



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-4-09 Conditional Use; Buffalo Road

General Location: Buffalo Road, north side, west of I-540

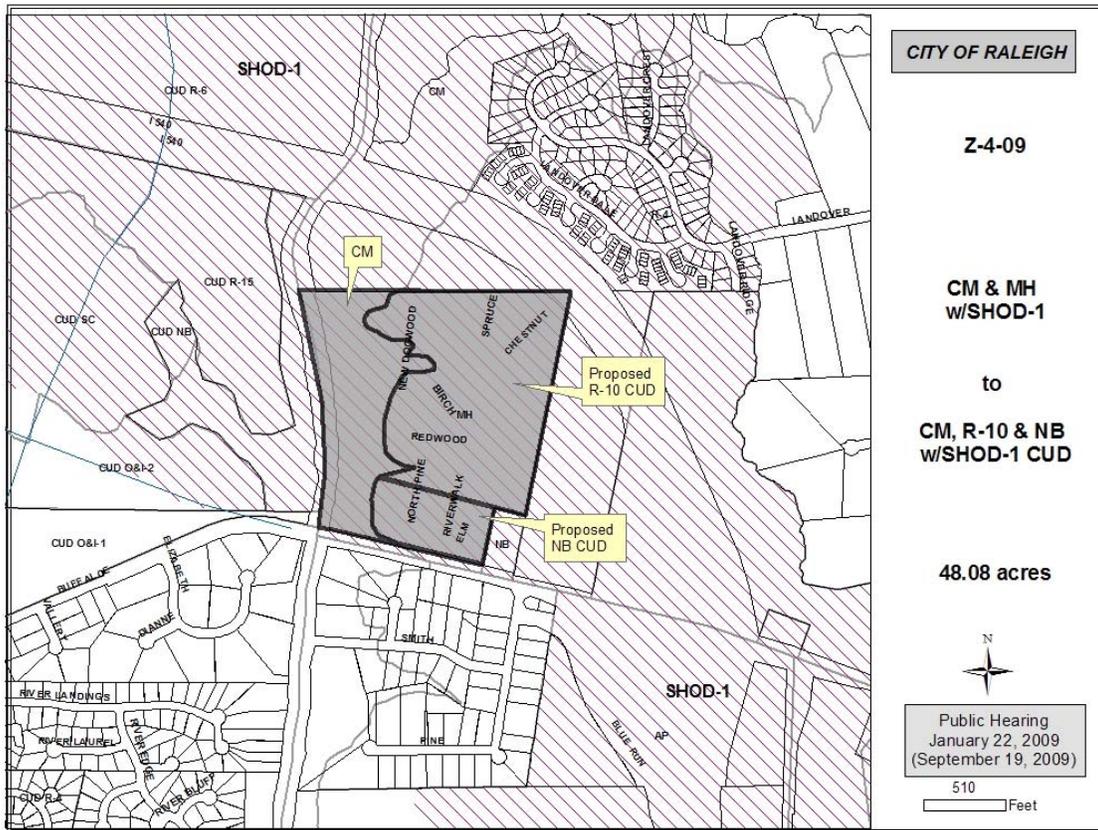
**Planning District
/ CAC:** Northeast / Northeast

Request: Petition for Rezoning from **Conservation Management & Manufactured Home w/ SHOD-1** to **Conservation Management, Residential-10 & Neighborhood Business w/ SHOD-1**

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

**Valid Protest
Petition (VSPP):** No

Recommendation: The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated August 24, 2009.



CASE FILE: Z-4-09 Conditional Use

LOCATION: This site is located on the north side of Buffaloe Road, west of its intersection with I-540.

REQUEST: This request is to rezone approximately 48.08 acres, currently zoned Conservation Management & Manufactured Home w/ SHOD-1. The proposal is to rezone the property to Conservation Management, Residential-10, & Neighborhood Business w/ SHOD-1.

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

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated August 24, 2009.

FINDINGS AND REASONS:

- (1) The rezoning request is inconsistent with the Northeast District Plan and the Neuse River East Small Area Plan Comprehensive Plan's recommendation for this area to develop as low density residential (*6 or fewer units per acre*). However, based on the property's proximity to I-540 and the growth that is occurring in this area the request is considered compatible with the surrounding area.
- (2) The request is considered reasonable and in the public interest based on the zoning conditions that will improve the level of compatibility with the surrounding area, and mitigate environmental as well as traffic impacts. The request also serves the public interest by providing the possibility of retail within walking distance for people located in the immediate surrounding area.

