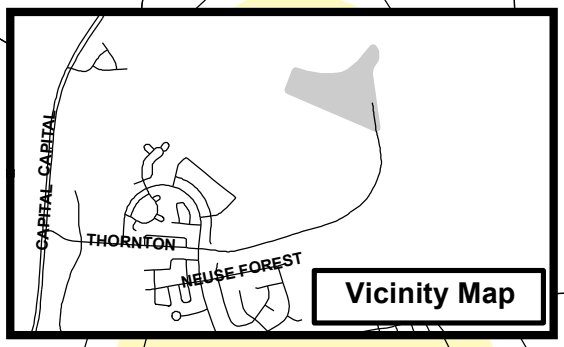
Existing Zoning Map
Case Number: Z-17-13



Wake Forest

TD

R-4

CUD R-6

CM

CUD O&I-2

CUD IND-1

THORNTON

N

480 Feet

Request:

17.12 ac from R-4 to TD CUD

City of Raleigh Public Hearing
April 16, 2013

Certified Recommendation

Raleigh Planning Commission

CR# 11542

Case Information Z-17-13 Thornton Rd

Location	Thornton Road, west of Capitol Boulevard and between Perry Creek Road and the Neuse River
Request	Rezone property from R-4 to Thoroughfare District CUD
Area of Request	17.12 acres
Property Owner	James E. & Michelle S. Ricks
Applicant	Kirk Rightmyer, P. E., 919-803-8704, kirk@ncdeng.com
Citizens Advisory Council	Forestville City staff for this CAC: stacey.lundy@raleighnc.gov
PC Recommendation Deadline	August 14, 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

FUTURE LAND USE	Low Density Residential and Public Parks and Open Space
CONSISTENT Policies	Policy LU 11.2 Location of Industrial Areas Policy EP 4.2 Floodplain Conservation
INCONSISTENT Policies	Policy LU 1.3 Conditional Use District Consistency

Summary of Proposed Conditions

A. Use restricted to a concrete finishing business

B. Allowed are office, maintenance, storage and distribution facilities for a concrete finishing business.

C. No structure, parking or storage in the 100 year flood plain.

D. Minimum of 100’ of undisturbed natural buffer around the perimeter of the property. No land disturbing activity within 100’ of the greenway path.

E. No stored material or structure for stored materials taller than 30 feet.

F. Impervious surface limited to 5.25 acres.

G. Maximum of 7.5 acres shall be disturbed, graded or developed.

H. The property will not be subdivided.

Public Meetings

Neighborhood Meeting	*Public Hearing*	*Committee*	*Planning Commission*
January 3, 2013	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

Recommendation	The Planning Commission recommends, based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated July 1, 2013.
Findings & Reasons	(1)That though the request is inconsistent with the Future Land Use Map, it is reasonable and in the public interest. The Future Land Use Map designates the site for low density residential uses, though development of the property for low density residential would be problematic due to the telecommunications tower and extensive flood plain on the site. (2) That the request is compatible with surrounding land uses. The conditions offer several limits to the intensity of possible development on the site. Also the conditions provide for environmental protections and buffering above and beyond those required by law.
Motion and Vote	Motion: Swink Second: Fleming In Favor: Braun, Buxton, Fleming, 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.

