



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-9-09 Conditional Use; Leesville Road and Westgate Road**

General Location: This site is located on the west side of Leesville Road, southeast of its intersection with Westgate Road.

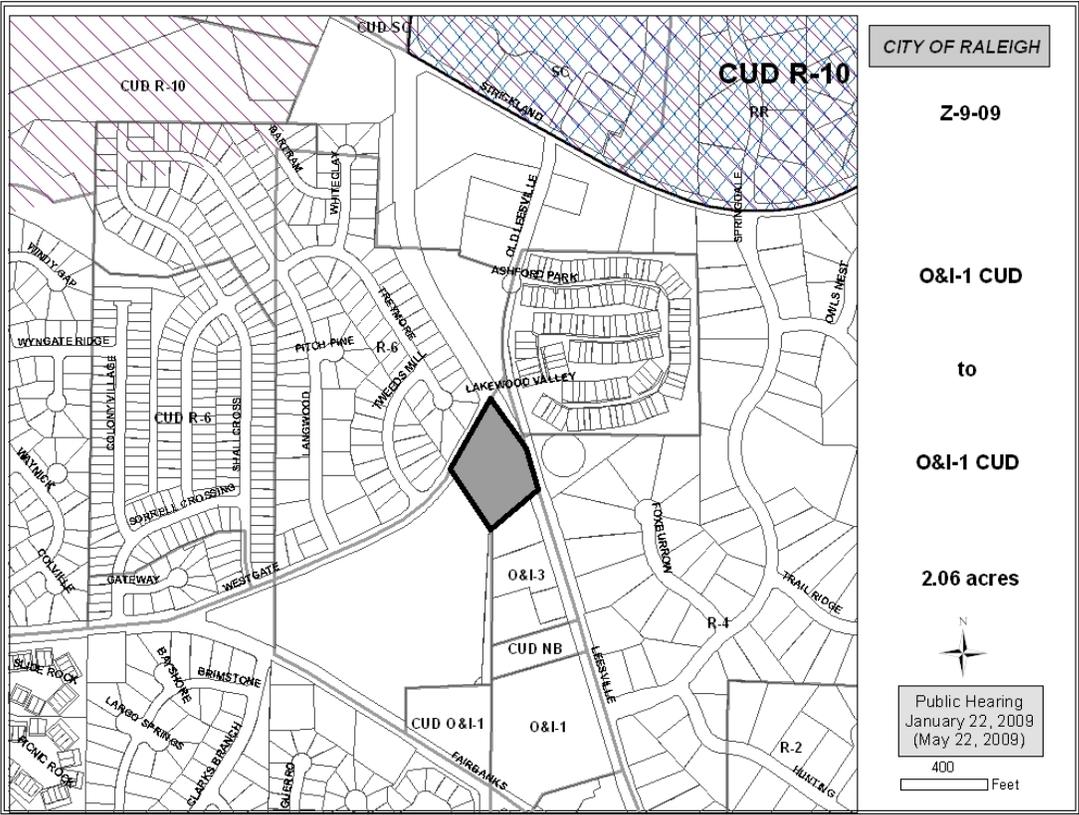
Planning District / CAC: Northwest / Northwest Umstead

Request: Petition for Rezoning from **Office and Institution-1 Conditional Use** to **Office and Institution-1 Conditional Use**.

Comprehensive Plan Consistency: This request is consistent with the Comprehensive Plan.

Valid Protest Petition (VSPP): NO

Recommendation: The Planning Commission finds that this request is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated January 28, 2009.



CASE FILE: Z-9-09 Conditional Use

LOCATION: This site is located on the west side of Leesville Road, southeast of its intersection with Westgate Road.

REQUEST: This request is to rezone approximately 2.06 acres, currently zoned Office and Institution-1 Conditional Use. The proposal is to rezone the property to Office and Institution-1 Conditional Use.

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

RECOMMENDATION: The Planning Commission finds that this request is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated January 28, 2009.

- FINDINGS AND REASONS:**
- (1) The request is consistent with the Comprehensive Plan. The site is within the Westgate Small Area Plan and the Pinecrest Pointe Small Area Plan, both of which designate this site as being appropriate for office uses. Both Small Area Plans also place the property on the nonresidential side of a policy boundary line.
 - (2) The request is consistent and compatible with surrounding land uses. Applicant has offered zoning conditions prohibiting drive-thru services as well as residential uses. Conditions also limit building height, building materials and offer cross access to the property to the south fronting on Leesville Road.
 - (3) The request being consistent, compatible and having no adverse impacts, could be considered reasonable and in the public interest.

