



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-7-09 Conditional Use; Lynn Road

General Location: Southside of Lynn Road, southwest of its intersection with Creedmoor Road.

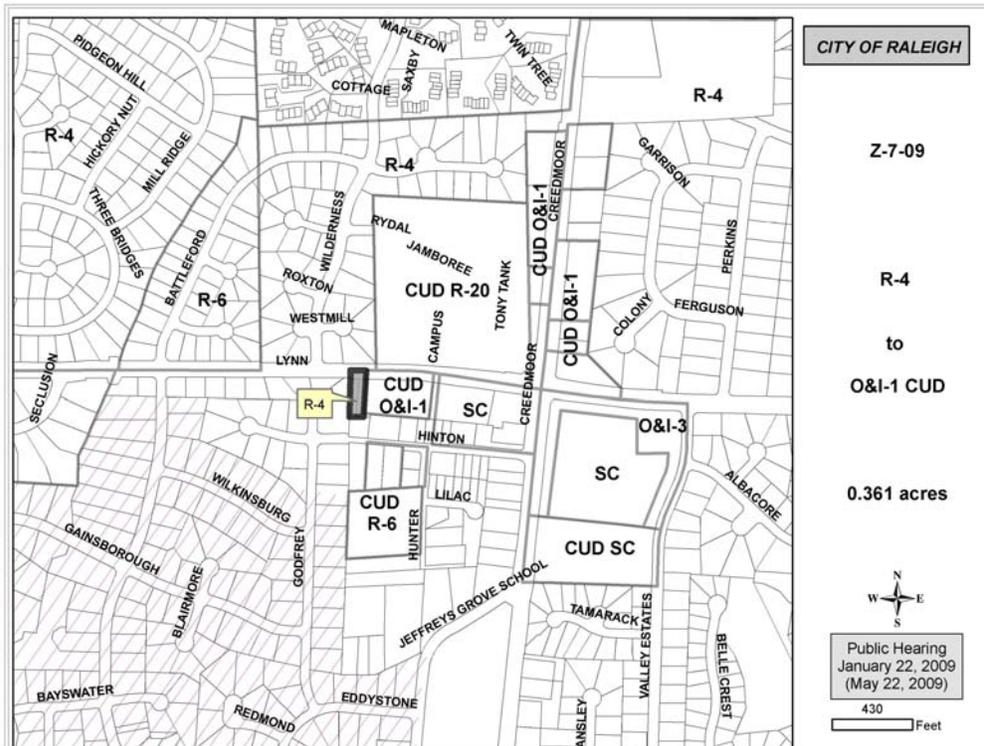
**Planning District
/ CAC:** Northwest / Northwest-Umstead

Request: Petition for Rezoning from Residential-4 to Office & Institution-1 Conditional Use District.

**Comprehensive Plan
Consistency:** The request is inconsistent with the Comprehensive Plan

**Valid Protest
Petition (VSPP):** NO.

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with conditions dated September 16, 2008



CASE FILE: Z-7-09 Conditional Use

LOCATION: This site is located on the south side of Lynn Road, southwest of its intersection with Creedmoor Road.

REQUEST: This request is to rezone approximately 0.361 acres, currently zoned Residential-4. The proposal is to rezone the property to Office & Institution-1 Conditional Use District.

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

RECOMMENDATION: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with conditions dated September 16, 2008

FINDINGS AND REASONS:

- (1) That the request is inconsistent with the Comprehensive Plan. However, given the existing land uses and development patterns of the area, the development of the subject property for low intensity office uses would be compatible with its surrounding uses.
 - (2) That the land use and traffic patterns in the area have changed since the parcels were last zoned for residential uses. Lynn Road has experienced an increase in traffic since its conversion to a busy 5 lane thoroughfare. That the subject property being reasonably small in size and given its location and adjacency to a busy major thoroughfare, may not be appropriate for residential development permitted under the existing residential zoning;
 - (3) That the subject property, being the last of the parcels on the block with frontage along Lynn Road, a busy major thoroughfare, will provide an appropriate edge and transition to provide a clear separation of focus area and preserve the integrity of surrounding residential areas;
 - (4) That other conditions associated with this request address building height, building and parking design standards, access point, and residential density cap that will help achieve compatibility of scale in development of the property with respect to its surroundings and negate any adverse impacts;
 - (5) That offer of cross-access to the adjacent office use could not be pursued due to existing physical constraints of the site;
 - (6) That the development of the property, subject to the stated conditions, and for reasons stated above, appears to be reasonable and to serve the larger public interest.
-

To PC: 1/27/09

Case History: 1/27/09 PC voted approval

To CC: 2/3/09

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

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

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

Signatures:	(Planning Dir.)	(PC Chair)
	_____	_____
	date: _____	date: <u>1/29/09</u>



Zoning Staff Report: Z-7-09 Conditional Use

LOCATION: This site is located on the south side of Lynn Road, southwest of its intersection with Creedmoor Road.