_____	_____ 7/23/13
Planning Director Date	Planning Commission Chairperson Date

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

Zoning Staff Report – Case Z-17-13

Conditional Use District

Case Summary

Overview

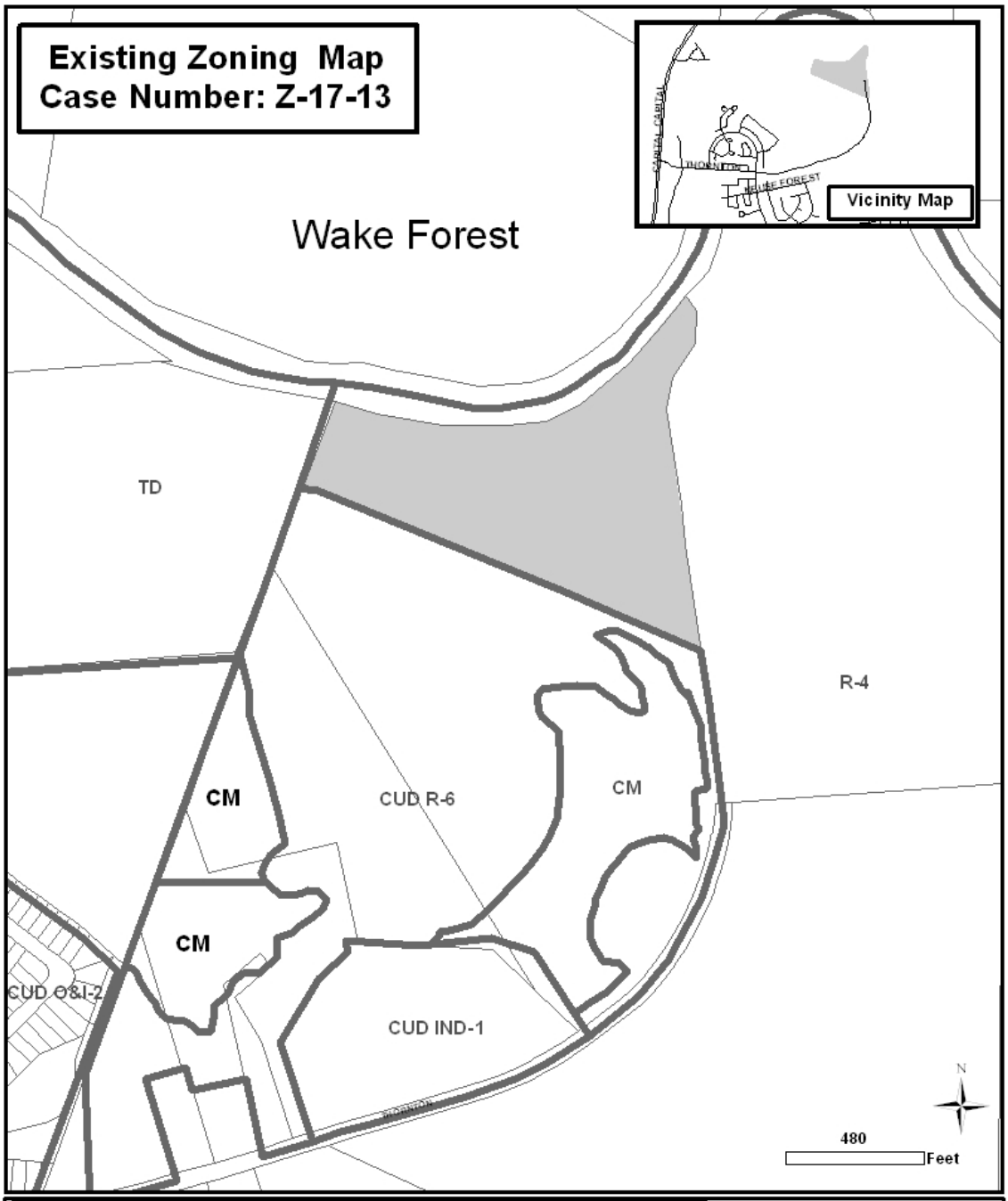
The property in question is mostly wooded and within the Neuse River floodplain as identified by FEMA. The exception is an approximately 5 acre low hill above the floodplain which is mostly cleared of trees, and currently is the site of a telecommunications tower. The property is surrounded to the west, south and east by similar wooded properties, mostly in the floodplain. Immediately to the east is a 66 acre parcel owned by the City of Raleigh and indicated as a future park. Approximately 900 feet to the south-southeast is an automobile salvage yard. Approximately 2000 feet to the west-southwest is a single family neighborhood. The northern property line of the parcel is formed by the Neuse River. Immediately along the River is a greenway easement and extensive areas of floodway. Approximately 2,200 feet to the northeast, across the Neuse River, is a Wake Forest water treatment plant. There is very little development in the general area.

The request is to rezone 17.12 acres from R-4 to Thoroughfare District CUD. Conditions restrict use of the property to a concrete finishing business..

Outstanding Issues

Outstanding Issues	1. There is an existing greenway easement along the Neuse River. The 100' buffer described in the conditions should be measured from the outer edge of this easement.	*Suggested Mitigation*	1. Issue has been resolved. Conditions prohibit land disturbing activities within 100' of the greenway trail.

ZONING REQUEST



Request:

17.12 ac from R-4 to TD CUD

City of Raleigh Public Hearing
April 16, 2013

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	***North***	***South***	***East***	***West***
Existing Zoning	R-4	Wake Forest jurisdiction	R-6 CUD	R-4	TD
Additional Overlay	N/A	N/A	N/A	N/A	N/A
Future Land Use	Low density residential, public parks and open space	Wake Forest jurisdiction	Low density residential, public parks and open space	Low density residential, public parks and open space	Low density residential, public parks and open space
Current Land Use	Telecommunications tower	Neuse River, vacant	Automobile surplus yard	Vacant	Vacant

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	***Proposed Zoning***
Residential Density:	Approx. 2.6 DU/Ac, based on floodplain regulations if half of the floodplain is filled, 4 DU/Ac if development is clustered.	Residences not allowed
Setbacks: *Front:* *Side:* *Rear:*	 20 feet 10 feet 30 feet	 20 feet 5 feet 20 feet
Retail Intensity Permitted:	Not allowed	Not allowed
Office Intensity Permitted:	Not allowed	No maximum square footage given.

