

CITY OF RALEIGH

Z-2-09

**R-6
to
R-10 CUD**

0.64 acres

Public Hearing
January 22, 2009
(May 22, 2009)

390
Feet

CITY OF RALEIGH
CITY PLANNING DEPT

Office Use Only
Petition No. 2-2-09



SEP 19 AM 9:25

Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

- ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
- ☐ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
- ☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes
where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s)

Date:

9/17/09

Please type or print name(s) clearly:

George Kane and Bennett Keasler

EXHIBIT B. Request for Zoning Change

Office Use Only

Petition No.

2-2-09

Date Filed:

9.19.08

Filing Fee:

\$ 1028.00

ck # 5021

Please use this form only -- form may be photocopied. Please type or print

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Cartier Partners	5711 Six Forks Rd Raleigh NC 27609	(919)232-6718
2) Property Owner(s):	Cartier Partners		
3) Contact Person(s):	George Kane		
	Bennett Keasler	(919) 201-8100	
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>1705016673</u> <u>2608- Cartier Dr Raleigh</u>		
	General Street Location (nearest street intersections): <u>Cartier and Oberlin</u>		
5) Area of Subject Property (acres):	<u>.642 acres</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>R-6</u>		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>R-10 Conditional</u>		

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
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 properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan **(www.raleighnc.gov).**

A. Please state which District Plan area the subject property is located within and the recommended land use for this property:

University District, recommended use is residential retail

B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

Within neighborhood focus at Oberlin Road and Glenwood Avenue

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?

Yes, encourages single family residences

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

Site is bordered by Glenwood Village Shopping Center to the north, 3 single family houses to the east, 4-unit residential property to the west and single family houses across Cartier to the south.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

Shopping center is NB zoning, all other surrounding is R-6. Single family lots range from 0.19 acres to 0.62 acres, buildings are typically 1-2 stories, setbacks are typical for R-6.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area

Zoning amendment would allow addition of 2 single family properties on this under-developed density parcel.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

Creation of 2 single family lots for development

B. For the immediate neighbors:

Addition of consistent uses to existing neighborhood

C. For the surrounding community:

Increased housing opportunity with minimal impact to infrastructure, etc

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

Property is suitable for addition of 2 single family houses with minimal impact to infrastructure

V. Recommended items of discussion (where applicable).

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

b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

c. The public need for additional land to be zoned to the classification requested.

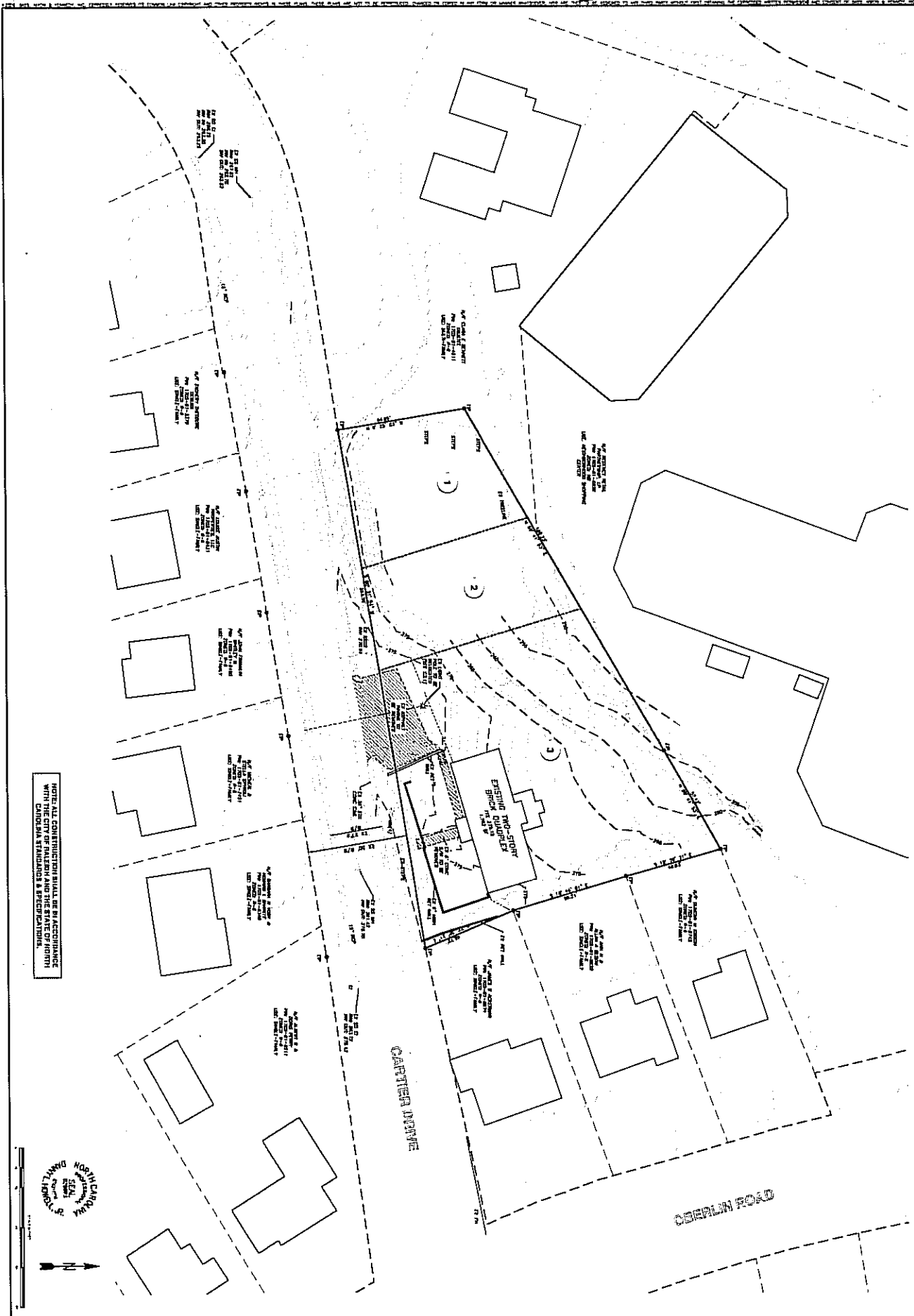
Increased density adjacent to transportation, retail, etc is in the public interest

