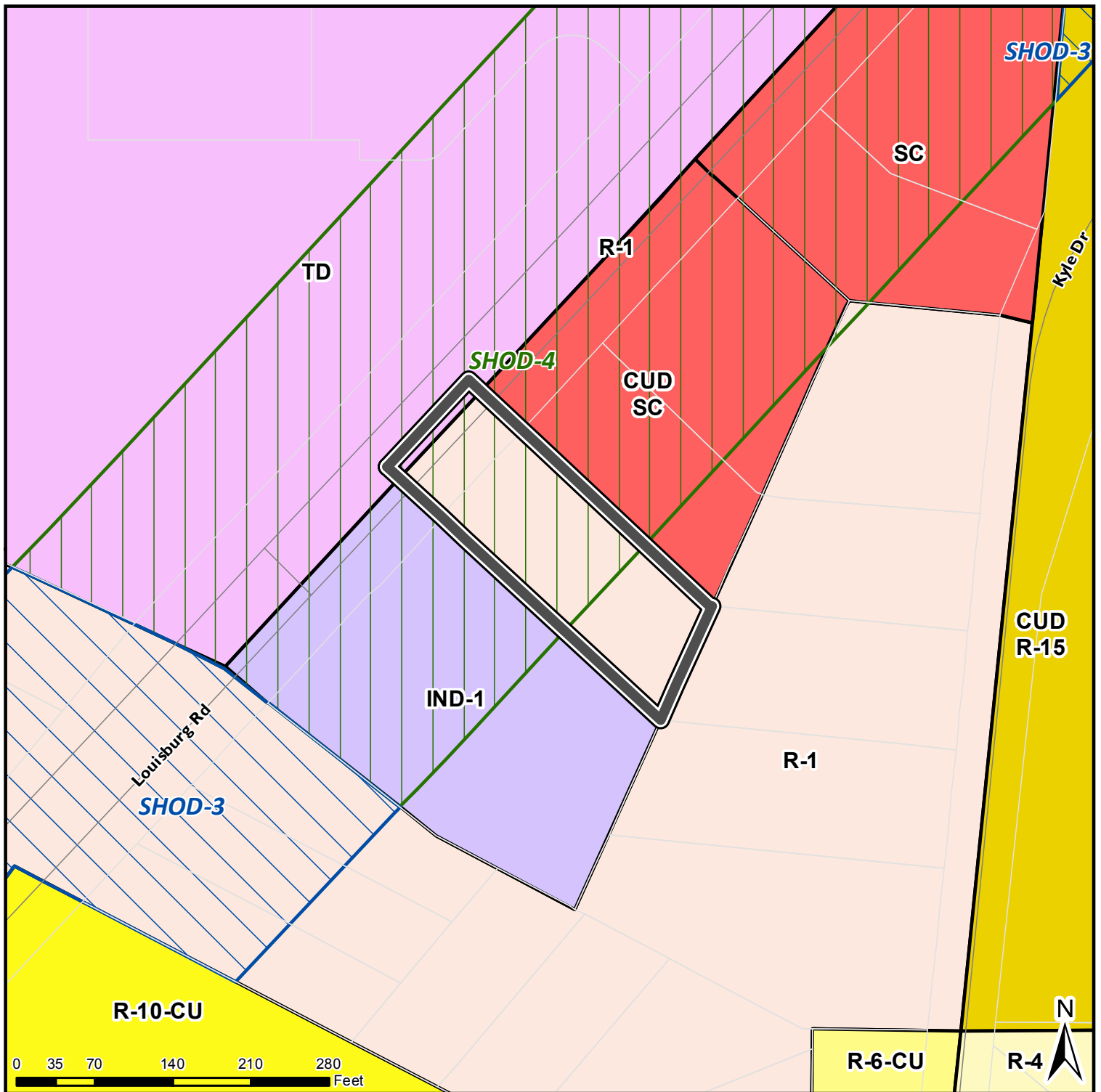


Existing Zoning Map

Z-4-2015



**Submittal
Date**

1/30/2015

Request:

**0.61 acres from
R-1 w/SHOD-4
to CX-3-CU**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11638

Case Information: Z-4-15 5618 Louisburg Rd

<i>Location</i>	East side of Louisburg Road, south of its intersection with Spring Forest Road Address: 5618 Louisburg Road PIN: 1736164030
<i>Request</i>	Rezone property from R-1 w/ SHOD-4 to CX-3-CU
<i>Area of Request</i>	0.61 acre
<i>Property Owner</i>	Ricoryan LLC 3612 Satellite Court Raleigh, NC 27604
<i>Applicant</i>	Ricardo Roque 3612 Satellite Court Raleigh, NC 27604
<i>Citizens Advisory Council (CAC)</i>	Northeast – Lillian Thompson, Chairperson lillianonline@icloud.com
<i>PC Recommendation Deadline</i>	July 13, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use (NMU)
<i>URBAN FORM</i>	Center: <i>None designated</i> Corridor: Parkway
<i>CONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 3.2 – Location of Growth Policy LU 7.3 – Single Family Lots on Major Streets
<i>INCONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy UD 1.10 – Frontage

Summary of Proposed Conditions

1. Prohibits certain uses.

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
1/22/15	3/12/15 & 5/14/15 (Y – 5, N – 8)	4/14/15 & 5/26/15	6/2/15 & 10/7/15	8/4/15 & 9/1/15

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report
2. TIA worksheet

Planning Commission Recommendation

<i>Recommendation</i>	Deny. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. While consistent with some Comprehensive Plan policies, the proposal is inconsistent with the Future Land Use Map, the Urban Form Map, and other pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is not reasonable nor in the public interest. The proposal does not support neighborhood-scaled, nodal commercial uses in an area designated for Neighborhood Mixed Use development.
<i>Motion and Vote</i>	Motion: Terando Second: Braun In Favor: Alcine, Braun, Buxton, Fluhrer, Lyle, Swink, Terando and Whitsett

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		5/26/15 Date
Planning Director		Planning Commission Chairperson	

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



Zoning Staff Report – Case Z-4-15

Conditional Use District

Case Summary

Overview

This approximately ½ acre parcel is located in northeast Raleigh on Louisburg Road just south of its intersection with Spring Forest Road. The site is currently vacant. There are a variety of land uses in the vicinity. To the north on Louisburg Road, the adjacent property contains several garage/storage buildings but does not appear to be used as a residence, while a vehicle sales business is located at the southeast corner of the Louisburg Road/Spring Forest Road intersection. To the south, a vehicle repair business is immediately adjacent while single family residences are located further down Louisburg Road. Single family residences are the predominant use to the east, while to the west across Louisburg Road there are several commercial and retail uses, including a grocery store, drive-thru restaurant, and a fuel sales/convenience store.

The site and all adjacent parcels are designated as Neighborhood Mixed Use on the Future Land Use Map. Further south, Moderate Density Residential is the predominant future land use, while a large area to the east across Kyle Drive is designated as Medium Density Residential. On the Urban Form Map, Louisburg Road is designated as a Parkway Corridor.

The site is currently zoned Residential-1 with Special Highway Overlay District-4 (R-1 w/ SHOD-4) and is sandwiched between two more intensive zoning districts, Shopping Center Conditional Use District (CUD SC) to the north and Industrial-1 (IND-1) to the south. To the east, R-1 and R-15 CUD are the predominant zoning districts. Thoroughfare District with SHOD-4 is located across Louisburg Road.

