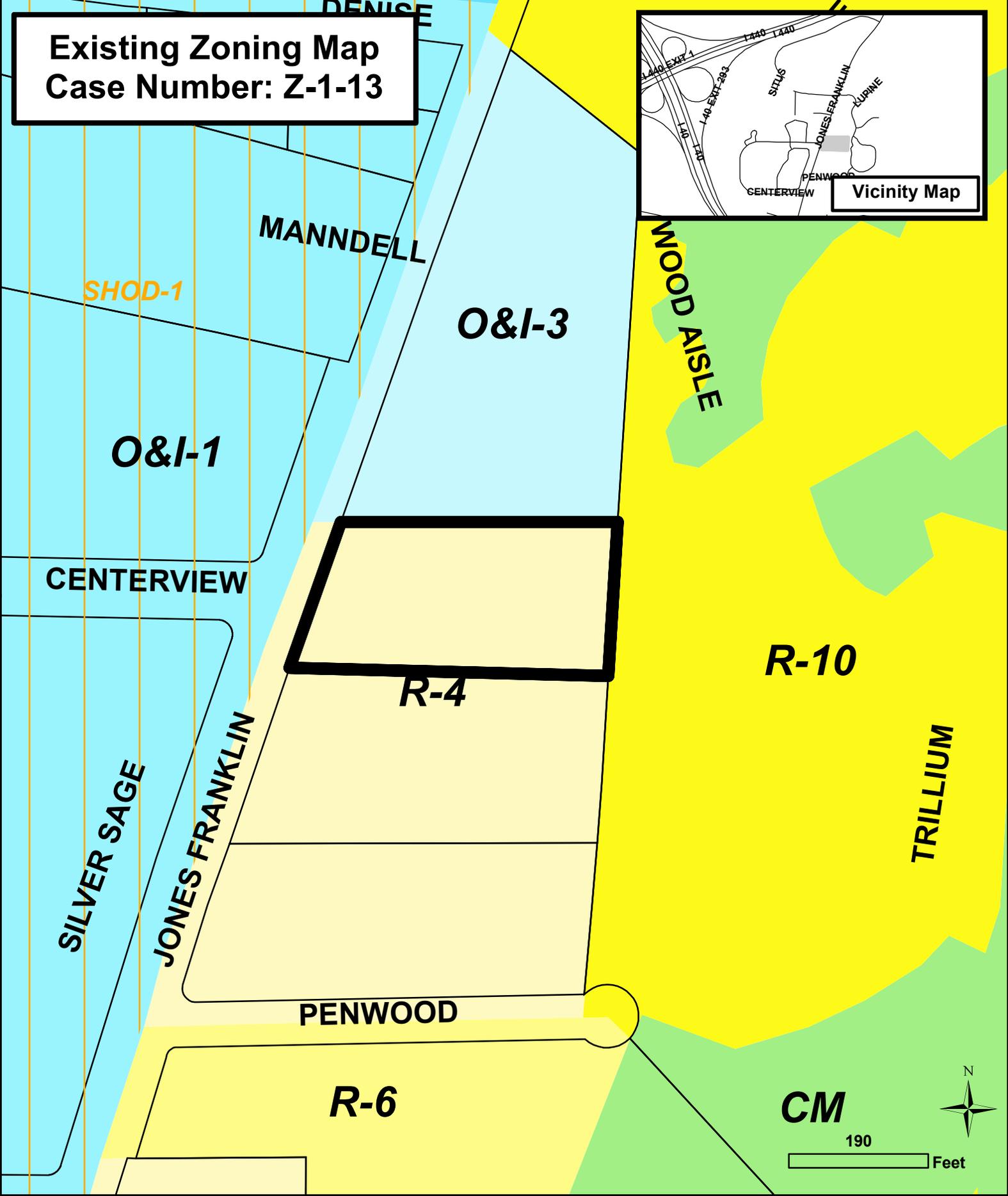
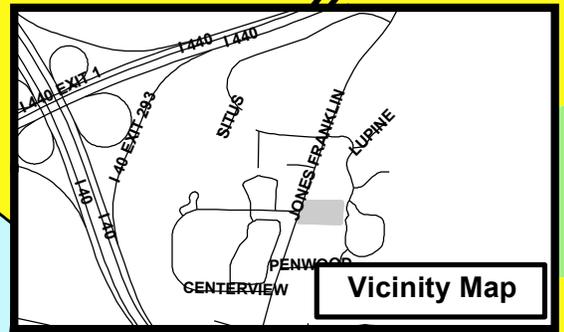


