retail, restaurant, and entertainment uses on the ground floor and with mostly residential and some office uses above.

Policy AP-SV 7—Concord Street Flexible Shoulder Zone

A multi-use zone should be provided on Concord Street between the travel lanes and the sidewalk. This land should serve as convenience diagonal parking that can be incrementally converted into outdoor seating and dining or other periodic uses such as a street fair or a Saturday morning market.

The policies above envision Concord Street as the focal point of public space and on-site activity, with specific site features identified to emphasize and enhance that focus. The rezoning request does not address these policies. Consistent with the Area Plan, the rezoning petition could integrate the above provisions into rezoning conditions (e.g., focus the UDO-required outdoor

amenity areas on Concord Street, exceed amenity area standards required for site building type, etc.).

Policy AP-SV 5—Entry Stoops for Stanhope Village Housing

Ground level residential uses in Stanhope Village should provide entry stoops and landscaped stoop yards fronting the street.

Policy AP-SV 6—Stanhope Village Balconies

Upper floor residential units should have balconies.

The above polices note specific building features designed to transition between site public space and residential components. The rezoning request does not address these policies. Consistent with the Area Plan, the rezoning petition should incorporate these provisions.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provision of compact, walkable residential development in close proximity to NSCU campus, and future rail access.
- Potential expansion of ground floor commercial development along Hillsborough Street.

3.2 Detriments of the Proposed Rezoning

- Uncertainty as to type and mix of site uses (all-office development is possible).

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)
Hillsborough Street	Avenue, 3 Lane Parallel Parking	20,000
Concord Street	Avenue, 2 Lane Divided	N/A
M E Valentine Drive	Avenue, 2 Lane Divided, Mixed Use	N/A
Friendly Drive	Avenue, 2 Lane Undivided	N/A

Street Conditions						
Hillsborough Street	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	3	35'	Yes	70'	segments of 5' sidewalk on both sides	None
City Standard	3	66"	Yes	94'	minimum 8' sidewalks on both sides	Yes
Meets City Standard?	Yes	No	Yes	No	No	No
Concord Street	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	24	Yes	40'	segments of sidewalk on west side	None
City Standard	2	36'	Yes	64	minimum 6' sidewalks on both sides	None
Meets City Standard?	Yes	No	Yes	No	No	Yes
M E Valentine Street	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	N/A	N/A	N/A	N/A	N/A	None
City Standard	2	36'	Yes	64'	minimum 6' sidewalks on both sides	None
Meets City Standard?	No	No	No	No	No	Yes
Friendly Street	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	32'	Yes	56'	segments of sidewalk on both sides	None
City Standard	2	36	Yes	64'	minimum 6' sidewalks on both sides	None
Meets City Standard?	Yes	No	Yes	No	No	No
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	341	360	19			
PM PEAK	728	682	-46			

Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-26-13.
Additional Information:	The City of Raleigh has a scheduled project to implement Streetscape improvements along Hillsborough Street from Rosemary Street to Gardner Street in the vicinity of this case

Impact Identified: None.

4.2 Transit

The CAT Short Range Transit Plan and Wake County 2040 Transit Study identify Hillsborough Street as a high intensity transit corridor and pedestrian connectivity to the corridor should be maintained. This property is currently served by CAT Route 12 Method and Triangle Transit. The closest stops are Hillsborough/Dixie outbound and Hillsborough/Friendly inbound.

As offered in Zoning Condition 4 the Transit Program will request the construction of a transit shelter along Hillsborough St. It shall include a bench and be ADA accessible. The shelter may be located in the public right of way and shall meet City design standards.

Impact Identified: Increased density will likely increase ridership on the transit system.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Rocky Branch
<i>Stormwater Management</i>	UDO section 9.2
<i>Overlay District</i>	N/A

Impact Identified: No Neuse River Buffer. Gravel is no longer considered to be built upon area. Therefore, any new impervious area over the existing gravel will have to be accounted for in the stormwater calculations.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	30.495 gpd	90,750 gpd
<i>Waste Water</i>	30.495 gpd	90,750 gpd

The proposed rezoning would add approximately 68,255 gpd to the resource recovery collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

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

4.5 Parks and Recreation

The subject rezoning case is not adjacent to any Capital Area Greenway corridors. The subject tract's recreation needs will be served by Pullen Park.

Impact Identified: None.

4.6 Urban Forestry

This site does not contain wooded areas or trees that would qualify for tree conservation areas.

Impact Identified: None.

