



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-6-09 Conditional Use; Creedmoor Road and Sawmill Road**

General Location: West side of Creedmoor Road, northwest of its intersection with Sawmill Road.

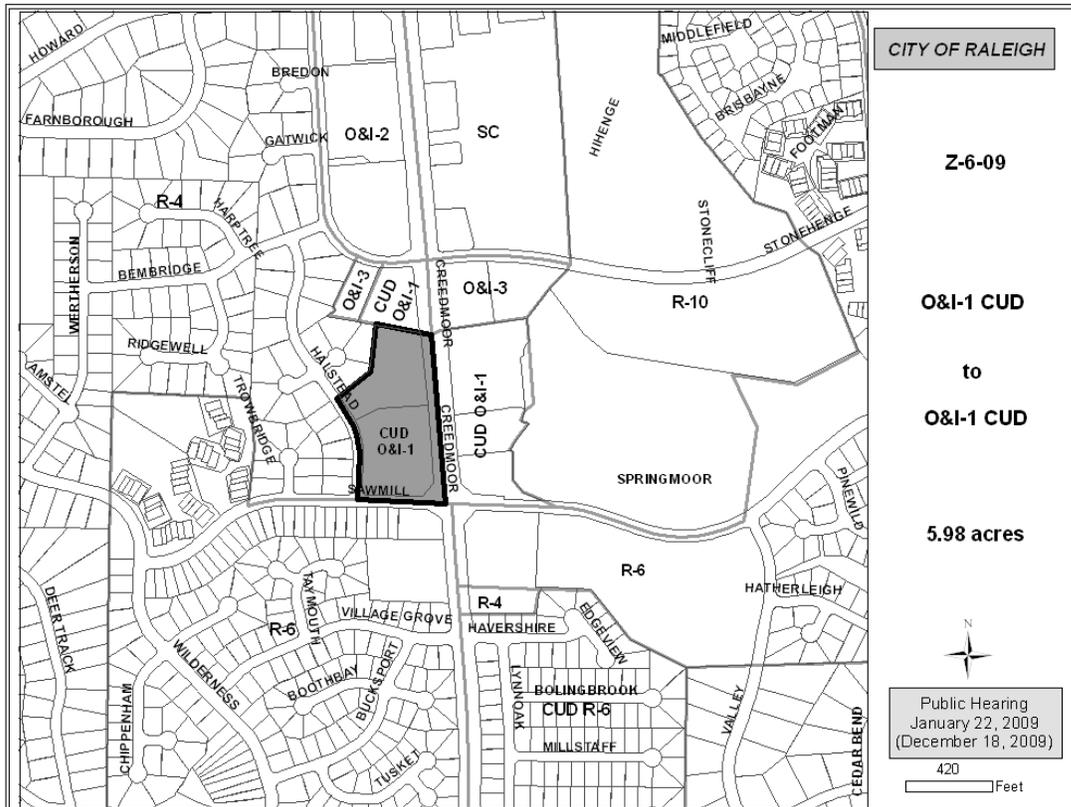
Planning District / CAC: Northwest / Northwest

Request: Petition for Rezoning from **Office & Institution-1 CUD** to **Office & Institution-1 CUD amended**.

Comprehensive Plan Consistency: The request is consistent with the Comprehensive Plan

Valid Protest Petition (VSPP): NO.

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, recommend that this request be denied.



CASE FILE: Z-6-09 Conditional Use

LOCATION: This site is located on the west side of Creedmoor Road, northwest of its intersection with Sawmill Road.

REQUEST: This request is to rezone approximately 5.98 acres, currently zoned Office & Institution-1 CUD. The proposal is to rezone the property to Office & Institution-1 CUD with amended conditions.

COMPREHENSIVE PLAN CONSISTENCY: The request is consistent with the Comprehensive Plan

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, recommend that this request be denied.