To PC: 1/27/09
Case History:

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

Staff Coordinator: Stan Wingo

Motion: Butler
Second: Anderson
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-9-09 Conditional Use

LOCATION: This site is located on the west side of Leesville Road, southeast of its intersection with Westgate Road.

AREA OF REQUEST: 2.06 acres

PROPERTY OWNER: Tarhokie LLC

CONTACT PERSON: Terry Boylan 678-1070
Jason Barron 743-7343

PLANNING COMMISSION RECOMMENDATION DEADLINE: May 22nd, 2009

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office and Institution-1 Conditional Use	Office and Institution-1 Conditional Use
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	None	None
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Conditions prohibit residential.	Conditions prohibit residential.
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	67,300 sq. ft. (0.75 FAR)	67,300 sq. ft. (0.75 FAR)
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Retail uses not permitted (Per zoning conditions)	Retail uses not permitted. (Per zoning conditions)
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Low Profile	Low Profile
ZONING HISTORY:	This property has been zoned Office and Institution-1 Conditional Use since it's rezoning in 1994. (Case Z-80-94)	

Conditions: dated 11/17/94

1. A fifty foot (50 ft.) wide protective yard shall be provided along the western boundary, adjacent to PIN number 0788.13-03-6479.
2. Fifteen feet along the Leesville Road frontage, SR 1822, shall be excluded from the rezoning and in lieu shall be dedicated for road right-of-way upon site plan approval or subdivision of the subject property, whichever shall occur first.
3. A twenty-foot deep street yard shall be employed along public street frontage.
4. Building height shall not exceed two stories or 35 ft., maximum, and shall contain a pitched roof. The primary building material shall be brick, 80% minimum for all building faces, not counting doors, roof or fenestration.
5. Development plans shall include a Stormwater Management Plan meeting the intent of CR 7107.
6. Only office building and institutional uses shall be permitted; no residential use or uses requiring special use approval shall be permitted.

**SURROUNDING
ZONING:**

NORTH: R-6 CUD, R-10 CUD
SOUTH: R-10 CUD, O&I-3
EAST: R-4, R-10 CUD
WEST: R-6 CUD, R-10 CUD

LAND USE: Vacant wooded land

**SURROUNDING
LAND USE:**

NORTH: Single and Multifamily residential
SOUTH: Apartments, office uses
EAST: Water tower, single and multifamily residential
WEST: Single family residential, Apartments

DESIGNATED HISTORIC RESOURCES: This site is not located within a historic district and does not contain any historic landmarks.

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	Northwest
Urban Form	Residential Community Focus
Specific Area Plan	Westgate SAP and Pinecrest Pointe SAP
Guidelines	N/A

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

This site is located in the Northwest Planning District within an area designated as a Residential Community Focus. The property is also located within the Westgate Small Area Plan and Pinecrest Pointe Small Area Plan. Both small area plans recommend office as the designated use for this site. Both plans also place the subject property on the nonresidential side of a policy boundary line. The request to rezone the property to Office and Institution-1 Conditional Use with amended conditions is consistent with the Comprehensive Plan.

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

Applicant states that the zoning of the property will remain the same; the only change associated with this request is to current zoning conditions. Therefore the request is compatible with the surrounding area.

Staff agrees with this assessment, the proposal is consistent and compatible with surround zoning and land uses.

3. Public benefits of the proposed rezoning

Applicant states that the proposal benefits the community by allowing for the development of an office building that will provide additional professional services and employment opportunities in the immediate area.

The property is developable as currently conditioned; therefore the request provides very little additional public benefit.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request.

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

TRANSPORTATION: Leesville Road is classified as a major thoroughfare (2007 ADT 16,000) and exists as a 2-lane ribbon paved road with single turn lanes onto Westgate Road. City standards call for Leesville Road to be constructed as a 4-lane median divided roadway with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within a 90-foot right-of-way. Westgate Road is classified as a secondary arterial (2007 ADT 13,000 vpd) and exists as 2-lane road with a soft-shoulder cross section within a 70-foot right-of-way. City standards call for Westgate Road to be constructed as a multi-lane facility with an 89-foot back-to-back curb and gutter section with sidewalks on both sides within a 110-foot 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 south.