4.7 Designated Historic Resources

Site properties at the corner of Hillsborough and Concord streets are listed as "Contributing" structures of the West Raleigh National Register Historic District. Contextually, the majority of historic district properties are two stories or less in height. The closest three-story structure in the district is 220 feet to the west; the closest four-story is 500 feet away. The latter is the 1930 Wilmont Apartments building, which is additionally designated a Raleigh Historic Landmark. Next to the apartments is another Raleigh Historic Landmark, the two-story Nehi Bottling Company building, constructed in 1936. To the east, the two-story Small Office Building, built in 1966, is located just off Hillsborough Street, on Brooks Avenue.

Impact Identified: Redevelopment could result in demolition of the site's National Register properties.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Appearance Commission

As the proposal does not involve a Planned Development Master Plan, it is not subject to Appearance Commission review.

4.10 Impacts Summary

- Potential impacts on downstream sewer capacity and fire flow needs.

4.11 Mitigation of Impacts

- Complete downstream sewer capacity and fire flow studies; provide improvements as needed.

5. Conclusions

The proposal would provide continuity with the existing zoning, but reduced certainty in regard to the mix of potential site uses. Current streetscape provisions (specified under the PBOD) would be included in site future redevelopment. The proposal improves on the PDD in conditioning a continuous building streetwall on Hillsborough Street, consistent with the Area Plan. However, several Area Plan policies related to urban form remain to be addressed.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>Applicant's Response: The proposed rezoning permits a mix of residential, office, and commercial uses consistent with this guideline. The Urban Limited frontage type along Hillsborough Street will encourage pedestrian activity.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p>Applicant's Response: The Property is not adjacent to a lower density neighborhood.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p>Applicant's Response: The Property is adequately connected into the neighborhood road network and no new roads are proposed.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p>Applicant's Response: Interconnectivity currently exists.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p>Applicant's Response: Existing block spaces meet the requirements of this guideline.</p>
6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p>Applicant's Response: Zoning conditions proposed in this case ensure that there will be no off-street parking upon the Property along existing streets and that entrances to the parking structure will be located at the side or rear of the development.</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p>Applicant's Response: The Urban Limited frontage requires a street build-to of no more than 20 feet and prohibits on-site parking between the building and the street.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p>Applicant's Response: A zoning condition in this case requires a building side along the entire right-of-way of Hillsborough Street between Friendly Drive and Concord Street.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p>Applicant's Response: Section 1.5.3.B of the UDO requires that outdoor amenity areas in a Mixed-Use District be contiguous to a public sidewalk and visually permeable from the public right-of-way.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p>Applicant's Response: The provisions of the UDO applicable to the Urban Limited frontage will require street-facing entrances a minimum of 75 feet apart. UDO provisions similarly require transparency.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p>Applicant's Response: The zoning district proposed in this case, together with the proposed frontage, would facilitate the pedestrian-oriented uses referenced in this guideline.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Applicant's Response: Outdoor amenity areas required by the UDO will have proximity to the public right-of-way.</p>

13.	<i>New public spaces should provide seating opportunities.</i> Applicant's Response: The UDO standards for outdoor amenity areas require seating opportunities, consistent with this guideline.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Applicant's Response: Substantially all of the off-street parking for this development will be within an enclosed parking structure. Off-street parking upon the Property is prohibited along Hillsborough Street.
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> Applicant's Response: A zoning condition proposed in this case requires that substantially all off-street parking will be within an enclosed parking structure.
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i> Applicant's Response: The parking structure in this development will be completely screened by heated building space.
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> Applicant's Response: Hillsborough Street is designated a Transit Emphasis Corridor in the Urban Form Map of the Comprehensive Plan.
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Applicant's Response: Public sidewalks will provide convenient and comfortable pedestrian access between building entrances upon the Property and nearby transit stops.
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> Applicant's Response: There are no steep slopes, watercourses, or flood plains upon the Property.
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i> Applicant's Response: There will be no new streets constructed as part of this development.
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i> Applicant's Response: Sidewalk width will be determined at the time of site plan approval.
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i> Applicant's Response: Street trees will be provided in accordance with applicable provisions of the UDO.
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i> Applicant's Response: Applicable provisions of the UDO ensure that proper spatial definition will be achieved in this development.
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i> Applicant's Response: The Urban Limited frontage requires a primary street-facing entrance as well as street-facing entrances at intervals of no more than seventy-five (75) feet.
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i> Applicant's Response: Applicable provisions of the UDO require multiple pedestrian entrances, as well as transparency.
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i> Applicant's Response: This rezoning proposal, as well as applicable provisions of the UDO, ensure that the public sidewalk along Hillsborough Street will be a principal place of pedestrian movement and social interaction.

