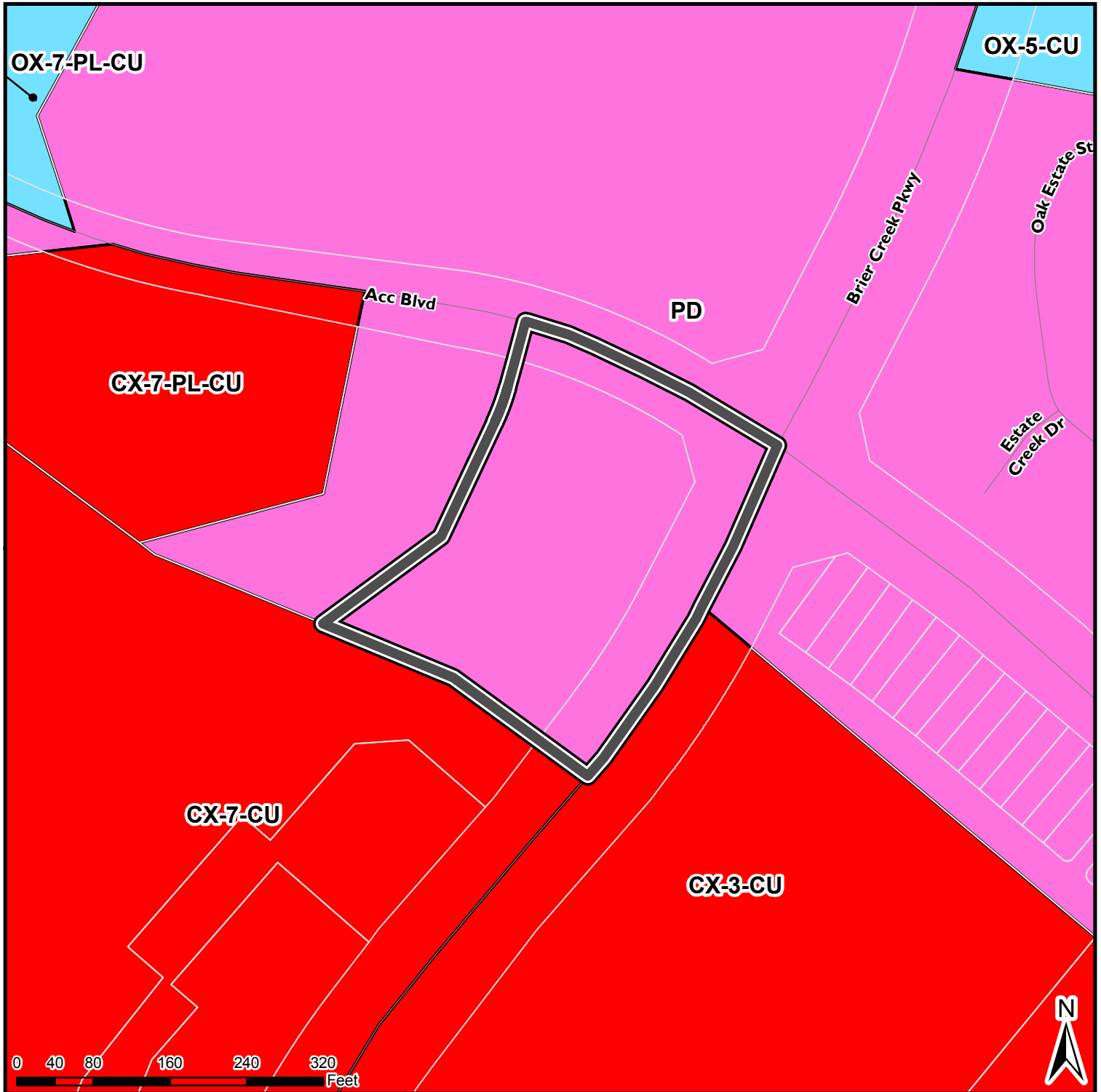


Existing Zoning Map

Z-14-2016



**Submittal
Date**

5/26/2016

Request:

1.72 acres from

PD

to OX-3-PL-CU

VICINITY MAP



Map Date: 5/26/2016



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-14-16 7901 ACC Boulevard

<i>Location</i>	South side, west of intersection with Brier Creek Pkwy Address: 7901 ACC Boulevard PIN: 0768583613
<i>Request</i>	Rezone property from PD to OX-3-PL-CU
<i>Area of Request</i>	1.72 acres
<i>Property Owner</i>	VNSN, LLC. P.O. Box 914 Oxford, NC 27565-0914
<i>Applicant</i>	George "Mac" McIntyre, PE 4932B Windy Hill Dr. Raleigh, NC 27609
<i>Citizens Advisory Council (CAC)</i>	Northwest Jay Gudeman, Chairperson jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	90 days from public hearing referral

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>	Regional Mixed Use
<i>URBAN FORM</i>	City Growth Center
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy UD 1.10 – Frontage
<i>INCONSISTENT Policies</i>	None noted.

