



# Certified Recommendation of the City of Raleigh Planning Commission

**Case File: Z-27-09 Conditional Use; Nowell Road**

**General Location:** West side of Nowell Road, southwest of its intersection with Conference Drive

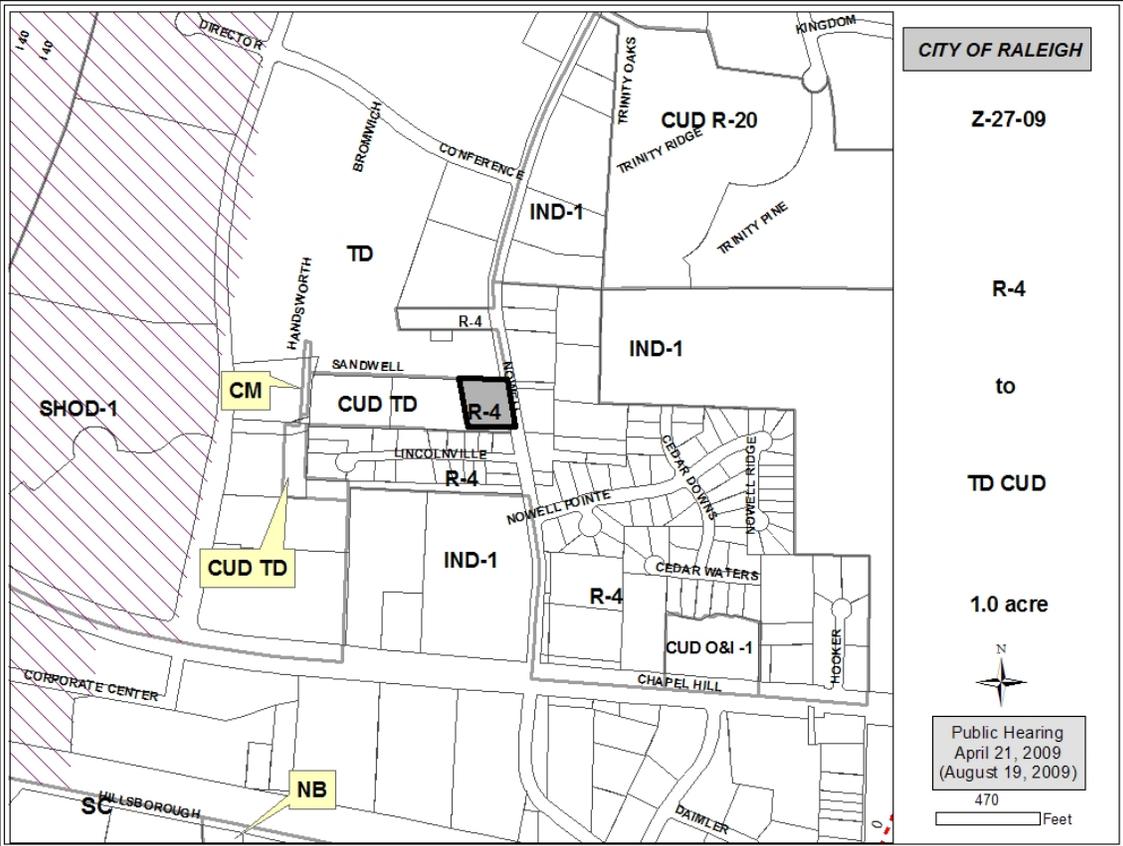
**Planning District / CAC:** Southwest / West

**Request:** Petition for Rezoning from Residential-4 to Thoroughfare CUD.

**Comprehensive Plan Consistency:** The request is consistent with the Comprehensive Plan.

**Valid Protest Petition (VSPP):** YES.

**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 April 28, 2009.



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**CASE FILE:**    **Z-27-09 Conditional Use**

**LOCATION:**       This site is located on the west side of Nowell Road, southwest of its intersection with Conference Drive

**REQUEST:**       This request is to rezone approximately 1.0 acres, currently zoned Residential-4. The proposal is to rezone the property to Thoroughfare CUD.