To PC: 8/11/09
Case History: 90 day Extension approved 4/21/09; Committee of the Whole: 6/4/09; 6/23/09

To CC: 9/1/09; CPC 9/9/09; CC 9/15/09 **City Council Status:** Approved

Staff Coordinator: Alysia Bailey Taylor

Motion: Chambliss
Second: Haq
In Favor: Chambliss, Anderson, Bartholomew, Butler, Fleming, Gaylord, Haq, Harris Edmisten, Smith, Vance
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: 8/11/2009



Zoning Staff Report: Z-4-09 Conditional Use

LOCATION: This site is located on the north side of Buffalo Road, west of its intersection with I-540.

AREA OF REQUEST: 48.08 acres

PROPERTY OWNER: River Walk Limited Partnership

CONTACT PERSON: Jason Barron and Michael Birch, 919-743-7343

PLANNING COMMISSION RECOMMENDATION DEADLINE: May 22, 2009

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Conservation Management (CM) & Manufactured Home	CM & Residential-10 CUD = 39.98 AC CM & Neighborhood Business CUD = 8.10 AC

<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
SHOD-1	SHOD-1

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	288 units (6 units per acre)	480 units (10 units per acre)

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	None	NB: No Limit R-10: Not Permitted CM: Not Permitted

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	None	NB: No Limit R-10: Not Permitted CM: Not Permitted

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID	NB: High Profile R-10: Tract ID CM: Tract ID

ZONING HISTORY: This property has been zoned Manufactured Home since the ETJ was extended in 1992.

SURROUNDING ZONING: NORTH: Conservation Management & Residential-4 w/ SHOD-1
SOUTH: Conservation Management & Manufactured Home
EAST: Residential-4 w/ SHOD-1 & Neighborhood Business w/ SHOD-1
WEST: Residential-15, Office & Institution-2 Neighborhood Business & Shopping Center CUD w/ SHOD-1 (*Conditions from Z-33-07 apply*)

LAND USE: Currently vacant (manufactured housing was recently moved from the property)

SURROUNDING LAND USE: NORTH: Vacant wooded lot
SOUTH: Manufacture Housing
EAST: Convenience Store and vacant wooded lot
WEST: Neuse River

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	Residential Suburban
Specific Area Plan	Neuse River East 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 District Plan with more specific recommendations in the Neuse River East Small Area Plan. The SAP recommends that the property develop as Residential Suburban (six or fewer units per acre).

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

The Neuse River is located to the immediate west of the property, and approximately one third of the western portion of the subject property is within a floodplain area. The property west of the Neuse River is currently vacant. The property east of the subject property consists of a vacant parcel and a convenience store with gas pumps. There is vacant land north of the subject property, and a manufactured home development located to the south. The petitioner points out that critical environmental protection is being maintained with the requested rezoning because it preserves the Conservation Management district along the Neuse River. The petitioner also indicates that the requested Neighborhood Business zoning along Buffaloe Road is not only reasonable when considering the subject property’s proximity to I-540, but is also an appropriate designation for

buffering the proposed Residential-10 zoning. The petitioner also noted that the requested rezoning is compatible with the character of the surrounding area because the property west of the Neuse River allows for up to 15 units per acre.

The property west of the Neuse River is within a Neighborhood Focus area, which is an appropriate location for more intense development. The proposed Neighborhood Business (NB) zoning along Buffalo Road is compatible with the adjacent convenience store, but is not compatible with the surrounding low density residential development.

3. Public benefits of the proposed rezoning

The petitioner has indicated that the proposed rezoning will provide a benefit because it will allow for the property to redevelop with the highest and best use. The petitioner explains that the proposed Neighborhood Business zoning will also provide a benefit because it will provide neighborhood oriented retail uses within walking distance of the new and surrounding residential development.

The petitioner has provided conditions that limit potential incompatible uses, and has provided conditions that mitigate potential incompatible design features such as: building height, location of services for the non-residential development, and the location of parking, which creates the potential for requested rezoning to serve as a benefit to those in the immediate surrounding area.

