



Certified Recommendation

Raleigh Planning Commission

CR# 11400

Case Information - Z-13-10/ Dixie Forest Road

<i>Location</i>	Dixie Forest Road, south side, from its intersection with Spring Forest Road to its intersection with Atlantic Avenue
<i>Size</i>	6.47 acres
<i>Request</i>	Rezone property from O&I-1 CUD to SC CUD

Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Community Mixed Use
<i>Applicable Policy Statements</i>	Policy LU 1.3—Conditional Use District Consistency Policy LU 4.7—Capitalizing on Transit Access Policy LU 5.4—Density Transitions Policy T 5.1—Enhancing Bike/ Pedestrian Circulation Policy UD 2.4—Transitions in Building Intensity Policy UD 6.1—Encouraging Pedestrian-Oriented Uses Policy UD 7.3—Design Guidelines

Consistent

Inconsistent

Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> 1. Prohibit the following uses: correctional/ penal facility - all types, adult establishment, kennel/ cattery, manufacturing - custom & specialized, mini warehouse storage facility, airfield or landing strip, heliport - all types, riding stable, telecommunications tower - all types, outdoor amphitheater - all types, outdoor racetrack - all types, outdoor stadium - all types, outdoor theater - all types, funeral home, cemetery, hospital (medical/ psychiatric/ veterinary), school (public & private; elementary, middle & high), utility substation, emergency shelter – Type B, special care facility - all types, landfill - all types, temporary event, automobile engine tuning/ lubricating establishment, tire/ muffler/ engine/ transmission/ battery garage, automobile body repair/ painting shop. 2. Provide a sidewalk of minimum 6-foot width and coordinated streetscape along south side of Dixie Forest Road. 3. Offer cross-access to immediately adjacent properties. 4. Provide bicycle racks. 5. Provide up to two points of access on Dixie Forest Road, one on Spring Forest Road, and one on Atlantic Avenue. 6. Provide that the “Conceptual Site Plan” approved under Z-57-05 showing an internal street network shall not limit number, location, or type of ingress/egress drives. 7. Limit parking between any building and any public street right-of-way to no more than one double bay. 8. Prohibit any drive-through windows fronting public street rights-of-way. 9. Require Planning Commission approval of future site plans.
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	<ol style="list-style-type: none"> 10. Sets 40 feet as maximum length of building wall up to 9-foot height without a minimum of 6-inch articulation (depth or relief). 11. Require a sidewalk of minimum 6-foot width to connect at least one entrance of any building by a public street to the respective street's sidewalk, with benches installed on each side of the walk. 12. Limit building height to 2 stories or 35 feet. 13. Limit commercial use floor area gross to 60,000 square feet maximum. 14. Provide that, for the side of any principal building facing Dixie Forest Road, up to a height of 9 feet, at minimum 20% will be glazed. 15. Provide that for the side of any principal building, up to height of 9 feet, 30 feet is maximum length of building wall without at minimum 10 square feet of glazing. 16. Provide that any principal building on the property have at least one entrance within 80 feet of at least one public street, with entrance to include double doors, canopy or vestibule, and 6-foot wide sidewalk connection to street. 17. Provide that side of any principal building with street-facing entrance be at least 25% glazed, up to height of 9 feet. 18. Offer a 15'x20' transit easement on Dixie Forest Road.
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Issues and Impacts

<i>Outstanding Issues</i>	(None.)
<i>Impacts Identified</i>	1. The potential increase in density could add to over-capacity conditions at the base elementary school.

Suggested Conditions and Proposed Mitigation

<i>Suggested Conditions</i>	(None.)
<i>Proposed Mitigation</i>	(None.)

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>
6/8/10	7/20/10	--	--	10/26/10: Deferred, with recommendation for 60-day extension (extension approved by Council 11/2/10); 11/23/10: Approval recommended

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Location/ Existing Zoning Map
3. Future Land Use Map



Zoning Staff Report – Z-13-10

Conditional Use District

Request

<i>Location</i>	Dixie Forest Road, south side, from its intersection with Spring Forest Road to its intersection with Atlantic Avenue
<i>Request</i>	Rezone property from O&I-1 CUD to SC CUD
<i>Area of Request</i>	6.47 acres
<i>Property Owners</i>	John & Anita Acton; James Rogers III, Bruce Gulley, Bland Pruitt & Ronald Kupferman; Roger & Karen Williamson; David & Peggy Hall; and Austin Family Properties LLC
<i>PC Recommendation Deadline</i>	January 16, 2011

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	O&I-1 CUD	SC CUD
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Low density residential	(not provided)
<i>Residential Density</i>	15 units per acre, 25 units w/ PC approval (max. 161 units)	15 units per acre, 30 units w/ PC approval (max. 194 units)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-4, O&I-1 CUD	SC CUD	SC	R-10 CUD, O&I-1
<i>Future Land Use</i>	Public Facilities, Moderate Density Residential	Community Mixed Use	Community Mixed Use	Moderate Density Residential, Community Mixed Use
<i>Current Land Use</i>	High School Campus, Single Family Residential, Vacant	Single Family Residential, Undeveloped	Retail (Shopping Center complex)	Townhouses, Daycare Facility

Comprehensive Plan Guidance

<i>Future Land Use</i>	Community Mixed Use
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.3—Conditional Use District Consistency Policy LU 4.7—Capitalizing on Transit Access Policy LU 5.4—Density Transitions Policy T 5.1—Enhancing Bike/ Pedestrian Circulation Policy UD 2.4—Transitions in Building Intensity Policy UD 6.1—Encouraging Pedestrian-Oriented Uses Policy UD 7.3—Design Guidelines

Contact Information

<i>Staff</i>	Doug Hill: doug.hill@raleighnc.gov
<i>Applicants</i>	Mack Paul: 743-7326, Michael Birch: 743-7314
<i>Citizens Advisory Council</i>	North; Anne Weathersbee: 876-1807

Overview

The proposal seeks to rezone the subject properties to Shopping Center Conditional Use District. These eight properties were zoned Office and Institution-1 Conditional Use District in 2005 (Z-57-05); that same case also approved the rezoning of the properties immediately to the south (between Spring Forest Road and Atlantic Avenue) to Shopping Center CUD. Approval of the proposal would thus bring the entire triangle of land formed by the three adjoining streets into SC zoning. However, the SC CUD properties immediately south of the subject site are conditioned such that development there could be less intensive than would be permitted under the proposed rezoning of the subject properties. That, and the fact that the subject site forms the outer edge of a larger area designated for Mixed Use development by the Future Land Use Map, indicates that appropriate transitions to adjoining lower density/ intensity uses must be considered. Additionally, the site's close proximity to the future rail transit corridor underscores the need for easy and safe pedestrian movement.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

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

1.1 Future Land Use

The proposal is consistent with the Future Land Use Map, which designates the site for Community Mixed Use development. (As a land use designation, the category of "Community Mixed Use" also encompasses the site's existing zoning, O&I-1.) The Future Land Use Map indicates the site as part of a broad swath of properties designated Community Mixed Use, focused on the nearby rail corridor, the anticipated site of a future rail transit station. The subject site forms the northwest edge of the larger mixed use area.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3—Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

The conditions which are provided are consistent with the Comprehensive Plan. The proposal would permit some automobile-oriented uses, including gas stations, drive-through restaurants, and convenience stores; however, conditions are provided toward mitigating their potential impacts.