AREA OF REQUEST: 0.361 acres

PROPERTY OWNER: Hunter Marshall, America's Home Buyers

CONTACT PERSON: Hunter Marshall, 919-255-0360

PLANNING COMMISSION RECOMMENDATION DEADLINE: *May 22, 2009*

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-4	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>
	1 DU	4 DU (per zoning conditions)

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Not permitted	11,793 square feet (FAR 0.75)

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Not permitted	Not permitted

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID sign	Low Profile (Height=3.5 feet; Area=70 sq.ft.)

ZONING HISTORY: This property has been zoned Residential-4 for several years. A prior rezoning request for the subject properties for Office & Institution-1 CUD (Z-34-08) zoning was denied by the City Council on 9/2/08. The denial was based on the finding that the condition of record, which prohibits direct access from Lynn Road and requires cross-access with the adjacent property, may not be achievable thereby, rendering the property unusable. Additionally, per sec.10-1065 (c), the applicant was not qualified to provide a less restrictive condition that could have potentially

resolved the outstanding access issue. Subsequently, a waiver of the 2-year waiting period for the subject property was requested that was approved by the City Council on 9/16/08.

**SURROUNDING
ZONING:**

NORTH: Residential-4 & Residential-20 CUD (Z-19-94)
SOUTH: Residential-4 & Residential-6
EAST: Office & Institution-1 CUD (Z-45-05) & Residential-4

Zoning Conditions – (Z-45-05)

- a. Reimbursement for future right-of-way dedication shall be based on R-4 values.
- b. Non-residential buildings on the Property shall be limited to a maximum building height of forty (40) feet.
- c. All exterior building and parking lot lighting fixtures directed toward residential properties shall be of full cut-off (shielded) design, and be a maximum of twenty (20) feet in height.
- d. Any building constructed on the Property shall have a pitched roof with a minimum slope of 6:12.
- e. Required transitional protective yards may not be reduced in width by the installation of a wall or fence.
- f. Cross-access will be provided to the 7 parcels encompassed in this petition in the event that they are not recombined into a single parcel.
- g. Vehicular access from Lynn Road will be limited to no more than (2) access points.

WEST: Residential-4

LAND USE: Vacant, wildy vegetated lot

**SURROUNDING
LAND USE:**

NORTH: Single family & multi-family residential uses
SOUTH: Single family residential use
EAST: Office use (Lynnbrooke Center)
WEST: Single family residential uses

**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	Outside edges of a Neighborhood Focus Area; residential side of a PBL
Specific Area Plan	Creedmoor Road Corridor Plan
Guidelines	None

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

The rezoning sites are located in the Northwest Planning District, along a Residential thoroughfare, just outside the edges of a Neighborhood Focus area. The request is inconsistent with the Comprehensive Plan in that, the properties are located on the residential side of the Policy Boundary Line and therefore, recommended for low density residential uses. The Policy Boundary Line is designated by the Neighborhood Focus Area at the intersection of Creedmoor and Lynn Roads per the Creedmoor Road Corridor Plan, and is applied to delineate residential from non-residential uses. The proposal to rezone the subject parcel to Office & Institution-1 with stated conditions would allow the development of low intensity office uses.

The Creedmoor Road Corridor Plan primarily provides policy recommendations for lots with frontage on Creedmoor Road. However, emphasis is given to encourage strengthening the edges of low-density residential areas, and providing for a clear separation of focus areas to preserve the integrity of residential areas. New development should not adversely impact adjoining residential properties as a result of stormwater run-off or noise caused by high levels of activity of service area functions. Adverse impacts on adjacent residential properties should not be created by new development as a result of bulk, scale, mass, fenestration or orientation of structures. The applicant has included a few conditions that address building height, building scale, vehicular access, signage and lighting specifications.

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

The parcels are located in an area surrounded predominantly by low density residential uses. To the immediate north, west and south are low density residential properties zoned Residential-4. Further to the south are a few properties zoned Residential-6. To the immediate east, the abutting large parcel was rezoned in 2005 to Office & Institution-1 CUD (Z-45-05) and developed for low density office uses (Lynnbroke Center, a 55,000 sq. ft. office condominium complex). Shopping Center zoning exists further east at the intersection of Lynn and Creedmoor Roads located within a designated focus area. To the northeast, to the north of Lynn Road is property with Residential-20 CUD zoning, which has been developed for multi-family residential uses (Edinburgh Common Apts.).

