Z-2-09

R-6
to
R-10 CUD

0.64 acres

Public Hearing
January 22, 2009
(May 22, 2009)
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:
   - to lessen congestion in the streets;
   - to provide adequate light and air;
   - to prevent the overcrowding of land;
   - to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
   - to regulate in accordance with a comprehensive plan;
   - to avoid spot zoning; and
   - 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.

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:

Please type or print name(s) clearly:

George Kane and Bennett Keasler
EXHIBIT B. Request for Zoning Change

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

See instructions, page 6

1) Petitioner(s):
   Name(s)  Cartier Partners
   Address  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:
   Wake County Property Identification Number(s) (PIN): 1705016673
   2608- Cartier Dr Raleigh
   General Street Location (nearest street intersections):
   Cartier and Oberlin

5) Area of Subject Property (acres):
   .642 acres

6) Current Zoning District(s) Classification:
   R-6

7) Proposed Zoning District Classification:
   R-10  Conditional

Rezoning Petition
Form Revised December 21, 2007
8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

(Important: Include PIN Numbers with names, addresses and zip codes.) Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Street Address(es):</th>
<th>City/State/Zip:</th>
<th>Wake Co. PIN #s:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regency Retail Partnership PO Box 790830 San Antonio TX</td>
<td>1705016828</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clara E. Bennett, Trustee 2708 Cartier Dr Raleigh NC 27608</td>
<td>1705014611</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patrick Simpich</td>
<td>5232 Loughboro Rd Washington DC 20010</td>
<td>1705015308</td>
<td></td>
</tr>
<tr>
<td>Zachary T. Debusk</td>
<td>2701 Cartier Dr Raleigh NC 27608</td>
<td>1705015379</td>
<td></td>
</tr>
<tr>
<td>Louise Austin Properties LLC PO Box 19669 Raleigh NC 27619</td>
<td>1705016431</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Franklin Whitley III 2609 Cartier Dr Raleigh NC 27619</td>
<td>1705016490</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael &amp; Stella Spyrow 3705 Winding Tr Ct Douglasville GA 30135</td>
<td>1705017451</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barbara Vosk &amp; Howard Shareff 7508 Haymarket Lane Raleigh NC 27615</td>
<td>1705018348</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albert &amp; Doris Perry</td>
<td>2815 Oberlin Rd Raleigh NC 27608</td>
<td>1705019511</td>
<td></td>
</tr>
<tr>
<td>Allan &amp; Anne Bloom</td>
<td>2903 Oberlin Rd Raleigh NC 27608</td>
<td>1705018659</td>
<td></td>
</tr>
<tr>
<td>James D. Ackerman</td>
<td>2901 Oberlin Rd Raleigh NC 27608</td>
<td>1705018674</td>
<td></td>
</tr>
<tr>
<td>Duncan M. Gibson</td>
<td>2909 Oberlin Rd Raleigh NC 27608</td>
<td>1705018745</td>
<td></td>
</tr>
</tbody>
</table>

For additional space, photocopy this page.
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.
VI. Other arguments on behalf of the map amendment requested.
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 quadraplex 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:

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential-6</td>
<td>Residential-10 Conditional Use</td>
</tr>
<tr>
<td>Current Overlay District</td>
<td>Proposed Overlay District</td>
</tr>
<tr>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

ALLOWABLE DWELLING UNITS:

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 dwelling units</td>
<td>6 dwelling units</td>
</tr>
</tbody>
</table>

ALLOWABLE OFFICE SQUARE FOOTAGE:

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office uses not permitted.</td>
<td>Office uses not permitted.</td>
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</tbody>
</table>

ALLOWABLE RETAIL SQUARE FOOTAGE:

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail uses not permitted.</td>
<td>Retail uses not permitted.</td>
</tr>
</tbody>
</table>

ALLOWABLE GROUND SIGNS:

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract ID Sign</td>
<td>Tract ID Sign</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Element</th>
<th>Application to case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning District</td>
<td>University</td>
</tr>
<tr>
<td>Urban Form</td>
<td>Suburban Residential</td>
</tr>
<tr>
<td>Specific Area Plan</td>
<td>N/A</td>
</tr>
<tr>
<td>Guidelines</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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 WSPOD.

**PUBLIC UTILITIES:**

<table>
<thead>
<tr>
<th></th>
<th>Maximum Demand on Current Zoning</th>
<th>Maximum Demand on Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>Approx. 2,240 gpd</td>
<td>Approx. 3,360 gpd</td>
</tr>
<tr>
<td>Waste Water</td>
<td>Approx. 2,240 gpd</td>
<td>Approx. 3,360 gpd</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>School name</th>
<th>Current enrollment</th>
<th>Current Capacity</th>
<th>Future Enrollment</th>
<th>Future Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lacy</td>
<td>723</td>
<td>108.4%</td>
<td>724</td>
<td>108.5%</td>
</tr>
<tr>
<td>Daniels</td>
<td>1,162</td>
<td>101.5%</td>
<td>1,162</td>
<td>101.5%</td>
</tr>
<tr>
<td>Broughton</td>
<td>2,174</td>
<td>106.3%</td>
<td>2,174</td>
<td>106.3%</td>
</tr>
</tbody>
</table>
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.