



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-23-09 Conditional Use; Lake Boone Trail

General Location: Lake Boone Trail, south side, east of Horton Street

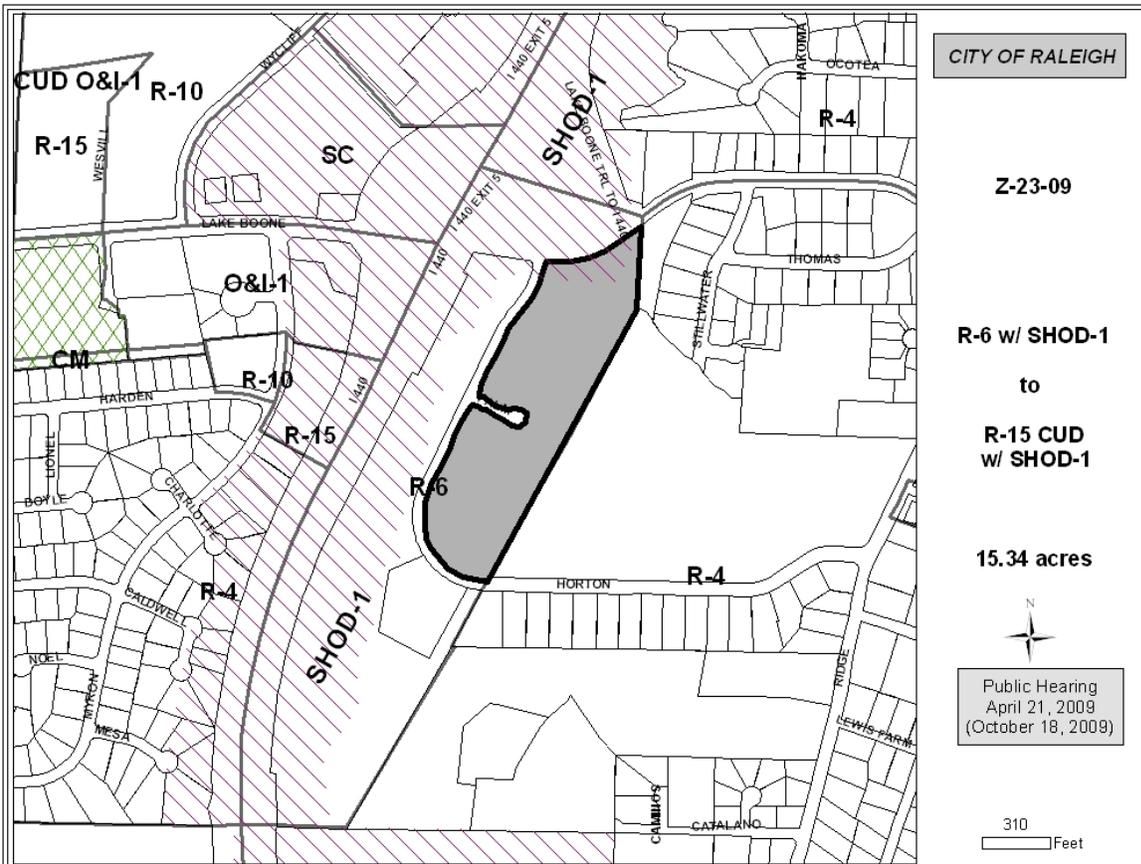
Planning District / CAC: North Hills / Glenwood

Request: Petition for Rezoning from Residential-6 w/ Special Highway Overlay District-1 to Residential-15 Conditional Use w/ Special Highway Overlay District-1.

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

Valid Protest Petition (VSPP): Application deadline date: April 16, 2009

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated September 9, 2009.





Zoning Staff Report: Z-23-09 Conditional Use

LOCATION: This site is located on the south side of Lake Boone Trail, east of its intersection with Horton Street.

AREA OF REQUEST: 15.34 acres

PROPERTY OWNER: Grubb Palms, LLC

CONTACT PERSON: Thomas C. Worth, Jr., 919-831-1125

PLANNING COMMISSION RECOMMENDATION DEADLINE: August 19, 2009

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	R-6	R-15 Conditional Use
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	Special Highway-1	Special Highway-1

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	92 Units (6 units per acre) 188 Units (Approved Cluster Dev. w/ Density Transfer)	230 Units

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	None	None

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	None	None

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID	Tract ID

ZONING HISTORY: This property has been zoned Residential-6 since being brought into the City's jurisdiction (Z-33-63).

SURROUNDING ZONING:
NORTH: Residential-6
SOUTH: Residential-6
EAST: Residential-4

WEST: Residential-6

LAND USE: Multi-family housing

SURROUNDING

LAND USE: NORTH: Single-family & Open Space
SOUTH: Vacant & Open Space
EAST: Leroy Martin Junior High School
WEST: Multi-family residential & Open Space

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	North Hills
Urban Form	Neighborhood Focus Area
Specific Area Plan	N/A
Guidelines	N/A

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 subject property is located in the Northeast District, which shows the property as part of a Neighborhood Focus Area.

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

Development northeast of the subject property is primarily low density, single-family residential. Single-family residential development is located to the north, while a combination of city owned greenway and multi-family development is located to the west of the subject property. Leroy Martin Junior High School is located east of the subject property, and property to the south consists of vacant land located in the FEMA floodplain.

