



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-30-09 Conditional Use; Falls of Neuse Rd.

General Location: Falls of Neuse Road, east side, south of its intersection with Falls Church Road.

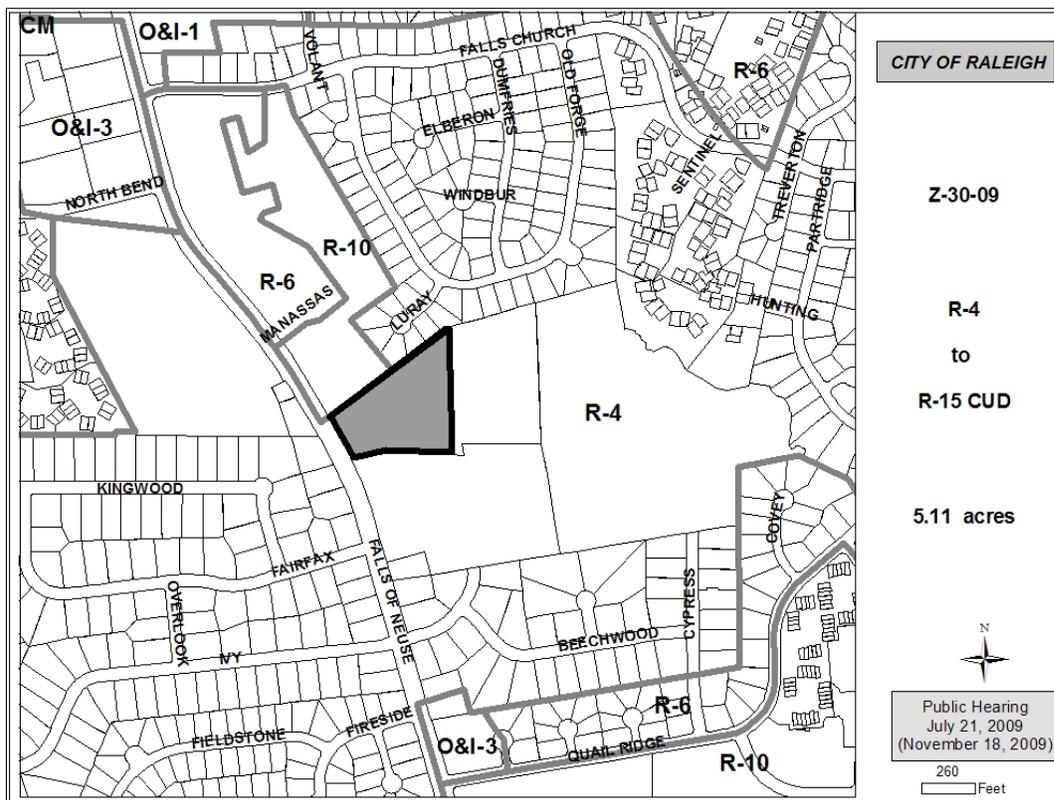
**Planning District
/ CAC:** North / North

Request: Petition for Rezoning from Residential-4 to Residential-15 Conditional Use District.

**Comprehensive Plan
Consistency:** This proposal is inconsistent with the Comprehensive Plan.

**Valid Protest
Petition (VSPP):** None.

Recommendation: The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated August 4, 2009.



CASE FILE: **Z-30-09 Conditional Use; Falls of Neuse Rd.**

LOCATION: Falls of Neuse Road, east side, south of its intersection with Falls Church Road.

REQUEST: This request is to rezone approximately 5.11 acres, currently zoned Residential-4 to Residential-15 Conditional Use District.

**CONSISTENCY WITH
COMPREHENSIVE
PLAN AND OTHER
ADOPTED PLANS:**

This proposal is inconsistent with the Comprehensive Plan.

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated August 4, 2009.