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L. L. P.

LAWYERS

OFFICES
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

LACY H. REAVES
DIRECT DIAL: (919) 821-6704
E-Mail: lreaves@smithlaw.com

October 14, 2013

MAILING ADDRESS
P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

Via Courier and Email

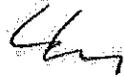
Mr. Doug Hill, AICP
Department of City Planning
One Exchange Plaza, Suite 204
Raleigh, NC 27601

Re: Zoning Case Z-26-13 – Hillsborough Street

Dear Doug:

I enclose the revised zoning conditions in the captioned case, which have been executed on behalf of the property owner. Please call me in the event that there are questions.

Very truly yours,



Lacy H. Reaves

LHR: kjr
Enclosure



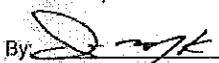
Planning & Development

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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number	Z-26-13	Transaction Number
Date Submitted:	October 8, 2013	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	For purposes of these conditions, the parcels proposed for rezoning in this case, which are listed by PIN number and deed reference in Exhibit A, are referred to as the "Property." Upon development or redevelopment, at least ninety-five percent (95%) of the off-street parking spaces provided upon the Property shall be contained in a multi-level parking structure which, with the exception of entrances into the structure, shall be screened by heated building space. Vehicles parked on the highest level of the parking structure shall be screened by a parapet wall that will not exceed twelve (12) feet in height or in some other manner, and no such vehicle shall be visible from ground level on any public right-of-way or public sidewalk easement. There shall be no vehicular entrance to the parking structure on the side of any building upon the Property facing Hillsborough Street.
2.	Except for a pedestrian portal or portals, doorways, sidewalks, planting and utility strips where required, and any setback or setbacks, when the Property is developed or redeveloped, the side of a building or buildings upon the Property shall extend along, but shall not necessarily abut, the entire length of the right-of-way of Hillsborough Street.
3.	The side of the building or buildings upon the Property which faces Hillsborough Street will step back an average distance of six (6) feet or more at the point at which the first story joins the second story. The step back may vary in width, but shall change a minimum of four (4) feet at least every eighty (80) or fewer horizontal feet in order to provide articulation. The average distance of the step back shall be ten (10) feet or more within 200 feet of the right-of-way of Concord Street.
4.	Upon issuance of a building permit for a new or replacement building, if the City's Transit Division so requests, the owner shall construct at its own expense a transit shelter which shall be located within the public right-of-way along Hillsborough Street or within a transit easement dedicated by the owner at a location approved by the Transit Division and by a deed of easement in a form approved by the City Attorney. If requested by the Transit Division, such shelter shall include a bench, a fifteen (15) foot wide cement foundation with an Americans with Disabilities Act required curb cut, and a six (6) foot high channel post with mounted trash container and shall be built according to the City's standard specifications. At the owner's election, it may incorporate design and building elements and materials utilized in the development of the Property, but in such instance, the owner or a property owners' association shall maintain the shelter.
5.	The side of the building or buildings upon the Property which faces Hillsborough Street, as well as at least the first one hundred (100) linear feet of the sides of the building or buildings facing Concord Street and Friendly Drive, measured from the corner of the building closest to Hillsborough Street, shall be constructed from one or more of the following materials: glass, concrete and/or clay brick masonry, cementitious stucco, cementitious siding, including lap and panel products, native and manufactured stone, pre-cast concrete, and metal sidings. The following building siding materials shall be prohibited in such areas: vinyl siding, fiber board siding, pressure-treated wood, synthetic stucco (EIFS); however EIFS shall be allowed for trim applications such as a roof cornice. Fifty percent (50%) of the building side facing Hillsborough Street will be constructed with clay brick masonry (with the exception of windows and doors). Window frames, doors, soffits, and trim may be constructed of wood, fiberglass, metal, or vinyl.