Policy LU 4.7 – Capitalizing on Transit Access

Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed uses to take full advantage of and support the City and region's investment in transit infrastructure.

The subject property is adjacent to Atlantic Avenue, a designated multi-modal corridor. The property is also potentially within ¼ mile of a future rail transit station. The request to rezone the property would allow several uses not fully compatible with transit-oriented environment. The conditions, as currently offered, address the matter in providing for pedestrian access and amenities (e.g., benches, sidewalks, and, on Dixie Forest Road, a proposed streetscape treatment).

Policy T 5.1—Enhancing Bike/ Pedestrian Circulation

Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

The site's Spring Forest Road and Atlantic Avenue frontages currently have sidewalks; a minimum 6-foot wide sidewalk is conditioned along Dixie Forest Road by the proposal, and sidewalks are conditioned from at least one entrance of any building adjacent to a public street to the street sidewalk. Provisions of TC-3-10 "Pedestrian Access" will mandate internal interconnectivity. The proposal also conditions provision of bicycle racks near future building entrances, at a rate of one per building and one additional rack for every 45 car spaces. (It is unknown how many car spaces will be developed on the site.) Interconnectivity is of particular importance for this request, as the subject property is potentially within ¼ mile of a future rail transit station.

Policy LU 5.4—Density Transitions

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

Policy UD 2.4—Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

The proposal limits retail square footage (60,000 sf maximum) and building height (two stories/ 35 feet maximum), and sets minimum percentages of glazing and lengths of unarticulated walls along public streets. The O&I-1 CUD properties on the opposite side of Dixie Forest Road are limited to a height limit of 35 feet, with the O&I-1 properties immediately north of those conditioned to a maximum of 25 feet. Otherwise, the proposal relies on intervention of parking and, on Dixie Forest Road, streetscape elements to provide transitions.

Policy UD 6.1—Encouraging Pedestrian-Oriented Uses

New development, streetscape, and building improvements in Downtown and mixed-use corridors and centers should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

The proposal provides for a sidewalk and streetscape treatment along Dixie Forest Road, as well as sidewalk connections to principal building entrances, with benches, and minimum glazing and articulation on building facades that face the street.

Policy UD 7.3—Design Guidelines

The design guidelines in **Table UD-1** shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

The text below lists each respective *Design Guideline*, the **applicant's response**, and related staff comments.

Elements of Mixed-Use Areas

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

Response: The Conditions for the subject property and the property immediately to the south zoned SC CUD (Z-57-05) permit residential, office and retail uses. The Conditions provide for a sidewalk along the Dixie Forest Road right-of-way and between buildings and the public right-of-way, which will enhance the pedestrian connectivity of the site.

The site is in close proximity to a variety of residential and non-residential uses.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

2. *Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.*

Response: The subject property is surrounded by buildings a maximum of two stories in height, and is bordered to the north by property currently zoned Office & Institution-1 CUD with a condition limiting building height to thirty-five feet. The Conditions limit building height on the subject property to the lesser of two stories or thirty-five feet, which is consistent with the surrounding built environment and provides a transition to the properties to the north.

The proposal limits height, and provides that at least one entrance of every principal building be within 80 feet of a public street. Along Dixie Forest Road, a sidewalk, streetscape trees, shrubs and benches, and up to a double bay of parking transition between site structures and the properties on the north side of the street.

Mixed-Use Areas /The Block, The Street and The Corridor

3. *A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the*

surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.

4. Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.
5. Block faces should have a length generally not exceeding 660 feet.

Response: The subject property is bordered by Dixie Forest Road to the north, Spring Forest Road to the west and Atlantic Avenue to the east. The 2005 Traffic Impact Analysis presupposes the location of access points for the subject property and property to the south, and the Conditions provide for two access points from the subject property to Dixie Forest Road, a minor thoroughfare. The Conditions also reference a conceptual site plan depicting an internal network for the subject property and the property immediately to the south. This internal street network connects the access points to the three surrounding thoroughfares and provides interconnection within the development. The access points and internal street network will provide multiple paths for movement to and within the development, and the access points should be located such that no block face will exceed 660 feet.

The development on this property will be subject to further review at the site plan stage, and the roadway alignment will be a part of that review.

Site Design/Building Placement

6. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.
7. Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.
8. If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.

Response: The Conditions provide that no more than one double bay of parking can be installed between any building adjacent to a public street. Additionally, for the two eastern-most parcels along Dixie Forest Road, the Conditions require that at least 30% of the building width must be within 80 feet of the Dixie Forest Road right-of-way. Together, these conditions ensure buildings will be located close to the public street. Except as addressed above, these guidelines can be better addressed during the site plan approval process.

The conditioned setback for the site properties would permit a double bay of parking along road frontages, including at intersections. These three guidelines will need to be addressed further as part of the site plan approval process.

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*
10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*
11. *The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.*
12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

Response: These guidelines can be better addressed during the site plan approval process.

These four guidelines will need to be addressed as part of the site plan approval process.

Site Design/Public Seating

13. *New public spaces should provide seating opportunities.*

Response: The Conditions require benches to be installed on both sides of those sidewalks connecting building entrances and sidewalks adjacent to public streets, consistent with the above policy.

The proposal is consistent with this guideline.

Site Design/Automobile Parking and Parking Structures

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*
15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*
16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*

Response: The Conditions provide that no more than one double bay of parking shall be located between a building adjacent to a public street and the public right-of-way. This Condition is consistent with the regulations applicable to the property to the immediate south and ensures that parking areas will not dominate the street frontage or negatively impact surrounding uses. Additionally, the Conditions require sidewalks connecting building entrances to sidewalks along public streets, which will provide appropriate pedestrian routes to and through the development. Given the suburban context of the site, and the building height limitations, parking structures are

not anticipated for the property and therefore no conditions have been added to address the visual effects of such structures.

While the conditions offer that at least one entrance to any principal site building will be located within 80 feet of a street right-of-way, two bays of parking could be placed between any building and the adjacent street right-of-way. Parking could thus be installed along the entire street frontage of the site. As the applicant notes, parking structures in this location are not anticipated.