Summary of Proposed Conditions

1. Prohibits a number of otherwise permitted uses

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
May 4, 2016	August 9, 2-16 1Y- 0N	August 9, 2016	

Attachments

1. Staff report
2. Conditions

Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	

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.

Planning Director

Date

Planning Commission Chairperson

Date

Staff Coordinator:

Sophie Huemer: (919) 996-2652; Sophie.Huemer@raleighnc.gov



Zoning Staff Report – Case Z-14-16

Conditional Use District

Case Summary

Overview

The subject site is composed of one 1.72 acre parcel on the south side of ACC Boulevard, at the intersection with Brier Creek Parkway. The site is currently vacant and largely undisturbed. The site slopes precipitously from the northern and eastern edges of the subject site.

The site is located within the Brier Creek City Growth Center, as identified on the Urban Form Map. The proposal's offer of Parking Limited frontage is in keeping with the Comprehensive Plan's vision for City Growth Centers, and promotes a reasonable degree of walkability in a fast-growing area of the city. A GoRaleigh route 70X bus stop is located approximately one-quarter of one mile from the site. ACC Boulevard and Brier Creek Parkway are fully built out with curbs and sidewalks on both sides.

The site is at the northern edge of an area designated Regional Mixed Use on the Future Land Use Map. Across ACC Blvd. is an area designated for Office and Residential Mixed Use. The proposed use is consistent both with the FLUM designation, as well as that of the properties to the north.

The site is currently zoned PD, as are the surrounding properties to the north and west. The subject site is bound by CX-7-CU zoning district to its south and CX-3-CU to the southeast. Another property on ACC Boulevard and west of the subject site is zoned CX-7-PL-CU. The proposed zoning has a condition that prohibits Detention Centers, Jails, and Prisons, Plant Nursery, Produce Stands, Cemetery, Outdoor Sports or Entertainment Facility that would otherwise be allowed.