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: Yes
DRAINAGE BASIN: Haresnipe
STORMWATER MANAGEMENT: Pt. 10 Ch. 9 compliance, Neuse Buffer.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>6,695</u> gpd	Approx. <u>6,695</u> gpd
Waste Water	Approx. <u>6,695</u> gpd	Approx. <u>6,695</u> gpd

The proposed rezoning would not impact 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 not adjacent to any greenway corridors. Park services are planned to be provided by a proposed park located on Leesville Church Road.

**WAKE COUNTY
PUBLIC SCHOOLS:**

There will be no increase in residential density on this site. Therefore the proposal to rezone this property will not impact wake County Public Schools.

IMPACTS SUMMARY: There are no known impacts associated with this request.

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 property applied to it now were it being zoned for the first time.**

Applicant states that the surrounding land uses in the area have changed since the previous rezoning in 1994 and the current zoning conditions are no longer necessary due to these changes. Previous conditions provided a 50’ wide protective yard along the western boundary and required a 20’ streetyard along both street frontages.

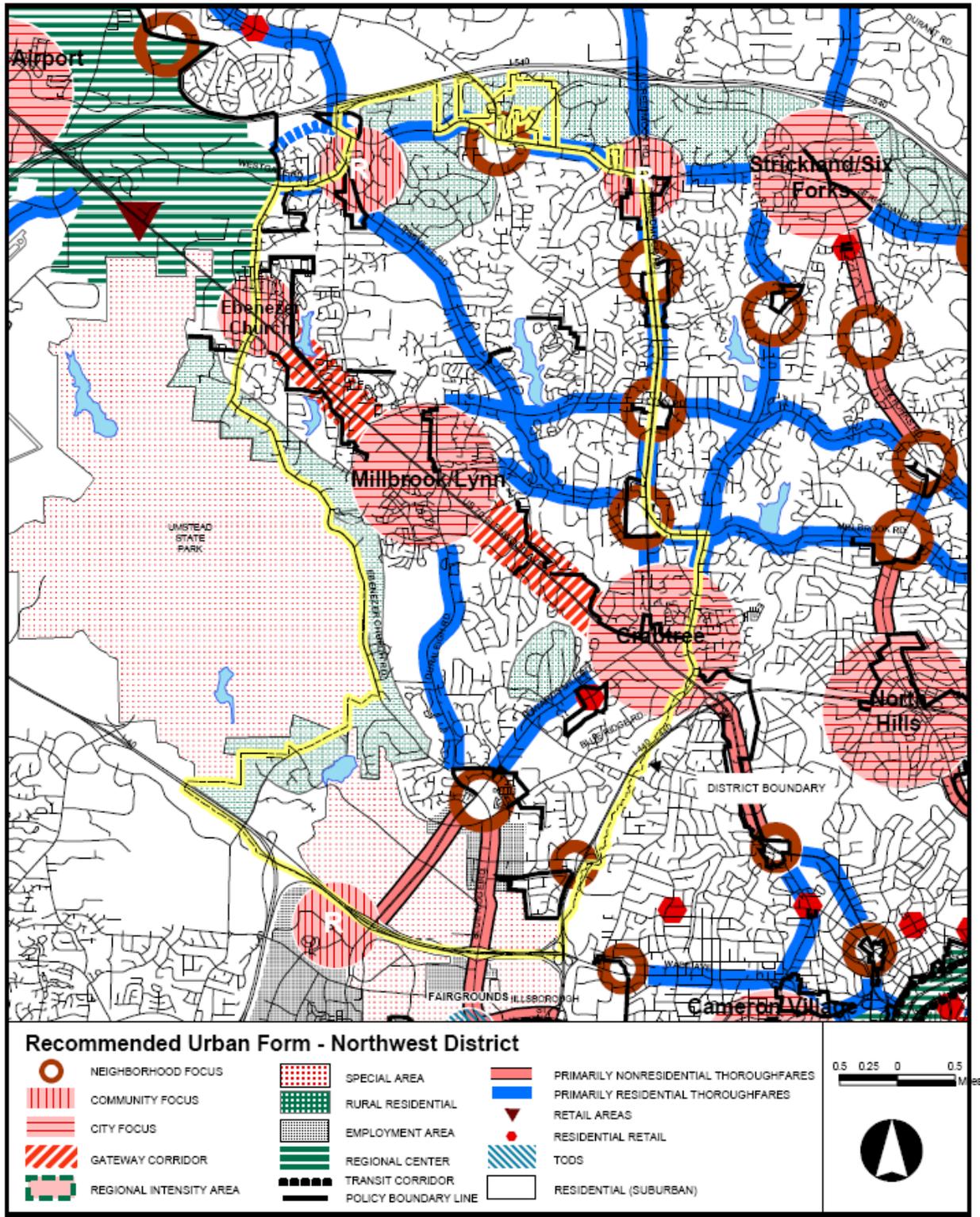
Staff agrees with the applicant’s position. When rezoned in 1994, the adjacent tract to the west was at that time vacant and undeveloped. It has since been developed as a medium density residential apartment complex and will be buffered by the required 20’ wide Type C protective yard. Applicant will be required to provide right of way dedication along both street frontages at time of site plan submittal.

