



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-10-09 Conditional Use; Page Road

General Location: East side of Page Road, northeast of its intersection with Logistics Drive

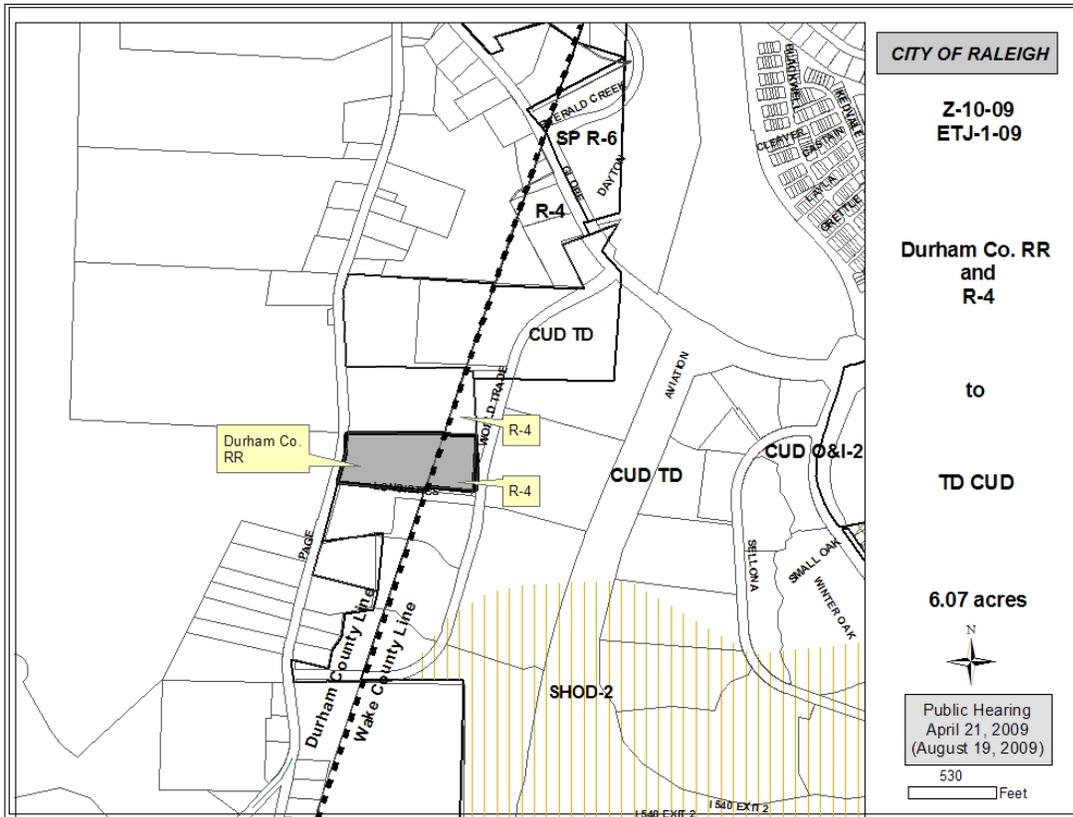
**Planning District
/ CAC:** Umstead / Northwest

Request: Petition for Rezoning from Durham County Residential Rural & City of Raleigh Residential -4 to Thoroughfare Conditional Use District.

**Comprehensive Plan
& Other Adopted Plan
Consistency:** The request is consistent with the Comprehensive Plan

**Valid Protest
Petition (VSPP):** NO.

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated June 22, 2009.





Zoning Staff Report: Z-10-09 Conditional Use

LOCATION: This site is located on the east side of Page Road, northeast of its intersection with Longistics Drive

AREA OF REQUEST: 6.07 acres

PROPERTY OWNER: Marvin Ellis, 544-1303

CONTACT PERSON: Daniel Burbank, 859-0044
Don d'Ambrosi, dambrosid111748@gmail.com