Site Design/Transit Stops

17. *Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.*
18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

Response: The zoning conditions applicable to the property immediately south zoned SC CUD (Z-57-05) already require the conveyance of transit easements along the Spring Forest Road and Atlantic Avenue rights-of-way, such that transit stops are anticipated in the area of the subject property. The Conditions provide for sidewalks with benches connecting building entrances to sidewalks adjacent to public street rights of way. The Conditions also provide for installation of a sidewalk adjacent to the Dixie Forest Road right-of-way with a coordinated streetscape plan. These conditions, taking into account the suburban context, further the above policies.

The applicants have conditioned the offer of a transit easement on Dixie Forest Road.

Site Design/Environmental Protection

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*

Response: To the applicant's knowledge there are no natural resources or sensitive landscape areas on the subject property, and therefore this policy is not applicable.

There are no watercourses or floodplains located on the site. There are slopes approaching 15 percent along the portion of the site adjacent to Atlantic Avenue, at its intersection with Dixie Forest Road. These slopes stand above the grade of the adjacent section of Atlantic Avenue.

Street Design/General Street Design Principles

20. *It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.*
21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays*

should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.

22. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.

Response: These guidelines can be better addressed during the site plan approval process.

These three guidelines will need to be addressed as part of the site plan approval process. At present, a minimum 6-foot wide sidewalk is conditioned along Dixie Forest Road. Existing sidewalks edge the property along Spring Forest Road and Atlantic Avenue. Guidelines 22 and 23 underscore the role street trees can play in street design and spatial definition. As suggested in Guideline 22, adequate planting space will be needed for the trees' long-term viability. It will be crucial to consider how street cross-sections and tree species/ location will define site public spaces, and assist in intensity transitions.

Street Design/Spatial Definition

23. Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.

Response: This guideline can be better addressed during the site plan approval process.

This guideline will need to be addressed as part of the site plan approval process.

Building Design/Facade Treatment

24. The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.
25. The ground level of the building should offer pedestrian interest along sidewalks. This includes windows, entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.

Response: With regard to Building Design/Façade Treatment, the Conditions require minimum glazing/transparency for any buildings located on the two eastern-most properties along Dixie Forest Road. Also, for these two properties, any building cannot have more than 30 continuous feet of a blank wall without some intervening glazing/transparency. These conditions further the above Urban Design Guidelines. Except as addressed above, these guidelines can be better addressed during the site plan approval process.

Condition (p) provides that at one entrance to any principal building on the site be within 80 feet of a street right-of-way; however, it does not require that entrances face

the street. Guideline 24 will need to be further addressed as part of the site plan approval process. Conditions (h), (j), (k), (n), (o), (p), and (q) address Guideline 25.

Building Design/Street Level Activity

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

Response: The Conditions require the construction of a sidewalk along the south side of Dixie Forest Road and sidewalks connecting building entrances to sidewalks adjoining public streets. The Conditions also require the installation of benches on both sides of the sidewalks connecting building entrances to sidewalks adjoining public streets and prohibit drive-through windows facing public streets and sidewalks. These conditions promote pedestrian movement to and through the development.

The applicants have offered conditions that provide for a sidewalk and streetscape along Dixie Forest Road. Additionally, the proposal specifies sidewalk connections and proximity from principal buildings to public streets. Further elements of design will be addressed during site plan review.

1.3 Area Plan Guidance

The site is not located within a section of the City subject to an Area Plan.

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

The proposal would allow introduction of many uses already permitted on the SC CUD properties adjacent on the south. Across Dixie Forest Road, the Millbrook High School campus is zoned R-4, but has a large parking area positioned opposite the subject site. The properties to the northeast of the site, zoned O&I-1 CUD, are conditioned to a 35-foot height limitation. The methods by and extent to which development of the subject site would transition to these areas include height limitation, site frontage by double-bay parking, maximum cumulative building square footage, and sidewalk and streetscape.

3. Public benefits of the proposed rezoning

The proposal is conditioned to provide pedestrian-oriented design elements (e.g., entrance doors and glazing facing the streets, and wall articulation). However, it also states that rezoning would permit the entire triangle of land to develop in a manner in keeping with the “surrounding commercial land uses.” Existing commercial uses in the immediate area primarily consist of single-use parcels and outparcels, all heavily automobile-focused (e.g., three gas stations and a pharmacy with a drive-through within ¼ mile of the site). The Comprehensive Plan, with its focus on developing future rail service close by, suggests a multi-modal approach to development be taken. Many of the proposed conditions support such development (e.g., provision of sidewalks and bike racks), but do not ensure it.

4. Detriments of the proposed rezoning

Traffic generation could impact access/ circulation patterns at Millbrook High School—one of only three access points to the 2,500-student high school is located directly opposite the site, with the site conditioned to provide one of its own access points there. Providing safe pedestrian access across Dixie Forest Road should likewise be considered. The Future Land Use Map calls for properties to the northeast across Dixie Forest Road to develop as Moderate Density residences (6-14 dwellings per acre). Some uses which would be permitted under the proposal (e.g., automotive service and repair facilities, vehicle sales/rental, bar/ nightclub/ tavern/ lounge, motel, eating

establishment with drive-through) could conflict with residential development (e.g., due to site-generated light, noise, traffic).

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

5.1 Transportation

Dixie Forest Road is classified as a minor thoroughfare (2007 ADT - 6,400 vpd) and exists as a two-lane shoulder section on 60 feet of right-of-way. City standards call for Dixie Forest Road to provide a 53-foot curb & gutter section on 80 feet of right-of-way with sidewalks on both sides. Spring Forest Road is classified as a major thoroughfare (2007 ADT - 20,000 vpd) and is built to city standards as a five-lane curb & gutter section on varying right-of-way with sidewalks on both sides. Atlantic Avenue is classified as a major thoroughfare (2007 ADT - 21,000 vpd) and is built to city standards as a five-lane curb & gutter section on 90 feet of right-of-way with sidewalks on both sides. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

By the year 2030 traffic volumes along Spring Forest Road near the subject property are forecasted to increase to 37,370 vehicles per day. Traffic volumes along Atlantic Avenue are forecast to increase to 54,963 vehicles per day during the same timeframe.

The Traffic Impact Analysis filed for the previous rezoning of the site (Z-57-05) was based on the site's present O&I-1 zoning. The proposal introduces increased densities and intensities of use not addressed in the earlier calculations.

Impact Identified: The proposed zoning may generate additional traffic up to 127 vehicles per hour during the PM peak hours. However, an updated Traffic Impact Analysis is not necessary for this case.

5.2 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 on Dixie Forest Road to support a bus stop for current and future transit services in the area. The location of the transit easement shall be reviewed and approved by the Transit Program of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

Impact Identified: A Transit Easement has been provided on Dixie Forest Road. No impact identified.

5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Marsh Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	n/a

Impact Identified: No impact is expected on City hydrology from this rezoning.