The proposed rezoning is:

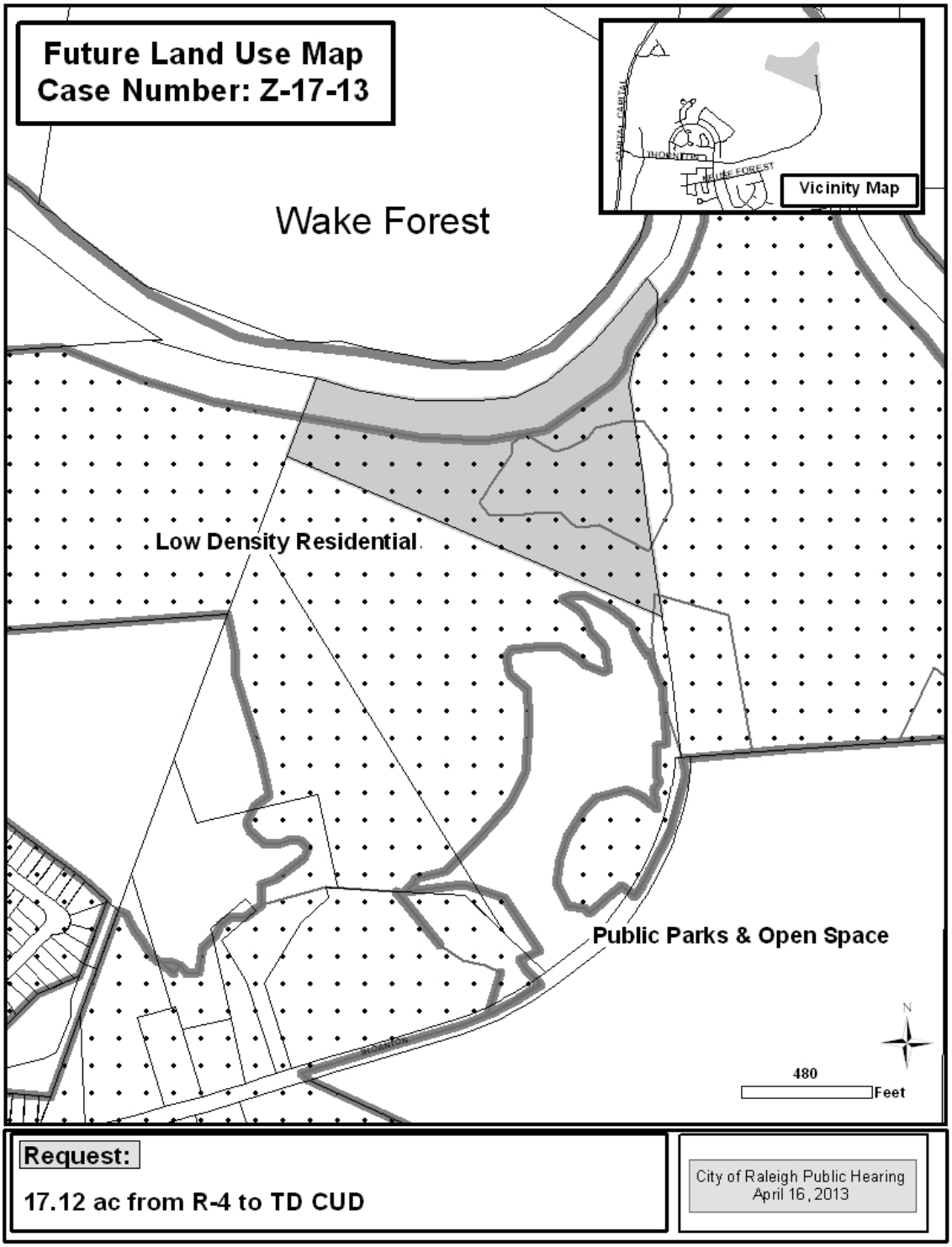
☐ **Compatible** with the property and surrounding area.

☒ **Incompatible.**
Analysis of Incompatibility:

Conditions limit the use of the site to a relatively low-impact industrial use.

The general area contains a relatively extreme mix of land uses. There are heavy industrial uses to the southwest of the site. Further to the southwest along Thornton Road are housing developments. There are highway retail uses at the intersection of Thornton Road and Capital Boulevard. Much of the area surrounding the site is in the Neuse River floodplain. To the east of the site is a future City of Raleigh park. The site of the proposed rezoning is mostly in the floodplain, with the exception of a low hill on which a telecommunications tower is presently located.

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Low density residential, public parks and open space

The rezoning request is:

☐ **Consistent** with the Future Land Use Map.

☒ **Inconsistent**

The proposed zoning is incompatible with land uses recommended on the Future Land Use Map. The site is designated for Low Density Residential and Public Parks and Open Space on the FLUM.

2.2 Policy Guidance

Policy LU 1.3 Conditional Use District Consistency
All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

The proposed conditions, by permitting a concrete finishing operation, are not consistent with the Future Land Use Map.

Policy LU 11.2 Location of Industrial Areas
Accommodate industrial uses— including municipal public works facilities—in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of industrial uses. Such areas are generally designated as "General Industrial" on the Future Land Use Map.

Although not designated as "General Industrial" on the Future Land Use Map, it could be argued the proposed use of the land is somewhat compatible with the development pattern in the immediate area, and is easily accessible to major thoroughfares. Among industrial uses, a concrete finishing business is relatively low impact.

Policy LU 11.5 Mitigating Industrial Land Use Impacts
Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses.

Policy EP 2.2 Environmentally Sensitive Development
Ensure Raleigh's growth and land development practices are compatible with the City's natural form, vegetation, topography, and water bodies and streams. This will decrease erosion, reduce stormwater run-off and flooding, improve water quality, protect wildlife habitat, and provide buffers and transitions between land uses.

Policy EP 2.5 Protection of Water Features

Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management and ecological, visual, and recreational benefits.