**FINDINGS
AND REASONS:**

- (1) The request is inconsistent with the Comprehensive Plan. The plan designates the site as being appropriate for low density residential uses; the proposal is conditioned to permit medium-density residential uses (in the form of congregate care facilities). However, the conditions also permit and cap single-family development at the current R-4 density.
- (2) The request is compatible with surrounding land uses and development patterns. The site is adjacent to two large-lot church/ school complexes, and in close proximity to a community focus area and neighborhood focus area.
- (3) The request is reasonable and in the public interest. Changes to adjacent land uses fronting Falls of Neuse Road in the 40 years since the site's current zoning designation call into question low-density development as an appropriate site use, while a congregate care or congregate living facility would be well suited to public needs.



Zoning Staff Report: Z-30-09 Conditional Use

LOCATION: This site is located on the east side of Falls of Neuse Road, south of its intersection with Falls Church Road.

AREA OF REQUEST: 5.11 acres

PROPERTY OWNER: Raleigh Racquet Club, Inc.

CONTACT PERSON: Beth Trahos, 755-8760

PLANNING COMMISSION RECOMMENDATION DEADLINE: November 18, 2009

ZONING:	<u>Current Zoning</u> Residential-4 <u>Current Overlay District</u> n/a	<u>Proposed Zoning</u> Residential-15 CUD <u>Proposed Overlay District</u> n/a
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u> 20 units	<u>Proposed Zoning</u> 20 single-family units, or 120 congregate care or congregate living units, as conditioned
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u> None	<u>Proposed Zoning</u> None
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u> None	<u>Proposed Zoning</u> None
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u> Tract ID Sign	<u>Proposed Zoning</u> Tract ID Sign
ZONING HISTORY:	This property has been zoned Residential-4 since 1968 (Z-29-68).	

SURROUNDING

ZONING: NORTH: Residential-10 (northwest), Residential-4 (northeast)
SOUTH: Residential-4
EAST: Residential-4
WEST: Residential-4

LAND USE: Recreational (membership swimming pool)

SURROUNDING

LAND USE: NORTH: Medium density residential; low density residential
SOUTH: Church, religious education building
EAST: Recreational use
WEST: Vacant (with seasonal sales); church

DESIGNATED

HISTORIC

RESOURCES: None on site; none within 100 feet of site.

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	North
Urban Form	Residential (Suburban)
Specific Area Plan	North District Plan
Guidelines	n/a

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

This proposal is inconsistent with the Comprehensive Plan. The subject section of Falls of Neuse Road is designated as a Primarily Residential Corridor, characterized by “mostly residential adjacent land uses.” The North District plan designates the subject site for “Residential (Suburban)” development, defined as being “primarily low density residential in character, that is, six or fewer dwellings per acre.” The proposal is conditioned for up to 23 congregate care units per acre, equivalent to 11 dwelling units per acre.

The petition states that the district plan notes “Higher density residential infill development is encouraged.” That passage, however, ends a paragraph outlining and related to “planned focus areas within or bordering the North District.” The subject site is not located within a focus area, but lies approximately halfway between the Falls of Neuse/ Spring Forest Community Focus Area, and the Falls of Neuse/ Millbrook Neighborhood Focus Area.

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

The subject site is situated among a variety of large-lot, residentially-related uses lining that section of Falls of Neuse Road. Two large church campuses (19.03 acres and 11.52 acres respectively) are

situated west and south of the property; the recreational facilities of the parent tract (now 24.16 acres) border on the east. Crossing the parent tract and the southern side of the subject site is a 70-foot wide power line easement. Other adjoining parcels contain either single-family dwellings, or, on the north, a garden-condominium complex. The latter is zoned partially R-6 and partially R-10, with a total of 175 units on 22.75 acres, for a composite density of 7.6 dwelling units per acre.