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	21,027gpd	29,115 gpd
<i>Waste Water</i>	21,027 gpd	29,115 gpd

The proposed rezoning could add approximately 8,088 gpd to the wastewater collection and water distribution systems of the City. There are existing sixteen (16”) inch water mains in Dixie Forest Road and Atlantic Avenue and an existing twenty-four (24”) inch water main in Spring Forest Road. There are existing eight (8”) inch sanitary sewer mains in Dixie Forest Road, Spring Forest Road, and within an easement along the southern property line. The proposed rezoning could use these mains for connection to the City’s utilities.

Impact Identified: The City’s public utilities infrastructure is expected to accommodate any development resulting from the proposal.

5.5 Parks and Recreation

This site is not located adjacent to a corridor of the Capital Area Greenway System. Current park services are provided at Millbrook Exchange Park, just west and north of the Millbrook High School campus.

Impact Identified: There is no impact on City parks and recreation services expected from this rezoning.

5.6 Urban Forestry

These parcels are less than two acres in size and therefore do not individually require compliance with tree conservation. However, if the parcels are recombined into one or more parcels two acres or larger, compliance with tree conservation will be required.

Impact Identified: The City’s urban forestry resources should not be adversely affected if the parcels are recombined before development.

5.7 Wake County Public Schools

Under the existing zoning, a maximum of 161 dwelling units could be constructed on the site (if approved by the Planning Commission). The proposed zoning would permit an increase to 194 units. This change could result in a net increase in school-age population by 9. The expected impacts on enrollments in base schools are summarized below:

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Millbrook	696	107.6%	701	108.3%
East Millbrook	1,116	95.3%	1,119	95.6%
Millbrook	2,344	96.2%	2,346	96.3%

Impact Identified: The requested rezoning could add to over-capacity conditions at the base elementary school.

5.8 Designated Historic Resources

This site includes no designated historic resources, and none are located within 100 feet of the site.

Impact Identified: No impacts on the City’s historic resources are expected from this proposal.

5.9 Impacts Summary

The requested rezoning could add to over-capacity conditions at the base elementary school.

5.10 Mitigation of Impacts

None.

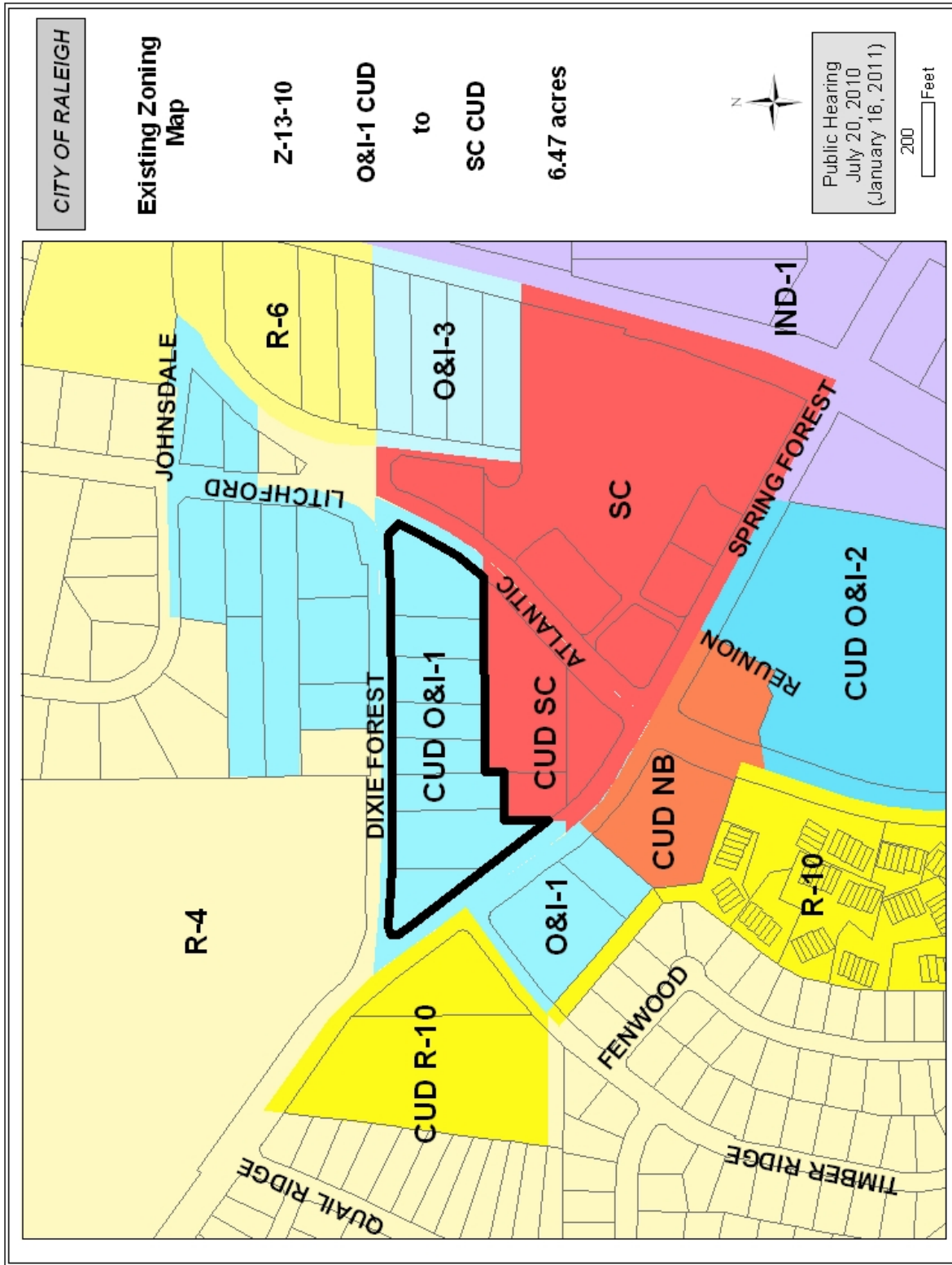
6. Appearance Commission

This proposal is not subject to Appearance Commission review.