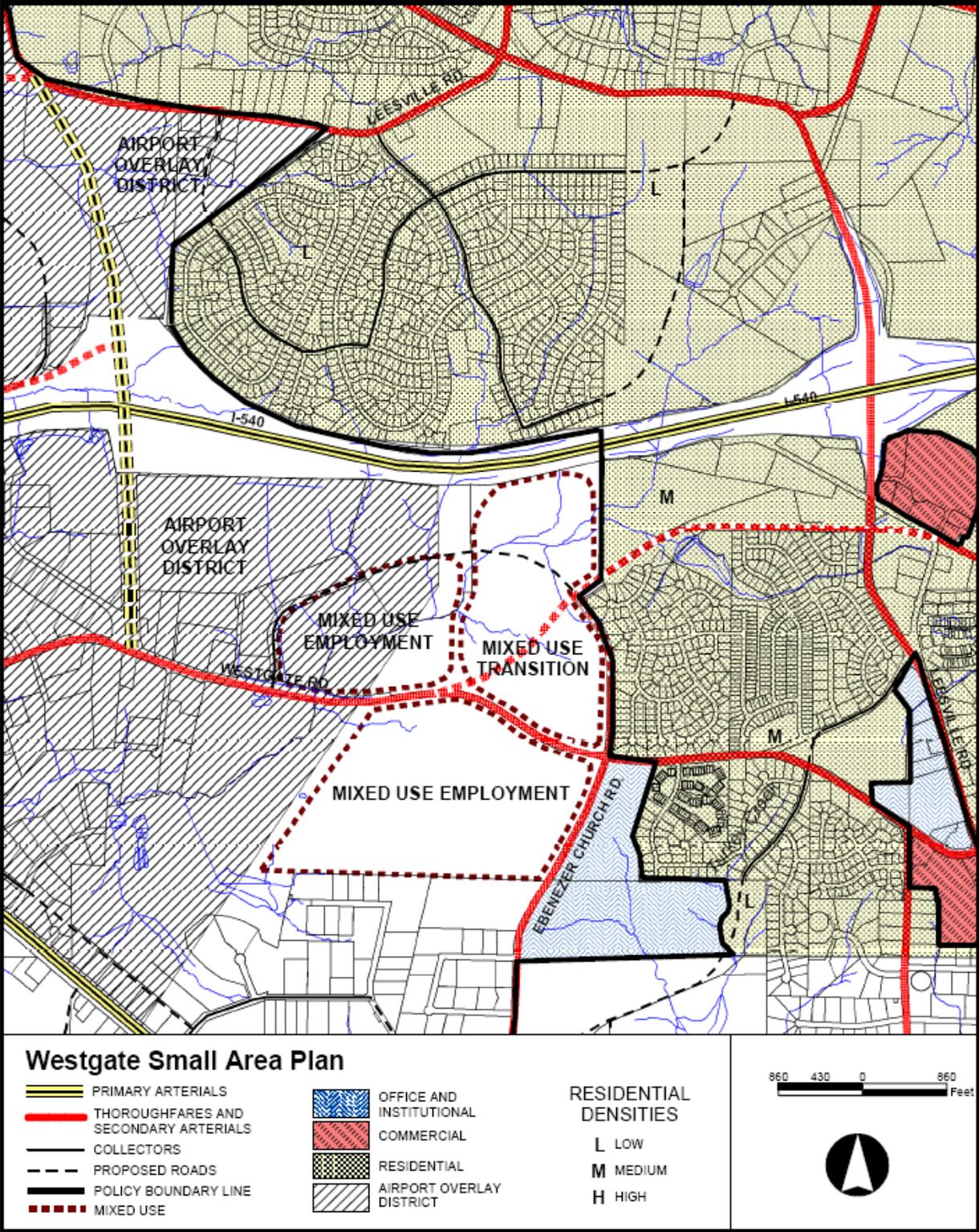
**APPEARANCE
COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZENS’
ADVISORY COUNCIL:**