The proposal to rezone the subject parcel to Office & Institution-1 with stated conditions would allow the development of low intensity office uses. The applicant notes that the subject properties are located a few hundred yards away from a very busy intersection off Lynn Road and Creedmoor Road, and the traffic along Lynn Road is too intense for this property to be utilized for low density residential uses, a permitted use under the existing zoning. The applicant further states that a rezoning to permit a small office building would be better suited for this lot and more compatible with this area.

The subject properties are the only two remaining properties in this block with frontage along Lynn Road, a residential thoroughfare with heavy traffic. Given the small size of the subject sites (0.36 acre), it is unsuitable for single-family detached uses that will require direct access from Lynn Road, a busy thoroughfare. A driveway access to the Lynnbroke Center located less than 100 feet from the subject property would encourage limiting any direct access from Lynn Road to one point. The proposed conditions limit direct access from Lynn Road to one point, thereby eliminating any adverse impacts on traffic. The applicant indicates that the rezoning would be compatible with the surrounding area. The conditions offered would strengthen the edges of residential uses and protect the surrounding single family neighborhoods from any adverse impacts.

3. Public benefits of the proposed rezoning

The applicant notes that the benefits associated with this rezoning would be a more marketable and desirable community which offers a diverse mix of low and medium density residential in addition to the conservative mix of office and retail space. The Northwest District is experiencing growth and therefore, it is vital to have a strong mix of residential, office and retail space in this area.

The petitioner proposes to redevelop the property while maintaining a compatible scale and minimizing impacts to the low density residential neighborhood to the west and south. Proposed conditions reduce potential negative impacts on the adjoining single family properties to the west and south. The proposed rezoning and its uses would be complementary to the adjacent low intensity office center to its east while still strengthening the edges of residential uses and protecting the surrounding single family neighborhoods from any adverse impacts. With appropriate building and landscape design, impacts would be minimal, while the benefits rendered would be the additional amenities available to people in the surrounding communities, reduction of traffic conflicts, and better use of the property.

4. Detriments of the proposed rezoning

As noted by the applicant, the only detriment perceived would be to the four single family lots abutting the western edge of the properties. However, by incorporating appropriate conditions that address scale, mass, bulk, parking, height & buffering, any negative impacts to these lots could be alleviated. The subject rezoning conditions address building height, roof pitch, residential density and parking lot lights, thus alleviating any negative impacts on the surrounding single-family homes.

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

TRANSPORTATION: Lynn Road is classified as a major thoroughfare (2007 ADT 19,000 vpd) and is constructed to City standards as five-lane curb and gutter section with sidewalks on both sides within a varying 85-90-foot right of way. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

TRANSIT: This site is within close proximity of current and future bus routes, but does not provide an appropriate space for a bus stop. No transit easement is needed.

HYDROLOGY: FLOODPLAIN: None
 DRAINAGE BASIN: Haresnipe
 STORMWATER MANAGEMENT: Pt. 10 Ch. 9

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>722</u> gpd	Approx. <u>1,173</u> gpd
Waste Water	Approx. <u>722</u> gpd	Approx. <u>1,173</u> gpd

The proposed rezoning would add approximately 451 gpd of wastewater and water to the wastewater collection and water distribution systems of the City's utilities. There are existing water and sanitary sewer mains in the Lynn Road right-of-way which would serve the proposed rezoning area.

PARKS AND RECREATION:

This property is not adjacent to a greenway corridor. Existing recreation services are provided at Lake Lynn Park to meet the needs of this property.

WAKE COUNTY PUBLIC SCHOOLS:

The maximum number of dwelling units permitted under the proposed zoning would be 4, while the current zoning permits 1 unit. This would result in 1 school enrollment and therefore, not impact the school capacity numbers.

Impacts on School Capacity

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Lynn Road	472	74.3%	472	74.3%
Carroll	714	83.9%	714	83.9%
Sanderson	1,876	98.8%	1,876	98.8%

IMPACTS SUMMARY: The proposed zoning would have no impact on school capacity numbers.

No major impacts on infrastructure services have been noted for this case.

OPTIONAL ITEMS OF DISCUSSION

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

The zoning was applicable when the previous structure was built in 1945.

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 Residential-4 zoning on the property was appropriate when the property was last developed. However, since that time, this area has experienced significant growth and the current zoning on the property would not be appropriate for low density residential uses, given its frontage onto Lynn Road, a busy residential thoroughfare. Since the properties were initially zoned R-4, Lynn Road has been converted into a busy 5 lane thoroughfare, experiencing an increase in traffic. This significant change in the circumstances in land use and traffic pattern make the parcels unsuitable for low density residential development allowed under the existing R-4 zoning category. Given the conditions attached to the petition, the development of these parcels can be made compatible with adjacent uses, when carefully designed and provide for a transitional buffer between the high impact residential thoroughfares and the residential uses to the east.