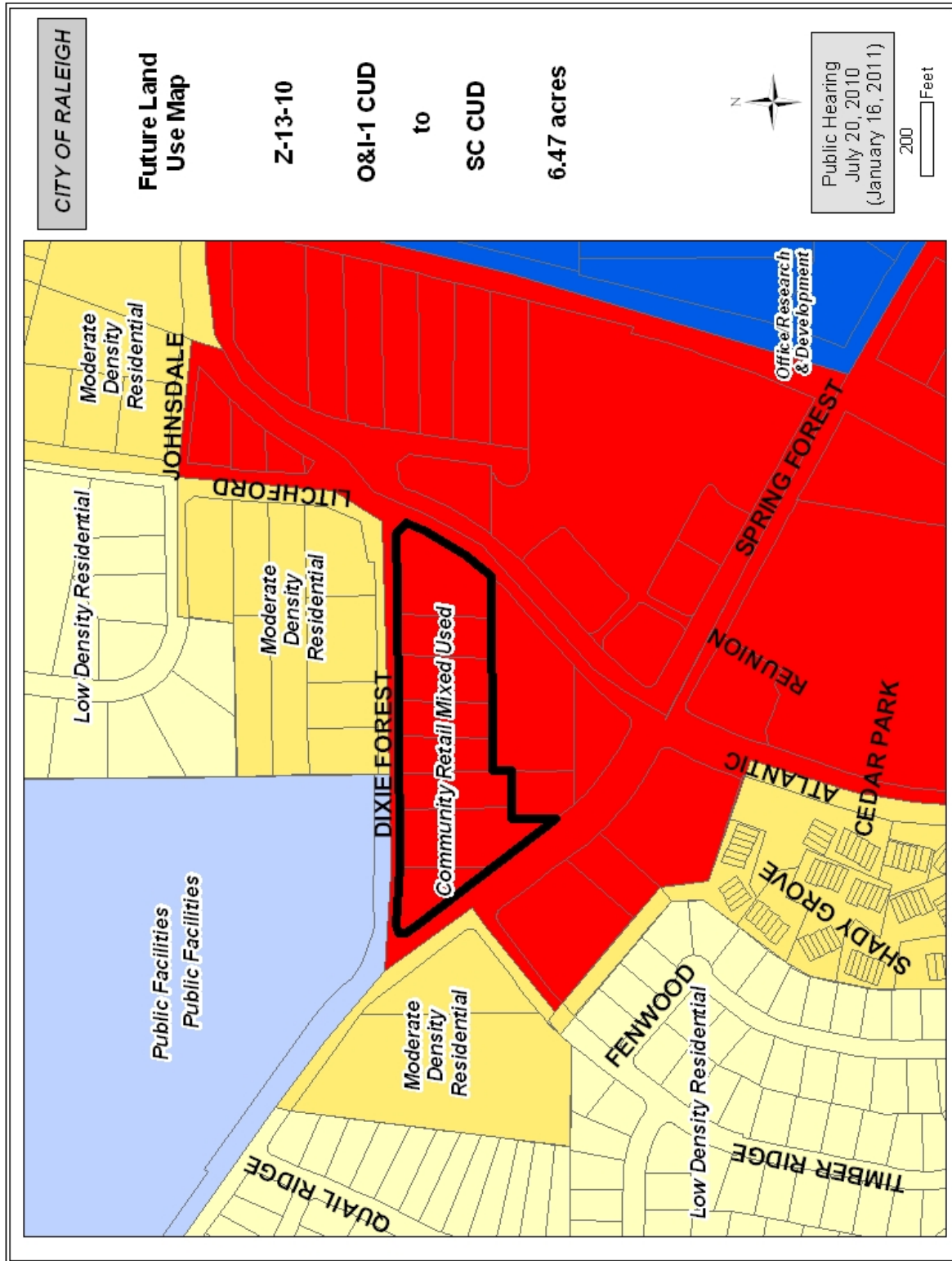
7. Conclusions

The request is consistent with the Future Land Use Map and key policies contained within the Comprehensive Plan. The proposed conditions help to mitigate potential impacts from possible auto-centric uses.

Location/ Existing Zoning Map



Future Land Use Map



CITY OF RALEIGH

Existing Zoning Map

Z-13-10

O&I-1 CUD

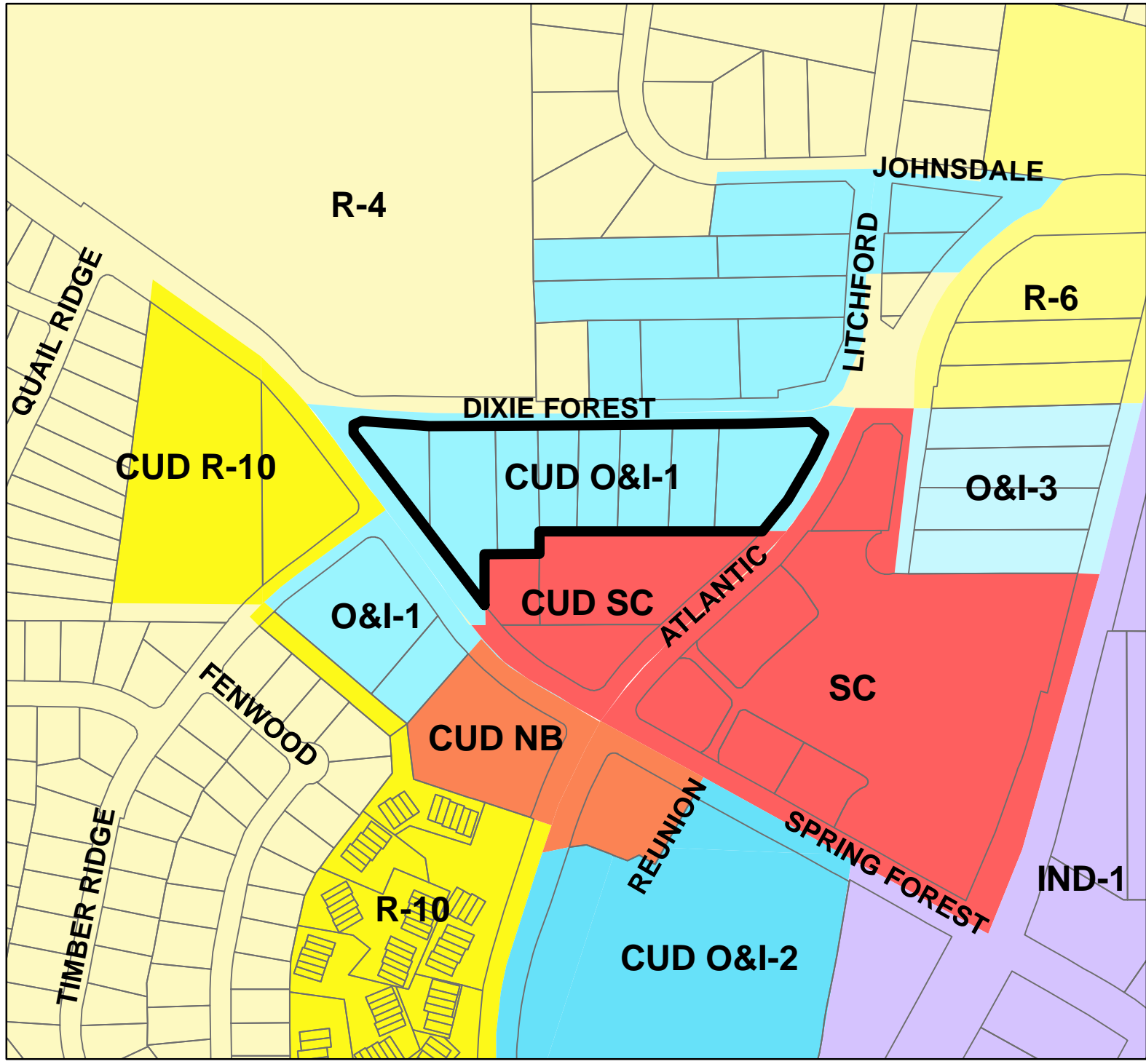
to

SC CUD

6.47 acres

Public Hearing
July 20, 2010
(January 16, 2011)