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

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**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 April 28, 2009.**

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**FINDINGS AND REASONS:**

- (1) That the request is consistent with the Comprehensive Plan. The site is located within an employment area designated by the Arena Small area Plan, where non-residential uses are encouraged
- (2) That the property is immediately surrounded to the north, west and south by similar zoning district and therefore, rendered compatible with the surrounding zoning and uses
- (3) That the zoning conditions offered prohibit certain uses, limit building height to 35 feet, specify building materials, signage, dumpster location and business hours of operation thereby, reducing any potential adverse impacts to the surrounding properties
- (4) That appropriate transition to the adjacent residential neighborhood to the further south is provided by the 30 foot undisturbed buffer retained by the TD strip to the immediate south of the subject property (established by Z-16-00)
- (5) That offers of cross-access to adjacent properties were not achievable given the relatively small size of the property and constraining zoning conditions of the immediate property to the west
- (6) That the request being consistent, compatible, and having no adverse impacts, could be considered reasonable and in serving the public interest.

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**To PC:**           4/28/09

**Case History:**

**To CC:**           5/5/09

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:**   Dhanya Sandeep

**Motion:** Holt  
**Second:** Butler  
**In Favor:** Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith  
**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: 4/29/09



## Zoning Staff Report: Z-27-09 Conditional Use

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**LOCATION:** This site is located on the west side of Nowell Drive, southwest of its intersection with Conference Drive

**AREA OF REQUEST:** 1.0 acres

**PROPERTY OWNER:** Barbara Robinson & Johnnie Sue Evans

**CONTACT PERSON:** John Loureiro, 859-4190  
Niall Gillespie, 422-1776

**PLANNING COMMISSION RECOMMENDATION DEADLINE:** August 19, 2009

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<b>ZONING:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Residential-4	Thoroughfare CUD
	<b><u>Current Overlay District</u></b>	<b><u>Proposed Overlay District</u></b>
	None	None
<b>ALLOWABLE DWELLING UNITS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	4 DU	None (parcel is less than 10 acres)
<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Not permitted	No max. specified
<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Not permitted	No max. specified
<b>ALLOWABLE GROUND SIGNS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Tract ID	High Profile (Height = 15 feet; Area = 100 sq.ft.)
<b>ZONING HISTORY:</b>	This property has been zoned R-4 for several years.	
<b>SURROUNDING ZONING:</b>	NORTH: Thoroughfare District SOUTH: TD CUD, Residential-4 EAST: Residential-4 WEST: TD CUD (Z-16-00)	

Zoning Conditions (Z-16-00)

1. All general uses and conditional uses allowed in the Thoroughfare District excluding the following: correctional/penal facility, adult establishment, bar, nightclub, tavern and lounge, retail, hotel or motel, restaurant, outdoor stadium/theater/racetrack, riding stable, rifle range, bottling plant, transitional housing except supportive housing, hospital, kennel/cattery, vehicle sales and rental, automotive service/repair, all uses classified as industrial under Sec. 10-2071 except warehouse/distribution when said use is part of an office building structure and does not exceed 20% of the total building area.
2. Any reimbursement for street right-of-way will be based on R-4 Zoning.
3. Stormwater management shall comply with C.R. 7107.
4. All stormwater (2 and 10 year storm) from any area outside of the undisturbed buffer yards designated by Cond. 7 and additional Cond. 1 (below) will be directed away from adjacent properties zoned R-4 via an underground storm pipe system.
5. Building setbacks will be no less than 100 feet from adjacent properties zoned R-4.
6. Site lighting shall be designed so that there will be no direct view of a light source from neighboring properties.
7. A minimum of 50-foot wide transition protective yard buffer shall be reserved along neighboring residential properties, with 40 feet of this protective yard remaining undisturbed.
8. A 6 ft. high closed wooden fence and landscaping meeting the standard of a type "C" transition yard or greater if required by Sec. 10-2082 shall be erected or planted in the transition yard buffer.
9. Area in subject property PIN 0774831755 located along Nowell Road between adjacent residential zoned properties PIN 0774835529 and PIN 0774834756 shall remain undisturbed buffer with no driveway access.
10. There shall be no driveway or street connection between subject properties PIN No's 0774838758 and 0774735115.

Additional Conditions for PIN 0774735115 include the following:

1. All general uses and conditional uses allowed in the Conservation Management District with travel lanes and parking lots allowed in the 25 ft. width adjacent to the property presently zoned Thoroughfare District.
2. All graded areas outside parking areas to be landscaped to the standard of a Type "B" transition yard buffer.

