



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-18-09 Conditional Use; Poole Rd. and Norwood St.

General Location: Northeast quadrant of Poole Road/ Norwood Street intersection.

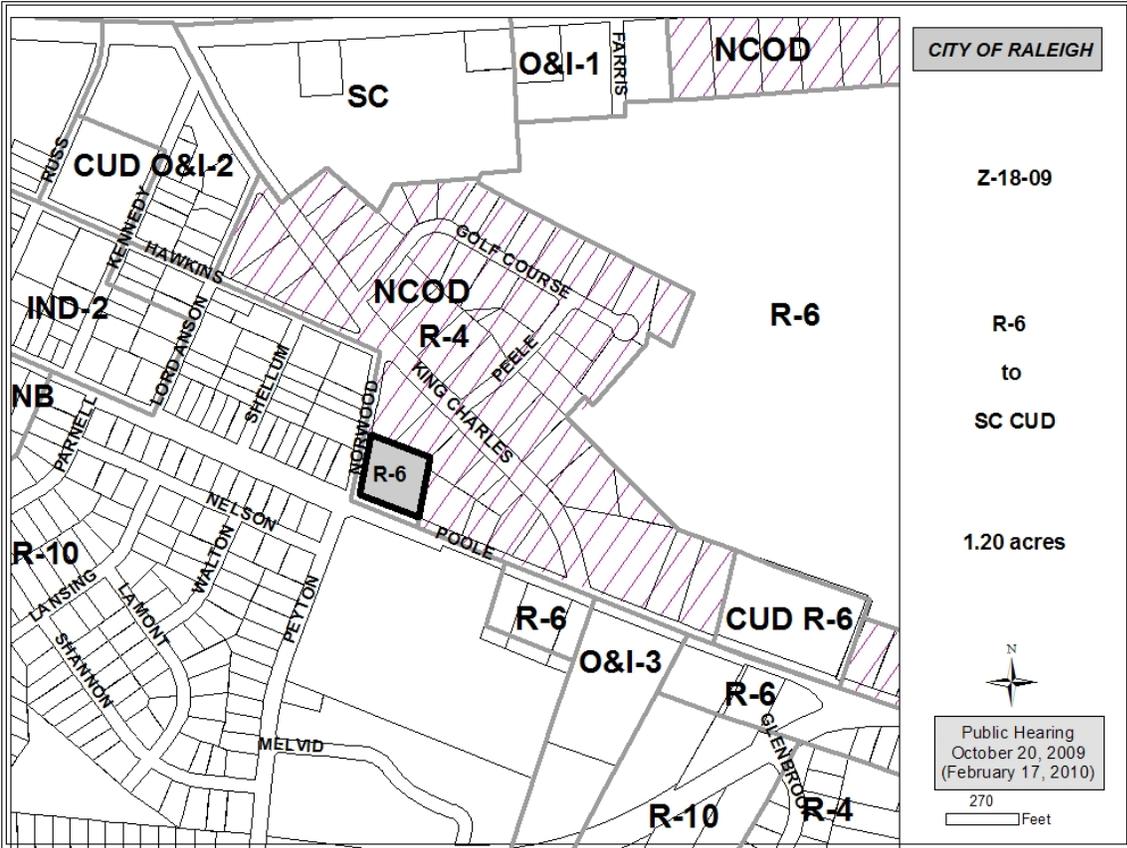
Planning District / CAC: East / East

Request: Petition for rezoning from Residential-6 to Shopping Center Conditional Use District.

Comprehensive Plan Consistency: This proposal is inconsistent with the Comprehensive Plan.

Valid Protest Petition (VSPP): None received.

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan and, based on the findings and reasons stated in this report, should be denied.



CASE FILE: **Z-18-09 Conditional Use; Poole Rd. and Norwood St.**

LOCATION: This site is located at the northeast quadrant of the Poole Road/ Norwood Street intersection.

REQUEST: This request is to rezone approximately 1.20 acres, currently zoned Residential-6. The proposal is to rezone the property to Shopping Center Conditional Use District.

**CONSISTENCY WITH
COMPREHENSIVE
PLAN AND OTHER
ADOPTED PLANS:**

This proposal is inconsistent with the Comprehensive Plan.