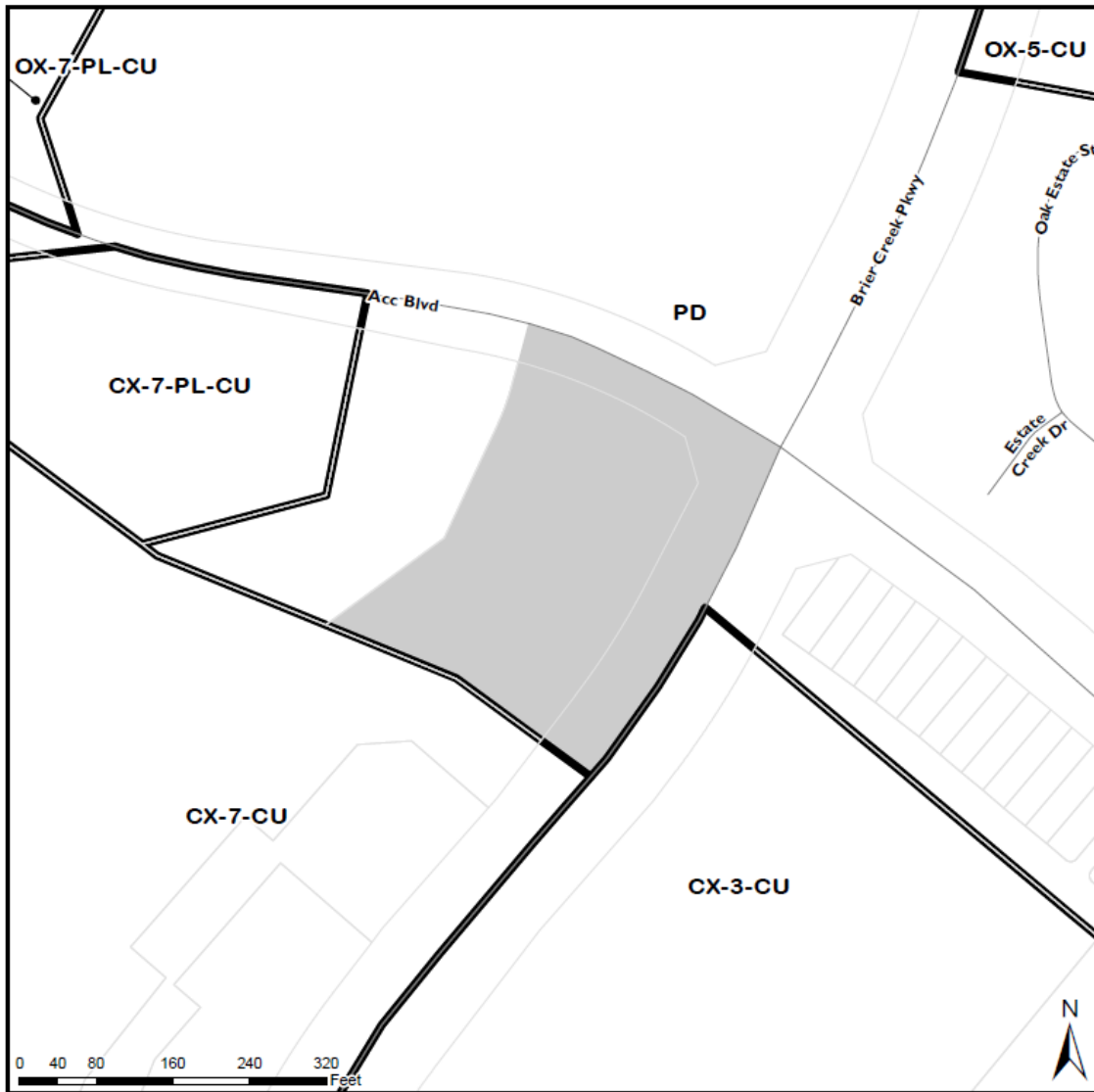
Current PD zoning limits development capacity to 4,100 square feet of retail and no other use. In addition to allowing residential density or office square footage and increasing allowed retail square footage, the proposed zoning would allow smaller setbacks for all building types.

Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. Neuse River Buffer located on site.2. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. If impacted, buffers will require approval from NC DEQ at the site plan stage.2. Address sewer and fire flow capacities at the site plan stage.
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Existing Zoning Map

Z-14-2016

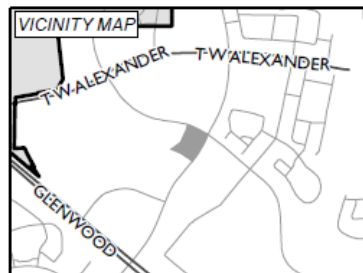


**Submittal
Date**

5/26/2016

Request:

1.72 acres from
PD
to **OX-3-PL-CU**



Map Date: 5/26/2016

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Planned Development	Planned Development	Commercial Mixed Use-7- CU	Planned Development and Commercial Mixed Use-3- CU	Planned Development
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Regional Mixed Use	Office & Residential Mixed Use	Regional Mixed Use	Regional Mixed Use and Moderate Density Residential	Regional Mixed Use
<i>Current Land Use</i>	Vacant	Office	Vacant	Single Family and Retail	Retail
<i>Urban Form (if applicable)</i>	City Growth Center	City Growth Center	City Growth Center	City Growth Center	City Growth Center

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	- 0 -	31 DUs/acre
<i>Setbacks:</i>		
<i>Front:</i>	10' ¹	5'
<i>Side:</i>	10' or 15' ²	0' or 6'
<i>Rear:</i>	10' ³	0' or 6'
<i>Retail Intensity Permitted:</i>	4,100 sf	9,231 sf (<i>only within or attached to a multi-tenant building, stand-alone not allowed</i>)
<i>Office Intensity Permitted:</i>	- 0 -	50,466 sf

1. Retail setback from ACC Boulevard (Per PD)
2. Retail setback from perimeter lot lines and Brier Creek Parkway, respectively (Per PD)
3. Retail setback from perimeter lot lines (Per PD)

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning*</i>
<i>Total Acreage</i>	1.72	1.72
<i>Zoning</i>	PD	OX-3-PL-CU
<i>Max. Gross Building SF (if applicable)</i>	4,100	74,951
<i>Max. # of Residential Units</i>	-	52
<i>Max. Gross Office SF</i>	-	50,466
<i>Max. Gross Retail SF</i>	4,100	9,231
<i>Max. Gross Industrial SF</i>	-	-
<i>Potential F.A.R</i>	-	0.90

*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.

