Certified Recommendation
of the City of Raleigh Planning Commission

Case File: **Z-3-09 Conditional Use; Sumner Boulevard**

General Location: Sumner Boulevard, south side, west of Fox Road

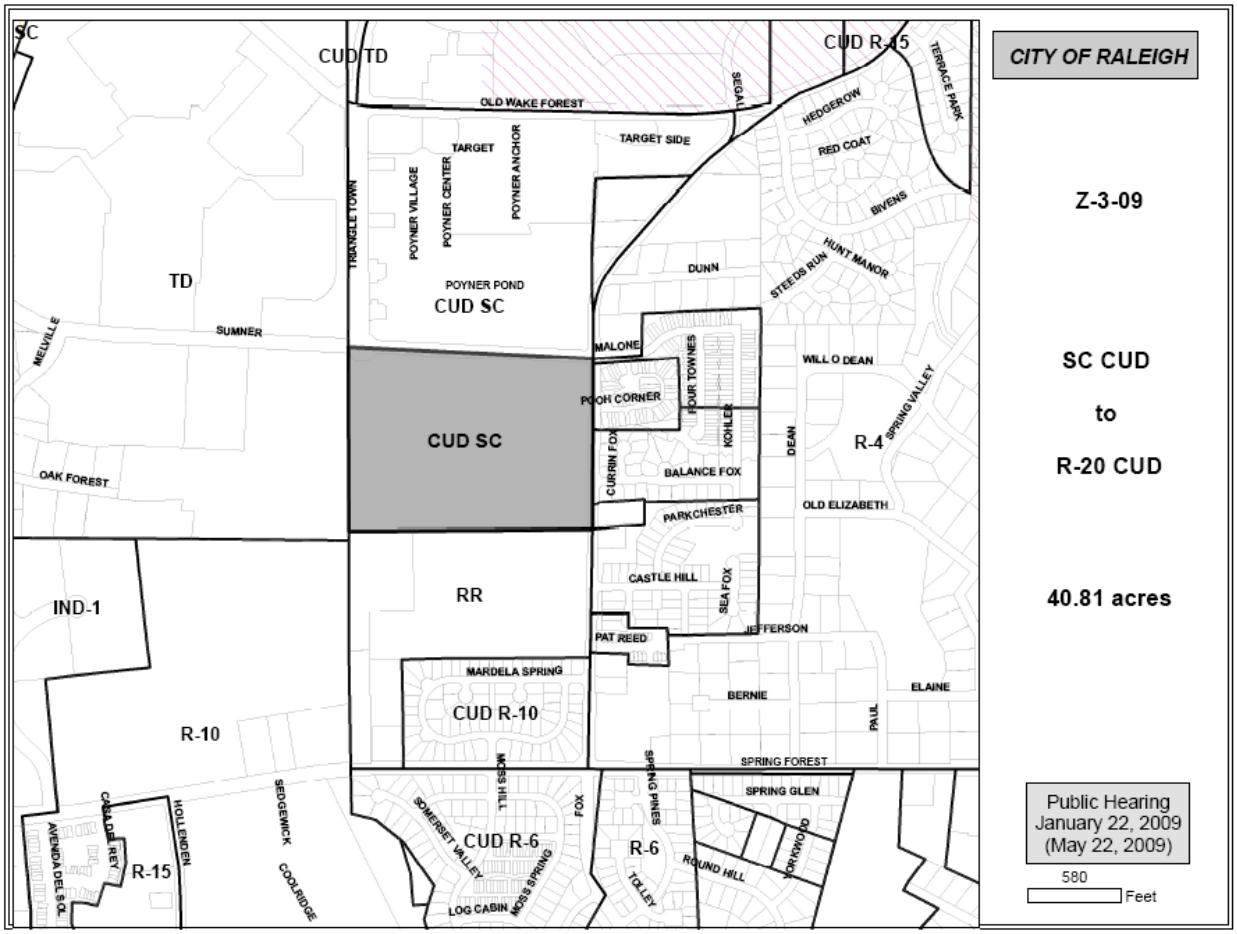
Planning District / CAC: Northeast / Northeast

Request: Petition for Rezoning from **Shopping Center Conditional Use District to Residential-20 Conditional Use District.**

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

Valid Protest Petition (VSPP): No

Recommendation: **That this request be denied**



CASE FILE: **Z-3-09 Conditional Use**

LOCATION: This site is located on the south side of Sumner Boulevard, west of its intersection with Fox Road.