PLANNING COMMISSION RECOMMENDATION DEADLINE: August 19, 2009

| | | |
|----------------|--|-------------------------------|
| ZONING: | <u>Current Zoning</u> | <u>Proposed Zoning</u> |
| | Residential-4 (1.93 acres) Durham County Rural Res. (4.141 acres) | Thoroughfare CUD |

| | | |
|--|--|---|
| | <u>Current Overlay District</u> | <u>Proposed Overlay District</u> |
| | None | None |

| | | |
|----------------------------------|--|---|
| ALLOWABLE DWELLING UNITS: | <u>Current Zoning</u> | <u>Proposed Zoning</u> |
| | R-4 (1.93 acres): 7 DU Res/ Rural (4.141 acres): 6 DU | Not permitted (as the parcel is less than 10 acres in size) |

| | | |
|---|------------------------------|-------------------------------|
| ALLOWABLE OFFICE SQUARE FOOTAGE: | <u>Current Zoning</u> | <u>Proposed Zoning</u> |
| | Not permitted | No max. specified |

| | | |
|---|------------------------------|--|
| ALLOWABLE RETAIL SQUARE FOOTAGE: | <u>Current Zoning</u> | <u>Proposed Zoning</u> |
| | Not permitted | Limited uses per conditions No max. specified |

| | | |
|--------------------------------|--|-------------------------------|
| ALLOWABLE GROUND SIGNS: | <u>Current Zoning</u> | <u>Proposed Zoning</u> |
| | R-4: Tract ID sign Rural/Res: Not permitted | Low Profile Sign |

ZONING HISTORY: The request includes two parcels; one is located within Wake County and one is located within Durham County. The western-most property (PIN# 075803421799) is located in Durham County and within Raleigh's Urban Service Area, designated for subsequent annexation by the City (per inter-local agreement with the City of Durham). This property is currently zoned Residential Rural District (Durham County). The Residential Rural District is established to provide for agricultural activities and residential development on lots of one acre or greater and in conservation subdivisions. This district is generally located outside the urban growth area. The regulations of this district are designed to discourage the premature development of urban services and to encourage the maintenance of an open and rural character. In the suburban tier, Residential Rural district requires a minimum lot area of 30,000 square feet per dwelling unit (DU) and a minimum lot width of 100 feet per DU.

The corresponding annexation petition for this property was approved by City Council on March 17, 2009 with an effective date of June 30, 2009. From the effective date of the annexation, the City has a maximum of 60 days to place City of Raleigh zoning on the property. During this 60-day period the Durham County zoning remains in place until City of Raleigh zoning is approved. Following this 60-day period, if no action has been taken on the zoning request, the current Durham County zoning no longer applies and the property will be officially "unzoned".

The eastern-most property (PIN # 0758425783) is located within Wake County and has been zoned Residential -4 since being brought into the City's jurisdiction in 1996.

**SURROUNDING
ZONING:**

NORTH: Residential-4, Durham Res/Rural, TD CUD (Z-76-98) & (Z-12-00)

Conditions for (Z-12-00) & (Z-76-98):

- A. All residential uses allowed in the Residential-30 District as indicated in Section 10-2071 of the City of Raleigh Zoning Code up to and including 30 units/acre; however, single-family detached residential dwelling units shall not be allowed.
- B. All Office, Institutional, Civic and Services uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code also including without limitation hospitals, and multi-family (30 units per acre, or less), and residential uses by excepting single-family detached dwellings and correctional/penal facilities, which are excluded.
- C. All Commercial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code, except adult establishments, which are prohibited.
- D. All industrial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code.
- E. All recreation uses allowed in the Thoroughfare District of the Raleigh City Code.

NOTE A. as to above Sections A, B, C, D and E: Allowable uses shall include: "accessory uses" and "accessory structures" as permitted on the City of Raleigh Zoning Code.

- F. Development of the subject property, or subdivided lots thereof, will comply

with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.

G. Reimbursement for additional right-of-way shall be at the rate of the current R-4 or Thoroughfare Districts as they apply to the property.

SOUTH: TD CUD (Z-65-96 – Airport Assemblage) & TD CUD (Z-12-00)
EAST: TD CUD (Z-65-96 – Airport Assemblage)
WEST: Durham Residential/Rural

LAND USE: Undeveloped (Wake portion), SF dwelling (Durham portion)

SURROUNDING LAND USE:
NORTH: SF detached residential
SOUTH: industrial
EAST: industrial
WEST: residential

DESIGNATED HISTORIC RESOURCES: None

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 | Umstead |
| Urban Form | Triangle Regional Center |
| Specific Area Plan | None |
| Guidelines | None |

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

The request is consistent with the Comprehensive Plan. The Wake County parcel is located within the Umstead Planning District and within the limits of the Triangle Regional Center, where mixed uses and higher densities are encouraged. The Durham County parcel is located within Raleigh's future Urban Service Area. Once this property is annexed into the City of Raleigh limits, it will also fall within the Triangle Regional Center limits where mixed uses are encouraged. Therefore, the request to rezone the subject properties to Thoroughfare District Conditional Use is consistent with the land use recommendations of the Comprehensive Plan that encourages a mix of uses in this area.

