



# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information Z-24-10 / Poole Road at Norwood Street

<i>Location</i>	Northeast quadrant of Poole Road/Norwood Street intersection
<i>Size</i>	1.2 acres
<i>Request</i>	Rezone property from Residential-6 to Neighborhood Business Conditional Use District.

## Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Low Density Residential
<i>Applicable Policy Statements</i>	Policy LU 1.3 - Conditional Use District Consistency Policy LU 6.4 - Bus Stop Dedication Policy LU 7.6 – Pedestrian Friendly Development Policy LU 8.12—Infill Compatibility Policy LU 10.6 – Retail Nodes Policy UD 2.3 – Activating the Street

Consistent

Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. The following uses are excluded: sale of drug paraphernalia, agricultural uses, recreational uses, cemeteries, correctional/penal facilities, special care facilities, residential transitional housing (with the exception of supportive housing residence), bars, nightclubs, taverns, lounges, adult establishments, eating establishments, alcohol sales for on-site consumption, hotel/motel, commercial parking facilities, movie theater, pest exterminating services, kennel, cattery, riding stable, outdoor stadium, reservoirs, water control structures, landfills, utilities, telecommunication tower, mini-warehouses, airfield, landing strip, heliport, veterinary hospital</li> <li>2. Residential density not to exceed 6 dwellings per acre</li> <li>3. Building height no higher than 35'</li> <li>4. Minimum 30' setback from future rights-of-way</li> <li>5. Building ground floor not to exceed 5,500 square feet</li> <li>6. Building second floor will be composed of dwellings</li> <li>7. Driveways limited to one on Poole Road and one on Norwood Street</li> <li>8. Building materials and colors to match Poe Elementary School</li> <li>9. Alcohol and tobacco product advertisements cannot be seen from Poe Elementary School</li> <li>10. A transit easement, bus shelter and concrete pad will be provided</li> <li>11. Screening of trash containers</li> <li>12. Roof construction to be either hip or gable, maximum pitch 5:12</li> <li>13. The petitioner will contribute \$500 annually to Poe Elementary School, for 20 years</li> </ol>
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## Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>1. The proposed zoning is inconsistent with the Comprehensive Plan</li> <li>2. Nonresidential uses could be incompatible with surrounding uses.</li> <li>3. The rezoning would create a spot zoned property</li> <li>4. Conditions related to sale and advertisement of items should be removed</li> </ol>	<i>Suggested Conditions</i>	1. The applicant should consider a condition that addresses compatibility with the existing residential uses.
<i>Impacts Identified</i>	No significant impacts identified	<i>Proposed Mitigation</i>	N/A

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
7/29/10	10/19/10	Date: Action	Date: Action

**Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use Map

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	

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 attached Staff Report.

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

James Brantley james.brantley@raleighnc.gov

Certified Recommendation

Z-24-10 / Poole Rd. and Norwood St.



# Zoning Staff Report – Z-24-10

## Conditional Use District

### Request

<i>Location</i>	Northeast quadrant of Poole Road/Norwood Street intersection
<i>Request</i>	Rezone property from R-6 to Neighborhood Business Conditional Use
<i>Area of Request</i>	1.2 acres
<i>Property Owner</i>	Longview Acre LLC
<i>PC Recommendation Deadline</i>	February 16, 2011

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-6	NB Conditional Use
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Food store - retail	Retail uses and residential uses of up to 6 dwellings per acre are permitted.
<i>Residential Density</i>	6 Units per acre (max. of 7 units)	6 Units per acre (max. of 7 units)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Residential-4 with Neighborhood Conservation Overlay District	Residential-10	Residential-4 with Neighborhood Conservation Overlay District	Residential-10
<i>Future Land Use</i>	Low density residential	Public facilities	Low density residential	Low density residential
<i>Current Land Use</i>	Low density residential	Institutional (Poe Montessori Magnet Elementary School)	Low density residential	Low density residential, medium density residential

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Low density residential
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 1.3 - Conditional Use District Consistency Policy LU 6.4 - Bus Stop Dedication

	Policy LU 7.6 – Pedestrian Friendly Development Policy LU 8.12—Infill Compatibility Policy LU 10.6 – Retail Nodes Policy T 5.1 – Enhancing Bike/Pedestrian Circulation Policy UD 2.3 – Activating the Street
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## Contact Information

<i>Staff</i>	James Brantley – (919) 516-2651, james.brantley@raleighnc.gov
<i>Applicant</i>	Dan Coleman – (919) 832-8293 buildcon@bellsouth.net
<i>Citizens Advisory Council</i>	East – Mark Turner

## Case Overview

The request is to rezone the property from Residential-6 to Neighborhood Business Conditional Use. The existing Residential-6 zoning district allows up to 6 dwellings per acre. This zoning district does not allow retail uses. The proposed zoning district, Residential Business, is intended for neighborhood-scale retail in close proximity to residential development, though residential uses are allowed.