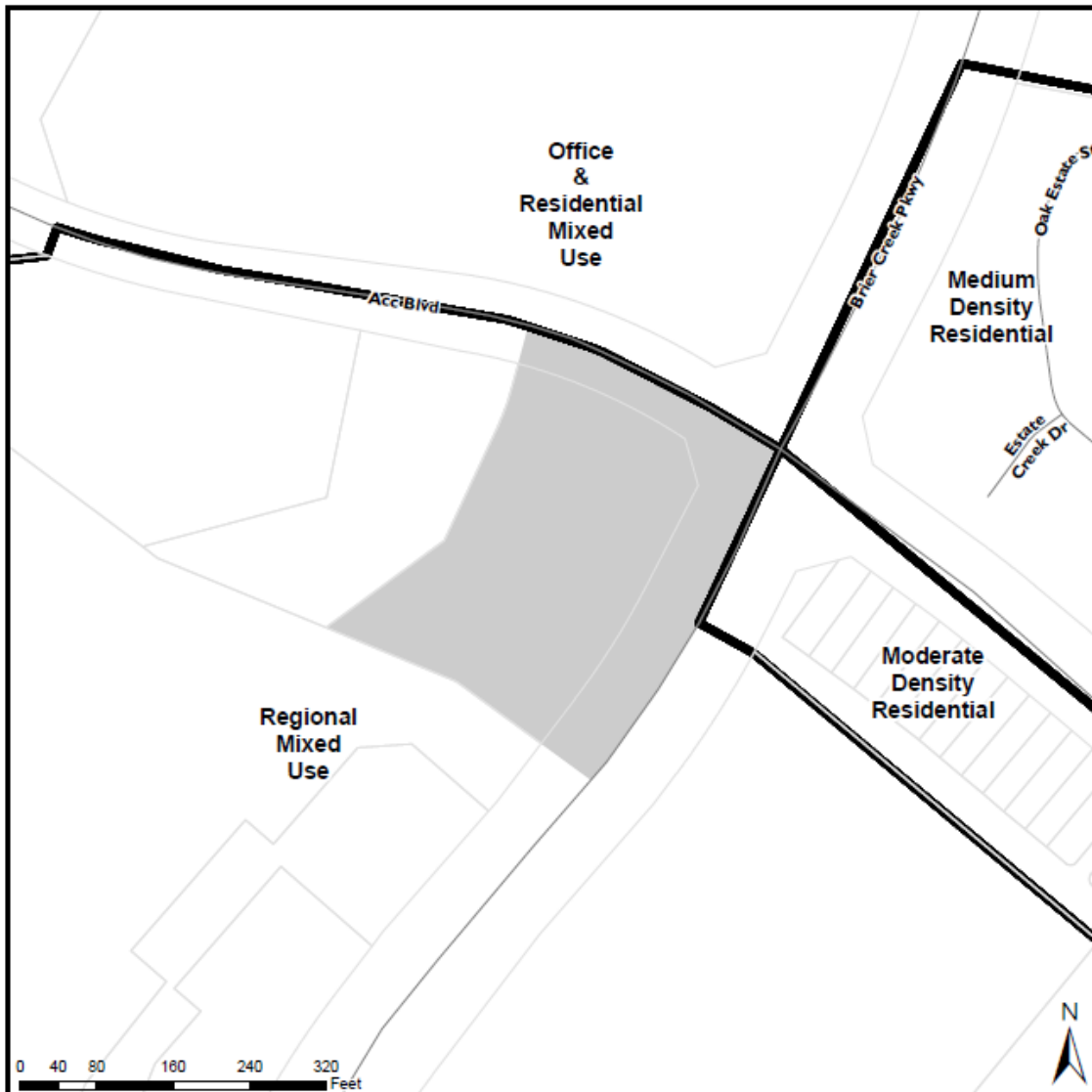
☐ **Incompatible.**

Analysis of Incompatibility:

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Future Land Use Map

Z-14-2016

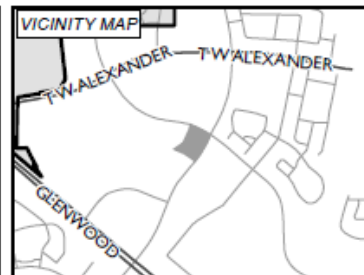


**Submittal
Date**

5/26/2016

Request:

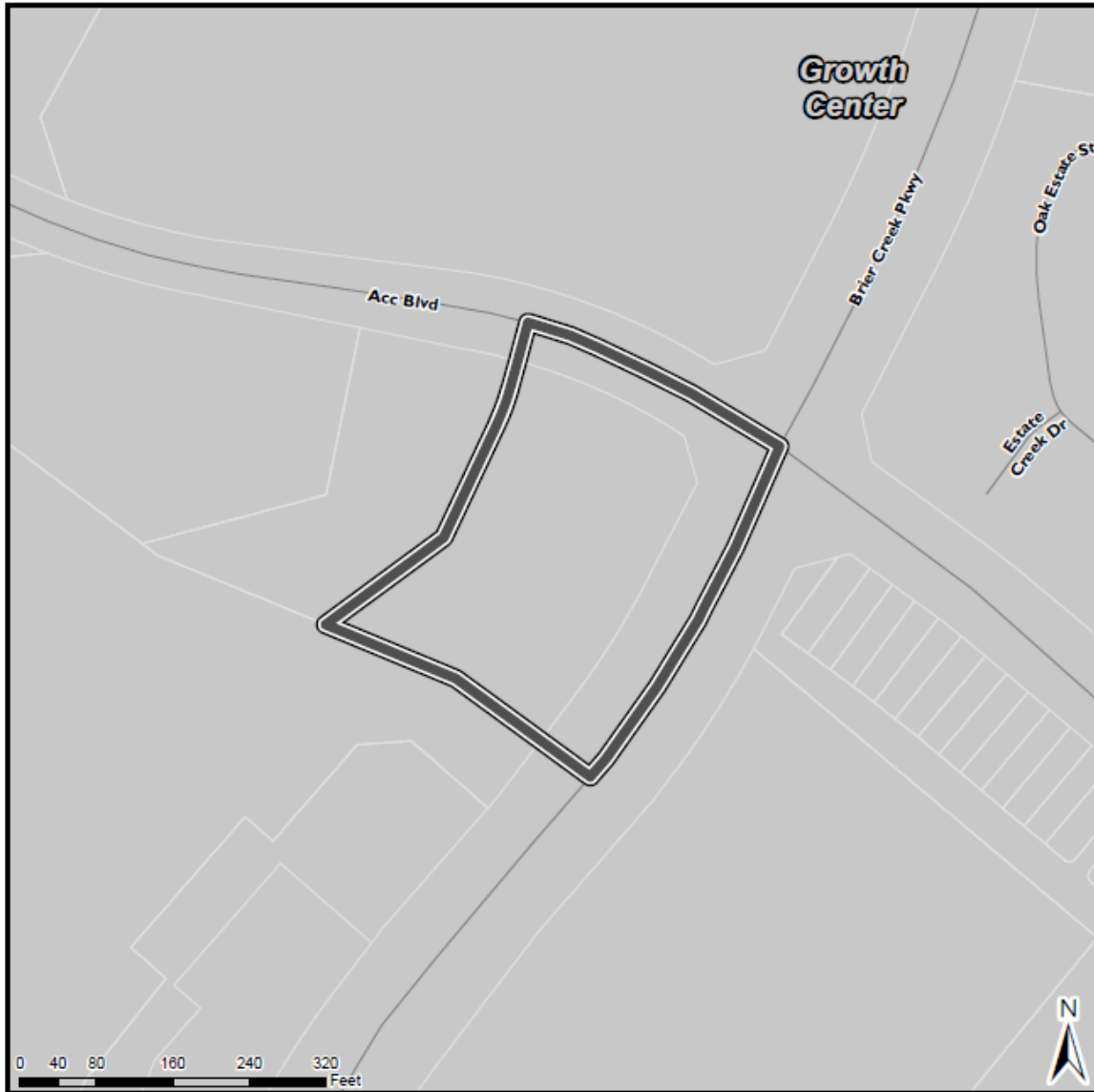
1.72 acres from
PD
to **OX-3-PL-CU**



Map Date: 5/26/2016

Urban Form Map

Z-14-2016

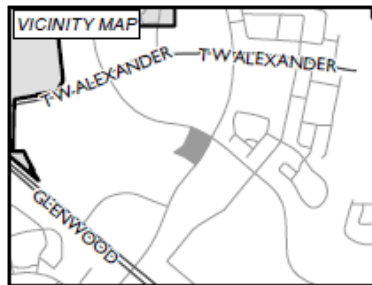


**Submittal
Date**

5/26/2016

Request:

**1.72 acres from
PD
to OX-3-PL-CU**



Map Date: 5/26/2016

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 can be considered consistent with the vision, themes, and policies contained in the Comprehensive Plan. The proposal would allow uses that are designated on the Future Land Use Map (FLUM) for this site.