FINDINGS AND REASONS:

- (1) The property was rezoned to O&I-1 CUD in 1997. The approved conditions associated with that rezoning case (Z-15-97) contained a prohibition of wall signage on the western building façade. This prohibition was again stated in the conditions when the property was rezoned in 2000 (Z-10-00). These conditions, proffered by the applicant and agreed to by the neighbors, represent successful mitigation of identified impacts of the office building. Particular attention was paid to the landscape buffer on the common property line between the office building and Halstead Lane, which was to exist as a semi-opaque screen or buffer between the properties.
- (2) While newly proposed conditions associated with this request provide for additional plantings & screening along the residential edge, these provisions do not adequately mitigate the buffering and visibility concerns expressed by the surrounding residential property owners. The petition primarily serves to amend pre-negotiated zoning conditions, thus nullifying the time, efforts and trust built into the negotiations between the involved parties during previous rezoning approvals.
- (3) Alternatives to wall signage, such as exterior addresses and consolidated tenant signage may be of less impact to the adjacent neighborhood. These alternatives may provide adequate means of way finding around the office building, and should not pose a decrease in levels of emergency response.

To PC: 12/8/09 - recommended denial

Case History: 1/27/09 PC - applicant requested deferral. Further continued deferral requested by applicant to resolve issues with a neighboring property owner. 5/4/09 applicant requested 120-day time extension for PC recommendation that was granted by City Council. At 9/8/09 PC, applicant requested deferral; PC voted for deferral to COW and to request 90-day time extension from CC for additional review. Applicant requested further deferral at 11/3/09 COW meeting. 12/1/09 COW - recommended approval on a split 4-3 vote.

To CC: 1/5/10

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Mullins
Second: Vance
In Favor: Bartholomew, Chambliss, Haq, Mullins, Sterling, Vance
Opposed: Anderson, Butler, Harris Edmisten, Smith
Excused:

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

Signatures: (Planning Dir.) (PC Chair)

date: _____ date: 12/11/09



Zoning Staff Report: Z-6-09 Conditional Use

LOCATION: This site is located on the west side of Creedmoor Road, northwest of its intersection with Sawmill Road.

AREA OF REQUEST: 5.98 acres

PROPERTY OWNER: Stonehenge Office Partners, LLC

CONTACT PERSON: Eric M. Braun, 743-7315
Michael Birch, 743-7314

PLANNING COMMISSION RECOMMENDATION DEADLINE: December 18, 2009

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office & Institution-1 CUD	Office & Institution-1 CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	None	None
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	w / Staff approval: 89 w / PC approval: 149	None (per zoning conditions)
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	195,366 sq.ft. (0.75 FAR)	195,366 sq.ft. (0.75 FAR) Type of office uses limited per conditions.
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Not permitted (per zoning conditions)	Not permitted (per zoning conditions)
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Low profile	Low profile
ZONING HISTORY:	The property was first rezoned to Office& Institution-1 CUD through Z-15-97, the conditions of which required extensive buffering and landscaping along the	

western boundary of the property, adjacent to the single-family detached dwellings. A condition limited exterior signage to the Creedmoor Road and Sawmill Road frontages. A subsequent rezoning case, Z-10-00 provided additional buffering and landscaping for properties located on Woodchester Court. The property is currently built out and the existing vegetation and landscaping continue to mature thereby, protecting the adjacent single-family homes along Halstead Lane and Woodchester Court. The proposed map amendment maintains the existing landscaping and buffer conditions, and primarily seeks to allow additional signage on the office buildings. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby negating any potential negative impacts from the proposed amendment.

**SURROUNDING
ZONING:**

NORTH: O&I-1 CUD (Z-30-01) & O&I-3

Zoning Conditions – (Z-30-01)

A. Storm water run-off controls will comply with CR 7107; provided however that the runoff rate for the storm events referenced in CR 7107 after development shall not exceed the predevelopment runoff rate.

B. Reimbursement values for additional right of way for Creedmoor Road (if applicable) and Stonehenge Drive (if applicable) shall remain at the existing O&I-3 values.