The subject request is also consistent with the adjoining City of Durham Comprehensive Plan. A letter from the City of Durham affirming this has been received.

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

The properties are surrounded predominantly by industrial and residential uses. The Wake County parcel is surrounded by Thoroughfare District CUD zoning and mostly industrial uses. A wide range of industrial buildings are located along the World Trade Boulevard area, to the north, east and south of the subject properties. There are also a large number of undeveloped properties in this vicinity. The Durham County parcel is surrounded by Durham County Residential Rural and Planned Development Residential to the north, west and south. The subject properties have primary access only from Page Road. Access from World Trade Boulevard is limited to a cross-access shared with the adjacent property to the north. Therefore, any potential development of the property would be oriented towards Page Road for primary access.

The rezoning of the subject properties to Thoroughfare District CUD would be compatible with the surrounding uses and zoning. The properties are located between mixed use and residential zoning, which are both included in the Thoroughfare District. The proposed conditions provide for appropriate building materials, screening/ buffering between properties, and specify maximum building height at 49', thus providing for an appropriate transition between the surrounding zoning districts. It should be noted however, that most of the surrounding properties with frontage along World Trade Boulevard, zoned Thoroughfare District are generally built at a maximum of 40 feet height. These properties are not regulated by zoning conditions; however, they are regulated on many development aspects through private restrictive covenants constituted by the World Trade Boulevard Park Association.

3. Public benefits of the proposed rezoning

The applicant notes that the annexation and subsequent rezoning of the subject properties would increase the economic value and usability of the properties. That the rezoning would allow for more permitted uses to the neighbors, such as retail or office space that could serve the surrounding neighbors directly that the property cannot currently provide. These services could be beneficial for the already existing uses as well as residential development planned for the area.

The annexation and rezoning of this property would allow for the extension of water and sewer in the area and pave the way for future development in this area. Given that the request is consistent with the Comprehensive Plan, the rezoning would allow for future development as laid out in the Comprehensive Plan, allowing the surrounding community the ability for planned growth.

4. Detriments of the proposed rezoning

There are no evident detriments associated with this rezoning case. However, it should be noted that continued single-family residential use of the property once it is zoned Thoroughfare District would be rendered a legally non-conforming use.

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

TRANSPORTATION: Page Road is classified as a major thoroughfare and exists as 2-lane ribbon paved road. City standards call for Page Road to be constructed with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within a 90-foot right of way. World Trade Blvd is classified as a collector street and is constructed to City standards as a 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right of way. Longistics Way is classified as a private commercial street and is constructed as 2-lane road with a 31-foot back-to-back curb and gutter section. The subject property does not currently have access to this private easement. If this street were to be converted to a public street, City standards would call for Longistics Way to be constructed with a 41-foot back-to-back curb and gutter section with sidewalks on a minimum of one side within a 60-foot right-of-way. Neither NCDOT nor the City

have any projects scheduled on Page Road or World Trade Boulevard in the vicinity of this case.

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: None.
DRAINAGE BASIN: Little Briar
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No Buffer. No WSPD.

PUBLIC UTILITIES:

| | Maximum Demand on Current Zoning | Maximum Demand on Proposed Zoning |
|--------------------|---|--|
| Water | Approx. <u>12,140</u> gpd | Approx. <u>75,875</u> gpd |
| Waste Water | Approx. <u>12,140</u> gpd | Approx. <u>75,875</u> gpd |

The proposed rezoning would add approximately 63,735 gpd to the City's wastewater collection or water distribution systems. There are no existing sanitary sewers or water mains located adjacent to the zoning case's boundary. The petitioner would be required to extend the required sanitary sewer and water mains to the proposed rezoning property and subsequently any internal mains within the property area.

PARKS AND

RECREATION: This property is not adjacent to a greenway corridor and does not impact park services.

WAKE COUNTY

PUBLIC SCHOOLS: No impacts as residential uses will not be permitted under the proposed TD zoning since the parcels are less than 10 acres in size.

IMPACTS SUMMARY: The petitioner would be required to extend the required sanitary sewer and water mains to the proposed rezoning property and subsequently any internal mains within the property 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 property applied to it now were it being zoned for the first time.**

The applicant notes that the subject property's potential is being underused for meeting future needs. This area is having a high increase in the amount of residential and industrial uses and the proposed zoning opens up opportunities to provide various services to the surrounding property owners. Given that the request is consistent with the Comprehensive Plan, the rezoning would allow for future development as laid out in the Comprehensive Plan, allowing the surrounding community the ability for planned growth.