The site is surrounded on the west, north and east by single family housing. To the south is Poe Elementary. There are no retail uses adjacent or in proximity to this site. The property has existed as a commercial use and structure for over 50 years. The existing commercial use is currently non-conforming.

Conditions attached to the application prohibit several more intense land uses, restrict building height and setbacks and limit curb cuts.

## Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

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

#### 1.1 Future Land Use

The proposed rezoning is inconsistent with the Future Land Use Map of the Comprehensive Plan. The site is designated on the Future Land Use Map for low density residential uses, that is, up to six dwellings per acre. The rezoning would permit retail uses.

#### 1.2 Policy Guidance

The following policy guidance is applicable with this request

Policy LU 1.3 - Conditional Use District Consistency All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan
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The proposal is inconsistent with this policy. Conditions do not assure compatibility of the site with the surrounding single family neighborhood. Particularly, see LU 8.12, LU 10.6 below.

**Policy LU 6.4 - Bus Stop Dedication**

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

The proposal is consistent with this policy. A stop and shelter have been offered in the conditions.

**Policy LU 7.6 – Pedestrian Friendly Development**

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

The proposal is consistent with this policy. It provides a retail use that is small-scaled and easily accessed by pedestrians. A recently approved text change would require that, upon redevelopment, sidewalk connections to the public right-of-way be made.

**Policy LU 8.12 - Infill Compatibility**

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

The proposal is inconsistent with this policy. The conditions do not address matters of parking placement, building massing or ground sign height. The applicant might want to offer conditions to address compatibility with surrounding context.

**Policy LU 10.6 – Retail Nodes**

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.

The proposal is inconsistent with this policy as the proposal is for a “spot zoning” of one property for retail uses. The subject property is not contiguous with other retail zoning or uses.

**Policy UD 2.3 – Activating the Street**

New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections.

The proposal is consistent with this policy, since it provides retail uses that are easily accessible to pedestrians and bicyclists.

**1.3 Area Plan Guidance**

Future site development at the Poole/ Norwood intersection will be subject to provisions of the Southeast Raleigh Streetscape Master Plan. 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 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 provides a maximum building height of 35 feet, and specifies a minimum front yard setback of 30 feet.

**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.**

**5.1 Transportation**

<u>Primary Streets</u>	<u>Classification</u>	<u>Current Volume (ADT)</u>	<u>2035 Future Volume (ADT)</u>		
Poole Road	Minor Thoroughfare	7,200	15,315		
Norwood Road	Collector Street	N/A	N/A		
<b>Street Conditions</b>					
Poole Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	Back-to-back curb and gutter section	84'	Yes, both sides	None
City Standard	3	Back-to-back curb and gutter section	80'	minimum 5' sidewalks on both sides	4' striped bicycle lanes on both sides
<b>Meets City Standard?</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>

Norwood Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	Back-to-back curb and gutter section	50'	5' sidewalk on east side of street	None
City Standard	2	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	N/A
<b>Meets City Standard?</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>		
AM PEAK	5	35	<b>30</b>		
PM PEAK	7	135	<b>128</b>		
<b>Suggested Conditions/Impact Mitigation:</b>	None				
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any projects scheduled in the vicinity of this case.				

### 5.2 Transit

Impact Identified: The rezoning could result in a more intense land use, thereby increasing the need for transit services. The applicant has offered a condition to grant a transit easement to the City.

### 5.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Walnut Creek
<i>Stormwater Management</i>	Site is subject to Part 10, Chapter 9, Stormwater Control and Watercourse Buffer Regulations
<i>Overlay District</i>	No buffer, no WSPOD.

Impact Identified: No impact

### 5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	4,200 gpd	7,500 gpd
<i>Waste Water</i>	4,200 gpd	7,500 gpd

Impact Identified: The proposed rezoning will add approximately 3,300 gpd to the wastewater collection and water distribution systems of the City. There is an existing six (6") inch water main in Norwood Street and an existing twelve (12") water main in Poole Road rights-of way and an existing eight (8") inch sanitary sewer in Norwood Street and Poole Road rights-of-way.

**5.5 Parks and Recreation**

The property is not located adjacent to any proposed greenway areas. There are no park search areas in this vicinity

Impact Identified: No impacts to the level of recreation service.