City infrastructure and services appear sufficient to accommodate the redevelopment possible under the proposed rezoning. However, upon site plan review and prior to development, the developer may be required to submit a sanitary sewer capacity study, and will be required to verify water fire flow capacity.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

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:

The proposal's offer of Parking Limited frontage (-PL) is consistent with the Urban Form Map designation for the property and promotes a degree of walkability in the urbanizing Brier Creek area

2.4 Policy Guidance

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

--

2.5 Area Plan Policy Guidance

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

The location of the proposed zoning district is not an area studied in an Area Plan

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The proposal could provide additional institutional, office, and housing space.
- The proposal could also provide retail uses serving the above primary uses.

3.2 Detriments of the Proposed Rezoning

- None anticipated.

4. Impact Analysis

4.1 Transportation

The site is located in the southwest quadrant of Brier Creek Parkway and ACC Boulevard. Brier Creek Parkway (SR 3100) is maintained by the NCDOT; ACC Boulevard is maintained by the City of Raleigh. Both streets are fully built out with curbs and sidewalks on both sides. Brier Creek Parkway is classified as a major street in the UDO Street Plan Map (Avenue, 4-Lane, Divided). ACC Boulevard is a mixed-use street (Avenue, 2-Lane, Divided).

There are no City of Raleigh CIP projects in the vicinity of the Z-14-2016 site. NCDOT project U-5518 will convert the at-grade intersections of Glenwood Avenue at Brier Creek Parkway and Glenwood Avenue at TW Alexander into grade-separated interchanges; construction is scheduled for 2021.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the southern boundary of the Z-14-2016 parcel.

Site access will be provided via an existing (shared) driveway on ACC Boulevard. In accordance with UDO section 8.3.2, the maximum block perimeter for OX-3 zoning is 3,000 feet. The block perimeter for Z-14-2016, defined by public rights-of-way for Brier Creek Pkwy, Skyland Ridge Pkwy, Glenwood Av, TW Alexander Dr and ACC Blvd is 6,700 feet. The existing parcel is vacant and generates no traffic. Approval of case Z-14-2016 would increase average peak hour trip volumes by approximately 75 veh/hr in the AM and PM peak periods; daily trip volume will increase by ± 700 veh/day. A traffic impact analysis report is not required for Z-14-2016.

Impact Identified: Block perimeter exceeds UDO maximum for OX-3 zoning

4.2 Transit

This area is currently served by GoRaleigh and GoDurham. The closest stop is located on Alexander Promenade/ACC Blvd beside Kohl's and it is served by both systems. Both the City of Raleigh Short Range Transit Plan and the Wake County Transit Plan propose discontinuing transit on this side of Glenwood Ave.

Impact Identified: Increased development will place increased demands on the transit system but they are not expected to exceed the current capacity of the system.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Little Brier
<i>Stormwater Management</i>	Article 9.2 UDO
<i>Overlay District</i>	None

Impact Identified: Site is subject to Stormwater Controls under Article 9.2 of the UDO. There is Neuse River Buffer located on the site.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	7,740 gpd	13,545 gpd
<i>Waste Water</i>	7,740 gpd	13,545 gpd

Impact Identified: None

4.5 Parks and Recreation

Site is not adjacent to any existing or proposed greenway trails, corridors, or connectors. Nearest trail access is 6.2 miles, Hare Snipe Creek Trail.

Recreation services are provided by Brier Creek Community Center, 2.6 miles.

Impact Identified: None

4.6 Urban Forestry

Impact Identified: None.

4.7 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District and/or Raleigh Historic Overlay District or include or adjacent to any National Register individually-listed properties and/or Raleigh Historic Landmarks

Impact Identified: None

4.8 Community Development

The site is not located within a designated Redevelopment Plan area.