REQUEST: This request is to rezone approximately 40.81 acres, currently zoned Shopping Center Conditional Use District. The proposal is to rezone the property to Residential-20 Conditional Use District.

COMPREHENSIVE PLAN CONSISTENCY: **This request is inconsistent with the Comprehensive Plan.**

RECOMMENDATION: **That this case be denied.**

FINDINGS AND REASONS: (1) The applicant has made a request for denial

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To PC: 1/27/09
Case History:

To CC: 2/3/09 **City Council Status:** _____

Staff Coordinator: Alysia Bailey Taylor

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

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

Signatures: (Planning Dir.) (PC Chair)

_____ _____

date:_____ date: 1/29/09

Zoning Staff Report: Z-3-09 Conditional Use

LOCATION:	This site is located on the south side of Sumner Boulevard, west of its intersection with Fox Road.
AREA OF REQUEST:	40.81 acres
PROPERTY OWNER:	Fox Road, LLC
CONTACT PERSON:	Isabel Worthy Mattox, 919-828-7171
PLANNING COMMISSION RECOMMENDATION DEADLINE:	May 22, 2009

ZONING:	**Current Zoning**	**Proposed Zoning**
	Shopping Center CUD	Residential-20 CUD
	Current Overlay District	**Proposed Overlay District**
	N/A	N/A
ALLOWABLE DWELLING UNITS:	**Current Zoning**	**Proposed Zoning**
	w / Staff approval: 612 w / PC approval: 1224	816 Units
ALLOWABLE OFFICE SQUARE FOOTAGE:	**Current Zoning**	**Proposed Zoning**
	No Limit	None
ALLOWABLE RETAIL SQUARE FOOTAGE:	**Current Zoning**	**Proposed Zoning**
	675,000 sq. ft. (*based on conditions*)	None
ALLOWABLE GROUND SIGNS:	**Current Zoning**	**Proposed Zoning**
	High Profile	Tract ID

ZONING HISTORY: This property was last zoned in 2001. (Z-5-2001)

Conditions of the Z-5-2001 case provided explicit guidance for the mixed use development of this property. The approval of the Z-5-01 case included approval of a pedestrian and vehicular circulation layout, transitional protective yard specifications, commitment to cross access, screened mechanical equipment,

lighting restrictions, signage restrictions, streetscape plantings, and the screening of parking areas.

SURROUNDING ZONING:

NORTH: Shopping Center CUD (Z-5-2001)
Conditions:
(Conditions are more than 25 pages long. Please see summary below)
The conditions provide direction for the mixed use development of this property. The approval of the Z-5-01 case included approval of a pedestrian and vehicular circulation layout, transitional protective yard specifications, commitment to cross access, screened mechanical equipment, lighting restrictions, signage restrictions, streetscape plantings, and the screening of parking areas.

SOUTH: Rural Residential

EAST: Residential-10 CUD (Z-72-2000)
Conditions:

1. Uses will be limited to single family detached residential homes and townhomes, and any accessory uses and other uses allowed in R-4 districts, approved under Part 10 of the City Code.

2. Development will comply with CR-7107 limited stormwater runoff to R-4 levels.

3. A building setback of 35 feet is to be maintained along the East property line. Within this setback, a 25-foot natural protective yard will be provided.

4. Townhomes shall be limited to buildings of 2 stories with a height limit of 32 feet.

5. Townhomes will be limited to the northeast portion of the site and shall not extend beyond the Neuse River Basin stream buffer area.

6. Total density will not exceed 7 units per acre of which a maximum of 40 units may be townhomes.

7. Reimbursement for any future right-of-way dedication shall be based on R-4 values.

8. The developer will provide a public street to serve this property connecting Fox Road with the planned public street to the north, in accordance with an alignment approved by the City's Transportation and Engineering Departments. If required by the City's Transportation Department, a public street stub-out or an offer of cross access shall also be provided to the adjacent property to the south.

9. Developer will provide an access easement (to City of Raleigh standards) to provide for pedestrian traffic between this site and the Willo-Dean Acres subdivision which is directly adjacent to the east of this site. The exact location of this easement will be determined upon submittal of preliminary submission plans for this site.