C. The following uses, otherwise permitted within the O&I-1 District, are prohibited upon this property:

- 1) Residential dwelling units, equivalent dwelling units and congregate care structures.
- 2) Funeral home
- 3) Radio and television studio; dance, recording and music studio
- 4) School
- 5) Emergency shelter Type B, multi-unit supportive housing residence, religious shelter unit and supportive housing residence.
- 6) Telecommunications tower
- 7) Bed and breakfast inn, guest houses, rooming houses, boarding houses
- 8) Cemetery, crematory
- 9) Correctional facility, church, public library, fire station
- 10) Veterinary office, kennel or cattery
- 11) Beauty, nail and manicure, cosmetic art and barber shop
- 12) Eating establishment
- 13) Movie theater
- 14) Retail sales
- 15) Landfill, airfield, taxi cab stand
- 16) Power plant, electric utility substation
- 17) Day care facilities
- 18) Hospital, nursing home, rest home, 24-hour emergency medical facility
- 19) Outdoor pay phones and paging systems
- 20) Recreational uses (indoor and/or outdoor) – profit and not for profit and athletic clubs.
- 21) Parking deck, parking garage, parking lot (save and except parking for the use[s] developed upon the property).
- 22) Uses with drive-thrus are prohibited including without limitation banks with drive-thrus and drive-thru ATM's.

D. Buildings constructed upon this property shall not exceed two (2) occupied stories in height with a maximum height of thirty-five (35) feet, measured as per the City Code.

E. Exterior lighting, including wall pack fixtures, shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential lots along Woodchester Court, Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217). Freestanding light poles within 100 feet of Rhodes and Hines shall not exceed eighteen feet (18') in height.

F. All dumpsters and refuse receptacles will be maintained within wooden or masonry enclosures or otherwise screened in accordance with the provisions of the City Code from direct view from adjacent residential lots along Woodchester Court. No dumpster or refuse receptacles shall be located closer than 100 feet to Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217).

G. All exterior heating and air-conditioning units shall be ground mounted, shall be no closer than 50 feet to the property lines of Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217) and shall be screened within wooden or masonry enclosures and/or vegetation from direct view from the above referenced residential lots, provided however that one story building(s) may have such units mounted on the roof(s) if the 50 foot setback is observed and all such mechanical equipment is fully screened from public view and the adjacent properties and that the screening be of a design and materials compatible with those of the subject buildings(s).

H. A transitional protective yard 50 feet in width shall be located in the southwest corner of the subject property adjacent to the property lines of Rhodes (PIN#0797.10 47 6220) and Hines (PIN#0797.10 47 5217). Storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.) gas and/or water, sanitary sewer, and other utilities approved by the appropriate local government authority also may be installed within this area.

I. The attached plan Exhibit A dated September 5, 2001 and revised September 19, 2001 entitled "Landscape Buffer Plantings Creedmoor Rd. Office Site" and the attached plan Exhibit B, dated September 19, 2001 for plantings upon the property of Payne (PIN #0797.10 47 5057) are incorporated herein and the required plantings shall be installed prior to the issuance of a Certificate of Occupancy for any use developed upon the property. The property owner may modify the plantings proposed by Exhibit A along Creedmoor Road if requested by the City during the site plan process in order to replicate the plantings along the Creedmoor Road frontage of the adjacent parcel contiguous to the south line of the property (PIN No. 0797.10 46 8708).

J. Copies of all site plan and subdivision plan applications shall be mailed first class, postage prepaid to Rhodes (PIN#0797.10 47 6220), Hines (PIN#0797.10 47 5217), Payne (PIN #0797.10 47 5057) and Fowler (PIN #0797.10 47 4212) not later than 24 hours after filing with the City of Raleigh.

K. In the site plan approval process for the development upon this property a transit easement not to exceed ten feet (10') in width and twenty feet (20') in length shall be provided near the corner of Creedmoor Road and Stonehenge Drive, if requested by the City.

L. Upon final approval of a site plan upon this property, the owner of the property shall, for a period of two (2) years from and after said final approval,

offer to Stonehenge Office Partners, LLC, its successors and assigns, owner of the Tax Parcel Pin #0797.10 46 8708 adjacent to the property's south line, a cross-access drive to be located at a mutually agreed upon point along the property's south property line.

SOUTH: Residential-6 & Residential-4
WEST: Residential-4 & Residential-6
EAST: O&I-1 CUD (Z-11-99), O&I-3, R-10

Zoning Conditions – (Z-11-99)

1. Development of the Property will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission dealing with the control of stormwater.