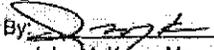
These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature: Stanhope 2013 LLC By:  John M. Kane, Manager	Print Name John Kane
--	-------------------------

NARRATIVE OF ZONING CONDITIONS OFFERED (con't)

6.	Signage will be restricted to lettering displayed on the canopies or awnings, under-canopy signs and wall signs. No ground signs will be permitted. Canopies and awning heights shall be a minimum of nine (9) feet above sidewalk grade. Canopies/awnings may or may not be backlit, may be retractable and will be made of canvas, vinyl or translucent materials. The colors will be compatible with the building materials and colors. Under-canopy signs will be permitted for pedestrian identification of individual businesses. Under-canopy signs will be hung a minimum of nine (9) feet, unobstructed, above the grade of the sidewalk, will not exceed a height of twelve (12) inches and not exceed the width of the canopy.
7.	Upon issuance of a building permit for a new or replacement building, the owner shall provide benches along Hillsborough Street at locations determined at the time of site plan approval. The benches will be Landscape Forms "Austin" series Flat Bench with two (2) end arms and (1) center arm or similar. The powder coat finish shall contain no heavy metals and shall be a hard, yet flexible, finish that resists rusting, chipping, peeling and fading.
8.	Upon issuance of a building permit for a new or replacement building, the owner shall install trash receptacles near seating along Hillsborough Street at locations determined at the time of site plan approval. The receptacles will be Landscape Forms style "Chase Park" receptacles or similar.
9.	Where sidewalk pavers are utilized, they will be Pine Hall Brick Field Pavers and will be Pathway Red. If utilized, the owner will install the pavers upon issuance of a building permit for a new or replacement building.
10.	The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual (the "Manual") published by the Institute of Transportation Engineers (in the manner hereafter provided), and appropriately adjusted to account for pass-by trips and Internal capture, will generate no more daily vehicle trips, AM peak hour trips, or PM peak hour trips than would be generated by 660 Mid-Rise Apartments and 50,000 square feet of Specialty Retail uses. Because daily trip generation is not provided by the Manual for Mid-Rise Apartments, it shall be calculated as equivalent to ten (10) times the PM peak hour trips for such use. Because the Manual does not provide trip generation for Specialty Retail uses in the AM peak hour, the AM peak hour trip generation for such use shall be calculated based on the PM peak hour trip generation for Specialty Retail uses, adjusted by the ratio of the AM peak hour trip generation for general retail uses divided by the PM peak hour trip generation for general retail uses.

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.

<p>Owner/Agent Signature: Stanhope 2013 LLC</p> <p>By:  John M. Kane, Manager</p>	<p>Print Name</p> <p>John Kane</p>
--	------------------------------------

2-26-13

PROPOSED REZONING

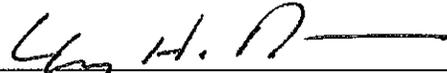
**4.281Acres - South Side of Hillsborough Street Between
Concord Street and Friendly Drive**

REPORT OF AUGUST 12, 2013 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 6:00 p.m. on Monday, August 12, 2013 at the office of Kane Realty Corp. at Suite 250, 4321 Lassiter at North Hills Avenue in Raleigh. Attached as Exhibit A is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as Exhibit B. The letters were mailed on or about August 1, 2013 via first class U.S. Mail.

Attached as Exhibit C is a roster of the persons in attendance at the meeting. The issues discussed at the meeting included the rezoning process applicable to the case, the requirement for a setback in the proposed building over the first floor, the traffic that would be generated by the proposed development as compared to the existing zoning, the height of the proposed development, and further improvements to Hillsborough Street to be constructed by the City. There have been no changes to the rezoning petition subsequent to the neighborhood meeting.

Respectfully submitted this 20th day of August, 2013.