**Existing Zoning Map
Case Number: Z-1-13**



Request:

1.92 ac from R-4 to O&I-1 CUD

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)



Certified Recommendation

Raleigh Planning Commission

CR# 11520

Case Information Z-1-13 Jones Franklin Road

<i>Location</i>	East side of Jones Franklin road at its intersection with Centerview Drive.
<i>Request</i>	Rezone property from Residential-4 to Office and Institution-1 Conditional Use
<i>Area of Request</i>	1.92 acres
<i>Property Owner</i>	Cecil Wayne Carroll
<i>Applicant</i>	Edward Wetherill (919)851-8077
<i>Citizens Advisory Council</i>	West CAC
<i>PC Recommendation Deadline</i>	April 15 th , 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>	Moderate Density Residential
<i>CONSISTENT Policies</i>	Policy T 1.6 – Transportation Impacts 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 EP 8.4 – Noise and Light Impacts
<i>INCONSISTENT Policies</i>	None

Summary of Proposed Conditions

1. Prohibited Uses
2. Residential density limited to 14 units per acre
3. Offer of cross access
4. Lighting restrictions
5. Office uses limited to 35,000 sq. ft.
6. Maximum height of 40 ft.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
8/28/2012	1/15/2013	Date: Action	1/22/13: Defer

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 finds that the proposed rezoning request is inconsistent with the Comprehensive Plan. However, based on findings and reasons stated herein, the commission recommends that the request be approved in accordance with zoning conditions dated February 25, 2013.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The request to rezone to Office and Institution-1 Conditional Use is inconsistent with the Future Land Use designation of Moderate Density Residential. Due to the location of this property the commission suggests further analysis in potentially amending the Future Land Use in this area. It should be noted that the request is consistent with all applicable Comprehensive Plan policies. 2. The request is reasonable and in the public interest. The applicant has included several zoning conditions to mitigate any potential impacts associated with this request. Rezoning to Office and Institution-1 Conditional Use will provide the applicant with more opportunity for redevelopment, and will have no additional impacts on surrounding infrastructure. 3. The proposal is consistent and compatible with the surrounding area. While the property is adjacent to residential land uses, the applicant has included several conditions to help buffer and transition to these lower intensity uses.
	Motion: Butler Second: Terando In Favor: Butler, Buxton, Fluhrer, Harris Edmisten, Mattox, Schuster, Sterling Lewis 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.