Policy EP 3.2 Neuse River Protection
Protect and preserve the Neuse River watershed, primary channel, major tributaries, intermittent headwaters streams, floodplains, and topography to improve overall water quality for drinking, fish and wildlife habitat, and fishing, boating, and other recreational uses.

The nature of the business will not be a heavy industrial use. The applicants have offered conditions that buffer the greenway and keep buildings, parking and storage out of the 100 year flood plain.

Policy EP 4.2 Floodplain Conservation
Development should be directed away from the 100-year floodplain.

The applicants have offered a condition that prohibits development in the 100 year flood plain.

2.3 Area Plan Policy Guidance

N/A

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

Should the property be developed as a concrete finishing business, the short viable lifespan of prepared concrete necessitates the regular spacing of concrete finishing operations. Such regular spacing efficiently provides concrete for near-by developments and other needs.

3.2 Detriments of the Proposed Rezoning

Noise and dust generated by the concrete finishing business may be noticeable on parts of the adjacent park space.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2009-2012 NCDOT Traffic Volume (ADT)	2035 Traffic Volume Forecast
Thornton Road	Principal Arterial	4,310	N/A
Capital Boulevard/US 1	Collector	54,500	39,909

Street Conditions						
Thornton Road	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	2	35'	Back-to-back curb and gutter section	60'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on both sides	None
Meets City Standard?	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**Yes**
Capital Boulevard/US 1	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	4	76'	No	230'	None	None
City Standard	8	96'	No	130-300'	None	None
Meets City Standard?	**No**	**No**	**YES**	**Yes**	**Yes**	**Yes**
Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential			
AM PEAK	22	30	**8**			
PM PEAK	22	75	**53**			
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-17-13.				
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: none

4.2 Transit

This area is not currently served by transit. Neither the CAT Short Range Transit Plan nor the Wake County 2040 Plan identify Thornton Rd as a transit corridor.

Impact Identified: None

4.3 Hydrology

Floodplain	FEMA Floodplain present
Drainage Basin	Neuse River
Stormwater Management	Subject to Part 10, Chapter 9
Overlay District	none

Impact Identified: There is no Watershed Protection Overlay zoning on the site; most of the site is in the FEMA floodplain, the Neuse River Buffer rules apply.

4.4 Public Utilities

	Maximum Demand (current)	*Maximum Demand (proposed)*	*Estimated Remaining Capacity*
Water	34,240 gpd	214,000 gpd	
Waste Water	34,240 gpd	214,000 gpd	

Impact Identified: The proposed rezoning will add approximately 179,769 gpd the wastewater collection and water distribution systems of the City. Presently sanitary sewer and water mains are not available to the proposed rezoning property. The petitioner/developer will be required to extend public sanitary sewer and water mains to the property and subsequently install those mains required for the development of the property. Downstream sanitary sewer improvements will be required by the City of the developer, depending on the 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 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 proposed rezoning case is located on a parcel on which there is existing greenway easement and trail. Grading and/or clearing are not allowed within this easement. The case map should reflect this existing condition.

An undeveloped park property is located adjacent to this property on the east.

Proximity to Greenway	*Proximity to Park*	*Level of Service Impact*
Parcel includes a portion of the Neuse River Trail	Thornton Road Park (undeveloped and adjacent to this parcel	Reduction in level of service.

Impact Identified: Reduction in level of service requirement. Access road may impact public park property.

4.6 Urban Forestry

1. The subject parcel is 2 acres and is therefore subject to Raleigh's tree conservation laws: code sections 10-2072 and 10-2082.14.
2. Section 10-2072 (Tree disturbing activity except a minor tree removal activity), on properties without recorded tree conservation areas, prohibits disturbance or removal of trees in the protected buffers around the property: 50' wide buffer adjacent to thoroughfares, 65'-wide buffer adjacent to developed property or roadways, 32'-wide buffers adjacent to undeveloped property.
3. Section 10-2082.14 requires establishment of tree conservation areas when the property is developed (new subdivision or new site plan). None of the proposed 100'-wide undisturbed buffers will be automatic primary tree conservation areas. Tree conservation areas must be established in accordance with code section 10-2082.14.

4. If any condition pertaining to trees is considered by the applicant, note that any condition that does not protect 100% of the tree critical root zones is prohibited by City Code section 10-2165(b)(2) which states: "No condition *may* be made part of the petition which specifies the establishment and protection of tree conservation areas or tree protection areas unless the condition ensures that one hundred percent (100%) of the *critical root zones* of trees proposed for protection and located on the subject rezoned *property shall* also be *undisturbed areas*.

   Impact Identified:
   At the time of site plan application, tree conservation areas must be identified.

4.7 Designated Historic Resources

N/A

4.8 Community Development

N/A

4.9 Appearance Commission

N/A

4.10 Impacts Summary

There are possible environmental impacts of a concrete finishing business on the site.

4.11 Mitigation of Impacts

The applicants have submitted conditions that limit the use of the property to a concrete finishing business, not permitting the several more intense land uses otherwise permitted in the Thoroughfare Zoning District. The applicants have offered a condition that will not permit offices, maintenance, parking, storage, distribution facilities and telecommunications towers in the flood plain. Also offered is an undisturbed buffer around the perimeter of the property.