Lacy H. Reaves
Attorney for Petitioner

Exhibit A

Property Address	Owner	Mailing Address 1	Mailing Address 2	City/State/Zip	PIN
1 3009 M E VALENTINE DR	PROVIDENT GROUP STANHOPE PROPERTIES	5565 BANKERS AVE	8300 HEALTH PARK S	RALEIGH NC 27608-2608	794515918
2 3000 M E VALENTINE DR	STANHOPE CENTER POA INC	431 OFFICE PARK DR		BATON ROUGE LA 70808-2608	794515918
3 3105 HILLSBOROUGH ST	ROSE MARY DEVELOPMENTS LLC	3101 HILLSBOROUGH ST		MOUNTAIN BRK AL 35223-2411	794516998
4 3101 HILLSBOROUGH ST	ROSE MARY DEVELOPMENTS LLC	3101 HILLSBOROUGH ST		RALEIGH NC 27607-5436	794513298
5 3109 HILLSBOROUGH ST	ROSE MARY DEVELOPMENTS LLC	3101 HILLSBOROUGH ST		RALEIGH NC 27607-5436	794524249
6 3109 HILLSBOROUGH ST	BOOTH, LARRY J & VICKI A	PO BOX 56		RALEIGH NC 27607-5436	794523525
7 3120 HILLSBOROUGH ST	WILLIAMS, PETER P & RUTH L	WILLIAMS PROPERTY GROUP	8300 HEALTH PARK S	HIGHFALDS NC 27259-0066	794522528
8 3126 HILLSBOROUGH ST	3126 HILLSBOROUGH ASSOCIATES	5849 LEASE LN		RALEIGH NC 27615-4731	794522749
9 3116 HILLSBOROUGH ST	FLAGSHIP CO LLC THE	5849 LEASE LN		RALEIGH NC 27617-4844	794523813
10 3100 HILLSBOROUGH ST	CAPETANOS HOLDINGS LLC	3608 PINNACLE DR		RALEIGH NC 27617-4844	794527116
11 3020 HILLSBOROUGH ST	SARANTOS, JAMES N TRUSTEE SARANTOS, DIANA ELLASON TRUSTEE	1905 BRASSFIELD RD		CARY NC 27518-8922	794525771
12 3016 HILLSBOROUGH ST	COMPLETE COMPUTER STORE OF RALEIGH INC THE	8016 HILLSBOROUGH ST		RALEIGH NC 27614-9451	794527651
13 3006 HILLSBOROUGH ST	FARRIS INC	232 OLD CAUSEWAY RD		RALEIGH NC 27607-5446	794528662
14 1 DIXIE TRL	DIXIE HILL GROUP LLC	PO BOX 31747		ATLANTIC BEACH NC 28512-7522	794529555
15 6 DIXIE TRL	HIGHSWORTH, JOHN TYLER LEWIS, MICHAEL HILL	1001 WADE AVE STE 301		RALEIGH NC 27622-1747	794620692
16 4 DIXIE TRL	WINSLOW, CECILE E JR	4 DIXIE TRL		RALEIGH NC 27605-3323	794622635
17 2 DIXIE TRL	WILSON, JAMES M JR & KAREN B	1065 MILLS ST		RALEIGH NC 27607-7043	794622635
18 2912 HILLSBOROUGH ST	COATES, DONALD LEWIS	724 CROFTREE CROSSING PKWY		RALEIGH NC 27608-1833	794622600
19 2900 HILLSBOROUGH ST	FERGUSON PROPERTIES LLC	2230 WHITMAN RD		CARY NC 27513-9475	794621486
20 9 BAGWELL AVE	FERGUSON PROPERTIES LLC	2230 WHITMAN RD		RALEIGH NC 27607-6649	794623404
21 2901 HILLSBOROUGH ST	CAPETANOS HOLDINGS LLC	3608 PINNACLE DR		RALEIGH NC 27607-6649	794623838
22 105 FRIENDLY DR	TRELLS ENTERPRISES LLC	105 FRIENDLY DR		CARY NC 27518-8922	794622276
23 2 FRIENDLY DR	CAPETANOS HOLDINGS LLC	3608 PINNACLE DR		RALEIGH NC 27607-5468	794621216
24 111 FRIENDLY DR	UNIVERSITY TOWERS OPERATING PARTNER	999 S SHADY GROVE RD STE 600		CARY NC 27518-8922	794622139
25 117 FRIENDLY DR	UNIVERSITY TOWERS OPERATING PARTNER	999 S SHADY GROVE RD STE 600		MEMPHIS TN 38120-4130	794622053
26 110 DAN ALLEN DR	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE	116 W JONES ST	MEMPHIS TN 38120-4130	794620064
				RALEIGH NC 27603-4300	794621797

3896214

Exhibit B



KANE REALTY CORPORATION

North Hills
Post Office Box 19107
Raleigh, North Carolina 27619
919-833-7755 919-833-2473 Fax

July 29, 2013

RE: Parcels at 3021 Hillsborough Street (PIN 0794526454); 3027 Hillsborough Street (PIN 0794525466); 3023 Hillsborough Street (PIN 0794526405); 3017 Hillsborough Street (PIN 0794527402); 3013 Hillsborough Street (PIN 0794527471); 3009 Hillsborough Street (PIN 0794529334); 110 Friendly Drive (PIN 0794528290); 114 Friendly Drive (PIN 0794528161); 7 Concord Street (PIN 0794526197); 3 Concord Street (PIN 0794526361)

Neighboring Property Owners:

As you may know, we have proposed to file a new rezoning case with respect to the property referenced above, which is shown on the attached map (the "Property"). We would like to invite you to attend a neighborhood meeting on Monday, August 12, at 6:00 p.m. The meeting will be held in our offices in Suite 250, 4321 Lassiter at North Hills Avenue in Raleigh. You can reach our office by taking the elevator in the North Hills parking deck to the second floor.