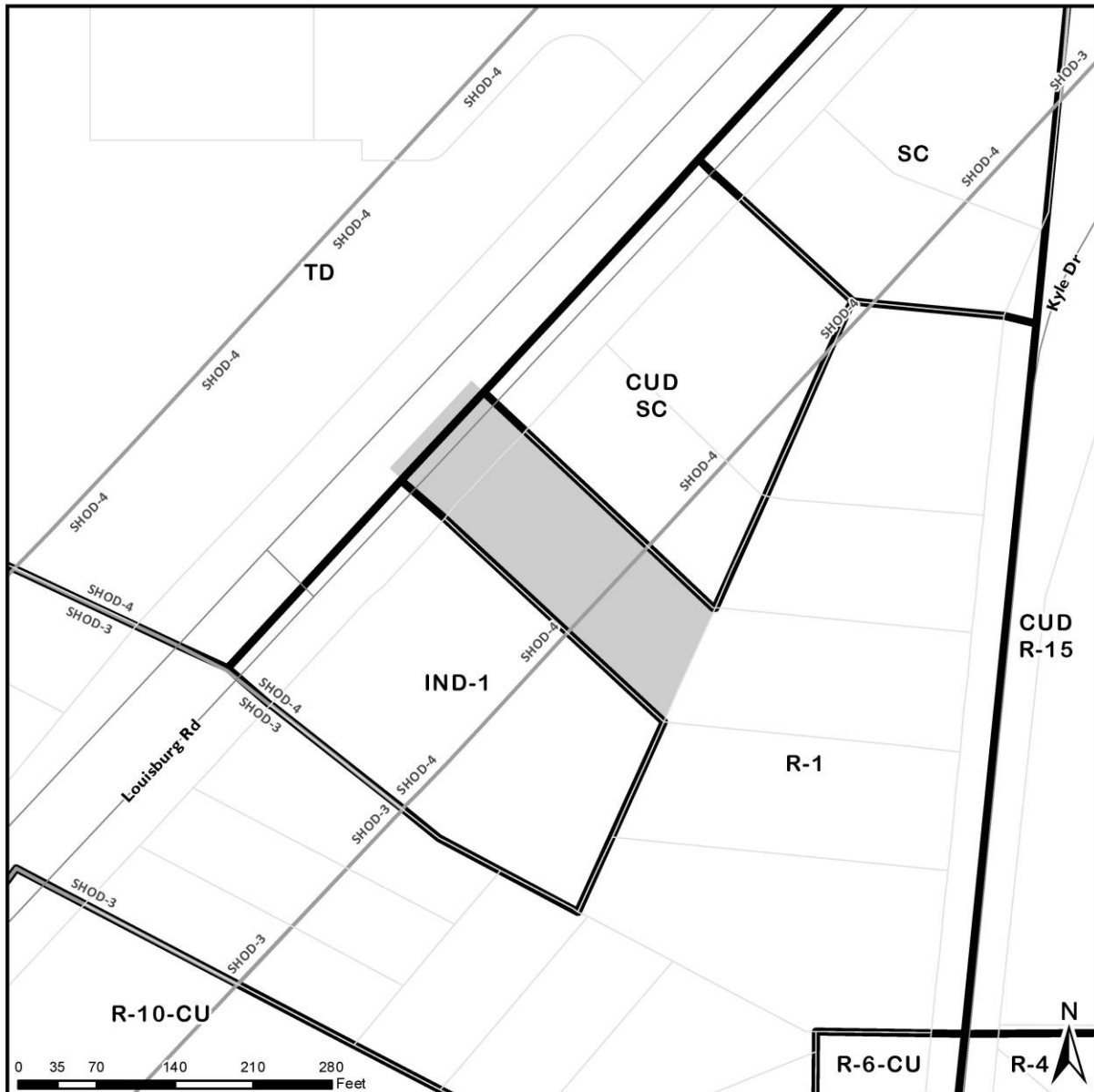
The proposed zoning has a condition which prohibits most of the uses that are allowed in the Commercial Mixed Use zoning district that are not permitted in the Neighborhood Mixed Use zoning district. The only exceptions are car wash and major vehicle repair. In addition, the applicant has submitted a condition which requires a natural protective yard at the rear of the property.

Outstanding Issues

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

Z-4-2015



**Submittal
Date**

1/30/2015

Request:

**0.61 acre from
R-1 w/SHOD-4
to CX-3-CU**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-1	Shopping Center Conditional Use District	Industrial-1 and Residential-1	Residential-1 and Residential-15 CUD	Thoroughfare District and Residential-1
<i>Additional Overlay</i>	Special Highway Overlay District-4	Special Highway Overlay District-4	Special Highway Overlay District-4 and Special Highway Overlay District-3	Special Highway Overlay District-4 and Special Highway Overlay District-3	Some with Special Highway Overlay District-3
<i>Future Land Use</i>	Neighborhood Mixed Use	Neighborhood Mixed Use	Neighborhood Mixed Use and Moderate Density Residential	Neighborhood Mixed Use and Medium Density Residential	Neighborhood Mixed Use
<i>Current Land Use</i>	Vacant	Vacant (has some accessory buildings – garage, shed – on site) and vehicle sales	Industrial/car repair and single family residential	Single family residential	Shopping center (grocery, drive-thru restaurant, fuel sales)
<i>Urban Form (if applicable)</i>	Parkway Corridor	Parkway Corridor	Parkway Corridor	Parkway Corridor	n/a