2. Any building constructed upon the property shall not exceed four (4) occupied stories or sixty (60) feet in height, excluding mechanical equipment and elevator penthouses.

3. Development of the Property shall not exceed a floor area ratio of five tenths (.5).

4. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, where there is vehicular use area between the Creedmoor Road right-of-way and a permanent building, the streetscape shall provide a semi-opaque screen or barrier between the right-of-way and the vehicular use area. The screen or barrier may consist of plants, earthen berms, fences, walls, or any combination thereof which meets the following requirements:

a. The screen shall occupy 75% of the length of the vehicular use area except for sidewalks and driveways which cut through the screen to connect the vehicular use area to streets and other properties. Plant material shall be at least two feet (2') tall above ground at the time of installation, achieve four feet (4') within three years and be permanently maintained thereafter.

b. Berms may be used or installed in lieu of or in addition to plantings. If the berm does not meet performance standards of this section, then plant materials shall be installed which bring the screen up to these performance standards.

5. Any future dedication of rights-of-way shall be based on R-10 values.

6. In the event of the relocation of the gardening area now utilized upon the Property by the residents of the Springmoor Retirement Community ("Springmoor"), a new gardening area or areas comprising a minimum of twelve thousand (12,000) square feet shall be provided for such purpose on the premises of Springmoor (PIN 0797.11-56-8890 and/or PIN 0797.11-66-0074). Such area or areas shall be tilled and prepared for gardening use by and at the expense of the owner of the property. Such area or areas shall have a minimum of six (6) inches of topsoil and shall be fertilized and limited to proper horticultural standards following a soil test. Any relocation of the gardening area and the preparation of a new area or area shall be completed in a manner that does not unreasonably interfere with the normal growing season. Water for irrigation purposes will be provided to the site of each gardening.

LAND USE: Low intensity office uses

SURROUNDING

LAND USE: NORTH: Office (Stonehenge Office Bldg.) use

SOUTH: Low density residential use
EAST: Office uses
WEST: Residential use

**DESIGNATED
HISTORIC
RESOURCES:** None

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE: In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City’s adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	Northwest
Urban Form	Neighborhood Focus Area
Specific Area Plan	Creedmoor Road CP
Guidelines	None

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s).

The subject properties are located within the Northwest Planning District and within the limits of a Neighborhood Focus area, generally surrounded by neighborhoods and where a mix of low intensity uses are encouraged. The properties fall within the non-residential side of a Policy Boundary Line, which delineates and protects residential neighborhoods from non-residential uses. The subject properties also fall within the plan area of the Creedmoor Road Corridor Plan that recommends office and institutional uses. Therefore, the proposed request for an O&I-1 CUD zoning with an amendment to the existing zoning conditions is consistent with the recommendations of the Comprehensive Plan.

The proposed rezoning request retain all of the existing conditions on the property, further clarify the language of the existing conditions, and amend primarily one condition that addresses the placement of signage on the property. With respect to signage, the Creedmoor Road Corridor Plan recommends that "signs be either attached to the building or detached, in the form of low-profile ground signs. All signs should complement the architectural style of buildings with scale, color, and texture. Medium or high profile ground signs should be limited to focus areas only and sign criteria adopted for multi-establishment facilities in focus area should only permit one such ground sign which would identify the development." The applicant has included a condition that addresses compatibility factor for all signage placed on the property. Added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby negating any potential negative impacts.

2. Compatibility of the proposed rezoning with the property and surrounding area.

The surrounding area comprises of a mix of office and low density residential uses. There are two low intensity office buildings currently located on the subject property. The existing low intensity office uses on the subject property serve as an appropriate transition from Creedmoor Road to the low density neighborhood to the west. The edges of the property adjacent to the single-family residential uses are adequately protected with increased setbacks, planted and landscaped buffer yards required by the proposed zoning conditions.