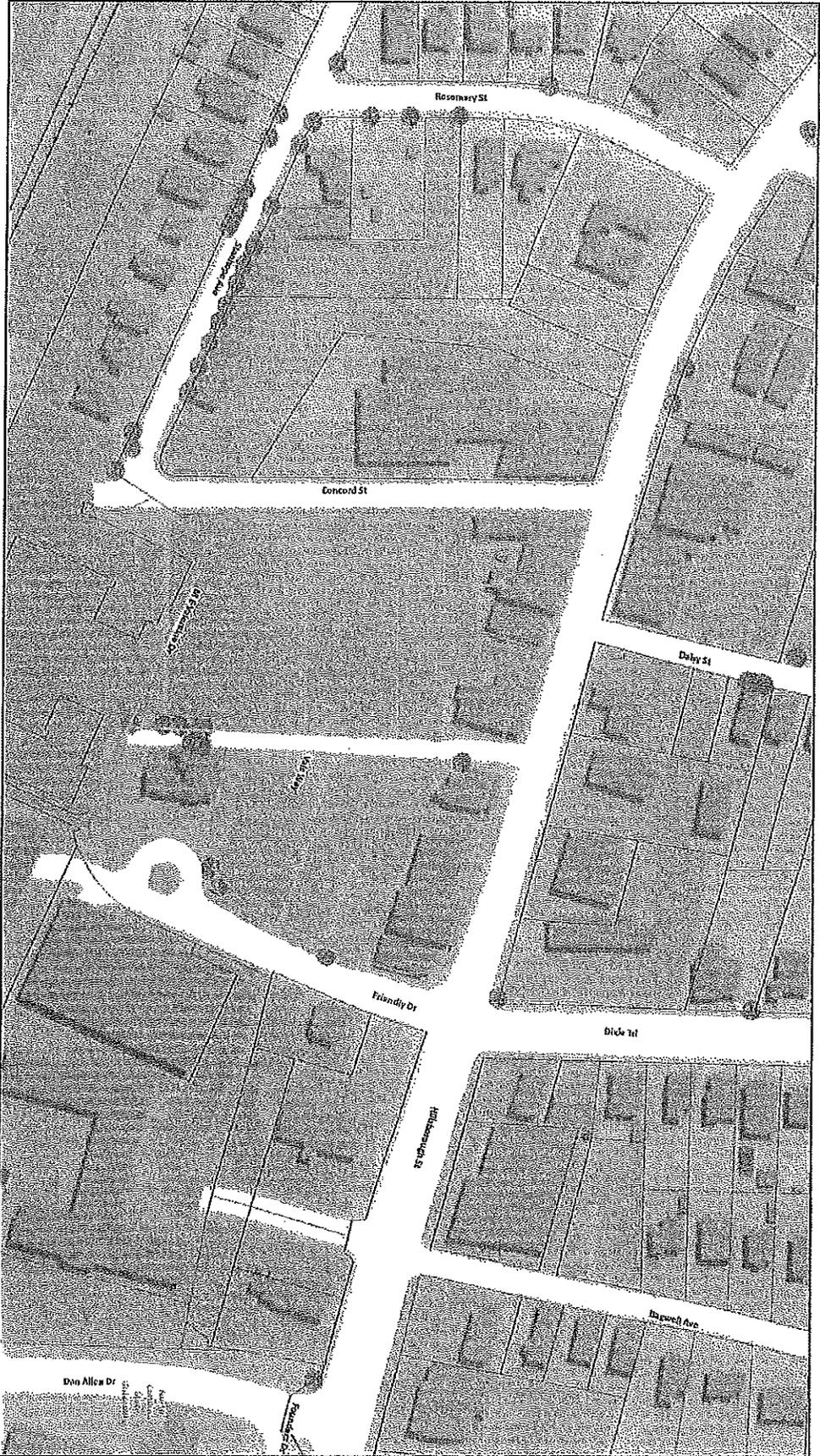
The purpose of the meeting is to discuss our proposed rezoning of the Property, which is currently zoned Planned Development District. We propose to rezone the Property to the Neighborhood Mixed Use (NX) District under the new Uniform Development Ordinance, with zoning conditions that will be discussed at the meeting. The proposed rezoning will not alter the uses currently allowed on the Property, but will include modifications to the plan approved with the current zoning of the Property and will subject its development to the standards of the UDO.