_____ 2/26/13 _____ 2/26/13
 Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Stan Wingo stan.wingo@raleighnc.gov



Zoning Staff Report – Z-1-13

Case Summary

Overview

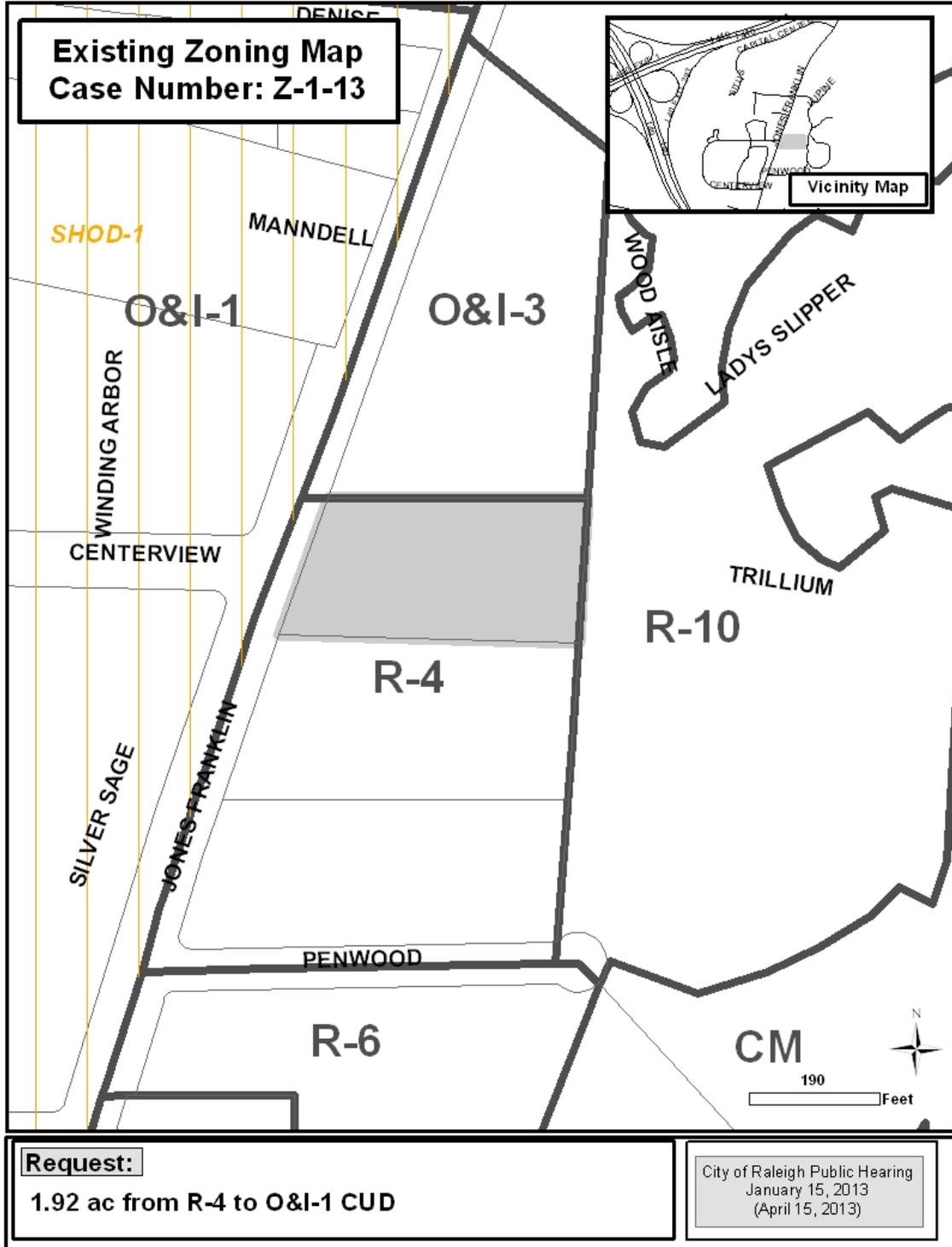
The subject property is located on the east side of Jones Franklin Road north of Penwood Drive, and directly across from the entrance to Centerview Office Park and Apartment Complex.

The property owners are proposing a rezoning amendment from Residential-4 to Office and Institutional-1 Conditional Use. Conditions offered by the applicant prohibit a number of uses and limit density to no more than 14 dwelling units per acre. Applicant has also offered cross access and limited office square footage, while also including zoning conditions to limit lighting and building height. The residential dwelling limitation offered by the applicant would be consistent with the Moderate Density Residential designation on the Future Land Use Map. However, the introduction of office uses in this location is inconsistent with Moderate Density Residential. There are no additional impacts to infrastructure associated with this request.

Outstanding Issues

<i>Outstanding Issues</i>	1. Inconsistency with Future Land Use Map	<i>Suggested Mitigation</i>	1. Office uses are inconsistent with Future Land Use.
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ZONING REQUEST



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>	Residential-4	Office and Institution-3	Residential-4	Residential-10	Office and Institution-1
<i>Additional Overlay</i>	None	None	None	None	Special Highway Overlay-2
<i>Future Land Use</i>	Moderate Residential	Office/ Research Development	Moderate Residential	Moderate Residential	Medium Residential
<i>Current Land Use</i>	Single Family Residential	Office	Single Family Residential	Multifamily Residential	Multifamily Residential

1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	7 dwelling units	26 dwelling units
<i>Setbacks:</i>		
<i>Front:</i>	30	30
<i>Side:</i>	10	5
<i>Rear:</i>	30	20
<i>Retail Intensity Permitted:</i>	None	None
<i>Office Intensity Permitted:</i>	None	35,000 sq ft (conditions)