5. Conclusions

The proposal is not consistent with the Future Land Use Map. However, residential development of the site would be problematic, given the extensive floodplain.

A concrete finishing business, among possible industrial uses, is relatively low impact. The applicants have prohibited development in the floodplain, and have provided an undisturbed perimeter buffer.

Z-17-13

Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):

   - ❑ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

   - ❑ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

   - ❑ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

   a. to lessen congestion in the streets;
   b. to provide adequate light and air;
   c. to prevent the overcrowding of land;
   d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
   e. to regulate in accordance with a comprehensive plan;
   f. to avoid spot zoning; and
   g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
James E. Ricks	James E. Ricks	12-21-2012
Michelle S. Ricks	Michelle S. Ricks	12-21-2012

2-17-13

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)	James E. & Michelle S. Ricks	5510 Thornton Rd., Raleigh, NC 27616	(919) 855-9749
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	James E. & Michelle S. Ricks	5510 Thornton Rd., Raleigh, NC 27616	(919) 855-9749
Contact Person(s)	Kirk Rightmyer, P.E.	NC Development Engineers; 238 W. Millbrook Rd., Raleigh, NC 27609	919/ 803-8704

Property information

Property Description (Wake County PIN)	
1738544591	
Nearest Major Intersection	
US Highway. # 1 and Durant / Perry Creek Road	
Area of Subject Property (in acres)	
17.12 Acres	
Current Zoning Districts (include all overlay districts)	
Residential 4 (R-4)	
Requested Zoning Districts (include all overlay districts)	
Thoroughfare District – Conditional Use (CUD)	

Z-17-13

EXHIBIT B. Request for Zoning Change

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

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
City of Raleigh (Delivered to Planning Department)	219 Fayetteville Street / One Exchange Plaza	Raleigh, NC 27602	1738647227
Town of Wake Forest	401 Elm Avenue	Wake Forest, NC 27587	1738454702
APP Pharmaceuticals, LLC	8900 Capital Boulevard	Raleigh, NC 27616	1738137922
PRODEV VIII, LLC	5565 Thornton Road	Raleigh, NC 27616	1738533664

2-17-13
pg 1 of 2

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested:

Narrative of conditions being requested:

The purpose of our proposed amendment is to bring the subject property to a zoning designation more in line with existing land use patterns and protect the economic value and viability of the property by merging the existing land use and that designated within the Comprehensive Plan. The current zoning of the subject property is Residential 4. The future land use designated within Raleigh's Comprehensive Plan identifies the site for Residential Use. However, current uses in the immediate area and like / kind land uses along the Thornton Road corridor reflect the petitioners proposed use. Thoroughfare Districts exist adjacent to the subject property and along the Capital Blvd. corridor as well, however, those sites are comprised of uses that are much larger in scope and much more intense in use that that which is proposed for the subject site.

We feel that our proposed use is much better aligned with the Thoroughfare District that adjoins the subject property to the north and east. By permitting this zoning designation, the classification will match the current used of the property. By attaching the listed conditions for the proposed use, the action will further protect the surrounding environmentally sensitive areas from the detrimental effects of residential overcrowding and the adverse effects brought to the neighborhood through more intense developmental characteristics.

Conditional Items being applied as restrictions for the development and use of the subject property:

1.) The use of the subject property shall be restricted to the specific use as an office / maintenance / storage / and distribution facility for the purpose of operating a Concrete Finishing business, a permitted use within the Thoroughfare District (TD). The use is not for a retail business, but a service oriented business.
2.) Items for operation: to be developed, constructed, and/or found within the developed area of the subject property:

- Office and equipment maintenance facilities;
- Adequate paved parking for employee and clientele parking at the office facility;
- Permeable storage area for various mulches;
- Impervious storage facilities for various decorative and functional stone products;
- Concrete pad and impoundment facility for location of fuel tanks and pumps;
- Construction of an internal gravel road and commercial equipment and employee parking facility.

Signature(s)	Print Name	Date
James E. Ricks	James E. Ricks	12-21-2012
Michelle S. Ricks	Michelle S. Ricks	12-21-2012

2-17-13
Pg 2 of 2

EXHIBIT C. Request for Zoning Change

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

Restrictions to and/or regulation of development standards to be applied to the subject property:

- Site to be developed utilizing elements of Low-Impact Design criteria,
- Impervious area to be limited to a maximum of 5.25 acres within the site boundary,
- No more than 7.50 acres of disturbed / developed area within the site boundaries,
- There will be reserved a natural buffer of undisturbed / natural area setback from all property boundaries of no less than One Hundred feet (100').

General Uses allowed, but to be excluded as a provision within this Conditional Use application:

Bank;
Bar, nightclub, tavern, lounge
Beauty, nail and manicure, cosmetic art, and barber shop;
Eating establishment, all kinds;
Food store – retail;
Hotel / motel;
Movie theater – indoor or outdoor;
Parking lot, deck, garage, including motorpool;
Pawn Shop;
Retail sales;
Schools – all kinds;
Transportation terminal facilities, railroad roundhouse and depot;

* A telecommunications (cell) tower is currently located on the subject property.