**LAND USE:** Residential use

**SURROUNDING**

**LAND USE:** NORTH: residential use, office use  
SOUTH: undisturbed strip, residential use  
EAST: residential use  
WEST: vacant

**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.

<b>Element</b>	<b>Application to case</b>
Planning District	Southwest
Urban Form	Employment Area
Specific Area Plan	Arena SAP
Guidelines	None

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

The subject site is located in the Southwest Planning District and also within the I-40 West employment area designated by the Arena Small Area Plan. The request to rezone the property to Thoroughfare District CUD is consistent with the Comprehensive Plan in that, the property is recommended for employment uses. As currently conditioned, the rezoning would permit a mix of uses – office, retail, institutional and/or industrial uses on the site. Such mix of uses is encouraged within employment areas. Therefore, the subject rezoning is consistent with the recommendations of the Comprehensive Plan.

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

The subject site is surrounded predominantly by residential, industrial & vacant uses, with Thoroughfare District, Industrial-1 and Residential-4 zoning. To the immediate north of the subject property, a 350 unit apartment complex is under way to be developed at medium density (13.75 DU/acre) residential use. To the further north, at the intersection of Conference Drive are existing office uses. To the south is a mixture of vacant land and industrial uses with a few scattered single family homes. To the east are largely single family residential uses.

To the immediate west is a large vacant tract of land zoned TD CUD. This vacant tract was rezoned in 2000 (Z-16-00); the approval included a condition which specified that the strip of land between the subject property and the residential lot to the south would remain undisturbed with no driveway access. It should be noted that while the conditions of Z-16-00 provide for adequate buffer to the surrounding residential uses, it renders the large tract of land to the west & south (of the subject property) essentially landlocked. However, it should be noted that this impact to the surrounding property is not one triggered by the subject rezoning. Furthermore, the proposed conditions of the subject rezoning address building height & materials, signage & hours of operation, in an effort to negate potential adverse impacts to the surrounding properties.

Since the subject site is located in a designated employment area which permits mixed uses, the proposed request is consistent with the land use recommendations of the Comprehensive Plan and is compatible to the surrounding uses. In addition, the Arena SAP recommends that all development in

the area should respect the surrounding context of built and natural environments. The proposed conditions address height and building materials to render compatibility with the surrounding uses.

**3. Public benefits of the proposed rezoning**

The applicant notes that the rezoning would make the property more compatible with the neighborhood and future development in the area. That the property will be improved and renovated, thereby inducing an increase in property value. Furthermore, the proposed conditions of the subject rezoning address building height & materials, signage & hours of operation, in an effort to negate potential adverse impacts to the surrounding properties.

Given that the property is located in an area designated for employment uses, the proposed rezoning would encourage the effective use of the property in a manner consistent with the recommendations of the Comprehensive Plan.

**4. Detriments of the proposed rezoning**

The subject property is surrounded by Thoroughfare District zoning to its north and west. However, residential zoning exists to its east and south. While the conditions of the property to the west (Z-16-00) provide for adequate buffer to the surrounding residential uses, it renders the large tract of land to the west (of the subject property) essentially landlocked. Thus, a failure to address cross-access agreement/ shared driveway access through subject rezoning would be detrimental to the surrounding property to the west. However, it should be noted that this impact to the surrounding property is not one triggered by the subject rezoning. Additionally, continued 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:** Nowell Road is classified as a collector street and exists as a 2-lane ribbon paved road within a 60-foot right-of-way. City standards call for Nowell Road to be constructed with a 41-foot back-to-back curb and gutter section with sidewalk on a minimum of one side 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 adjacent property to the west.

**TRANSIT:** The petitioner has offered a condition to dedicate a transit easement.

**HYDROLOGY:** FLOODPLAIN: No  
DRAINAGE BASIN: Richland  
STORMWATER MANAGEMENT: Pt. 10 CH. 9 for stormwater compliance.  
Down stream drainage complaints have been investigated for 2 properties on Lincolnville Rd.

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>2,000</u> gpd	Approx. <u>12,500</u> gpd
Waste Water	Approx. <u>2,000</u> gpd	Approx. <u>12,500</u> gpd

The proposed rezoning would add approximately 10,500 gpd 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 adjacent to any greenway corridors. This rezoning case does not impact the level of service for park facilities.

**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:** No major impacts are associated with this request.

The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the adjacent property to the west.

**OPTIONAL ITEMS OF DISCUSSION**

1. **An error by the City Council in establishing the current zoning classification of the property.**

NA

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 notes that the properties in this neighborhood have been transitioning to more commercial uses. Further, a business will be operated at this site providing tax base and employment for the City of Raleigh.