Impact Identified: N/A

4.9 Impacts Summary

- Neuse River Buffer located on site.
- Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

- Buffers will require approval from NC DEQ if impacted.
- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal is consistent with the Future Land Use Map, the Urban Form Map and a number of policies contained within the Comprehensive Plan. The Office Mixed Use district allows for a variety of potential residential, commercial, and institutional uses whereas the Current PD zoning limits development capacity to 4,100 square feet of retail and no other use. The offer of Parking Limited frontage improves pedestrian accessibility in the area.

Rezoning Application


RALEIGH
 DEPARTMENT OF
 CITY PLANNING


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan
Existing Zoning Classification PDProposed Zoning Classification Base District OX-3-PL-CU Height 3 ST Frontage PL
 OFFICE
 USE ONLY
 2-14-16
 Transaction #

464495

If the property has been previously rezoned, provide the rezoning case number: Z 58-2000 MPI 2000

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

SUBMITAL # 464495

GENERAL INFORMATION

Property Address 7901 ACC BOULEVARD

Date

Property PIN 0768583613Deed Reference (book/page) 016346/01742Nearest Intersection BRIAR CREEK PARKWAYProperty Size (acres) 1.72 AC

Property Owner/Address

VNSN LLC
P.O. BOX 914
OXFORD N.C. 27565-0914
Phone 919-452-7612 FaxEmail VJINDAL@NCOPATH.COM

Project Contact Person/Address

GEORGE "MAC" MCINTYRE PE
4932 B WINDY HILL DR.
RALEIGH N.C. 27609
Phone 919-427-5227 FaxEmail macmcintyrepe@gmail.com

Owner/Agent Signature

Email

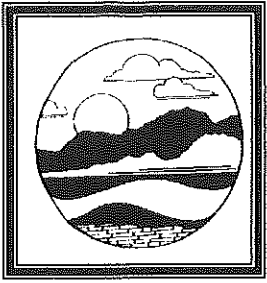
A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

REZONING APPLICATION ADDENDUM	
Comprehensive Plan Analysis 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.	OFFICE USE ONLY Transaction # Rezoning Case #
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 PROPOSED REZONING REQUEST IS CONSISTENT WITH THE FUTURE LAND USE PLAN.	
2. WITHIN THE LAST FEW YEARS OTHER PARCELS IN THIS AREA HAVE BEEN REZONED TO THE SAME OR SIMILAR ZONINGS THAT THIS APPLICATION PROPOSES	
3.	
4.	
PUBLIC BENEFITS Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1. THE PROPOSED REZONING WILL PROVIDE FOR ADDITIONAL MEDICAL OFFICE & OFFICE SPACE	
2. ALONG WITH LIMITED RETAIL SPACE THAT IS NEEDED IN THIS CONSTANTLY GROWING AREA.	
3.	
4.	

Conditional Use District Zoning Conditions		
Zoning Case Number Z-14-16	OFFICE USE ONLY	
Date Submitted	Transaction #	
Existing Zoning PD	Proposed Zoning OX-3-PL-CU	
NARRATIVE OF ZONING CONDITIONS OFFERED		
1. THE PROPOSED REZONING WILL NOT ALLOW THE FOLLOWING USES: DETENTION CENTER,		
2. JAILS, PRISONS, PLANT NURSERY, PRODUCE STANDS,		
3. CEMETARY, OUTDOOR SPORTS OR ENTERTAINMENT FACILITY OF ANY SIZE		

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 _____



McIntyre & Associates, P.L.L.C.

Engineers and Land Planners

April 21, 2016

Re: 7901 ACC Boulevard

Neighboring Property Owners

You are invited to attend neighborhood meeting on May 4, 2016. The meeting will be held at 4932B Windy Hill Drive in Raleigh and will begin at 7:30 pm. The purpose of the meeting is to discuss a potential rezoning of the property located at 7901 ACC Boulevard. This site is currently zoned PD Planned Development with Alexander Place Master Plan and is proposed to be rezoned OX-3- PL- CU (Office Mixed Use with 3 Story Height Limit; Parking Limited w/ conditions). The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning. If you have any concerns or questions I can be reached at 9194275227.

Thank You

Mac McIntyre P.E.