RECOMMENDATION: **The Planning Commission finds that this request is inconsistent with the Comprehensive Plan and, based on the findings and reasons stated in this report, should be denied.**

**FINDINGS
AND REASONS:**

- (1) The request is inconsistent with the Comprehensive Plan. The Comprehensive Plan designates this property appropriate for low density residential. The proposal would permit an isolated non-residential use within a residential area.
- (2) The existing use on the property is legal non-conforming. If the property were rezoned to allow a more broad range of commercial uses, it could have a negative impact on the character of the surrounding area.
- (3) The proposal would not be in the public interest, given potential traffic and urban design impacts.
- (4) The proposal would not provide public benefit. Similar non-residential uses are located in close proximity to the subject site. Under the existing zoning, the current, grandfathered development could be aesthetically improved, or the property could be redeveloped with residential uses.

To PC: 10/27/09
Case History: COW: 2/2/10--recommended denial; to PC: 2/9/10—recommended denial.

To CC: 2/16/10

City Council Status: _____

Staff Coordinator: Doug Hill

Motion: Smith

Second: Butler

In Favor: Anderson, Bartholomew, Butler, Fleming, Haq, Harris Edmisten, Mattox, Mullins, Smith, Sterling, 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: 2/10/10



Zoning Staff Report: Z-18-09 Conditional Use

LOCATION: This site is located at the northeast quadrant of the Poole Road/ Norwood Street intersection.

AREA OF REQUEST: 1.20 acres

PROPERTY OWNER: Longview Acre LLC

CONTACT PERSON: Dan Coleman, 832-8293

PLANNING COMMISSION RECOMMENDATION DEADLINE: February 17, 2010

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-6	Shopping Center CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	n/a	n/a

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	7 units	0 units (as per conditions)

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No office uses permitted	No limitation specified

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No retail uses permitted	No limitation specified

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID sign	High Profile (Height = 15 feet, Area = 100 square feet)

ZONING HISTORY: This property has been zoned Residential-6 since the mid-1950s (annexed 10/17/55). At that time, the west section of the present site (former address 2401 Poole Road) was the location of a free-standing residence, with a free-standing grocery building on the east section of the site (2405 Poole Road).

SURROUNDING

ZONING: NORTH: Residential-4, with Neighborhood Conservation Overlay District
SOUTH: Residential-10
EAST: Residential-4, with Neighborhood Conservation Overlay District
WEST: Residential-10

LAND USE: Food store – retail

SURROUNDING

LAND USE: NORTH: Low Density Residential
SOUTH: Institutional (Poe Montessori Magnet Elementary School)
EAST: Low Density Residential
WEST: Low Density Residential, Medium-Density Residential

DESIGNATED

HISTORIC

RESOURCES: None on property; none within 100 feet of property.

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE: In addition to the various Elements (i.e. Transportation, Parks and Recreation, etc.) that are part of the City’s 2030 Comprehensive Plan, the following table summarizes other land use provisions pertinent to the case that have been adopted by the City Council.

Element	Application to case
Future Land Use Map	Low Density Residential
Specific Area Plan	Southeast Raleigh Streetscape Master Plan (affects southwest corner of site)

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

LAND USE

The proposed land use is inconsistent with the Comprehensive Plan. The Future Land Use Map designates the site for Low Density Residential development. The plan states that “This category encompasses most of Raleigh’s single family detached residential neighborhoods, corresponding roughly to the R-2, R-4, and R-6 zoning districts.” The existing zoning would permit up to six dwelling units per acre. The proposed conditions would prohibit residential uses. While the existing use of the site is non-residential (and appears to have been at least partially so since before the property’s 1955 annexation), that use also is not in accordance with the Comprehensive Plan, or existing site zoning. In addition, amendments submitted January 29, 2010, propose adding to the list of permitted uses; those additions are invalid under Code §10-2165 (b).

The Comprehensive Plan states: “Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts” (*Policy LU 8.12: Infill Compatibility*). The proposed conditions limit height to 30 feet, provide a minimum roof pitch, and limit the exterior to brick. They do not do not address matters of parking placement, setback, entrance orientation, massing, or ground sign height.

The Comprehensive Plan additionally cautions that “Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear ‘strip’ pattern unless ancillary to office or high-density residential use (*Policy LU 62: Retail Nodes*). The immediate neighborhood is currently served by two retail areas—one 800 feet to the west of the subject site, on Poole Road (zoned Industrial-2), and another 820 feet to the north, on New Bern Avenue (zoned Shopping Center).