200
Feet





Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - 1) to lessen congestion in the streets;
 - 2) to provide adequate light and air;
 - 3) to prevent the overcrowding of land;
 - 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - 5) to regulate in accordance with a comprehensive plan;
 - 6) to avoid spot zoning; and
 - 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s)

Mack Paul

Date:

3.19.10

Please type or print name(s) clearly:

Mack A. Paul, IV and Michael Birch, Attorneys for the Petitioners

CITY OF RALEIGH
CITY PLANNING DEPT

2010 MAR 19 AM 11:44

Office Use Only	
Petition No.	<u>2-13-10</u>
Date Filed:	<u>3-19-10</u>
Filing Fee:	<u>pd 1028 by CLK# 215</u>

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>See Exhibit B-1</u>	<u>See Exhibit B-1</u>	

2) Property Owner(s):	<u>Same as above</u>	<u>Same as above</u>
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3) Contact Person(s):	<u>Mack Paul and Michael Birch K&L Gates LLP</u>	<u>PO Box 17047 Raleigh, NC 27619</u>	<u>(919) 743-7326 Mack.Paul@klgates.com (919) 743-7314 Michael.Birch@klgates.com</u>
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4) Property Description: Wake County Property Identification Number(s) (PIN): 1716-89-7263, 1716-89-6200, 1716-89-4290, 1716-89-3280, 1716-89-2281, 1716-89-1198, 1716-89-0178 and that portion of 1716-79-6254 lying east of Spring Forest Road

Please provide surveys if proposed zoning boundary lines do not follow property lines.

General Street Location (nearest street intersections): South of Dixie Forest Road
between its intersection with Spring Forest Road and Atlantic Avenue

5) Area of Subject Property (acres): +/- 6.47 acres

6) Current Zoning District(s)
Classification: Office & Institution-1 – Conditional Use
Include Overlay District(s), if Applicable

7) Proposed Zoning District
Classification: Shopping Center – Conditional Use
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

Exhibit B-1

List of Petitioners/Property Owners

<u>Name and Address</u>	<u>PIN(S)</u>
John A. Acton Anita M. Acton 3200 Millstream Place Raleigh, NC 27609-7057	1716-89-7263; and 1716-89-6200
James R. Rogers III; Bruce W. Gulley; Bland B. Pruitt; and Ronald J. Kupfermann c/o Bruce Gulley 7901 Sagewood Court Raleigh, NC 27615-3730	1716-89-4290
Roger Williamson 1421 Golf Dixie Drive Myrtle Beach, SC 29582	1716-89-3280; and 1716-89-2281
Roger Williamson Karen Williamson 2412 Findley Ridge Lane Raleigh, NC 27615	1716-89-1198
David E. Hall Peggy I. Hall PO Box 61399 Raleigh, NC 27661-1399	1716-89-0178
Austin Family Properties LLC 5003 Falls of Neuse Road Raleigh, NC 27609-5500	1716-79-6254

Exhibit B-2

List of Adjacent Property Owners

<u>Name and Address</u>	<u>PIN</u>
SunTrust Bank Attn: M. Vasani 515 E. Las Olas Boulevard Ft. Lauderdale, FL 33301-2296	1716-89-6409
SunTrust Bank Attn: M. Vasani 515 E. Las Olas Boulevard Ft. Lauderdale, FL 33301-2296	1716-89-7581
SunTrust Bank Attn: M. Vasani 515 E. Las Olas Boulevard Ft. Lauderdale, FL 33301-2296	1716-89-7614
Robert & Bessie Batchelor Trustees 13405 W. NC 97 Zebulon, NC 27597-6424	1716-99-0589
BCB Real Estate LLC 5212 Rio Grande Drive Raleigh, NC 27616-3317	1716-99-0697
Richard R. Jackson, III 205 Oxford Ridge Lane Kernersville, NC 27284-2311	1716-99-3644
Charles Douglas Jackson, Jr. P.O. Box 488 Youngsville, NC 27596-0488	1716-99-3574
Willis Everett Woodlief Janice Gail Woodlief Deluca David Harold Woodlief Cynthia Woodlief Payne 5512 Brickyard Court Garner, NC 27529-9357	1716-99-3464

Edgar E. & Telma Danis Calles 6116 Old Wake Forest Road Raleigh, NC 27615-7541	1716-99-3394
Edgar E. & Telma Danis Calles 744 Harps Mill Wood Run Raleigh, NC 27615	1716-99-3274
Sampson Bladen Oil Co. Inc. P.O. Box 469 Clinton, NC 28329-0469	1716-99-0129
Midatlantic Developments LLC P.O. Box 7233 Rocky Mount, NC 27804-0233	1716-98-1713
Atlantic Associates of Raleigh LLC P.O. Box 17102 Raleigh, NC 27619-7102	1716-88-7875
Ronald J. & Janie S. Kupperman Bruce Gulley Bland B. Pruitt James R. III & Sara W. Rogers c/o Bruce Gulley 7901 Sagewood Court Raleigh, NC 27615-3730	1716-88-4957
Roger A. Williamson 1421 Golfview Drive N. Myrtle Beach, SC 29582-2207	1716-88-1975
Austin Family Properties LLC 5003 Falls of Neuse Road Raleigh, NC 27609-5500	1716-88-3767
WEC 98H-7 LLC c/o CVS Pharmacy Inc. Store Accounting Department 1 CVS Drive Woonsocket, RI 02895-6146	1716-88-1611
Samuel J. & Marjorie W. Gore 2555 MM Ray Road Clarendon, NC 28432-9231	1716-78-9798