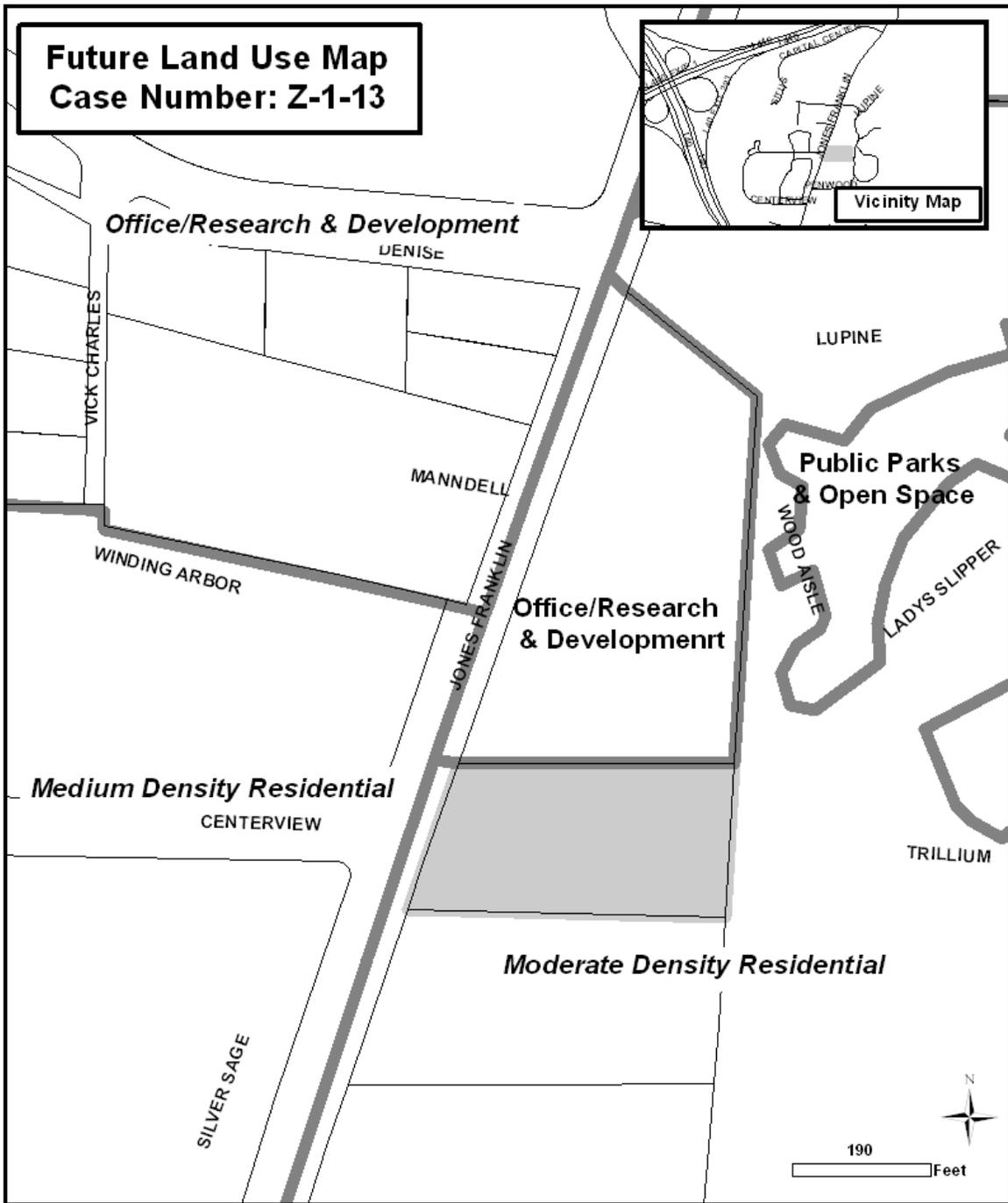
The proposed rezoning is:

Compatible with the property and surrounding area.

Incompatible.

Analysis of Incompatibility:

FUTURE LAND USE MAP



Request:

1.92 ac from R-4 to O&I-1 CUD

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)

2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

Proposal to rezone to Office and Institution-1 Conditional Use is inconsistent with the Future Land Use Map. The Future Land Use designation for the subject property is Moderate Density Residential. Residential development between 6-14 units per acre is suggested by this Future Land Use category. The proposed zoning would allow office uses therefore making it inconsistent with the Future Land Use.

2.2 Policy Guidance

The rezoning request is **consistent** with all applicable Comprehensive Plan policies:

2.3 Area Plan Policy Guidance

There are no applicable area plans in this location.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provides additional uses for redevelopment.