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

**CITIZENS'
ADVISORY COUNCIL:** DISTRICT: Northwest - Umstead
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884
Nancy Murray, 845-8845

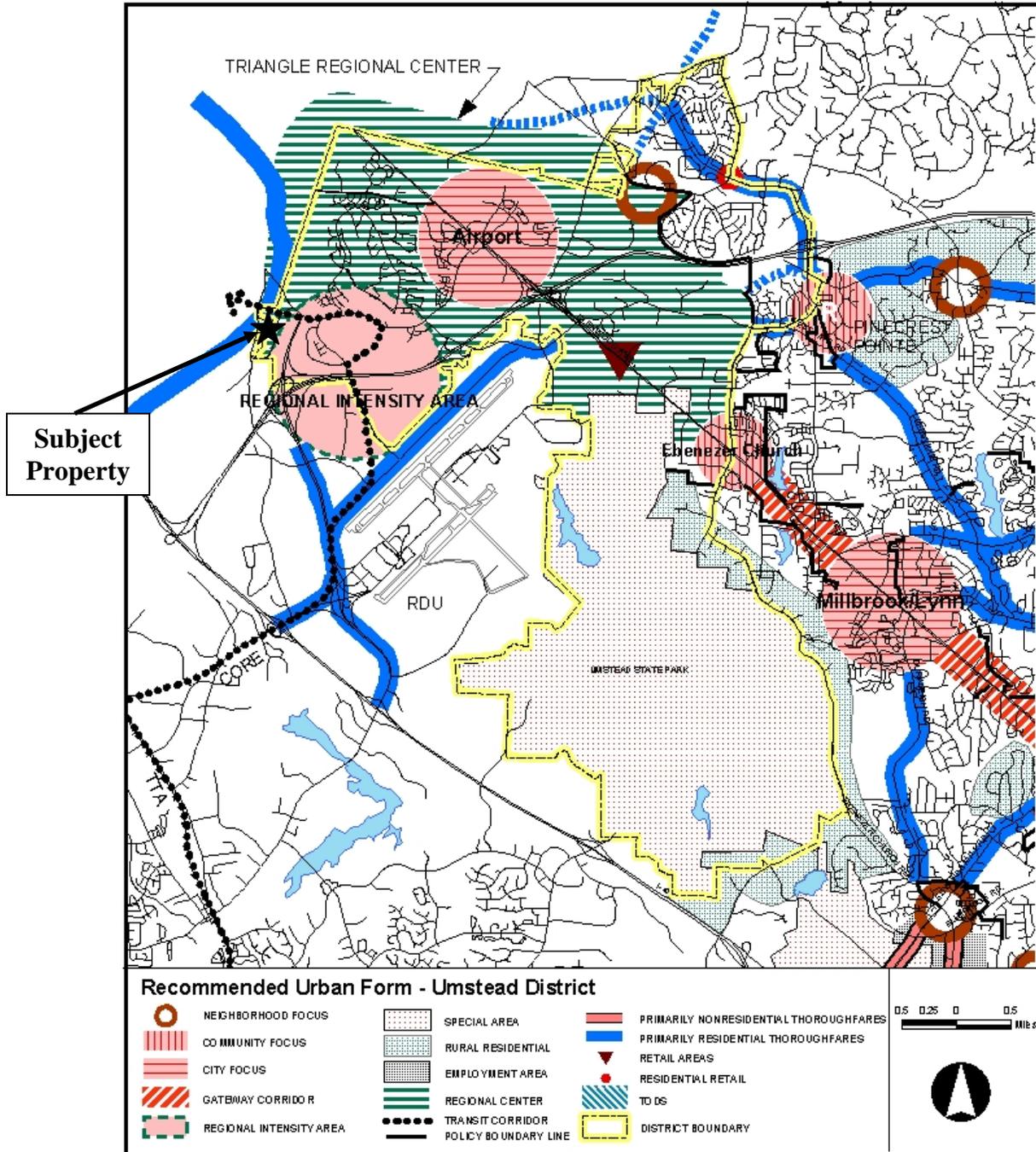
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

The request is consistent with the Comprehensive Plan.

1. Outstanding issues

The corresponding annexation petition for this property was approved by City Council on March 17, 2009 with an effective date of June 30, 2009. From the effective date of the annexation, the City has a maximum of 60 days to place City of Raleigh zoning on the property.



8/05 Raleigh Comprehensive Plan

Umstead District 5-9.F