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	1.6 units/acre (1 unit)	36 units/acre (22 units)
<i>Setbacks:</i>		<i>If General Building type:</i>
<i>Front:</i>	20'	5'
<i>Side:</i>	10'	0' or 6'
<i>Rear:</i>	30'	0' or 6'
<i>Retail Intensity Permitted:</i>	n/a	11,000 sf
<i>Office Intensity Permitted:</i>	n/a	20,000 sf

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning*</i>
<i>Total Acreage</i>	0.61	0.61
<i>Zoning</i>	R-1 w/ SHOD-4	CX-3-CU
<i>Max. Gross Building SF (if applicable)</i>	n/a	26,000
<i>Max. # of Residential Units</i>	1	22
<i>Max. Gross Office SF</i>	n/a	20,000
<i>Max. Gross Retail SF</i>	n/a	11,000
<i>Max. Gross Industrial SF</i>	n/a	n/a
<i>Potential F.A.R</i>	n/a	0.98

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

The proposed rezoning is:

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

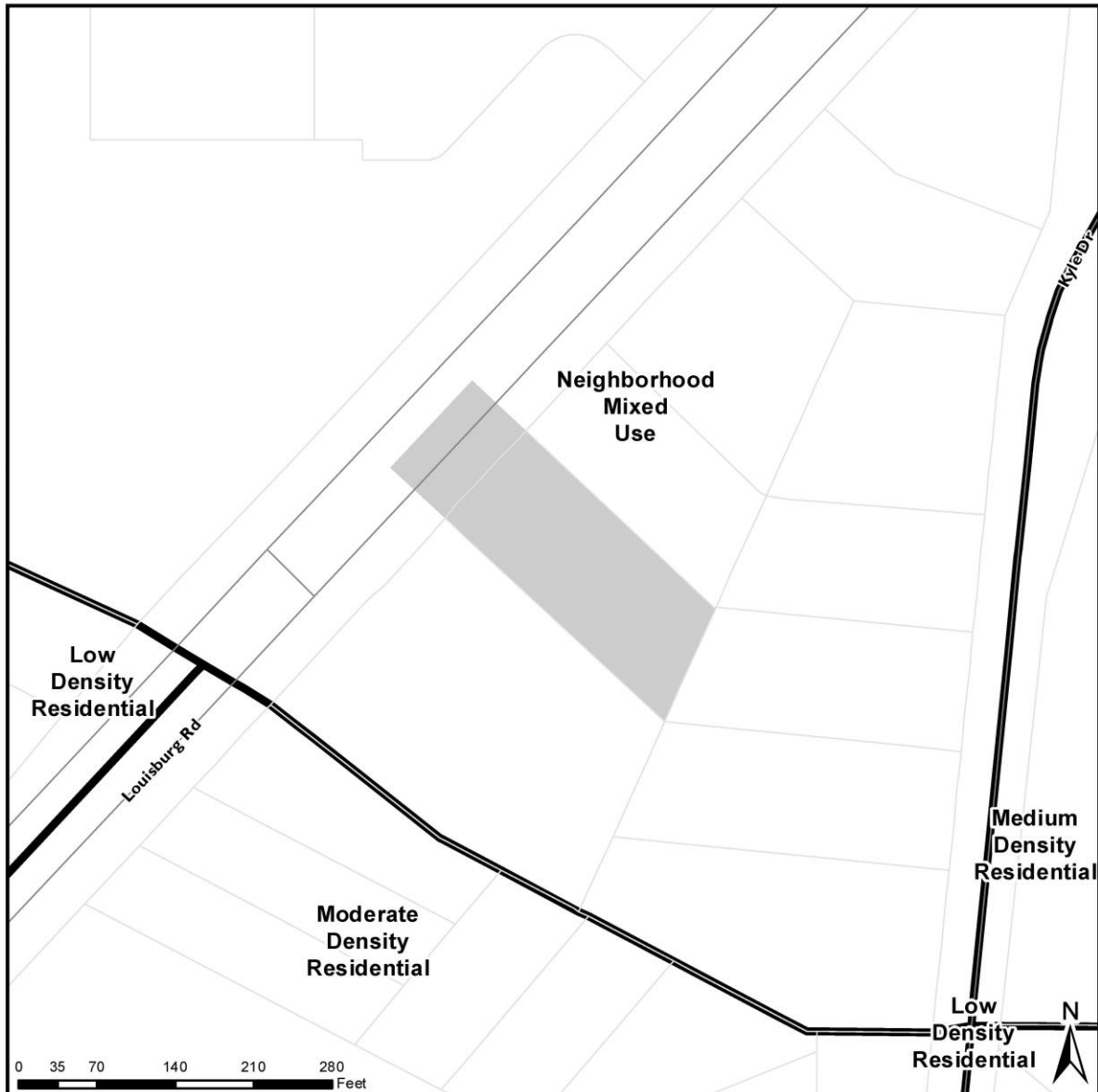
☐ **Incompatible.**

Analysis of Incompatibility:

n/a

Future Land Use Map

Z-4-2015



**Submittal
Date**

1/30/2015

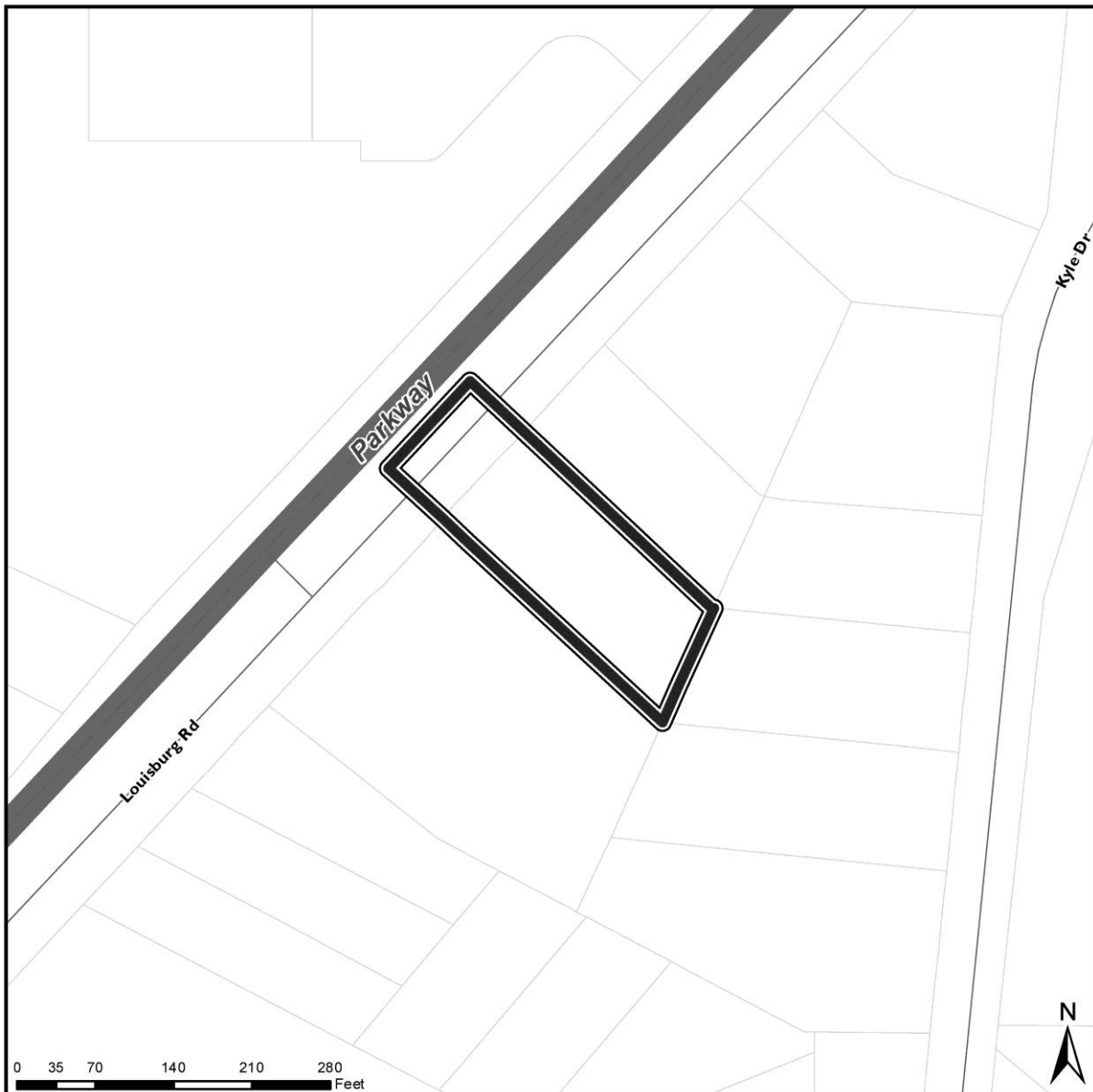
Request:

**0.61 acre from
R-1 w/SHOD-4
to CX-3-CU**



Urban Form Map

Z-4-2015



**Submittal
Date**

1/30/2015

Request:

**0.61 acre from
R-1 w/SHOD-4
to CX-3-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

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

The proposal is inconsistent with the Future Land Use Map in the Comprehensive Plan, as the property is designated as Neighborhood Mixed Use and the proposed zoning district (Commercial Mixed Use or CX) allows for more intensive commercial and industrial uses.

However, the proposal prohibits many uses allowed in the CX zoning district that are not allowed in the NX zoning district, the closest corresponding district for the Neighborhood Mixed Use future land use designation. The two uses not included in this prohibition are car wash and major vehicle repair. In addition, limitations that apply to uses such as vehicle sales in an NX district would not apply under the proposed CX zoning.

This proposal would also continue a trend toward more intensive commercial rezonings in this area; the two properties directly to the north along Louisburg were rezoned to Shopping Center Conditional Use (SC CUD) in 2005, although they have not yet been developed for commercial use.

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

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☒ **Inconsistent**

Analysis of Inconsistency:

The Future Land Use Map designates the subject site and those adjacent to the north, south, and east as well as properties to the west across Louisburg Road for Neighborhood Mixed Use development. This designation applies to neighborhood shopping centers and pedestrian-oriented retail districts. Although the proposal prohibits most of the more intensive commercial and industrial uses allowed in CX that are not allowed in NX, there are several exceptions (car wash and major vehicle repair). In addition, use standards that would apply to some uses in an NX district would not apply under this proposal.

2.3 Urban Form

Urban Form designation:

☐ **Not applicable** (no Urban Form designation)

The rezoning request is:

☐ **Consistent** with the Urban Form Map.

☒ **Inconsistent**

Analysis of Inconsistency:

Although the Comprehensive Plan recommends a suburban frontage for properties located on Parkway corridors, the application of a frontage for this parcel is not feasible due to its disposition and surrounding context. The commercially-zoned properties to the north of the subject property are fairly shallow in depth and are adjacent to residentially-zoned properties; the 50-foot setback/protective yard requirement for Parkway frontage coupled with the neighborhood transition standards in the UDO would make development or redevelopment of these properties infeasible. In addition, the Parkway frontage is intended to create a continuous landscaped yard along the street; since application of the frontage to the adjacent properties to the north is not appropriate, the application of a Parkway frontage for the subject property alone would not further the goal of a continuous landscaped corridor.

2.4 Policy Guidance

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

Policy LU 1.2 – Future Land Use Map and Zoning Consistency

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

Policy UD 1.10 – Frontage

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

The Future Land Use Map designates the site for Neighborhood Mixed Use development. The proposed CX zoning allows for more intensive commercial and industrial uses.

The Comprehensive Plan and Urban Form Map recommend a suburban frontage for properties located on a Parkway corridor, which this proposal does not provide. However, there are mitigating circumstances in terms of the disposition of the property and its surrounding context (shallow lots and the inability to provide a continuous landscaped corridor) that do not support the application of a Parkway frontage in this location.

2.5 Area Plan Policy Guidance

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

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Increased opportunity for redevelopment of the site.
- Inclusion of zoning conditions reducing potential impacts on adjoining properties.

3.2 Detriments of the Proposed Rezoning

- Several more intensive commercial and industrial uses are allowed in the proposal than are allowed in the NX district.

4. Impact Analysis

4.1 Transportation

The site is located on the east side of US-401 approximately 750 feet south of its intersection with Spring Forest Road. US-401 has a six-lane cross section with a vegetated median to separate opposing traffic flows. In accordance with Section 4.4.2 of the Raleigh Street Design Manual, the ultimate right-of-way width for US-401 is 126 feet. There are no City of Raleigh or NCDOT projects slated for this segment of US-401.