ENVIRONMENTAL PROTECTION

There are no water features or floodplains on the subject site. Site trees are concentrated along the lot lines contiguous with the residential properties on the north and east. As the site is less than two acres, the City’s Tree Conservation Ordinance does not apply.

URBAN DESIGN

The proposed rezoning is conditioned to prohibit drive-through restaurant service, a provision which could reduce vehicle/ pedestrian conflicts. Conditions address several matters of urban design (height, roof form, lighting), but not others (e.g., parking placement, setback, entrance orientation, massing, ground sign height).

DOWNTOWN

The site is located outside the Downtown area boundary.

OTHER PLANS

Future site development at the Poole/ Norwood intersection will be subject to provisions of the Southeast Raleigh Streetscape Master Plan (as specified on Sheet MP-3 of the plan, excerpted below). The Plan text explains that there will need to be a “landscape easement to be acquired at each quadrant of the intersection for a planting consisting of medium shade trees and a hedgerow of shrubs,” adding “that shrubs shall be placed outside of a triangular sight distance area measured 20 feet along each right-of-way line from the intersection...” The proposal is conditioned to provide a landscape easement at the corner.

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

All properties within the immediate vicinity (i.e., one-eighth mile) are zoned residential, with the exception of a funeral home located 700 feet from the subject site, on the opposite side of Poole Road. The subject site is abutted on two sides by the King Charles Neighborhood Conservation Overlay District. Poe Montessori Magnet Elementary School is located across Poole Road from the site, but the majority of nearby properties are built out with single-family residences. The proposed rezoning would create an isolated instance of shopping center zoning within this residential environment.

The site’s present R-6 zoning allows a minimum setback of 20 feet from the street, and at that setback a maximum building height of 40 feet. The proposed rezoning would allow buildings to be 15 feet from the street. (Under either designation, one foot of additional height could be added for every one foot of additional setback.) The adjoining King Charles Neighborhood Conservation Overlay District provides that buildings within the district be set back a minimum of 76 feet from the street right-of-way, and be limited to two stories in height. The proposal is conditioned to the equivalent of the latter, but does not address the former.

3. Public benefits of the proposed rezoning

The proposed zoning could provide additional goods or services to the area. However, adjacent residences are already in close proximity to existing commercial areas, on both Poole Road and New Bern Avenue.

4. Detriments of the proposed rezoning

While uses of the site would be limited under the proposed conditions, a gas station or convenience store, car wash, car repair, vehicle sales, and fast-food business (without a drive-through) would be

among the permitted uses. Such development could result in increased traffic, and elevated levels of lighting and noise.

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

TRANSPORTATION: Poole Road is classified as a minor thoroughfare (2007 ADT -7,200 vpd) and is constructed to City standards as a 4-lane curb and gutter section with sidewalks on both sides within an 85-foot right-of-way. Norwood Street is classified as a collector street and exists as 2-lane curb and gutter section with sidewalk on one side within a 51-foot right-of-way. City standards call for Norwood Street to be constructed with 41-foot back-to-back curb and gutter section within a 60-foot right-of-way. Neither NCDOT nor the City have any projects scheduled on any of these roadways in the vicinity of this case.

Over the next 25 years traffic volumes along Poole Road in the vicinity of the subject property are projected to increase to 15,315 vehicles per day. Minimizing driveway entrances along Poole Road is necessary to maintain vehicular and pedestrian safety in this area.

TRANSIT: The applicant has conditioned the request to deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way, adding that the location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

HYDROLOGY: FLOODPLAIN: None.
DRAINAGE BASIN: Walnut Creek
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9, Stormwater Control and Watercourse Buffer Regulations.
No Buffer. No WSPOD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>4,200</u> gpd	Approx. <u>5,400</u> gpd
Waste Water	Approx. <u>4,200</u> gpd	Approx. <u>5,400</u> gpd

The proposed rezoning would add approximately 1,200 gpd to the wastewater and water treatment systems of the City. There are existing sanitary sewer and water mains in place which could serve the rezoning site.

PARKS AND RECREATION:

This property is not adjacent to any greenway corridors. This property will not affect the level of service for parks facilities in the area.