**5.6 Urban Forestry**

The site is smaller than the two acre threshold for tree conservation.

Impact Identified: None

**5.7 Wake County Public Schools**

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Wiley	386	100.3%	386	100.3%
Daniels	1,162	101.5%	1,162	101.5%
Enloe	368	78.0%	368	78.0%

Impact Identified: No impact; the number of dwellings allowed in the current zoning is the same as the number of dwellings allowed in the proposed zoning.

**5.8 Designated Historic Resources**

The site is not a designated landmark and is not in either a National Register or local historic district.

Impact Identified: No impact.

**5.9 Impacts Summary**

No significant impacts identified.

**5.10 Mitigation of Impacts**

N/A

**6. Appearance Commission**

Not subject to Appearance Commission review.

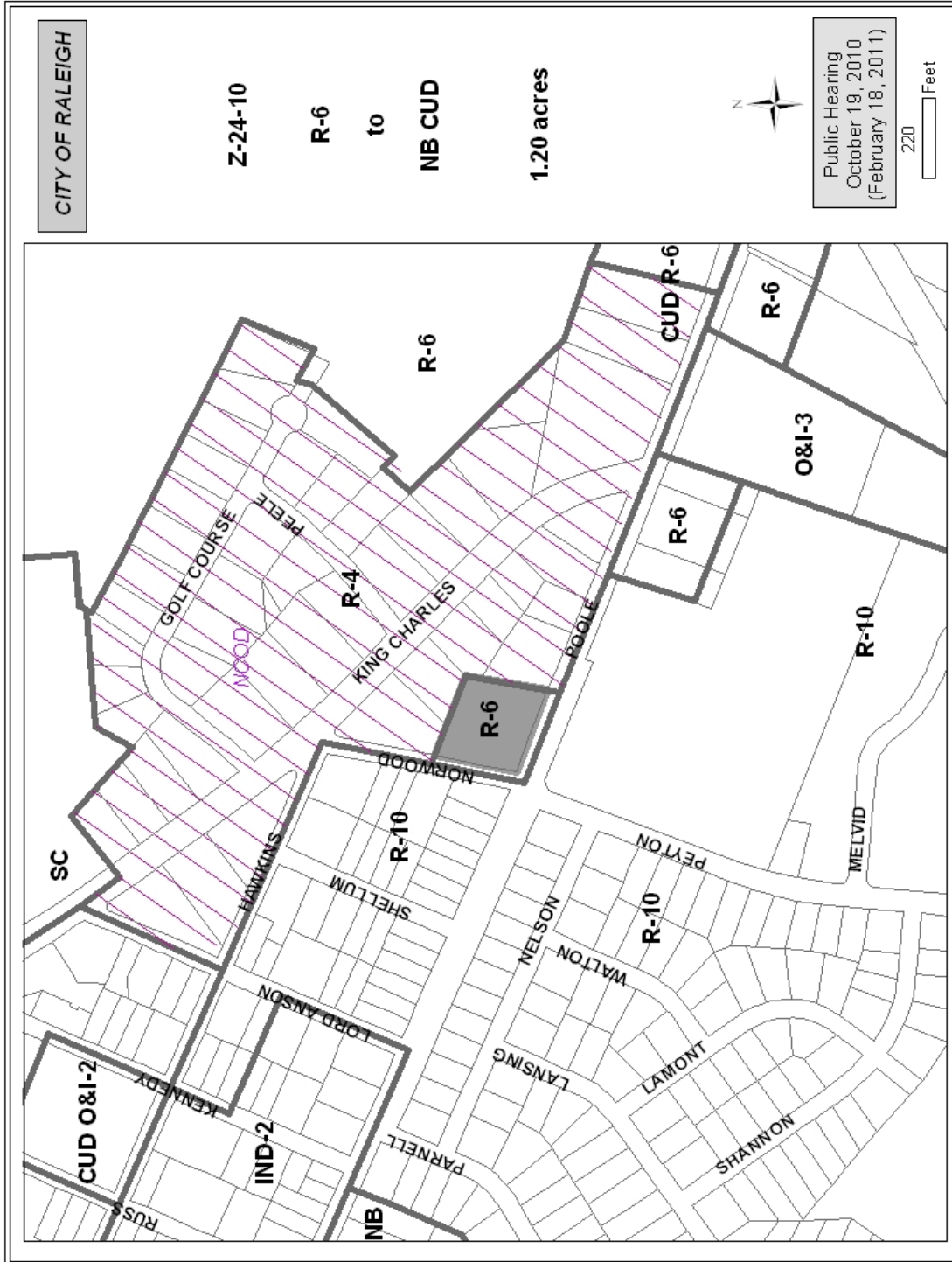
**7. Conclusions**

The proposed rezoning is inconsistent with the Comprehensive Plan. The site is designated for low density residential uses; the proposed rezoning would allow retail uses. The proposal would be "spot zoning," as there is no adjacent retail zoning.