d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

Project creates no new streets, utilities extensions yet provides 2 additional residential properties.

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VI. Other arguments on behalf of the map amendment requested.



Z- Z -09



PROPOSED FRONT ELEVATION

2- -09



PROPOSED FRONT ELEVATION



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-2-09 Conditional Use; Cartier Drive**

General Location: This site is located on the north side of Cartier Drive, west of its intersection with Oberlin Road.

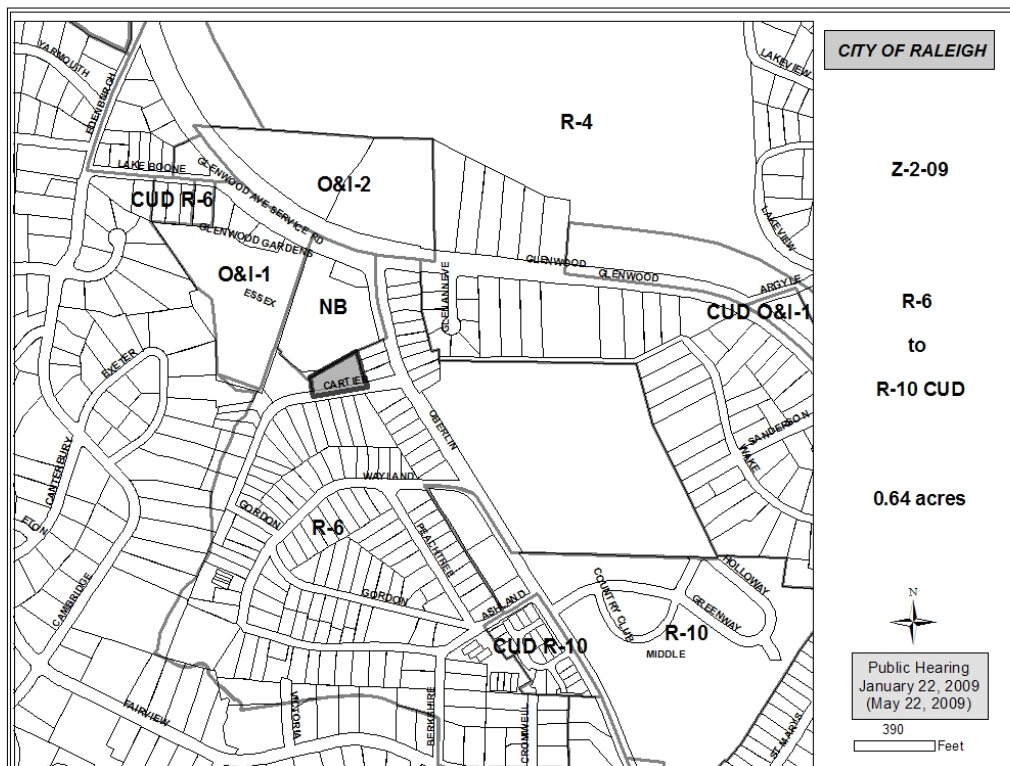
**Planning District
/ CAC:** University / Wade

Request: Petition for Rezoning from **Residential-6 to Residential-10 Conditional Use.**

**Comprehensive Plan
Consistency:** This request is inconsistent with the Comprehensive Plan.

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

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated February 11, 2009.



CASE FILE: Z-2-09 Conditional Use

LOCATION: This site is located on the north side of Cartier Drive, west of its intersection with Oberlin Road.

REQUEST: This request is to rezone approximately 0.64 acre, currently zoned Residential-6. The proposal is to rezone the property to Residential-10 Conditional Use.

**COMPREHENSIVE
PLAN CONSISTENCY:** This request is inconsistent with the Comprehensive Plan.

RECOMMENDATION: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated February 11, 2009.