The request associated with this proposal is primarily to alter one condition regarding placement of signage; an effect which should have minimal bearing on the existing surrounding character. The applicant notes that given the existing built character subject to the required setbacks and adequate buffer yards, the proposed amendment appears to be compatible with the surrounding properties. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby eliminating any potential negative impacts from the proposed amendment. The Creedmoor Road Corridor Plan recommends that all signs should complement the architectural style of buildings with scale, color, and texture. The applicant has included a condition that addresses compatibility factor for all signage placed on the property. Given these proposed conditions, the subject request appears to be compatible with the surrounding uses and to have minimal impacts to the surrounding properties.

3. Public benefits of the proposed rezoning

The applicant notes that the proposed map amendment would benefit the landowner by permitting signage on the sides of the buildings that do not front along Creedmoor Road or Sawmill Road, which would provide better way-finding for customers and tenants.

Applicant further states that additional signage will help identify the offices, thereby decreasing the amount of internal traffic generated by customers looking for their destination. A decrease in internal traffic will enhance the safety of customers and tenants and decrease the potential for pedestrian conflicts.

Staff assessment indicates that the extensive buffer areas on the property imposed by the existing and proposed zoning conditions, if implemented, should adequately protect the adjacent neighborhoods. Therefore, the proposed amendment appears to be reasonable and to have minimal impacts to the surrounding properties.

4. Detriments of the proposed rezoning

There are no perceived detriments associated with this rezoning. The edges of the property adjacent to the single-family residential uses are adequately protected with increased setbacks, planted and landscaped buffer yards required by the proposed zoning conditions. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby eliminating any potential negative impacts from the proposed amendment.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

TRANSPORTATION: Creedmoor Road is classified as a secondary arterial (2007 ADT 30,000 vpd) and is constructed as a 4-lane median divided roadway with an 89-foot back-to-back curb and gutter section with sidewalks on both sides within a 125-foot right-of-way. As a secondary arterial roadway Creedmoor Road is proposed to be upgraded to a 6-lane facility median divided facility. This is not scheduled, nor is current funding secured for this improvement. Sawmill Road is classified as a collector street and is constructed to City standards as a two lane roadway with 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way. Halstead Lane is classified as residential street and is constructed to City standards with a 31-foot back-to-back curb and gutter section with sidewalk on one side within a 50-foot right-of-way. Neither NCDOT nor the City have any projects currently scheduled in the vicinity of this case.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the

Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

HYDROLOGY: FLOODPLAIN: No
DRAINAGE BASIN: Haresnipe
STORMWATER MANAGEMENT: Pt. 10 Ch.9

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>19,435</u> gpd	Approx. <u>19,435</u> gpd
Waste Water	Approx. <u>19,435</u> gpd	Approx. <u>19,435</u> gpd

The proposed rezoning would not impact the City’s wastewater collection or water distribution systems. There are existing sanitary sewer and water mains located adjacent to the zoning case’s boundary.

PARKS AND RECREATION: This property is not adjacent to a greenway corridor. There is no impact upon park facilities.

WAKE COUNTY PUBLIC SCHOOLS: No school impacts as residential uses remain unaffected.

IMPACTS SUMMARY: There are no major impacts associated with this request.

OPTIONAL ITEMS OF DISCUSSION

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

NA

- 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 be properly applied to it now were it being zoned for the first time.**

The applicant notes that the property was first rezoned to Office& Institution-1 CUD through Z-15-97, the conditions of which required extensive buffering and landscaping along the western boundary of the property, adjacent to the single-family detached dwellings. A condition limited exterior signage to the Creedmoor Road and Sawmill Road frontages. A subsequent rezoning case, Z-10-00 provided additional buffering and landscaping for properties located on Woodchester Court. The property is currently built out and the existing vegetation and landscaping continue to mature thereby, protecting the adjacent single-family homes along Halstead Lane and Woodchester Court. The proposed map amendment maintains the existing landscaping and buffer conditions, and primarily seeks to allow additional signage on the office buildings. Newly added conditions also provide for additional buffer and screening to the surrounding residential properties, thereby negating any potential negative impacts from the proposed amendment.

APPEARANCE COMMISSION: This request is not subject to Appearance Commission review.