With the exception of the two church sanctuaries, buildings in the immediately surrounding area are two stories or less in height. On the adjoining properties, the closest building to the street right-of-way is 50 feet, with most buildings set back 70 feet or more (immediately to the south [Friendship Baptist Church]: 100 feet; to the north [Falls Condominiums]: 50 to 100 feet). The proposal would allow 40-foot tall structures 20 feet from the right-of-way, and up to four stories in height on the property. The nearest building of similar height is an independent living facility, The Heritage, a five-story structure located 1/3 mile north of the subject site, at the southern edge of the Falls of Neuse/ Spring Forest Community Focus Area.

3. Public benefits of the proposed rezoning

Among the proposal's conditioned uses are "congregate care or congregate living structures." Congregate care facilities are projected to be in increasing demand. For more independent, mobile residents, the subject site could offer walkable proximity to many goods and services, potentially benefitting commerce and the community. Otherwise, the site may be built out with any "uses permitted under the current zoning district, R-4."

4. Detriments of the proposed rezoning

While site residents could benefit from proximity to nearby services and goods, if the property is built out as a congregate care facility, many needed services would likely be provided on site. The two existing senior housing facilities nearby (The Heritage, noted above, at the corner of Carlos Drive and Falls of Neuse Road, and Sunrise, on Spring Forest Road just west of Falls of Neuse Road) are both located within the Falls of Neuse/ Spring Forest Community Focus Area. The subject site is located approximately one-third mile south of the Focus Area. No R-15 zoning districts are contiguous to the property, and none located within a quarter mile of the site.

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

TRANSPORTATION: Falls of Neuse Road is classified as a secondary arterial (2007 ADT - 34,000 vpd) and exists as a five-lane curb and gutter section within a 90-foot right-of-way with sidewalks on both sides. City standards call for Falls of Neuse Road to be constructed as a multi-lane road with an 89-foot back-to-back curb and gutter section on 110-feet of right-of-way with sidewalks on both sides.

The subject property appears to land-lock the property to the east and may require a public through street or flag lot connection to assure all properties have adequate access. The petitioner may wish to describe how the site will be accessed. Additionally, due to the size of the subject property and allowable land use density associated with the proposed zoning a traffic assessment is recommended for this case.

TRANSIT: The location of the proposed 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 FEMA.
DRAINAGE BASIN: Marsh Creek.
STORMWATER MANAGEMENT: Part 10 Chapter 9 Stormwater Regulations would apply. There is a stream with Neuse River Buffer on site.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>10,220</u> gpd	Approx. <u>40,241</u> gpd
Waste Water	Approx. <u>10,220</u> gpd	Approx. <u>40,241</u> gpd

The proposed rezoning would add approximately 30,021 gpd to the wastewater and water treatment systems of the City. There are existing sanitary sewer and water mains in place which could serve the rezoning site.

PARKS AND RECREATION:

This property is not adjacent to any greenway corridors. There is a neighborhood park search area identified for this area. This rezoning case will add approximately 75 residents to the current level of service deficiency of the area.

WAKE COUNTY PUBLIC SCHOOLS:

The rezoning request is conditioned to permit only congregate care and the currently-permitted R-4 uses. As the former would include no school-age children, and the latter would represent a continuation of existing conditions, no additional demands on schools would occur from rezoning.

IMPACTS SUMMARY:

A traffic assessment is needed; site access issues also need to be resolved. Development will add to an existing deficiency of park facilities in the area.

OPTIONAL ITEMS OF DISCUSSION

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

N/A

- 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 petition notes that, given the changes to the City and area surrounding the subject site since the site was originally zoned, that low density residential development recommended by the Comprehensive Plan is “no longer appropriate or desirable” along Falls of Neuse Road. Nonetheless, no adjacent properties have been rezoned in the past 29 years. The most recent proposal to rezone nearby parcels to a higher intensity use (Z-25-03: R-4 to O&1-1 CUD) was denied; that site is immediately opposite Falls of Neuse Road from the subject site.

APPEARANCE COMMISSION:

This request is not subject to Appearance Commission review.