Albermarle Properties LLC 11030 Raven Ridge Road, Suite 109 Raleigh, NC 27614-8512	1716-78-8920
Pecan Townes Homeowners Association c/o Karen G. Z. Macklin P.O. Box 2021 Raleigh, NC 27602-2021	1716-78-7753
Roger H. & Susan D. Ely 5904 Timber Ridge Drive Raleigh, NC 27609-4146	1716-78-5777
Wake County Board of Education 3600 Wake Forest Road Raleigh, NC 27609-7309	1717-70-5202
Vincent A. Barresi 120 Haringey Drive Raleigh, NC 27615-1956	1716-89-2499
Thomas A. Laferire, Jr. 2315 Dixie Forest Road Raleigh, NC 27615-7538	1716-89-4429
Franklin Woods Condominium 221 Glenwood Avenue Raleigh, NC 27603-1404	1716-79-4314 000
Franklin Woods LLC P.O. Box 6437 Raleigh, NC 27628-6437	1716-79-4314 001
Franklin Woods LLC P.O. Box 6437 Raleigh, NC 27628-6437	1716-79-4314 002
Franklin Woods LLC P.O. Box 6437 Raleigh, NC 27628-6437	1716-79-4314 003
Cheri N. Hodges 2106 Spring Forest Road Raleigh, NC 27615-7533	1716-79-4314 004

Mary E. Haberkern 25519 85 th Avenue Floral Park, NY 11001-1045	1716-79-4314 005
Franklin Woods LLC P.O. Box 6437 Raleigh, NC 27628-6437	1716-79-4314 006
Kelly A. Malas 2114 Spring Forest Road Raleigh, NC 27615-7533	1716-79-4314 007
Adebayo Ola Balogun 5109 Old Timber Road Raleigh, NC 27613-6065	1716-79-4314 008
Dwight M. Stanley, Jr. 1924 Glenmartin Drive Raleigh, NC 27615-4700	1716-79-4314 009
John E. Ohalloran 2120 Spring Forest Road Raleigh, NC 27615-7533	1716-79-4314 010
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 011
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 012
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 013
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 014
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 015

Franklin Woods LLC P.O. Box 6437 Raleigh, NC 27628-6437	1716-79-4314 016
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 017
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 018
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 019
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 020
Claudia E. Harris 2142 Spring Forest Road Raleigh, NC 27615-7523	1716-79-4314 021
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 022
Mohamed A. Elsedoudi Hoda M. Mansour 2148 Spring Forest Road Raleigh, NC 27615-7523	1716-79-4314 023
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 024
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 025
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 026

2-13-10

Anyelis Haddocks Zorrilla 2156 Spring Forest Road Raleigh, NC 27615-7524	1716-79-4314 027
Alan Manshack 2160 Spring Forest Road Raleigh, NC 27615-7524	1716-79-4314 028
Passage Home Inc. P.O. Box 10347 Raleigh, NC 27605-0347	1716-79-4314 029
Karen K. Canavaciol 2164 Spring Forest Road Raleigh, NC 27615-7524	1716-79-4314 030
J. Grant Harman 2166 Spring Forest Road Raleigh, NC 27615-7524	1716-79-4314 031
Margaret D. Malone 2168 Spring Forest Road Raleigh, NC 27615-7524	1716-79-4314 032

EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	2-13-10
Original Date Filed:	3/19/10
Amended Date:	7/22/10

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

PG. 1 OF 3

1) Conditional Use Zone Requested: Shopping Center – Conditional Use

2) Narrative of conditions being requested:

As used herein, the “Property” refers to those certain tracts or parcels of land containing approximately 6.47 acres located on the south side of Dixie Forest Road, between its intersection with Spring Forest Road and Atlantic Avenue in Raleigh, North Carolina, having Wake County PIN 1716-89-7263, 1716-89-6200, 1716-89-4290, 1716-89-3230, 1716-89-2281, 1716-89-1198, 1716-89-0178 and 1716-79-6254.

(a) The following uses shall be prohibited upon the Property:

- correctional/penal facility - governmental
- adult establishment
- kennel/cattery
- manufacturing – custom and specialized
- mini warehouse storage facility
- airfield or landing strip
- heliport
- riding stable
- telecommunications tower
- outdoor stadium
- outdoor theater
- funeral home
- cemetery
- hospital (medical/psychiatric/veterinary)
- school (public and private; elementary, middle and high)
- utility substation
- emergency shelter
- special care facility
- landfill
- temporary event
- establishment for tuning and lubricating automobile engines
- garage for repair of tires, mufflers, engines, transmissions and batteries
- shop for body work and painting

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

PIN: 1716-89-7263 and 1716-89-6200

Printed Name: John A. Acton

Signature: John A. Acton

Date: 7/18/2010

Printed Name: Anita M. Acton

Signature: Anita M. Acton

Date: 7/18/2010

EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	2-13-10
Original Date Filed:	3/19/10
Amended Date:	7/22/10

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

(b) Site plans for the development of the properties contiguous to the south right-of-way line of Dixie Forest Road shall feature a public sidewalk six (6) feet in width and a coordinated streetscape established by the first of these properties to obtain site plan approval.

(c) Prior to issuance of a building permit for any property subject to this rezoning ordinance, the owner of the property shall cause to be recorded in the Wake County Register of Deeds an offer of vehicular cross-access over and upon the property in favor of the owner(s) of all immediately adjacent properties.

(d) Bicycle storage racks will be located within not more than forty (40) feet of the entrance(s) of buildings located upon the Property, which racks shall be of the inverted U or similar style and shall provide one (1) bike space for every forty-five (45) car spaces.

(e) The Traffic Impact Analysis provided to the City's Public Works Department, Transportation Division, on October 14, 2005, and revised per the City's recommendations on October 31, 2005, establishes the general location and type of vehicular ingress/egress driveways for these properties (and those to the south zoned SC CUD via Z-57-05) with one (1) ingress/egress drive on Atlantic Avenue, one ingress/egress drive on Spring Forest Road, and one (1) ingress/egress drive on Dixie Forest Road opposite the ingress/egress drive into the Wake County Board of Education Property (Millbrook School Campus). Additionally, a second ingress/egress drive upon Dixie Forest Road shall be established as permitted by the North Carolina Department of Transportation and the Raleigh Public Works Department, Transportation Division in conjunction with future site plan application(s) for the development of those properties with Wake County PINs 1716-89-7263 (DB3378, P474), 1716-89-6200 (DB12649, P1722) and/or 1716-89-4290 (DB8551, P628).

(f) That portion of the internal street network as shown in the "Conceptual Site Plan," attached as Figure 2 to the Traffic Impact Analysis of October 31, 2005 referenced in the above Condition (e), that is located on the Property will be constructed on the Property in the general manner provided in the "Conceptual Site Plan." This "Conceptual Site Plan" is general in nature and shall not limit the number, location or type of ingress/egress drives on the Property.