WEST: Thoroughfare District

LAND USE: Vacant, heavily wooded lot

SURROUNDING LAND USE:

NORTH: Retail
SOUTH: Spring Forest Road Park

EAST: Pattington Village (Townhomes) & Meadows at Fox Run (Single-family Residential)
WEST: Vacant, heavily wooded lot

DESIGNATED HISTORIC RESOURCES: N/A

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	Northeast
Urban Form	Regional Center
Specific Area Plan	Triangle Town Center Small Area 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 site is designated as part of the Northeast Regional Center located in the Northeast Planning District. Specific recommendations for the subject property are provided in the Triangle Town Center Small Area Plan (SAP). The SAP recommends that the area have a mix of neighborhood oriented retail, attached residential and office uses.

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

Spring Forest Road Park is located south of the subject property. The Triangle Town Center Mall and the Poyner Place retail development are located to the north, a combination of single and multi-family residential development is located to the east of the property, and there is a wooded, vacant parcel located on the west. The applicant indicates that the surrounding area is well suited for multifamily housing because there are numerous opportunities to obtain goods, services, and employment within walking distance and the property is within close proximity to public transportation service. The applicant also states that the adjacent City Park provides recreational opportunities for future residents of the proposed development. Staff found that the Triangle Town Center Plan's goal for the subject property was retail uses that would serve neighboring residents, and a transition in scale and use with pedestrian connections along Fox Road and the existing lower density residential areas to the east. The proposed rezoning does provide a transition from the lower density residential areas to the east and the non-residential uses and potential higher density residential development located to the north and west of the property. However, the proposed rezoning falls short of providing provisions for pedestrian connections between existing development and development that may occur in association with this rezoning.

3. Public benefits of the proposed rezoning

The applicant points out that the abundance of existing retail uses in the area makes rezoning the subject property to the requested Residential-20 zoning the highest and best use. The applicant goes

on to explain that the requested rezoning will provide a better transition to the lower density residential to the east, and that development of mixed density residential will support the surrounding community by providing housing that is both pedestrian and mass transit oriented.

While these staments may have merit, the existing zoning addresses the pedestrian and mixed use goals of the Triangle Town Center Plan. The existing zoning also offers the opportunity for a transition to the residential development to the east.

4. Detriments of the proposed rezoning

The applicant states that the lower density, smaller-scale buildings are proposed for the east side of the property, however, no conditions have been provided committing to a specific building height. Furthermore, the proposal could potentially result in poor pedestrian and vehicular connectivity between sites and surrounding uses, which is a matter that is addressed under the existing zoning for the property.

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

TRANSPORTATION: Sumner Blvd is classified as a collector street and is constructed to City standards as a 3-lane street, with a 41-foot back-to-back curb and gutter section within an 80-foot right-of-way.

In the City's Comprehensive Plan and Thoroughfare Map there are a number of planned collector streets that will directly impact the subject property. Oak Forest Drive is planned to extend to Fox Road along the southern boundary of the subject property. Additionally, Poyner Center Lane is planned to be extended through the subject property and connect to the planned extension of Oak Forest Drive. Triangle Town Blvd is also planned to extend to the planned extension of Oak Forest Drive along the western boundary of the subject property. The system of collector street alignments intersecting the subject property will provide for two distinct lots when this network is completed. Given these considerations the petitioner may wish to describe how the site will be accessed. The petitioner may also wish to consider a condition stating that right-of-way dedication shall be provided for the planned collector streets per the City's Comprehensive Plan on the subject property. Due to the proposed land use development intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

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

HYDROLOGY: FLOODPLAIN: There is no FEMA floodplain on this property. There are 2 alluvial soil areas in the NW quadrant of the property
DRAINAGE BASIN: Perry
STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	**Maximum Demand on Proposed Zoning**
Water	**Approx. 183,645 gpd**	**Approx. 428,505 gpd**
Waste Water	**Approx. 183,645 gpd**	**Approx. 428,505 gpd**

The proposed rezoning would add approximately 244,860 gpd the City's wastewater collection or water distribution systems. There are existing sanitary sewer and water mains located adjacent to the zoning case's boundary.