FINDINGS AND REASONS:

- (1) This request is inconsistent with the Comprehensive Plan. The University District Plan designates this area as being appropriate for Suburban Residential development.
- (2) Proposed zoning conditions for this site include limiting new construction to single family detached dwellings, existing quadruplex may be replaced with a maximum of four (4) dwelling units, vinyl siding shall be prohibited, and reimbursement for right of way shall be at the R-6 value.
- (3) The Planning Commission finds that this request is reasonable and in the public interest. Rezoning the property to Residential-10 Conditional Use will provide an appropriate transition to the adjacent shopping center. The proposal is consistent and compatible with surrounding land uses.

To PC: 2/10/2009
Case History:

To CC: 2/17/2009

City Council Status:

Staff Coordinator: Stan Wingo

Motion: Holt

Second: Smith

In Favor: Anderson, Bartholomew, Butler, Chambliss, 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: 2/12/09



Zoning Staff Report: Z-2-09 Conditional Use

LOCATION: This site is located on the north side of Cartier Drive, west of its intersection with Oberlin Road.

AREA OF REQUEST: 0.64 acre

PROPERTY OWNER: George Kane

CONTACT PERSON: George Kane 201-8100

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** *May 22, 2009*

ZONING: **Current Zoning**

Residential-6

Current Overlay District

None

Proposed Zoning

Residential-10 Conditional Use

Proposed Overlay District

None

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

3 dwelling units

Proposed Zoning

6 dwelling units

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Office uses not permitted.

Proposed Zoning

Office uses not permitted.

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Retail uses not permitted.

Proposed Zoning

Retail uses not permitted.

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Tract ID Sign

Proposed Zoning

Tract ID Sign

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

**SURROUNDING
ZONING:**

NORTH: NB
SOUTH: R-6
EAST: R-6

WEST: R-6

LAND USE: Multifamily dwelling unit

SURROUNDING

LAND USE: NORTH: Retail and office uses, shopping center
SOUTH: Single family
EAST: Single family
WEST: Single family

DESIGNATED HISTORIC RESOURCES: *This site is not located within a historic district and does not contain any historic landmarks.*

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	University
Urban Form	Suburban Residential
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).

This site is located in the University Planning District within an area designated as appropriate for Suburban Residential. The request to rezone the property to Residential-10 Conditional Use is inconsistent with the Comprehensive Plan.

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

Applicant states that the proposed map amendment would allow the addition of two (2) single family properties on this under-developed density parcel; therefore the request would be compatible.

Staff disagrees with this assessment in part. The amendment could be considered as being compatible with surrounding land uses. The applicant has conditioned the property to single family new construction. Given this offered condition, the proposed land use would be compatible with the surrounding area in terms of land use. However, rezoning the property to Residential-10 Conditional Use is not compatible with surrounding zoning and/or density. The proposal could be considered a small-scale rezoning.

3. Public benefits of the proposed rezoning

Applicant states the main benefit of this request is the creation of two (2) single family lots, also noting the increased housing opportunity with minimal impact to infrastructure.

Staff disagrees with the assessment presented by the applicant. There is very little public benefit associated with this request.

4. Detriments of the proposed rezoning

This request could be considered small-scale in nature and will introduce higher density zoning and smaller lot sizes in an established, older neighborhood.

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

TRANSPORTATION: Cartier Drive is classified as a residential street and is constructed as 2-lane street with a 31-foot a back-to-back curb and gutter section within a 50-foot right-of-way. City standards call for Cartier Drive to be constructed with sidewalk on a minimum of one side within the existing right-of-way.

The petitioner may want to consider a condition stating that reimbursement for additional right-of-way dedicated shall be at R-6 values.

TRANSIT: This site is within close proximity of current 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: Beaver-SW
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>2,240</u> gpd	Approx. <u>3,360</u> gpd
Waste Water	Approx. <u>2,240</u> gpd	Approx. <u>3,360</u> gpd

The proposed rezoning would add approximately 1,120 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 any greenway corridors. This rezoning case will increase the number of residents only minimally. The residents will be absorbed by existing facilities.

WAKE COUNTY PUBLIC SCHOOLS:

Wake County public school populations in this area are overpopulated. Enrollment at Lacy Elementary could be increased by 1 student. This rezoning proposal will have very little impact on the crowded school populations for this area.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Lacy	723	108.4%	724	108.5%
Daniels	1,162	101.5%	1,162	101.5%
Broughton	2,174	106.3%	2,174	106.3%

IMPACTS SUMMARY: The request to rezone this property to Residential-10 Conditional Use will have very little impact on current infrastructure.

OPTIONAL ITEMS OF DISCUSSION

[Only address if the applicant has]

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.**

N/A

APPEARANCE

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

CITIZENS'

ADVISORY COUNCIL: DISTRICT: Wade
CAC CONTACT PERSON: Bill Padgett 787-6378

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. **Outstanding issues**

- The proposal is inconsistent with the Comprehensive Plan.