The expected volume of trips entering and exiting the site in the PM peak period is 101 vehicles per hour. Access to this site is restricted to Right-In/Right-Out on US-401 due to the existing median. The abutting properties to the east are developed as single family residences; there is little opportunity for cross access and a future connection to Kyle Drive.

Since site access comes solely from a major street, rezoning case Z-4-2015 technically meets the City's requirements for a traffic study. However, Transportation Planning staff waives the need for a traffic study due to the above mentioned access restrictions.

Impact Identified: Access solely from US-401; expect increase in U-turns at Louisburg/Kyle/Spring Forest intersection during PM peak period.

4.2 Transit

This area is not currently served by the existing transit system. The Raleigh Short Range Transit Plan and the Wake County 2040 Transit Study anticipate service along the corridor. There is an existing transit easement on the NW corner of Louisburg.

Impact Identified: This rezoning is expected to have minimal impact upon future transit demands.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Neuse
<i>Stormwater Management</i>	The site is subject to Stormwater Regulations under Article 9 of UDO.
<i>Overlay District</i>	None

Impact Identified: None.

4.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	381 gpd	5,500 gpd
<i>Waste Water</i>	381 gpd	5,500 gpd

Impact Identified: The proposed rezoning would add approximately 5,119 gpd to the wastewater collection and water distribution systems of the City. There are existing water mains adjacent to the property. The petitioner/developer will be required to extend sanitary sewer mains to the property.

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

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

4.5 Parks and Recreation

The site is not adjacent to proposed or existing greenway corridor, connector, or trail. Neuse River Trail access (1.6 miles). Park services are available at Spring Forest Road Park (1.1 miles).

Impact Identified: None.

4.6 Urban Forestry

The subject parcel is smaller than two acres. Compliance with UDO Article 9.1 Tree Conservation will therefore not be required when the parcel is developed.

Impact Identified: None.

4.7 Designated Historic Resources

No known historic resources.

Impact Identified: None.

4.8 Community Development

The site is not located within a Redevelopment Plan area.

Impact Identified: None.

4.9 Impacts Summary

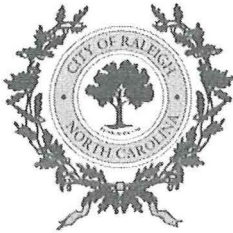
Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

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

5. Conclusions

The proposed zoning is inconsistent with the Comprehensive Plan, the Future Land Use Map, and the Urban Form Map. The proposal allows more intensive uses than those envisioned in the Neighborhood Mixed Use designation and does not have a frontage designation as called for by the Urban Form Map. However, the requested zoning follows a pattern of similar residential-to-commercial use rezonings established on properties immediately to the north and is compatible with uses in the surrounding area. In addition, the disposition of the site and surrounding properties does not support the application of a Parkway frontage. Rezoning would allow a broader range of potential site uses and would facilitate development of a site which is no longer suitable for low-density residential development. Case conditions decrease potential impacts by prohibiting the majority of CX uses that are not allowed in the NX zoning district and by requiring a natural protective yard at the rear of the property.



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

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification <u>R-1 WITH SHODY</u> Proposed Zoning Classification Base District <u>CX</u> Height <u>3</u> Frontage <u>106' TO LOUISBURG RD.</u>	<u>416589</u>
If the property has been previously rezoned, provide the rezoning case number. <u>N/A</u>	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. <u>N/A 416589</u>	<u>2-4-15</u>

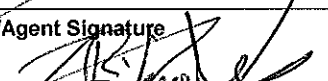
GENERAL INFORMATION		
Property Address <u>5618 LOUISBURG RD, RALEIGH, NC 27616</u>	Date <u>3-11-2015</u>	
Property PIN <u>0000078089</u>	Deed Reference (Book/Page) <u>BK 15696 PG 1668</u>	
Nearest Intersection <u>LOUISBURG RD + KYLE DR.</u>	Property size (in acres) <u>0.61 AC</u>	
Property Owner/Address <u>RICORIAN LLC RICARDO ROQUE</u> <u>3612 SATELLITE CT</u> <u>RALEIGH, NC 27604</u>	Phone <u>919-850-1372</u>	Fax
	Email <u>ROUTE40AUTOREPAIR@GMAIL.COM</u>	
Project Contact Person/Address <u>RICARDO ROQUE</u> <u>3612 SATELLITE CT</u> <u>RALEIGH, NC 27604</u>	Phone <u>919-240-9413</u>	Fax
	Email <u>ROQUERICARDO88@HOTMAIL.COM</u>	
Owner/Agent Signature 	Email	