WAKE COUNTY PUBLIC SCHOOLS:

The maximum number of dwelling units permitted under the current zoning is 7; the proposed rezoning would not permit residential uses on the property, resulting in a net reduction of potential students by 4. The impact on base school enrollment may be summarized as follows:

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Oak Grove	865	115.2%	863	114.9%
Moore Square	490	86.9%	489	86.7%
Enloe	368	78.0%	367	77.8%

IMPACTS SUMMARY: Anticipated traffic volume suggests limitations should be provided regarding access from Poole Road.

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 posits that had contemporary social, economic, and urban design trends been foreseen when the existing zoning was adopted for the property, commercial zoning would have been adopted instead. However, real estate records indicate that until 1995, the property contained a residential structure as well as the commercial building. The Future Land Use Map provides that the property be residential, at a maximum density of six dwelling units per acre.

APPEARANCE

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

CITIZENS'

ADVISORY COUNCIL: DISTRICT: East
CAC CONTACT PERSON: Mark Turner, 741-6329

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- Inconsistency of non-residential uses with the Comprehensive Plan.
- Amendment of list of proposed uses [not permitted after advertising of case, as per §10-2165 (b)].

2. Suggested conditions

- Further address how development of the site will be compatible with the surrounding residential context (e.g., parking placement, building setback, entrance orientation, massing, height of ground-mounted sign).

TRANSPORTATION:

- Simplify Condition d., to state "Access to Poole Road shall be limited to no more than one driveway."