PARKS AND RECREATION: This property is adjacent to a greenway connector that is to be located along the western edge of Triangle Town Boulevard, the western boundary of this property. The developer will be required to dedicate a greenway easement at the time of subdivision or site plan approval if the dedication is not included as a condition of this case.

Park needs will be met by Spring Forest Road Park located to the south of this property.

WAKE COUNTY PUBLIC SCHOOLS: Based on the Wake County data, students living in this area may be assigned to attend either: Green Elementary, East Millbrook Middle, or Millbrook High. Development of the subject property at the requested rezoning could potentially lead to a decrease in the project number of students assigned to the schools listed.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Green	576	91.9%	316	50.4%
East Millbrook	1,116	95.3%	1,025	87.5%
Millbrook	2,344	96.2%	2,249	92.3%

IMPACTS SUMMARY: The rezoning could result in a reduction in the number of students that would attend the aforementioned schools. The proposed rezoning creates the need for a dedicated greenway easement, and a traffic impact analysis to determine how much this development will affect vehicular travel in this 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 applicant states that since the property was last zoned a tremendous amount of retail has been developed in this area, but there has been a lack of higher density residential housing to support the retail development. The applicant further states that the multi-family housing that can be provided will provide less auto-dependant customers and employees in close proximity to the existing retail development. These are valid arguments, but they do not explain how the current zoning could not be properly applied were it being zoned for the first time.

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

CITIZENS' ADVISORY COUNCIL: DISTRICT: Northeast
CAC CONTACT PERSON: Bob Mulder, 919-876-2828

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues:

a. The Triangle Town Center SAP recommends that the subject property have a mix of retail, attached residential and office uses.

b. Conditions from zoning case Z-5-01 provided explicit guidance for the mixed use development of this property. The approval of the Z-5-01 case included approval of a pedestrian and vehicular circulation layout, transitional protective yard specifications, commitment to cross access, screened mechanical equipment, lighting restrictions, signage restrictions, streetscape plantings, and the screening of parking areas. Staff strongly recommends that the conditions of this zoning case be reviewed to determine how these items will be addressed by the proposed rezoning.

2. Suggested conditions:

Please be aware that making the suggested modifications to the proposed zoning conditions for this case **will not** alter its inconsistency with the Comprehensive Plan.

a. The suggested conditions provided below are based on the recommendations provided in the Triangle Town Center SAP.

1. Consider adding conditions that address building materials, scale, and orientation. (*The SAP recommends that buildings not exceed four stories in height. The plan also suggests that multi-family development be architecturally compatible to existing residential development*.)
2. Consider adding a condition requiring residential development to address the street with architectural features like a front porch.
3. A condition should be added that restricts parking to locations (*ie. side or rear of the building*) that are not visible from the public street.
4. Consider providing a condition that requires sidewalks on both sides of the street.

TRANSPORTATION:

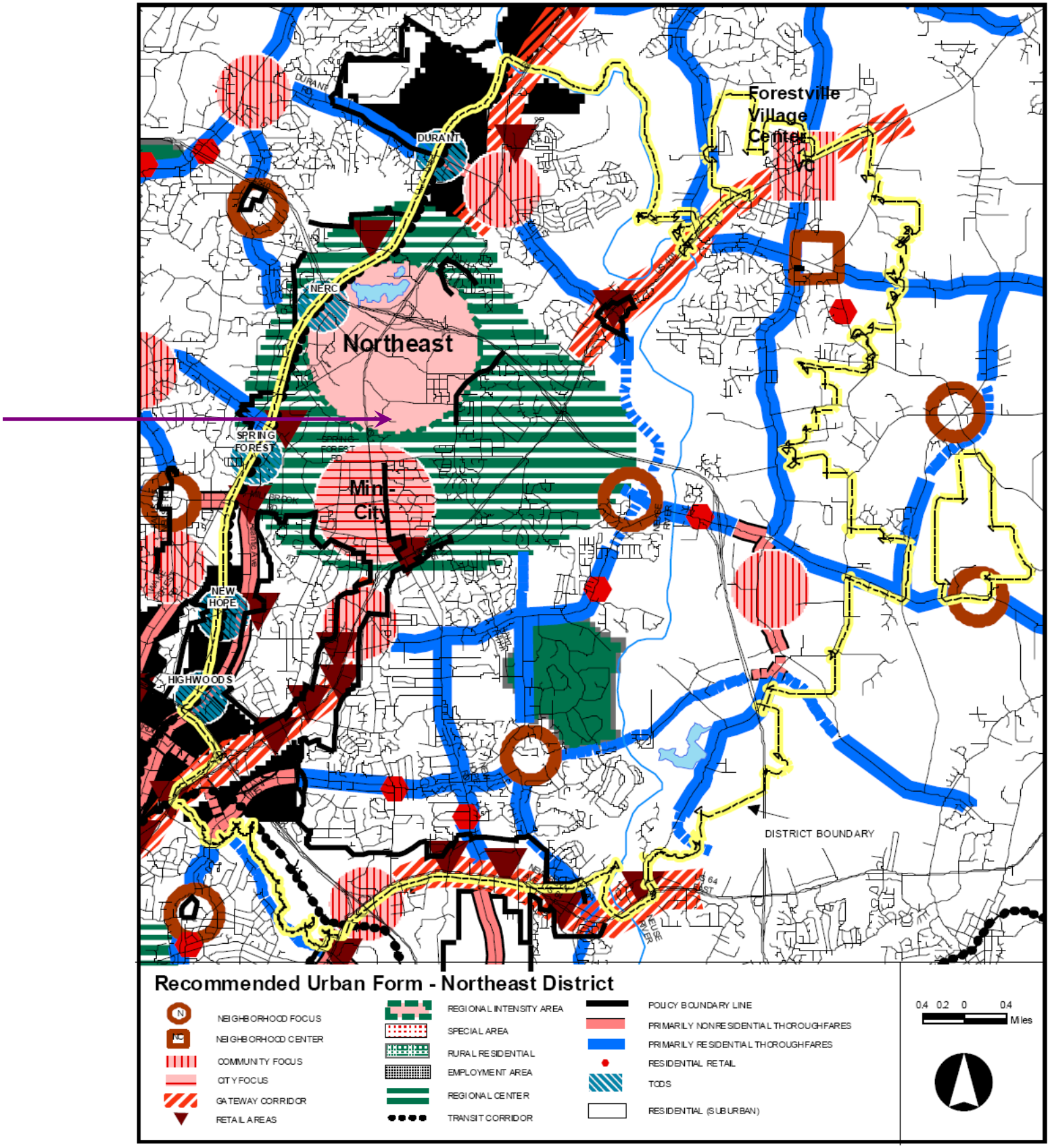
The petitioner may also wish to consider a condition stating that right-of-way dedication shall be provided for the planned collector streets per the City's Comprehensive Plan on the subject property. Due to the proposed land use development intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