(g) There will be no more than one double bay of parking installed between any building adjacent to a public street and the public street right-of-way.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Note: If additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

PIN: 1716-89-7263 and 1716-89-6200

Printed Name: John A. Acton

Signature: *John A. Acton*

Date: 7/18/2010

Printed Name: Anita M. Acton

Signature: *Anita M. Acton*

Date: 7/18/2010

EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	<u>2-13-10</u>
Original Date Filed:	<u>3/19/10</u>
Amended Date:	<u>7/22/10</u>

PG. 3 OF 3

Please use this form only – form may be photocopied – please type or print. See Instruction, page 8.

- (h) No drive-through window will be located adjacent to public streets and public sidewalks.
- (i) The development of all properties which are included within this rezoning case shall require Site Plan approval by the Raleigh Planning Commission (and additionally by the Raleigh City Council, if applicable).
- (j) For any building constructed on the Property, the building wall facing any public street will be articulated to a minimum six (6) inch depth or relief, a minimum of every forty (40) feet.
- (k) A sidewalk a minimum of six (6) feet in width shall connect at least one building entrance of any building adjacent to a public street with the sidewalk adjacent to that public street, and benches will be installed on each side of the connecting sidewalk.
- (l) No building on the Property shall be taller than two (2) stories or 35 feet as measured by the Raleigh City Code, whichever is less.
- (m) Based on the Traffic Impact Analysis referenced in above Condition (e), the amount of floor area gross for commercial uses (as listed in Raleigh City Code section 10-2071, Schedule of Permitted Land Uses in Zoning Districts) located on the Property shall not exceed 60,000 square feet. The owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable commercial square footage upon the subject property to all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within 30 days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his designee prior to recordation. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

Note: If additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.


PIN: 1716-89-7263 and 1716-89-6200

Printed Name: John A. Acton

Signature: 

Date: 7/18/2010

Printed Name: Anita M. Acton

Signature: 

Date: 7/18/2010

Office Use Only	
Petition No.	2-13-10
Date Filed:	

EXHIBIT D. Petitioner’s Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
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 properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER’S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The Future Land Use Map designates the Property as Community Mixed-Use, which recommends large commercial uses drawing customers from multiple neighborhoods and medium density residential uses. The uses permitted under the proposed map amendment are consistent with those recommended by the Future Land Use Map classification, because the Shopping Center district permits a wide range of commercial uses. Also, the residential density permitted by the proposed map amendment is consistent with the residential density recommended by the Future Land Use Map classification.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The Property is not located within an Area Plan or other City Council-adopted plan.

- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

The proposed map amendment promotes Policy LU 1.2 "Future Land Use Map and Zoning Consistency" because it permits development of the Property for uses contemplated by the Community Mixed-Use classification. Similarly, the proposed map amendment promotes Policy LU 1.3 "Conditional Use District Consistency," because the conditions filed with this petition further the request's consistency with the Comprehensive Plan by prohibiting uses incompatible with the surrounding area, requiring streetscape improvements along Dixie Forest Road, promoting interconnectivity between the properties subject to this rezoning, and encouraging alternative modes of transportation through the installation of bike racks. The proposed map amendment is consistent with LU Policy 2.6 "Zoning and Infrastructure Impacts" as a result of zoning condition (e), which addresses the general location of access points for the Property based on an analysis of the proposed development's impact. The proposed map amendment is consistent with Policy LU 4.5 "Connectivity" because conditions (c) and (d) require a coordinated sidewalk and streetscape along Dixie Forest Road and offers of vehicular cross-access between the properties subject to the rezoning.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

- A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

A shopping area is located across Atlantic Avenue to the east of the Property, and includes restaurants, automotive service and repair stations, and other commercial uses. Additional retail uses are located across Spring Forest Road to the southwest of the Property. An institutional use, Millbrook High School, is located northwest of the Property, across Dixie Forest Road. Single-family detached dwellings are located north of the Property, across Dixie Forest Road. Those parcels south of the Property and to the west of the Property across Spring Forest Road are vacant. The Property is adjacent to Dixie Forest Road, a minor thoroughfare; Spring Forest Road, a major thoroughfare; and Atlantic Avenue, a major thoroughfare.

- B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**

The vacant parcels south of the Property are zoned Shopping Center – Conditional Use. The property across Atlantic Avenue to the southeast is zoned Shopping Center and built out as a shopping center with in-line retail, multiple out-parcels and surface parking. The parcels across Dixie Forest Road to the north are zoned Office & Institution-1 – Conditional Use. Millbrook High School is zoned Residential-4 and has a large parking lot facing Dixie Forest Road. Parcels across Spring Forest Road to the southwest are zoned Neighborhood Business – Conditional Use, Neighborhood Business, Office & Institution-1, and Residential-10 – Conditional Use.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

Based on the shopping center and neighborhood retail uses surrounding the Property, the proposed map amendment permits land uses that would be compatible and consistent with the surrounding uses. Even the undeveloped property to the south is zoned for such uses. Additionally, the Property is bounded by a minor thoroughfare and two major thoroughfares, which promote the development of commercial land uses. Therefore, the proposed map amendment is compatible with the character of the surrounding area and the suitability of the property for commercial land uses.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowners by permitting them to develop their property in a manner similar to surrounding commercial land uses.

B. For the immediate neighbors:

The proposed map amendment benefits immediate neighbors by permitting development consistent and compatible with the surrounding zoning and land uses, and by permitting additional service retail options within a close proximity to existing residential uses. There are no known detriments of the proposed map amendment for the immediate neighbors.

C. For the surrounding community:

The proposed map amendment benefits the surrounding community by permitting additional service retail options in the area. Additionally, the proposed map amendment will encourage development of this currently under-utilized site, which will provide additional tax revenue for the City of Raleigh. There are no known detriments of the proposed map amendment for the surrounding area.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No, the rezoning of this property would not provide a significant benefit which is not available to the surrounding properties. In fact, the property to the east is currently zoned Shopping Center and built-out for commercial uses. The parcels immediately south of the Property were recently rezoned to Shopping Center district. Given the surrounding zoning districts and land uses, the proposed map amendment would not provide a significant benefit which is not available to the surrounding properties.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

The Property is located along two major thoroughfares and is surrounded by property already zoned Shopping Center district. The proposed map amendment is reasonable because it proposes to rezone land to the same zoning district as the land immediately adjacent to the south is zoned. The proposed map amendment is in the public interest because it encourages consistent zoning patterns within the immediate area, and promotes the development of retail uses in a "node" pattern.

V. Recommended items of discussion (where applicable).

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

Not applicable.

- b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

Not applicable.

- c. The public need for additional land to be zoned to the classification requested.**

Not applicable.

- d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

Not applicable.

- e. How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

The proposed map amendment advances the fundamental purposes of zoning by regulating land use in a manner consistent with the Future Land Use Map. Also, the proposed map amendment encourages commercial development in a reasonable location given the surrounding land uses and zoning patterns.

VI. Other arguments on behalf of the map amendment requested.

There are no other arguments on behalf of the requested map amendment at this time.