CITIZENS' ADVISORY COUNCIL: DISTRICT: Northwest
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884
Nancy Murray, 845-8845

SUMMARY OF ISSUES:

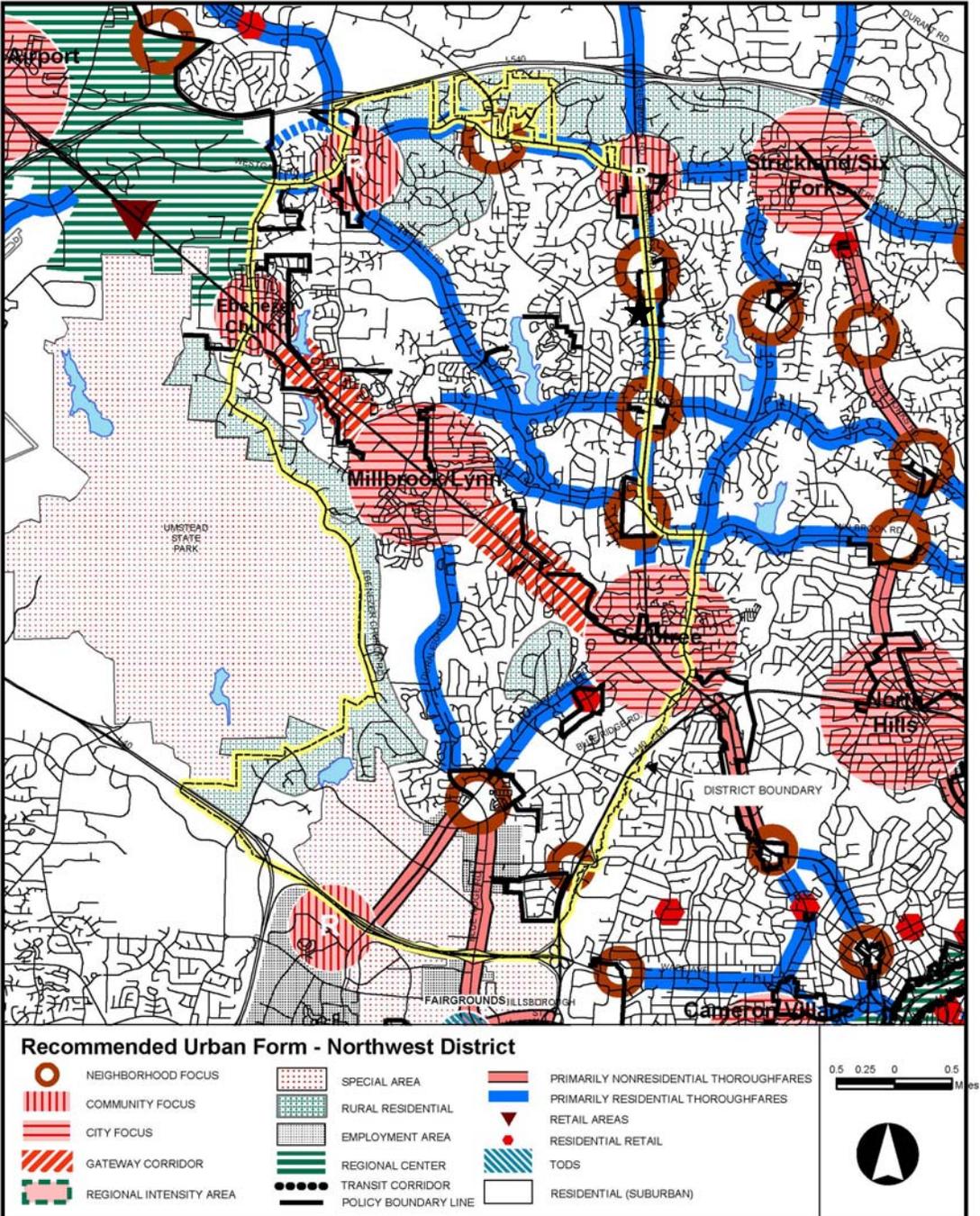
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

- The request is consistent with the Comprehensive Plan.

1. Outstanding issues

TRANSIT:

- Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.



6/06 Raleigh Comprehensive Plan

Northwest District 5-5.F