The subject property is an isolated parcel located at the western end of Thornton Road. There is no connecting vehicular access. Pedestrian access is limited as well. Adjacent land uses are those characteristic of Industrial and/or thoroughfare districts. As owners of the property we feel that the proposed use is a much more feasible use for our property as it is much more reflective of the existing characteristics of the immediate neighborhood. We believe the facts listed herein and the restrictions for development and use of the property provide more than adequate justification for re-zoning the subject property to the zoning classification proposed. That classification is a more compatible use with the surrounding area and neighborhood than its current Residential 4 Zoning Classification.

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
James E. Ricks	James E. Ricks	12-21-2012
Michelle S. Ricks	Michelle S. Ricks	12-21-2012

2-17-13

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 Future Land Use plan designates the site for Residential Use. However, within the immediate area there currently exists like / kind land uses along the Thornton Road corridor that reflect the petitioners proposed use. Thoroughfare Districts exist adjacent to the subject property and along the Capital Blvd. corridor as well, however, those sites are comprised of uses that are much larger in scope and much more intense in use than that which is proposed for the subject site.

The proposed use will serve to lessen developmental, residential, and environmental impacts on the subject neighborhood, and serve to prevent more intense development in an area already severely impacted by residential development. The residential uses in the neighborhood are very intense. Additional residential development can produce detrimental impacts related to transportation, stormwater control and environmental regulation. The proposed use will fulfill goals set forth within the Comprehensive Plan of "increased protection of natural resources in environmentally sensitive areas (Neuse River Corridor) by decreasing the potential for detrimental developmental impacts. The proposed use is far less intense than that which would be realized from the current R – 4 zoning classification.

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.

None known.

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").

We believe that the proposed amendment is consistent with the intent of the Comprehensive Plan. The proposed use further exemplifies the diversity of uses prescribed by that plan by providing for useful service industries on a neighborhood level. It also diminishes environmental impacts and assists in the management of stormwater flow due to the intense residential development in the area and along the Neuse River corridor. The proposed site plan (see attached) for the subject property is characterized by elements representative of low-impact development (green) standards, thereby fulfilling "Raleigh's Commitment to Sustainability" (Introduction to Comprehensive Plan).

The Comprehensive Plan also points out Raleigh's rising level of "congestion and worsening air quality". The proposed use would serve to lessen impacts on neighborhood infrastructure and assist in providing sustainable development along the Neuse River corridor.

The trip generation analysis performed on the subject property verifies that the proposed use would significantly reduce the number of vehicle trips along Thornton Road thereby reducing environmental, developmental , and infrastructure on the surrounding neighborhood.

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 predominant designated land use in the immediate area is Thoroughfare District. Residential uses, at various densities, are found mostly at the southern most side of Thornton Road. On the northern side, there exist several Industrial uses, inclusive of a solid waste transfer station and an automobile salvage yard and repair facility. There are some residential uses on the northern side, but there is considerable separation between the homes and don't actually resemble an established neighborhood. The northern uses resemble more of a transitional effect of the varied uses. On the southern side, there are communities with density ratios from 3 dwelling units per acre to 10 dwelling units per acre. There are also vacant parcels whose zoning classifications represent those density standards as well.

Adjoining the subject property, across Thornton Road is property belonging to the City of Raleigh that has been designated as a City Park.

Properties in close proximity to the subject property are vacant or designated as industrial Land Classes. One is currently being used for a solid waste transfer station. Further east from the subject property on Thornton Road are uses such as automotive salvage and repair yards, commercial, flex space, and office uses. The most northern and western areas of Thornton Road are characterized by vacant land and open space due to the existence of wetlands and flood prone areas.

We feel that the proposed land use is better suited to the current land uses in the immediate area northern area of Thornton Road. Currently the subject property is zoned Residential 4, but the adjoining / existing uses are more reflective of those found within light industrial and thoroughfare areas.

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

The area on the northern side of Thornton Road is characterized by various land uses. There exists a few single family homes, commercial, retail, and industrial uses, bounded by a significant area zoned Thoroughfare District and the Neuse River. The southern side of Thornton Road is characterized by commercial / office uses and residential uses at varied densities and price points.

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 subject property is an isolated parcel located at the most western end of Thornton Road. There is no additional connecting vehicular access. Pedestrian access is limited as well. Adjacent land uses are those characteristic of Industrial and/or thoroughfare district uses. Other current existing uses are vacant open space zoned as Thoroughfare District and park land.

1. The proposed use will diminish impacts on the local environment by reducing impervious surfaces created by residential uses,
2. The amount of disturbed surface area is considerably less with the proposed use, more natural areas conserved,
3. Reduction in pedestrian access to the wetlands and flood areas located along the Neuse River corridor.
4. Lessen Impacts on adjacent park property and provide additional open space / natural areas by limiting the amount of developed area within the site.

III. <u>Benefits and detriments of the proposed map amendment.</u>

A. For the landowner(s):

As owners of the property we feel that the proposed use is a much more feasible use for our property as it better reflects the existing characteristics of the immediate neighborhood. Our proposed use would serve to provide additional open space and natural areas in an area that has a substantial amount of residential development in place. Providing additional open space and limited developmental potential to the subject property would not only serve our benefit, but those of others in the neighborhood.