4. Detriments of the proposed rezoning

The petitioner states that the requested rezoning is reasonable because the subject property has frontage along Buffalo Road, approximately 800 feet from the interchange of I-540 and Buffalo Road. The petitioner references the fact that a retail use is immediately adjacent to the proposed rezoning, and that the subject property is within close proximity to a proposed mixed-use development (Z-33-07). It may be a detriment to allow additional non-residential development along Buffalo Road when considering the fact that there is approximately 35 acres of land zoned Shopping Center less than one half mile from the proposed Neighborhood Business district zoning. Allowing retail and/or non-residential development to line Buffalo Road creates the potential for auto oriented strip development, rather than the pedestrian friendly environment that is desired.

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

TRANSPORTATION: Buffalo Road is classified as a major thoroughfare (2007 ADT - 10,000 vpd) and is constructed as a two-lane ribbon paved roadway within a 100-foot right-of-way. City standards call for Buffalo Road to be constructed as a multi-lane facility with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within the existing right-of-way. The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the property to the east and north. The petitioner may also wish to consider a condition stating that reimbursement for additional right of way dedicated shall be consistent with current MH values. The size of the subject property will require a street network within the site and as such the petitioner may wish to describe how the site will be accessed. Due to the size of the subject property, close proximity to an I-540 exit ramp and allowable land use density associated with the proposed zoning a traffic impact analysis was recommended for this case.

A traffic impact analysis was submitted and reviewed by staff and as a result of that analysis the applicant is proposing to mitigate the traffic impacts of the rezoning by limiting the buildout of the property until offsite improvements to the I-540 overpass are completed.

TRANSIT: This site is within close proximity of **current or future** 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 FEMA floodplain on the site. The western property boundary is the Neuse River.
DRAINAGE BASIN: Harris Creek
STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code. There are Neuse River Buffers and alluvial soils on site.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>122,280</u> gpd	Approx. <u>194,500</u> gpd
Waste Water	Approx. <u>122,280</u> gpd	Approx. <u>194,500</u> gpd

The proposed rezoning would add approximately 72,200 gpd the City's wastewater collection or water distribution systems. There is an existing water main in Buffaloe Road which could serve the proposed rezoning property. The City is proposing to extend a major sanitary sewer main along the western property line next to the Neuse River of the rezoning property and has obtained the necessary sanitary sewer easements for this property. If the petitioner can not wait for the major main to be constructed, then the petitioner would need to connect to the City's existing forty-eight (48") inch sanitary sewer across the Neuse River.

PARKS AND RECREATION:

This property is adjacent to the Neuse River. The City has previously acquired the greenway easement on this property. The nearest park services are available at Buffaloe Road Athletic Park and at a future planned park located at Forestville Road and Oak Hill Road.

WAKE COUNTY PUBLIC SCHOOLS:

Based on the Wake County data, students living in this area may be assigned to attend either: Forestville Road Elementary, East Wake Middle or Knightdale High. Development of the subject property at the requested rezoning could potentially yield the following increases as the assigned schools: Forestville Road Elementary may increase by 63 students, East Wake Middle may increase by 18 students, and Knightdale High may increase by 22 students.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Forestville Road	682	112.9%	745	123.3%
East Wake	1,016	80.4%	1,034	81.8%
Knightdale	1,800	90.9%	1,822	92.0%

IMPACTS SUMMARY: The rezoning could result in an increase in the number of students that would attend the aforementioned schools. An additional 63 students could be added to Forestville Road Elementary, 18 to East Wake Middle and 22 to Knightdale High. A traffic impact analysis is recommended.

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 petitioner states that since the property was last zoned the area has seen a number of changes. Properties in the surrounding area have been developed, and several properties are now planned for commercial and medium to high density residential uses. Furthermore, interstate 540 has been extended to the area. Increased residential development, proposed mixed-use developments and the major I-540 interchange support a reclassification of the subject property's zoning. The petitioner states that given the interchange and changes in proposed land use and future development plans in the immediate area, the subject property could not properly be zoned its current classification if it were being zoned for the first time.

Staff believes that petitioner's comments are accurate. Significant changes have taken place in the area surrounding the proposed rezoning, and it is appropriate for this property to be rezoned to a classification that is more compatible with its surroundings.

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 Neuse River East SAP recommends that the subject property develop as low density residential.
- b. The areas for the respective zoning districts need to be delineated. Staff requests a legal description of the property proposed for each of the zoning designations.