APPEARANCE COMMISSION:

This request is not subject to Appearance Commission review.

CITIZENS' ADVISORY COUNCIL:

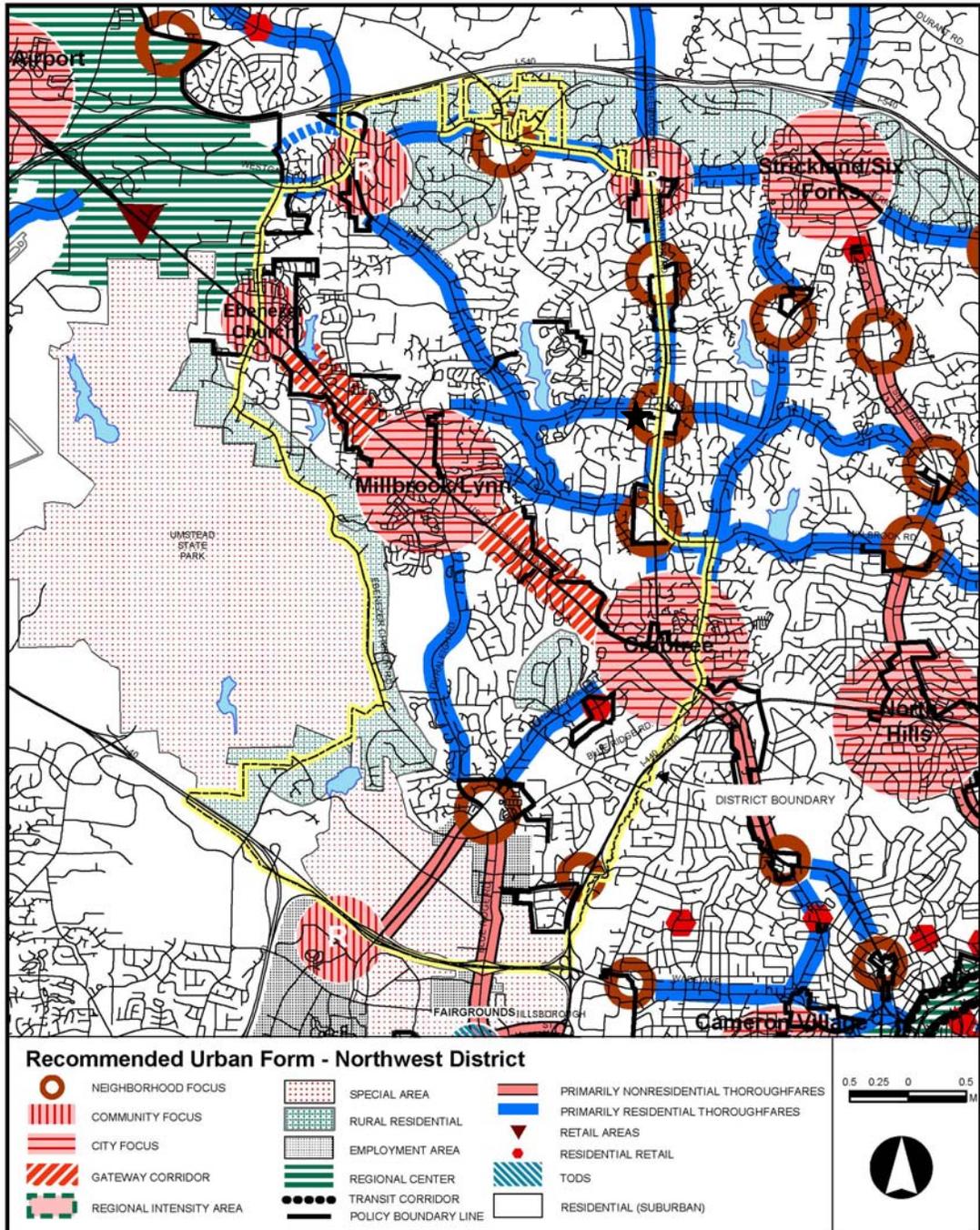
DISTRICT: Northwest
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884;
Nancy Murray, 845-8845

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- The request is inconsistent with the Comprehensive Plan in that, the property is located on the residential side of Policy Boundary Line of a Focus Area located at the intersection of Creedmoor and Lynn Roads, as designated by the Creedmoor Road Corridor Plan, and is therefore, recommended for low density residential uses.



6/06 Raleigh Comprehensive Plan

Northwest District 5-5.F