The change in land use would enhance the economic viability of the property by bringing in more in line with existing land uses.

The location of the property and the amount of wetland located within the site will detrimentally affect the residential density, character, and value of the property. The cost to extend the necessary public infrastructure to enable the development of a residential neighborhood may prove to be prohibitive.

We feel there will be no detrimental impacts realized by our proposed amendment.

B. For the immediate neighbors:

The petitioner feels the proposed use will present no detriments to the surrounding neighborhood or existing land uses. We believe the proposed use is more in character with adjoining and existing land uses.

Benefits:

- Reduced residential densities thereby reducing potentials for overloading neighborhood infrastructure.
- Consistent land use with those existing throughout neighborhood.
- Lessen Impacts on adjacent park property and provide additional open space / natural areas by limiting the amount of developed area within the site.
- The proposed use will fulfill goals set forth within the Comprehensive Plan of "increased protection of natural resources in environmentally sensitive areas" (Neuse River Corridor) by decreasing the potential for detrimental developmental impacts. The proposed use is far less intense than that which would be realized from the current R – 4 zoning classification.

C. For the surrounding community:

We feel there will be no detrimental affects realized by our proposed use.

Benefits:

- Consistent land use with those existing throughout neighborhood.
- Reduction in pedestrian access to the wetlands and flood areas located along the Neuse River corridor.
- Lessen Impacts on adjacent park property and provide additional open space / natural areas by limiting the amount of developed area within the site.
- By re-zoning the subject property to the proposed use, there will be less impact on public services, facilities, and the neighborhood infrastructure. Additional residential development will increase traffic throughout the surrounding community.
- Additional residential development in the area will require additional police oversight and support, and possibly increased fire protection requirements.

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

We believe the facts listed herein provide more than adequate justification for re-zoning the subject property to the zoning classification proposed. The re-zoning alone, bringing the subject property to be more compatible with the surrounding area and neighborhood than its current Residential 4 Zoning Classification will provide significant benefit to the community. The more eastern segment of Thornton Road is heavily developed. By limiting the land use and development potential to those uses found in the area, and eliminating additional residential development on the subject property and the impacts produced by such development, numerous benefits will be realized. .

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

The proposed use will serve to lessen developmental, residential, and environmental impacts on the subject neighborhood, and serve to prevent more intense development in an area already severely impacted by residential development. The residential uses in the area are very intense. Additional residential development can produce detrimental impacts related to transportation, stormwater control and environmental regulation.

The subject property is an isolated parcel located at the western end of Thornton Road. There is no connecting vehicular access. Pedestrian access is limited as well. Adjacent land uses are those characteristic of Industrial and/or thoroughfare districts. Existing uses are vacant open space zoned as Thoroughfare District and park land.

1. The proposed use will diminish impacts on the local environment by reducing impervious surfaces created by residential uses,
2. The amount of disturbed surface area is considerably less with the proposed use, more natural areas conserved,
3. Reduction is pedestrian access to the wetlands and flood areas located along the Neuse River corridor.
4. Lessen Impacts on adjacent park property and provide additional open space / natural areas by limiting the amount of developed area within the site.

We feel that the proposed land use is better suited to those current land uses of adjacent properties in the immediate northern area of Thornton Road. The subject property is currently zoned Residential 4, but the adjoining / existing uses are more reflective of those found within light industrial and thoroughfare areas.

V. Recommended items of discussion (where applicable).

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

N / A

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 site is limited in its economic value or neighborhood cultural benefit as classified simply by the amount of usable acreage due to the amount of flood related area within its boundaries. The proposed use as Thoroughfare District / Conditional Use (TD – CUD) is in character with land uses in the area. Whereas the immediate area is zoned Residential, and adjacent property is designated for a public park, there are Industrial facilities located in close proximity to the site. The US Highway # 1 (Capital Boulevard) corridor is characterized predominately by Industrial facilities and land uses, commercial, retail, and service related facilities and uses, and mixed residential land uses (Thoroughfare District uses). Those Residential uses within the immediate area are both single family

and multi-family. The multi-family uses are those of densities of 6 to 10 dwelling units per acre.

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

The amendment is being requested to bring the zoning of the subject property more in line with adjacent land uses, and for the specific use as a location for a Concrete Finishing contractor. The contractor will use the property as a storage facility for product consisting of mulch, washed stone, and/or other items related to that particular business. Other uses will include locating a small, office and equipment maintenance facility, and parking for company vehicles, landscaping equipment and related haulers and trailers.

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

By re-zoning the subject property to the proposed use, there will be less impact on public services, facilities, and the neighborhood infrastructure. Additional residential development will increase traffic on the over-crowded Capital Blvd. corridor. Thornton Road will need substantial improvement to carry the additional daily trips. Additional homes in the area will require additional police oversight and support, and possibly increased fire protection requirements.

Negative impacts are negligible at best. We believe that the impacts on the immediate area are of a more positive effect. Reduced residential density increased buffering associated with proposed setbacks from the Neuse River and proposed parkland.

Reducing the amount of land in the neighborhood for further residential development will decrease impacts on the infrastructure in place and possibly reduce the need for further expansion.