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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-4-2015		Transaction Number 416589
Date Submitted 9-24-2015		
Existing Zoning R1 with SHOD-4	Proposed Zoning CX-3	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following uses shall be prohibited: Dormitory, Fraternity, Sorority, Emergency Shelter type A, Emergency Shelter type B, College, Community College, University, Adult Establishment, Golf Course, Hospitality House, Hotel, Motel, Inn, Passenger Terminal, Bar, Night Club, Tavern, Food Truck, Pawn Shop, Light Manufacturing, Research & Development, Self Service Storage.
2.	A natural protective yard measuring 50 feet in depth and 109 feet in width shall be maintained on the rear of the property as measured from the boundary shared with the property with parcel PIN 1736156950 (Owner Dory M and Joelle Najm; deed recorded at Book 012801, Page 02508 of the Wake County Register of Deeds). In accordance with the UDO, this natural protective yard shall contain no buildings, vehicular surface area, loading, storage or display service areas, and no tree disturbing activity or grading shall take place unless in accordance with an approved tree removal permit. Except for the installation of public utilities, no tree removal permit shall be issued if the cumulative grading and tree removal exceeds 10% of the natural protective yard.
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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 Ricardo Roque
--	--------------------------





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
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.	Transaction Number 416589 Zoning Case Number

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 REZONING REQUEST FROM R-1 TO CX 3 WITH THE FUTURE LAND USE DESIGNATION AND IS CONSISTENT
2.	WITH TWO OR THREE BUSINESSES ALREADY OPERATING AND WHICH ARE NEIGHBORING
3.	THE PROPERTY IN QUESTION. THAT PROPERTY BEING AT 5610 LOUISBURG ROAD, WHICH IS
4.	BEING CONSIDERED TO BE LEASED TO A AUTOMOTIVE DEALERSHIP.

PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1.	ENCOURAGES ECONOMIC INVESTMENT INCREASES REVENUE
2.	ENHANCES VITALITY SPURS REVITALIZATION
3.	MORE DEVELOPMENT AND LAND USE SYNERGY REDUCES DISTANCES BETWEEN HOUSING AND WORKPLACES
4.	CREATES JOBS INCREASED ACCESSIBILITY - REDUCING TRANSPORTATION COSTS

SUMMARY OF ISSUES

1/22/2015

A neighborhood meeting was held on _ (date) _ to discuss a potential rezoning located at _ (property address). The neighborhood meeting was held at _ (location). There were approximately _ (number) _ neighbors in attendance. The general issues discussed were:

Summary of Issues:

A NEIGHBORHOOD MEETING WAS HELD ON 1/22/2015 TO DISCUSS A POTENTIAL REZONING LOCATED AT 5618 LOUISBURG ROAD, RALEIGH, NC 27616. THE NEIGHBORHOOD MEETING WAS HELD AT 5618 LOUISBURG ROAD, RALEIGH, NC 27616. THERE WAS ONE NEIGHBOR IN ATTENDANCE. THAT NEIGHBOR OWNS THREE OF THE FOUR PROPERTIES IN QUESTION.

THE GENERAL ISSUES DISCUSSED WERE THE REZONING OF 5618 LOUISBURG ROAD, RALEIGH NC 27616 FROM R-1 TO CX-3. THE NEIGHBOR AGREED TO THE REZONING CHANGE BECAUSE HE IS INTERESTED IN LEASING THE PROPERTY HIMSELF, FOR AN AUTOMOTIVE DEALERSHIP.

Name

Address

5609 KYLE DR.
RALEIGH, NC 27616

MEETING WITH NEIGHBORS 1-22-2015

DARY NAJIM

919-744-6351 APPROVED

MEETING NOTES :

WE TOLD MR. NAJIM ABOUT THE
PLANS TO REZONE 5618 LOUISBURG
TO MIXED FOR AN AUTOMOTIVE
DEALERSHIP.

MR. NAJIM AGREED TO THE REZONING
BECAUSE HE MAY WANT TO LEASE
THE PROPERTY HIMSELF AND ALSO
REZONE HIS PROPERTY NEXT TO
IT.