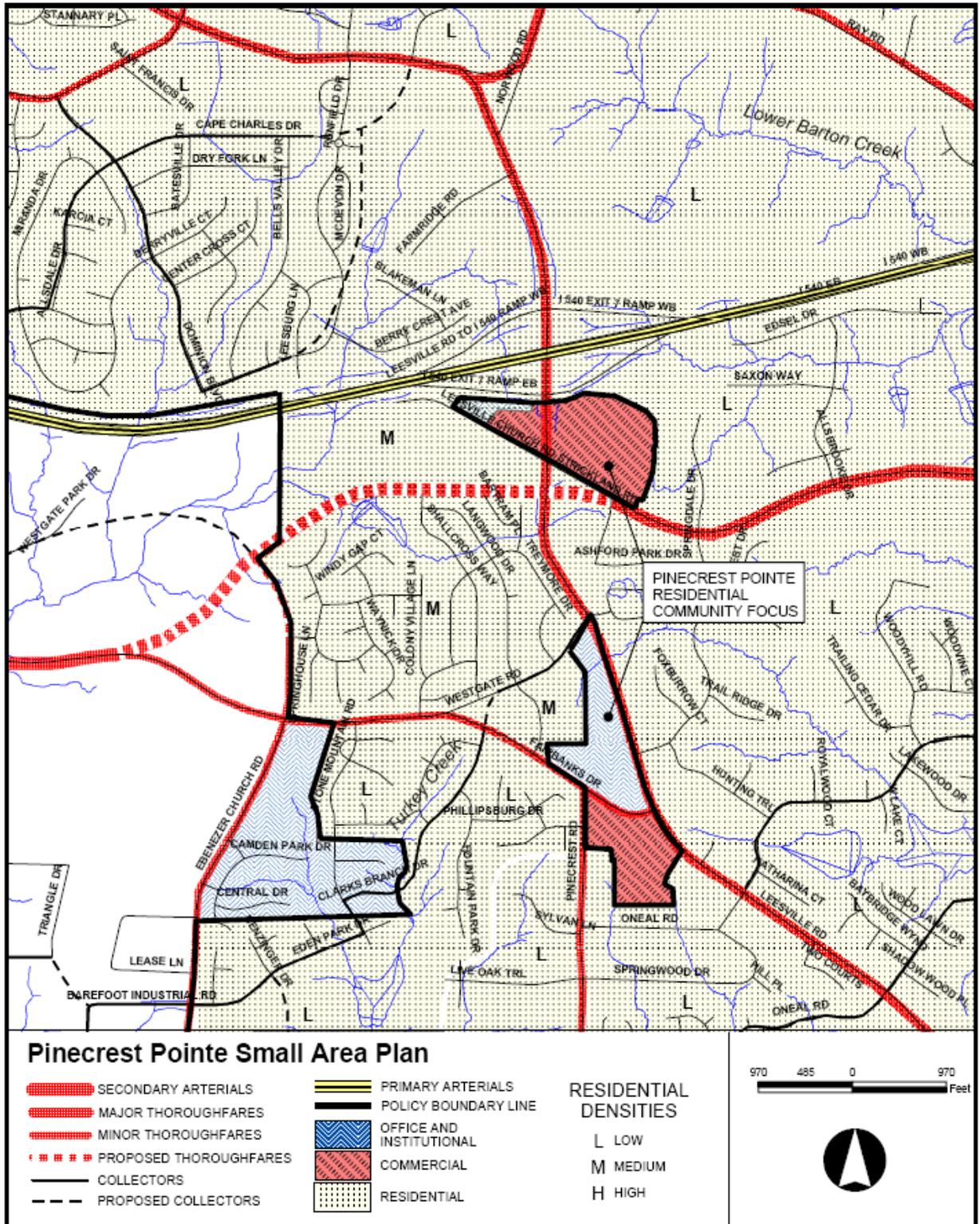
DISTRICT: Northwest Umstead
CAC CONTACT PERSON: Jay Gudeman 789-9884





Westgate Small Area Plan 11-20.2

Raleigh Comprehensive Plan 10/02



Pinecrest Point Small Area Plan 11-13.2

Raleigh Comprehensive Plan 12/06