Future Land Use Map

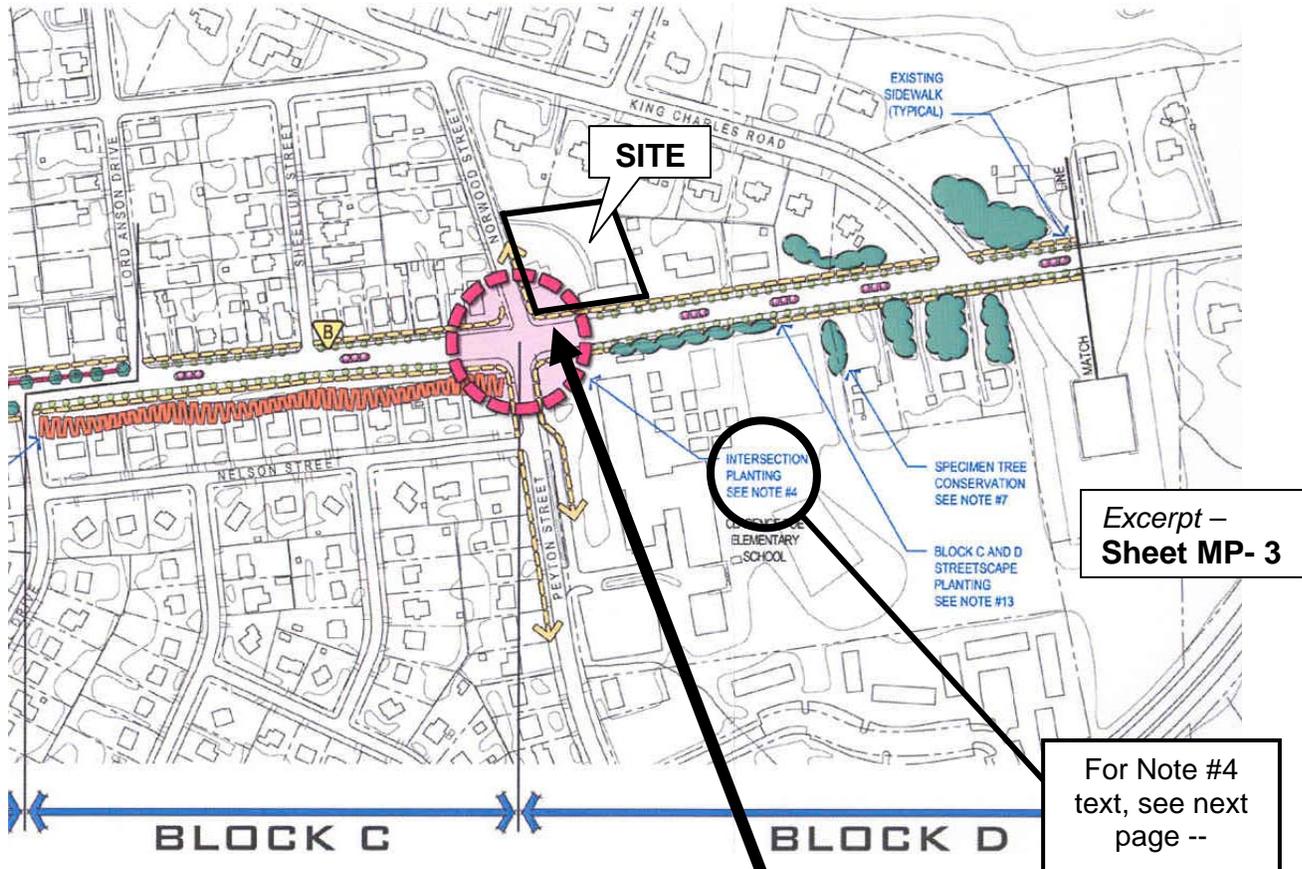


 Low Density Residential

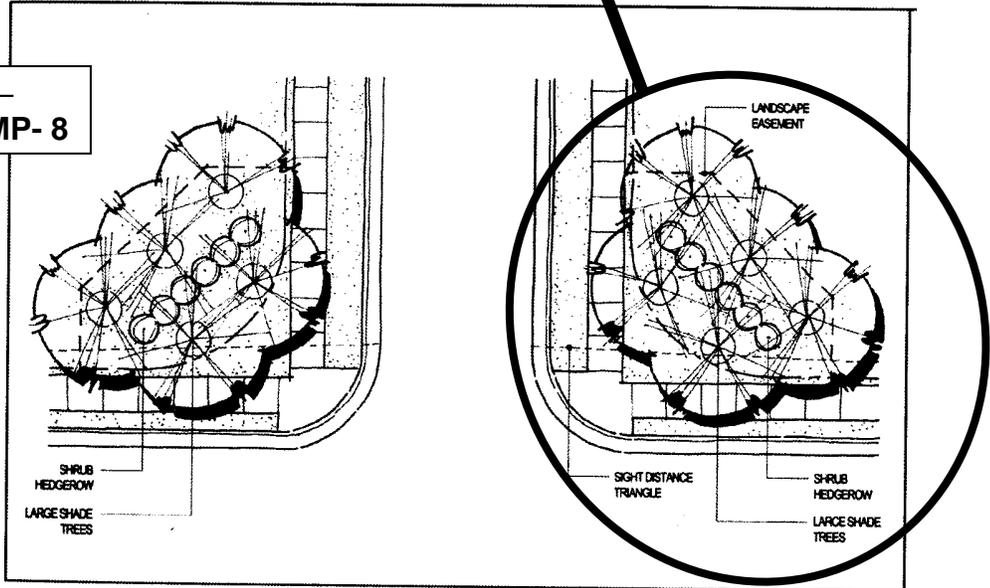
Low Density Residential (1-6 units per acre)

This category encompasses most of Raleigh’s single family detached residential neighborhoods, corresponding roughly to the R-2, R-4, and R-6 zoning districts (but excluding parks within these districts). It also identifies vacant or agricultural lands—in the city and in the county—where single family residential use is planned over the next 20 years. Clustered housing, duplexes, and other housing types would be consistent with this designation as long as an overall gross density not exceeding 6 units per acre was maintained. As defined in the zoning regulations, manufactured home parks could also be appropriate in this land use category.

Excerpts— Southeast Raleigh Streetscape Master Plan



Excerpt – Sheet MP- 8



INTERSECTION STREETSCAPE PATTERN

Southeast Raleigh Streetscape Master Plan

Note #4 -- Intersection Planting:

#4 LANDSCAPE EASEMENT TO BE ACQUIRED AT EACH QUADRANT OF THE INTERSECTION FOR A PLANTING CONSISTING OF MEDIUM SHADE TREES AND A HEDGEROW OF SHRUBS. A SUGGESTED INTERSECTION STREETScape PATTERN IS SHOWN ON SHEET MP-8. NOTE THAT SHRUBS SHALL BE PLACED OUTSIDE OF A TRIANGULAR SIGHT DISTANCE AREA MEASURED 20 FEET ALONG EACH RIGHT-OF-WAY LINE FROM THE INTERSECTION. THE PROPOSED PLANTING PATTERN MAY BE UNFEASIBLE AT SOME QUADRANTS OF THE INTERSECTION DUE TO EXTREME NATURAL FEATURES, EXISTING UTILITIES, AND/OR OTHER IMPROVEMENTS.