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

If you have any questions, I can be reached at the telephone number and email address which appear above.

Very truly yours,


John Kane





 0 50 100 200 Feet

 1 inch = 100 feet

Disclaimer:

 This map is not a warranty, offer, or promise of any kind. It is provided for informational purposes only. The user assumes all responsibility for the use of this information. No warranty, express or implied, is made for the data herein. Use at your own risk.

Stanhope Center
 Neighborhood Meeting - Sign-in sheet
 August 12, 2013

NAME	ADDRESS	EMAIL	PHONE
Michelle Colaninno	3909 Arborwood	Michelle Colaninno	919-829-0718
FRANK LIGGETT III	612 Nacow Place		
	Raleigh NC 27609	fliggett@rd.law.com	919-614-3459
Joseph K. Alora	3016 Hillsboro	Joseph@DigitalComputers.com	919-888-5827
Clayton Hoyer	111 Friends Dr	clayton@edtrust.com	919-327-3800

Exhibit A

PIN	OWNER AND OWNER'S ADDRESS
0794526454	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794525466	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794526405	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794527402	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794527471	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794529334	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794528290	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794528161	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794526197	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609
0794526361	Stanhope 2013 LLC 4321 Lassiter at North Hills Ave., Ste. 250 Raleigh, NC 27609

The property proposed for rezoning does not include the private street known as M.E. Valentine Drive.

John M. Kane, Manager

Revision 07.23.13



Planning & Development

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

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number Zoning Case Number Z-26-13</p>

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

1. The Property is designated Neighborhood Mixed Use on the Future Land Use Map, which is consistent with the proposed rezoning to NX-5 with an Urban Limited Frontage. Both the FLUM designation and the proposed zoning district envision a mix of neighborhood oriented commercial and urban scale residential uses.
2. With respect to the Growth Framework Map of the Comprehensive Plan, the Property is located on Hillsborough Street, which the Map designates as a Multi-Modal Corridor, a roadway described as similar to an urban corridor with "denser residential and commercial development."
3. The Property is also very close to a Future Rail Station and is within or at the fringe of an area designated for Transit Oriented Development in the Growth Framework Map. At page 47, the Comprehensive Plan describes such areas as appropriate for "a moderate - to high - density mix of uses - such as residences, retail shops, office, and civic and entertainment uses"
4. With regard to the Urban Form Map, the Property is within a Transit Stop Half-Mile Buffer Area and Hillsborough Street is designated for Future Fixed-Guideway Transit.
5. This rezoning request is consistent with the following policies contained in the Comprehensive Plan: Table LU-2, Policy LU 1.3, Policy LU 2.2, Policy LU 4.9, Policy LU 5.1, Policy LU 5.2, Policy LU 6.4, Policy T 6.1, and Policy UD 3.11.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. This rezoning request proposes to replace City Code zoning districts with a new district created by the UDO, thereby mandating UDO standards and principles for the development of the Property.
2. This proposal creates an opportunity for additional streetfront retail and greater residential density for Hillsborough Street. This would result in greater pedestrian activity along the street corridor.
3. In view of the proximity of NC State University, this proposal could help meet increasing needs for student housing.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>Applicant's Response: The proposed rezoning permits a mix of residential, office, and commercial uses consistent with this guideline. The Urban Limited frontage type along Hillsborough Street will encourage pedestrian activity.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p>Applicant's Response: The Property is not adjacent to a lower density neighborhood.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p>Applicant's Response: The Property is adequately connected into the neighborhood road network and no new roads are proposed.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p>Applicant's Response: Interconnectivity currently exists.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p>Applicant's Response: Existing block spaces meet the requirements of this guideline.</p>
6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p>Applicant's Response: Zoning conditions proposed in this case ensure that there will be no off-street parking upon the Property along existing streets and that entrances to the parking structure will be located at the side or rear of the development.</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p>Applicant's Response: The Urban Limited frontage requires a street build-to of no more than 20 feet and prohibits on-site parking between the building and the street.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p>Applicant's Response: A zoning condition in this case requires a building side along the entire right-of-way of Hillsborough Street between Friendly Drive and Concord Street.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p>Applicant's Response: Section 1.5.3.B of the UDO requires that outdoor amenity areas in a Mixed-Use District be contiguous to a public sidewalk and visually permeable from the public right-of-way.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p>Applicant's Response: The provisions of the UDO applicable to the Urban Limited frontage will require street-facing entrances a minimum of 75 feet apart. UDO provisions similarly require transparency.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p>Applicant's Response: The zoning district proposed in this case, together with the proposed frontage, would facilitate the pedestrian-oriented uses referenced in this guideline.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Applicant's Response: Outdoor amenity areas required by the UDO will have proximity to the public right-of-way.</p>