Given that the property is located in an area designated for employment uses, the proposed rezoning would encourage the effective use of the property in a manner consistent with the recommendations of the Comprehensive Plan. The rezoning would make the property more compatible with the neighborhood and future development anticipated for the area.

**APPEARANCE**

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

**CITIZENS'**

**ADVISORY COUNCIL:** DISTRICT: West  
CAC CONTACT PERSON: Elizabeth Byrd, 233-8531  
Mark Vander Borgh, 357-2454

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**SUMMARY OF ISSUES:**

**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

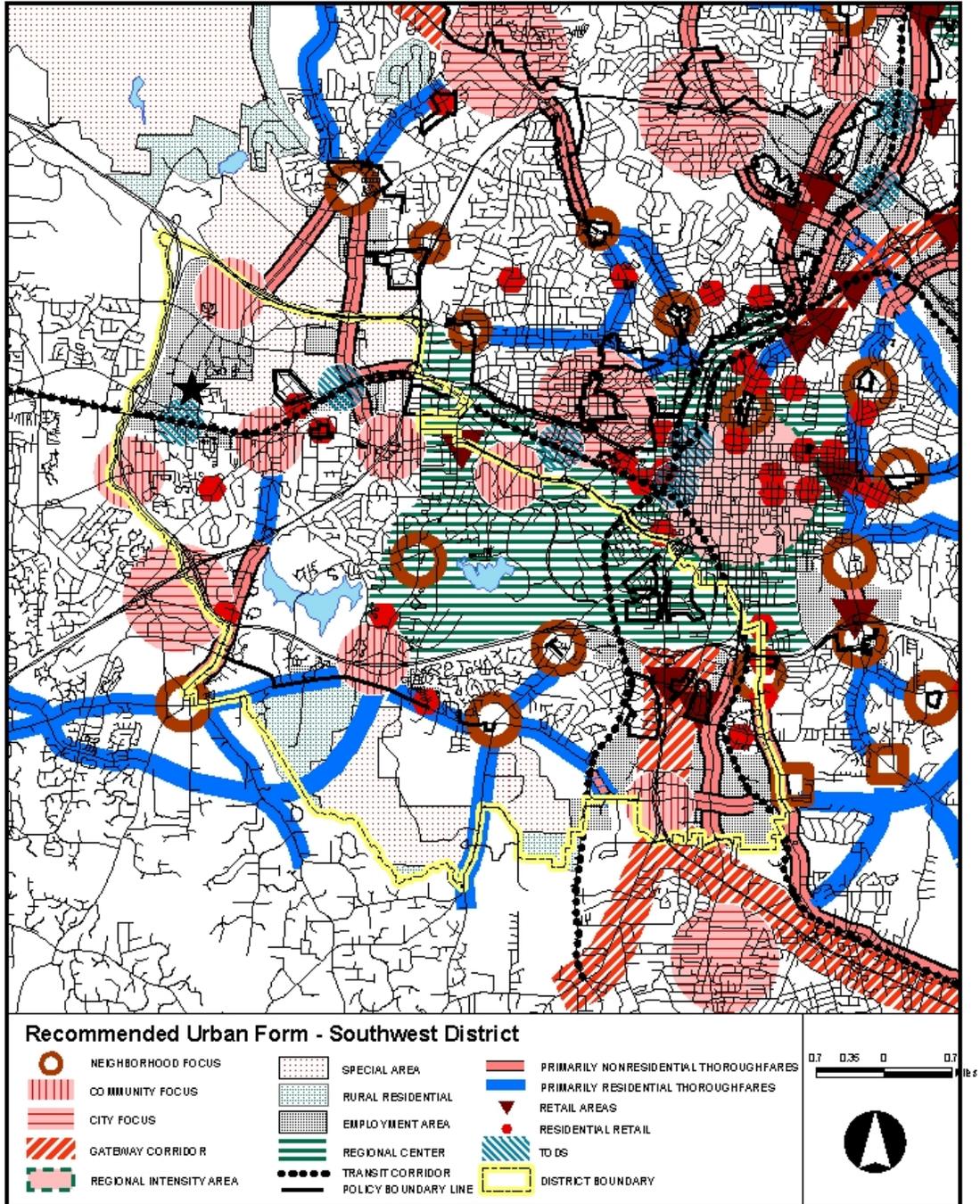
The request is consistent with the Comprehensive Plan.

1. **Outstanding Issues**

**TRANSPORTATION:**

The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the adjacent property to the west.

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8/05 Raleigh Comprehensive Plan

Southwest District 5-8.F