CITIZENS' ADVISORY COUNCIL:

DISTRICT: North
CAC CONTACT PERSON: Anne Weathersbee, 876-1807

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

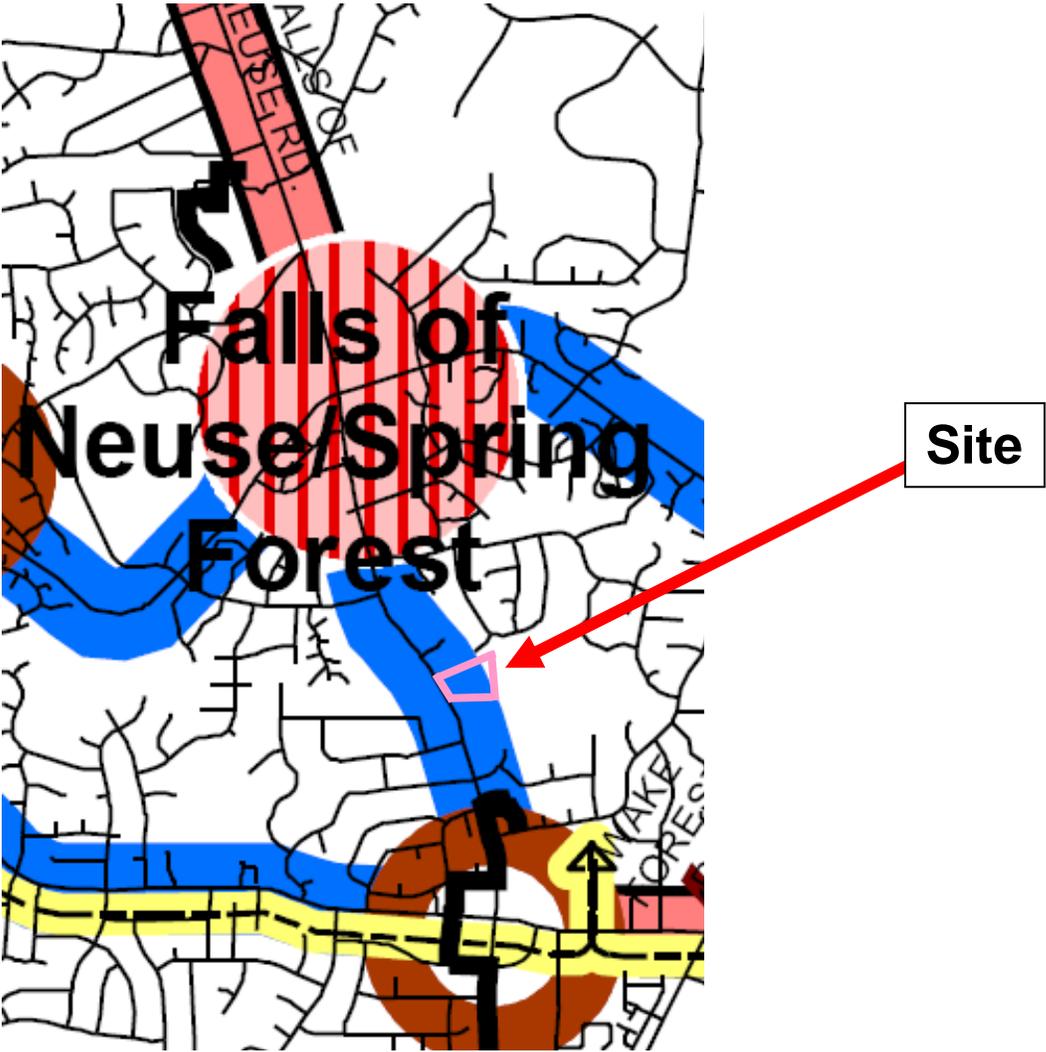
- This proposal is inconsistent with the Comprehensive Plan.

2. Suggested conditions

TRANSPORTATION:

- A traffic assessment is recommended for this case.

Urban Form— North District Plan



Recommended Urban Form - North District