13.	<i>New public spaces should provide seating opportunities.</i> Applicant's Response: The UDO standards for outdoor amenity areas require seating opportunities, consistent with this guideline.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Applicant's Response: Substantially all of the off-street parking for this development will be within an enclosed parking structure. Off-street parking upon the Property is prohibited along Hillsborough Street.
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> Applicant's Response: A zoning condition proposed in this case requires that substantially all off-street parking will be within an enclosed parking structure.
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i> Applicant's Response: The parking structure in this development will be completely screened by heated building space.
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> Applicant's Response: Hillsborough Street is designated a Transit Emphasis Corridor in the Urban Form Map of the Comprehensive Plan.
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Applicant's Response: Public sidewalks will provide convenient and comfortable pedestrian access between building entrances upon the Property and nearby transit stops.
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> Applicant's Response: There are no steep slopes, watercourses, or flood plains upon the Property.
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i> Applicant's Response: There will be no new streets constructed as part of this development.
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i> Applicant's Response: Sidewalk width will be determined at the time of site plan approval.
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i> Applicant's Response: Street trees will be provided in accordance with applicable provisions of the UDO.
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i> Applicant's Response: Applicable provisions of the UDO ensure that proper spatial definition will be achieved in this development.
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i> Applicant's Response: The Urban Limited frontage requires a primary street-facing entrance as well as street-facing entrances at intervals of no more than seventy-five (75) feet.
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i> Applicant's Response: Applicable provisions of the UDO require multiple pedestrian entrances, as well as transparency.
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i> Applicant's Response: This rezoning proposal, as well as applicable provisions of the UDO, ensure that the public sidewalk along Hillsborough Street will be a principal place of pedestrian movement and social interaction.

October 3, 2013

Mr. Gerald Daniel
Senior Transportation Planner
City of Raleigh Planning and Development
P.O. Box 590
Raleigh, NC 27601

P.O. Box 33068
Raleigh, North Carolina
27636-3068

Re: Stanhope Rezoning Z-26-13
Trip Generation

Dear Mr. Daniel:

I have reviewed the proposed land use for the Stanhope project and have determined the traffic generational potential using the criteria in the Trip Generation Manual (Institute of Transportation Engineers, Ninth Edition, 2012). The table below summarizes the Daily, AM peak and PM peak traffic generation. Internal capture percentages were also calculated using the standard methodology from the Trip Generation Manual. No pass by traffic was assumed for the specialty retail land use.

Table 1 - Trip Generation											
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour			
		Total	In	Out	Total	In	Out	Total	In	Out	
223 Mid-Rise Apartment ¹	660 d.u.	3,060	1,530	1,530	327	65	262	306	177	129	
826 Specialty Retail ²	50,000 s.f.	2,178	1,089	1,089	38	24	14	141	62	79	
Subtotal		5,238	2,619	2,619	365	89	276	447	239	208	
<i>Internal Capture</i>											
Mid-Rise Apartment		218	120	98	0	0	0	15	9	6	
Specialty Retail		218	98	120	0	0	0	15	6	9	
Internal Capture Total		436	218	218	0	0	0	30	15	15	
Total Net New External Trips		4,802	2,401	2,401	365	89	276	417	224	193	

¹ For the mid-rise apartments land use, daily trip generation was not provided in the ITE Trip Generation Manual. Therefore, it was estimated to be 10 times the PM peak hour.

² The ITE Trip Generation Manual does not include trip generation rates for specialty retail space in the AM peak hour of the adjacent street. Therefore, the trip generation potential of the specialty retail space in the AM peak hour is estimated based on the trip generation potential of the PM peak hour for specialty retail space, adjusted by the ratio of the AM peak hour trip generation potential for general retail space divided by the PM peak hour trip generation potential for general retail space. The enter and exit percentages for the AM peak hour were also assumed to be the same as general retail space.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,
KIMLEY-HORN AND ASSOCIATES, INC.
NC License #F-0102

R. Michael Horn
R. Michael Horn, P.E.
Principal