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

"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:"

- **to lessen congestion in the streets,**
  Fulfilled by decreasing potential traffic congestion in the neighborhood by eliminating vehicular traffic created by additional residential uses;

- **to provide adequate light and air,**
  The proposed zoning will provide additional open space and natural areas by limiting the amount of developable property and restricting the amount of impervious area to that shown on the site plan attached hereto. Residential development will increase the impervious area significantly, increase traffic thereby impacting air quality, and produce additional environmental concerns through the development process;

- **to prevent the overcrowding of land,**
  The proposed use will significantly reduce the developmental impacts on the subject property and reduce the number of potential households in the immediate area. Eliminating the potential for further residential development in an area will serve to diminish the impacts on the neighborhood infrastructure in an area in close proximity to an already densely populated neighborhood;

- **to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements,**
  We feel that Raleigh's comprehensive plan fulfills this fundamental purpose and that our proposed amendment will not have any detrimental effect of that plan as it relates to the subject property and its related neighborhood. We feel that the proposed use better exemplifies those covenants found within the Comprehensive Plan, and provides for a more appropriate land use following its guidelines.

  Beneficial factors:
  1. Consistent land use with those existing throughout neighborhood.
  2. Lessen Impacts on adjacent park property and provide additional open space / natural areas by limiting the amount of developed area within the site.
  3. By re-zoning the subject property to the proposed use, there will be less impact on public services, facilities, and the neighborhood infrastructure.
  4. Additional residential development will increase traffic throughout the surrounding community.
  5. Additional residential development in the area will require additional police oversight and support, and possibly increased fire protection requirements.

- **to regulate in accordance with a comprehensive plan,**
  The proposed use will fulfill goals set forth within the Comprehensive Plan of "increased protection of natural resources in environmentally sensitive areas" (Neuse River Corridor) by decreasing the potential for detrimental developmental impacts.

  We believe that the proposed amendment is consistent with the intent of the Comprehensive Plan. The proposed use further exemplifies the diversity of uses prescribed by that plan by providing for useful service industries on a neighborhood level. It also diminishes environmental impacts and assists in the management of stormwater flow due to the intense residential development in the area and along the Neuse River corridor. The proposed site plan (see attached) for the subject property is characterized by elements representative of low-impact development (green) standards, thereby fulfilling "Raleigh's Commitment to Sustainability" (Introduction to Comprehensive Plan).

- **to avoid spot zoning,**
  The proposed use, if approved, will serve to fulfill this provision. The subject property is relatively isolated, and its proposed use has much more in common with its surrounding land uses than to that which it is currently classified. The site adjoins a thoroughfare district to its north and east. Further east is a solid waste transfer station and vacant wetlands. To the immediate south is proposed park land. There are residential uses along Thornton Road, but they are located far from the subject property. Our proposed use would blend better with those uses currently existing and eliminate any indication of "spot zoning".

- **and, 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.**

  We feel that the proposed land use is better suited to those current land uses of adjacent properties in the immediate northern area of Thornton Road. The subject property is currently zoned Residential 4, but the adjoining / existing uses are more reflective of those found within light industrial and thoroughfare areas.

  The site is limited in its economic value or neighborhood benefit as classified simply by the amount of usable acreage due to the amount of flood related area within its boundaries. The proposed use as Thoroughfare District / Conditional Use (TD – CUD) is in character with land uses in the area. Whereas the immediate area is zoned Residential, and adjacent property is designated for a public park, there are Industrial facilities located in close proximity to the site. The US Highway # 1 (Capital Boulevard) corridor is characterized predominately by Industrial facilities and land uses, commercial, retail, and service related facilities and uses, and mixed residential land uses (Thoroughfare District uses).

  As owners of the property we feel that the proposed use is a much more feasible use for our property as it better reflects the existing characteristics of the immediate neighborhood. Our proposed use would serve to provide additional open space and natural areas in an area that has a substantial amount of residential development in place. Providing additional open space and limited developmental potential to the subject property would not only serve our benefit, but those of others in the neighborhood. These characteristics follow the guidelines and the criteria for proper land use applications found in Raleigh's Comprehensive Plan. Our request for re-zoning the subject property serves to enhance those elements for appropriate land use.

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

We feel that the arguments listed herein are adequate in justifying approval of our re-zoning request, and fulfill all of the necessary requirements in support of that approval.

Z-17-13

SUBMITTED DATE: 1-17-13

Neighborhood Meeting Report

A neighborhood meeting was held on January 3, 2013 to discuss a potential rezoning located at 5609 Thornton Road, Raleigh, North Carolina. The neighborhood meeting was held at 238 W. Millbrook Road, Raleigh, North Carolina. There was one neighbor and the property owner in attendance.

The general issues discussed were:

The proposed land use was discussed and the potential development alternatives were listed. The restricted uses were also listed as detailed in the application.

Summary of Issues:
No issues or objections were received.

Rick's Property Rezoning - Adjoining Neighbor Meeting
January 3, 2013
238 W. Millbrook Road, Raleigh, NC

First & Last Name	Address	Phone #	Email addresss
JAMES RICKS	5510 Thornton Rd	919) 855-9749	
Kirk RIGHTMYER	238 W. MILLBROOK	919 803 8704	

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