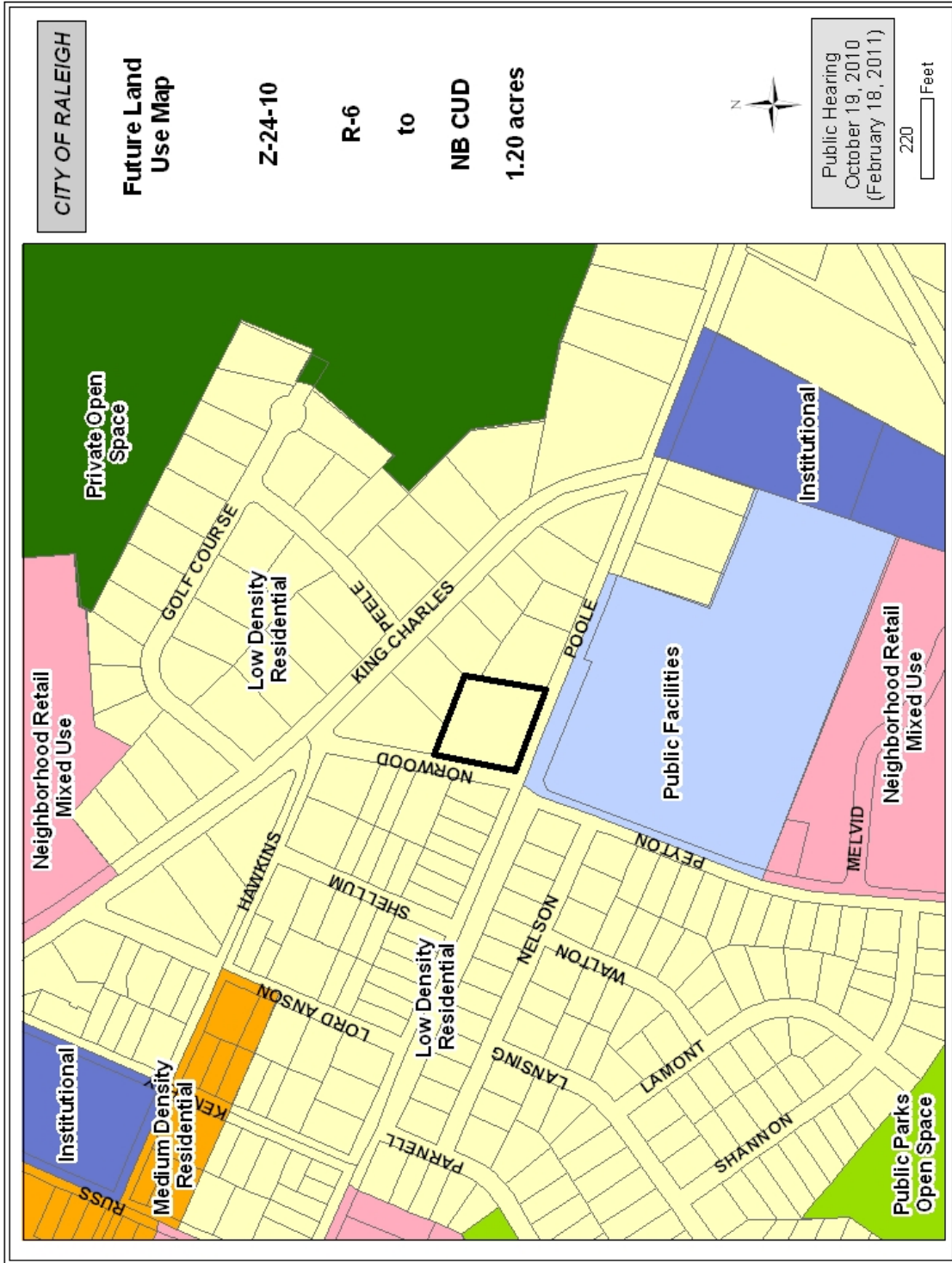
The petitioner may wish to consider conditions that address compatibility and buffering to the adjacent neighborhood. The petitioner has offered conditions that relate to the sale and advertisement of certain items. The City cannot enforce these conditions; they should be removed.



# Existing Zoning Map



# Future Land Use Map



**Staff Evaluation**

Z-24-10 / Poole Rd. and Norwood St.