3.2 Detriments of the Proposed Rezoning

- Inconsistency with Comprehensive Plan.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)	2035 Traffic Volume Forecast (CAMPO)			
Jones Franklin Road	Secondary Arterial	20,000	24,900			
Street Conditions						
Jones Franklin Road	Lanes	Street Width	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	2	53'	Curb and gutter on the west side of the street	86'	Sidewalks on the west side of the street	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	NO	NO	NO	NO
Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential			
	AM PEAK	97	92			
	PM PEAK	94	85			
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-1-13. The applicant may wish to add a condition stating that offers of cross-access will be provided to the properties to the north and south.				
Additional Information:		The City of Raleigh has an unscheduled capital improvement project to widen Jones Franklin Road to multi-lane section street in the vicinity of this case.				

Impact Identified: Cross-access to the adjacent properties to the north and south.

4.2 Transit

No comment.

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	
<i>Drainage Basin</i>	
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	

Impact Identified: None

4.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)	Estimated Remaining Capacity
Water	6,720 gpd	6,720 gpd	
Waste Water	6,720 gpd	6,720 gpd	

Impact Identified: The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There is currently a twelve (12") inch water main within the Jones Franklin Road right-of-way at the property. Sanitary sewer would be required to be extended by the petitioner/developer to the property. 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 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

Subject Tract is not allocated adjacent to a greenway corridor. The subject tract is located near Lake Johnson Park. This rezoning improves the recreation level of service.

Impact Identified: None

4.6 Urban Forestry

Urban Forestry	Andy Gilliam, Forestry Specialist
Contact	andy.gilliam@raleighnc.gov ph: 919-996-2477

1. The owner has provided a survey to verify the subject parcel is 1.94 acres in size.
2. Section 10-2132.2 (b)(20) 1. – 3. applies to non-residential lots (zoning or land use) smaller than two acres in size with groups of trees adjacent to a thoroughfare. For new site plans on such lots, tree preservation is required along the thoroughfare using either a natural protective yard or tree conservation or alternates must be approved by the Planning Commission.

Impact Identified: The impact will occur upon submittal of a new site plan.

4.7 Designated Historic Resources

The subject property is not located within a historic district and does not contain any historic landmarks.

Impact Identified: None

4.9 Appearance Commission

This proposal is not subject to review by the Appearance Commission.

4.10 Impacts Summary

- There are no additional impacts to surrounding infrastructure associated with this request.

4.11 Mitigation of Impacts

- None

5. Conclusions

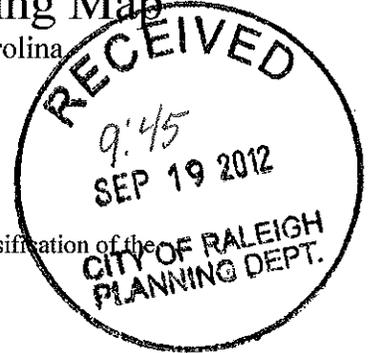
The rezoning proposal is inconsistent with the Future Land Use Map. The designation on this property is currently Moderate Density Residential. The proposal would introduce office uses which would therefore be inconsistent with the Future Land Use category. However the request is consistent with all applicable Comprehensive Plan policies.



Z-1-13
pd 1115.00 by
CK# 15506

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

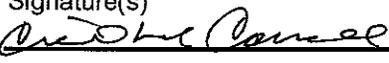
Signature(s)	Print Name	Date
	CECIL WAYNE CANNON	9-19-12

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	Cecil Wayne Carroll	1223 Jones Franklin Rd, Raleigh, NC 27606	919-337-7377
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Cecil Wayne Carroll	1223 Jones Franklin Rd, Raleigh, NC 27606	919-337-7377
Contact Person(s)	Edward Wetherill	559 Jones Franklin Rd, Raleigh, NC 27606	919-851-8077 ewetherill@wetherilleng.com

Property information

Property Description (Wake County PIN)	0783122932
Nearest Major Intersection	Jones Franklin @ I-40
Area of Subject Property (in acres)	1.924
Current Zoning Districts (include all overlay districts)	R-4
Requested Zoning Districts (include all overlay districts)	O&I-1, Conditional Use

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:

As used herein, the "Property" means and refers to that certain tract or parcel of land containing approximately 1.924 acres, located along Jones Franklin Rd between I-440 and I-40 across the northern part of Centerview Dr in the City of Raleigh, NC, and having Wake county Parcel Identification Number 0783-12-2932 (Deed Book 9292, Page 2258). The current zoning for the Property is R-4, the requested zoning is O&I-1 with the following conditions attached:

A) The following uses shall be prohibited on the Property:

- Cell phone towers
- Cemetery
- Church
- Civic Club
- Funeral Home
- Hospital
- Libraries and Museums (both public and private)
- School

B) The maximum residential density on the subject property shall not exceed 14 dwelling units per acre

2012 DEC 10 PM 12:44
CITY OF RALEIGH
CITY PLANNING DEPT

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



DECTL WAYNE CANNON

12/12/12

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:

City of Raleigh Comprehensive Land Use Plan recommends medium density housing (approx. 14 units per acre). Buyer's request for O&I-1, with the condition of limiting housing density to medium, is consistent with this use, but also permits office building development, a compatible use for a neighbor that allows multi-family and office construction.