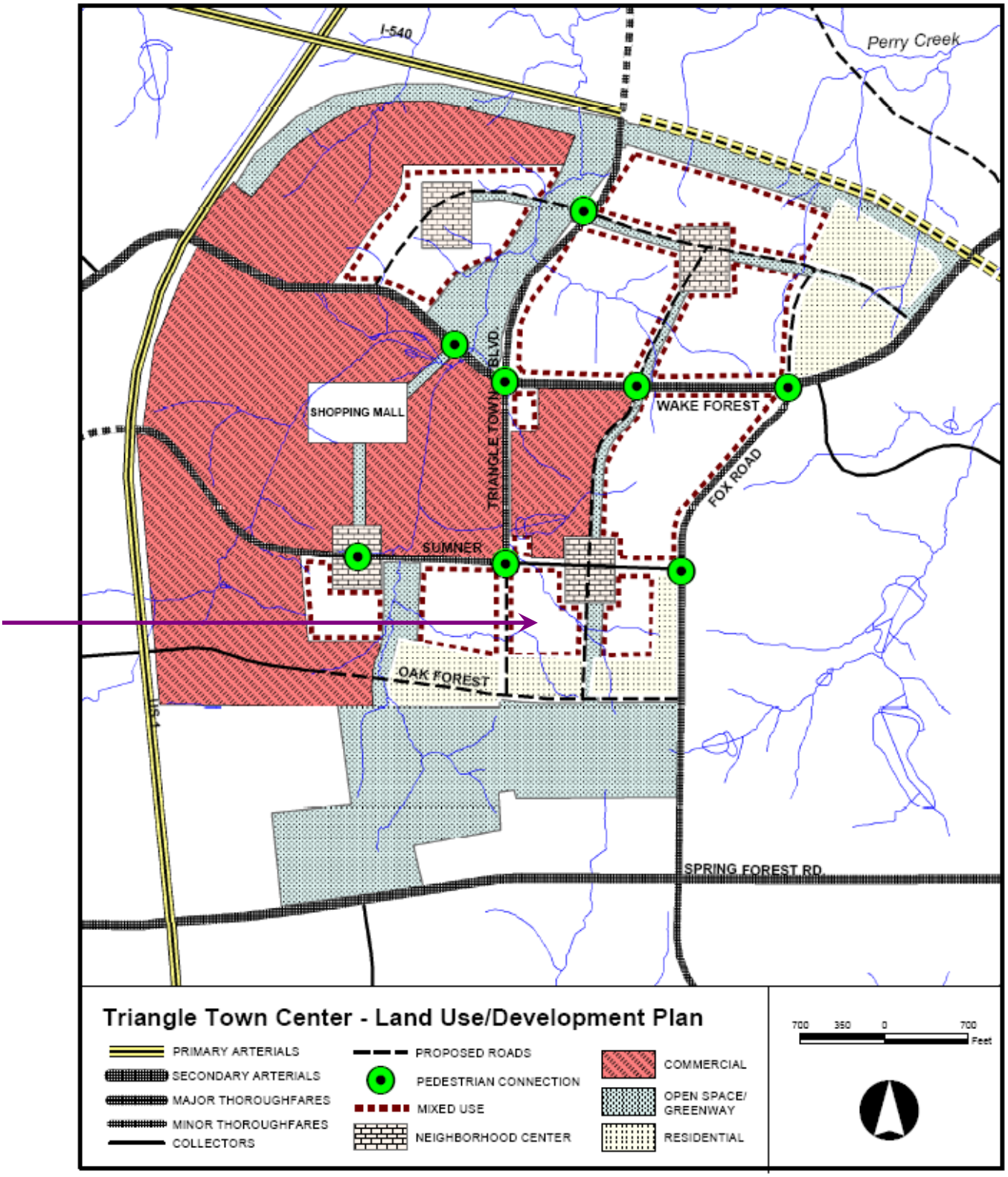
TRANSIT:

This site is within close proximity of current bus routes but does not provide an appropriate space for a bus stop. No transit easement is needed upon subdivision approval.

PARKS AND RECREATION:

Staff recommends that a condition be added stating that the developer will be required to dedicate a greenway easement at the time of subdivision or site plan approval.


Forestville Village Center
VC
DURANT
NERC
Northeast
SPRING FOREST
Mini-City
NEW HOPE
HIGHWOODS
DISTRICT BOUNDARY
Recommended Urban Form - Northeast District
NEIGHBORHOOD FOCUS
NEIGHBORHOOD CENTER
COMMUNITY FOCUS
CITY FOCUS
GATEWAY CORRIDOR
RETAIL AREAS
REGIONAL INTENSITY AREA
SPECIAL AREA
RURAL RESIDENTIAL
EMPLOYMENT AREA
REGIONAL CENTER
TRANSIT CORRIDOR
POLICY BOUNDARY LINE
PRIMARILY NONRESIDENTIAL THOROUGHFARES
PRIMARILY RESIDENTIAL THOROUGHFARES
RESIDENTIAL RETAIL
TODS
RESIDENTIAL (SUBURBAN)
0.4 0.2 0 0.4
Miles


I-540
Perry Creek
SHOPPING MALL
TRIANGLE TOWN BLVD.
WAKE FOREST
FOX ROAD
SUMNER
OAK FOREST
US 1
SPRING FOREST RD.
Triangle Town Center - Land Use/Development Plan
PRIMARY ARTERIALS
SECONDARY ARTERIALS
MAJOR THOROUGHFARES
MINOR THOROUGHFARES
COLLECTORS
PROPOSED ROADS
PEDESTRIAN CONNECTION
MIXED USE
NEIGHBORHOOD CENTER
COMMERCIAL
OPEN SPACE/ GREENWAY
RESIDENTIAL
700 350 0 700
Feet