The proposed rezoning is consistent with the Comprehensive Plan, but there is a clear change in the type of the development that occurs west of the I-440 bridge, and the development that occurs to the east. The development to the west consists of retail, office, and high density multi-family uses, while the development to the east consists of low to medium density residential development. Based on the transition that appears to be taking shape in this area, the requested rezoning to Residential-15 appears to be compatible with the surrounding area.

It should be noted that the owner of the subject property also owns the property directly to the west across Horton Street. While the properties have maintained the R-6 zoning classification, a cluster subdivision was approved in 2007. Current subdivision regulations allow property under common ownership to transfer density between adjacent parcels when bisected by right-of-way, typically to accommodate a parcel which is environmentally constrained.

The subject of this rezoning request was the recipient of a density transfer, receiving additional density from the property to the west. The western adjacent property is largely encumbered with the 100-year flood plain. The petitioner has added a condition which specifies that the subject property will not receive a density transfer from an adjacent property. A condition has not been offered, however, which would restrict a density transfer from the subject property back to the western property.

3. Public benefits of the proposed rezoning

The petitioner indicates that the proposed rezoning is a public benefit because it will encourage the older multi-family development that currently occupies the property to be redeveloped to be more aesthetically pleasing, and that the rezoning will lend to more efficient and financially viable redevelopment.

Allowing this property to be rezoned does not guarantee that the redevelopment that may take place on the property will be more aesthetically pleasing because the applicant has not provided any conditions that would provide any foresight into the appearance of future development. If the conditions provided information regarding building materials, orientation, parking regulations, and landscaping there would be more predictability regarding the appearance of future development.

4. Detriments of the proposed rezoning

The subject property is located in a flood prone area containing a Neuse Riparian Buffer, and is adjacent to a major thoroughfare in close proximity to the I-440 exit ramps.

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

TRANSPORTATION: Lake Boone Trail is classified as a minor thoroughfare (2007 ADT - 9,000 vpd) and exists as a 4-lane undivided road with a curb and gutter section and sidewalk on one side adjacent to the I-440/NCDOT right-of-way. City standards call for Lake Boone Trail to be constructed as a multi-lane curb and gutter section with sidewalks on both sides. Interstate 440 is classified as a principal arterial and borders the subject property to the west. While the property does not have direct access to I-440, the eastbound entrance and exit ramps at Lake Boone Trail are located directly across from the subject property. Horton Drive is classified as a collector street and exists as a 2-lane curb and gutter section with sidewalks on both sides within a 50-foot right-of-way. City standards call for Horton Drive to be constructed with a 41-foot back-to-back curb and gutter section with sidewalk on a minimum of one side within a 60-foot right-of-way.

A traffic impact analysis has been submitted by the applicant and reviewed by staff, and staff has concluded that approval of the requested rezoning would result in traffic impacts identical to the surrounding areas when compared to the existing apartment development.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. 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: FEMA – Site is subject to Part 10, Chapter 4 flood prone area regulations.
 DRAINAGE BASIN: House Creek
 STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9, Stormwater Control and Watercourse Buffer Regulations. Neuse Riparian Buffer is present on site.
 No WSPOD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>53,690</u> gpd	Approx. <u>120,802</u> gpd
Waste Water	Approx. <u>53,690</u> gpd	Approx. <u>120,802</u> gpd

The proposed rezoning would add approximately 67,112 gpd to the wastewater collection and water distribution systems of the City. There are presently existing sanitary sewer and water mains available for the rezoning area to connect to the City's utilities.

PARKS AND RECREATION:

This property is adjacent to the House Creek Greenway corridor. There is a section on which the applicant will be required to dedicate the required greenway unless it is included as a condition of this rezoning case. There are sufficient park facilities in this area to meet the current level of service for the area. This rezoning case might increase the number of residents by 42.

WAKE COUNTY PUBLIC SCHOOLS:

Based on the Wake County data, students living in this area may be assigned to attend either: Lacy Elementary, Martin Middle or Broughton High. Development of the subject property at the requested rezoning could potentially yield the following increases: Lacy Elementary may increase by 6 students, Martin Middle may increase by 3 students, and Broughton High may increase by 3 students.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Lacy	723	108.4%	729	109.3%
Martin	1,023	106.1%	1,026	106.4%
Broughton	2,174	106.3%	2,177	106.5%

IMPACTS SUMMARY: Based on the location of the requested rezoning the applicant will be required to dedicate land for the greenway in this area. Due to the size of the subject property and allowable land use density associated with the proposed zoning 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 has indicated that the subject property was last zoned and developed over 30 years ago, prior to the relocation of Rex Hospital to Lake Boone Trail and the development of Lake Boone Shopping Center, and these recent development changes support the increased residential density and development of office uses on the subject property.

While the development of the area west of I-440 and the subject property has significantly changed since the subject property was last rezoned, the area east of I-440 has developed as primarily single-family residential which provides evidence that the property's current zoning classification could be properly applied to it if it were being zoned for the first time.

APPEARANCE

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

CITIZENS'

ADVISORY COUNCIL:

DISTRICT: Glenwood

CAC CONTACT PERSON: Richard Bostic, 919-781-0497

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding Issues

A Cluster Subdivision approved in 2007 could allow for the subject property to be developed to exceed the density allowed in Residential-15 zoning by using a transfer of density based on environmental constraints. (*Issue has been resolved with conditions 'a' and 'f'.*)

2. Suggested conditions

- a. Consider adding a condition that encourages structures along the northern portion of the site to address Lake Boone Trail with either a front or side façade treatment.
- b. Consider adding a condition that requires parking to be constructed to the side or rear any new development on the subject property.