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.

As noted above, Comprehensive Land Use Plan recommends medium density housing. Requested zoning permits housing and office use, and both are compatible with recent trends in neighborhood transition.

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").

Reference LUP-1A Proposed rezoning request is in concert with recommended future uses at this location.

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):

A neighborhood in transition providing multi-family housing and commercial opportunity on a major streetscape

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

New zoning patterns have emerged as area residents have abandoned dwellings utilizing them for transitional rental properties until a commercial or multi-family developer provides opportunities for continuing new development trends.

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:

O&I-1 in an adjacent use and is in concert with new existing development patterns assuring land use compatibility and maximizing value for owners who no longer occupy the properties.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

Increases marketability of property and potential income stream by providing a higher and better use

B. For the immediate neighbors:

Aesthetic appearance is improved with new development rather than outdated building, and utilization is transitioned with surrounding new developments.

C. For the surrounding community:

Compatibility of greater neighborhood represents a positive neighborhood transition rather than a neighborhood in decline.

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

It provides a favorable mix of multi-family housing and office facilities for employment opportunities without unduly stressing the infrastructure.

EXHIBIT D. Request for Zoning Change

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

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

Subject property is currently the site of an older single-family rental property. With the exception of 2 other remaining parcels, it has transitioned to a higher and better utilization with enhances value to owner and neighborhood and increases tax base to the City of Raleigh, presenting a more pleasing aesthetic appearance.

V. Recommended items of discussion (where applicable).

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

Buyer agrees with the current zoning for this property in accordance with current and historical uses. It was correctly zoned for the use at that time, but doesn't apply with future plans.

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

The neighborhood is now in transition with more recent development north of subject being O&I-3, Conditional Use, and has been for several years developed as office buildings. Development on the east and west in recent years has been multi-family

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

Recent development trends indicate a demand for zoning that maximized property values, tax base and neighborhood enhancement. It is no longer a single-family housing community.

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

An office building as proposed admittedly will have more infrastructure impact than a single-family dwelling. However, the Comprehensive Land Use Plan suggests multi-family development at this location. An office building will impact infrastructure and neighborhood less than multi-family and is compatible with recent development trends.

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

Zoning encourages neighborhood compatibility utilizing planning tools to assure property owners communities will be harmonious and maximize values, desirability and enhances tax base.

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

Rezoning to O&I-1 will provide opportunities for conversion to newer transition development trends in concert with larger neighborhood. An office building at this location will also minimize impact on infrastructure such as traffic, water, sewer and public facilities, i.e. schools parks, and recreation

NEIGHBORHOOD MEETING
August 28, 2012 – 11:00 AM

REF: 1223 Jones-Franklin Road
Raleigh, North Carolina

SUBMITTED DATE: 08/29/12

SUMMARY OF ISSUES

A neighborhood meeting was held on August 28, 2012 at 11:00 AM to discuss a potential rezoning located at 1223 Jones-Franklin Road, Raleigh, North Carolina. The neighborhood meeting was held at 559 Jones-Franklin Road, Suite 164, Raleigh, North Carolina. There were 5 persons in attendance including 2 adjoining neighbors identified on attached Attendance Roster. The general issues discussed were: Rezoning the property located at 1223 Jones-Franklin Road, Raleigh (PIN 0783122932) from R-4 (current zoning) to O & I-3, Conditional Use to allow the construction and development of an office building.

SUMMARY OF ISSUES:

- Demolition of aged single-family, brick veneer one-story structure
- Construct modern two-story masonry veneer office building
- Extend sewer line to serve subject property from existing manhole located at Penwood Drive to new proposed office building.
- Paved parking, driveways and fully landscaped in accordance with City of Raleigh landscape requirements.
- Preserve existing trees outside building footprint and parking areas.
- Improve general appearance of property.
- Area Comprehensive Land-Use Plan Compatibility.