7901 ACC Blvd

2-14-16

Confirmed 4/21/16
DCB

✓ 0768583613

VNSN LLC
PO BOX 914
OXFORD NC 27565-0914

✓ 0768488348

TOA-DMC 1 LLC
610 E MOREHEAD ST STE 220
CHARLOTTE NC 28202-2699

✓ 0768581750

WAKE COUNTY BOARD OF ALCOHOLIC
CONTROL
1212 WICKER DR
RALEIGH NC 27604-1428

✓ 0768592170

WHITE OAK WOMENS PAVILLION LLC
7780 BRIER CREEK PKWY STE 230
RALEIGH NC 27617-7850

✓ 0768592170

KENT BOB
7780 BRIER CREEK PKWY STE 100
RALEIGH NC 27617-7850

✓ 0768592170

BRITT PROPERTY INVESTMENTS LLC
6 MAYFLOWER CT
DURHAM NC 27703-8195

✓ 0768592170

BRIER CREEK 7780 LLC
7780 BRIER CREEK PKWY STE 200
RALEIGH NC 27617-7869

✓ 0768592170

MATHEW PROPERTIES LLC
12309 RICHMOND RUN DR
RALEIGH NC 27614-6413

✓ 0768592170

CAMBRIDGE VILLAGE PROPERTIES, LLC
110 MACKENAN DR STE 200
CARY NC 27511-7901

✓ 0768592170

CAMBRIDGE VILLAGE PROPERTIES, LLC
110 MACKENAN DR STE 200
CARY NC 27511-7901

✓ 0768592170

GOZZO PROPERTIES BRIER CREEK
PARKWAY LLC
PO BOX 98084
RALEIGH NC 27624-8084

✓ 0768592170

D & O HOLDINGS LLC
7780 BRIER CREEK PKWY STE 320
RALEIGH NC 27617-7857

✓ 0768592170

DRS INDUSTRIES LLC
7780 BRIER CREEK PKWY STE 325
RALEIGH NC 27617-7857

✓ 0768592170

OMAR PROPERTIES LLC
7780 330 BRIER CREEK PKWY
RALEIGH NC 27617-7857

✓ 0768592170

HAYNES LLC
294 SEAWATCH WAY
KURE BEACH NC 28449-4808

✓ 0768592170

HAYNES LLC
294 SEAWATCH WAY
KURE BEACH NC 28449-4808

✓ 0768592170

ALTA HOLDINGS LLC
6005 CANADERO DR
RALEIGH NC 27612-1802

✓ 0768592170

V&N ENTERPRISES BRIER CREEK LLC
7920 ACC BLVD STE 100
RALEIGH NC 27617-8744

✓ 0768592170

ROSE RESOURCES LLC
1823 PLEASANT GREEN RD
DURHAM NC 27705-9089

✓ 0768592170

COMMUNITY-RESOURCE-MANAGEMENT
LLC
180 VENNINGS LN
DURHAM NC 27713

✓ 0768592170

CCKN PROPERTIES, LLC
300 CARPATHIAN WAY
RALEIGH NC 27615-1615

✓ 0768592170

HILAND VENTURES LLC
312 MARBLE GLOW CT
CARY NC 27519-0805

✓ 0768592170

DENSTAR LLC
8310 BANDFORD WAY
RALEIGH NC 27615-2752

✓ 0768592170

HILAND VENTURES LLC
312 MARBLE GLOW CT
CARY NC 27519-0805

✓ 0768592170

WEBSTER WILKINS LLC
9208 CONCORD HILL CT
RALEIGH NC 27613-5487

✓ 0768592170

TRIANGLE APARTMENT ASSN INC
7920 ACC BLVD STE 220
RALEIGH NC 27617-8744

✓ 0768592170

HILAND VENTURES LLC
312 MARBLE GLOW CT
CARY NC 27519-0805

✓ 0768592170

DENSTAR, LLC
8310 BANDFORD WAY
RALEIGH NC 27615-2752

✓ 0768592170

DENSTAR LLC
8310 BANDFORD WAY
RALEIGH NC 27615-2752

✓ 0768592170

SCOTT & MIKE ENTERPRISES LLC
7780 225 BRIER CREEK PKWY
RALEIGH NC 27617

SUMMARY OF ISSUES

A neighborhood meeting was held on MAY 4, 2016 (date) to discuss a potential

rezoning located at 7901 ACC BOULEVARD (property address).

The neighborhood meeting was held at 7:30 P.M. (location).

There were approximately 0 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

NO ISSUES

7-14-16

ATTENDANCE ROSTER

[illegible]