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Petition to Amend the Official Zoning Map

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

Office Use Only
Petition No. 2-7-08
Original Date Filed: 10/19/07
Amended Date: 7/1/08

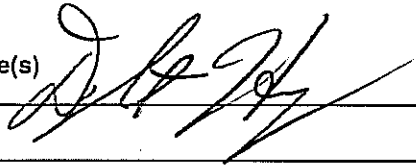
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The petitioner seeks to show the following:

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: 7-1-08

Please type or print name(s) clearly:
Dwight Henry

Sign  Date 7-1-08

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>2-7-08</u>
Date Filed:	<u>10/19/07</u>
Filing Fee:	<u>7/1/08</u>

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

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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.	<u>Dwight Henry</u>	<u>7313 Louisburg Road</u>	<u>919-621-4525</u>
		<u>Raleigh, NC 27616</u>	

2) Property Owner(s):	<u>Dwight Henry</u>		

3) Contact Person(s):	<u>Dwight Henry</u>		

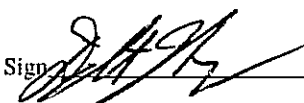
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	<u>Wake County Property Identification Number(s) (PIN): 1737535624</u>

General Street Location (nearest street intersections): Perry Creek and Louisburg Road

5) Area of Subject Property (acres):	<u>.78 Acres</u>
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6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>R-4</u>
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7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>NB Conditional Use, with existing Special Highway Overlay District 3 to remain</u>
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Sign 

Date 7-1-08

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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:

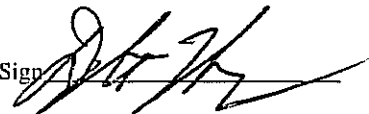
I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

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

District Plan: North East
Recommended Land Use: R-4

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.

The subject property is located within the Northeast Regional Plan and the US 401 Corridor plan.

Sign 

Date 7-1-08

(continued)

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

The proposed map amendment is consistent with the Comprehensive Plan. It would support the local economy, commerce and employment. The subject lot is deep and would not change the community appearance. The lot is adjacent to existing Neighborhood Business zoning and across the street from SC and O & I -1 zoning.

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):

The proposed NB land use is consistent with the surrounding area. The lot is adjacent to existing Neighborhood Business zoning and across the street from SC and O & I -1 zoning.

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

The area has a Special Highway Overlay District 3 zoning. The lots in this area deep and any structures would not change the character of the community or interfere with traffic patterns in anyway.

- 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

The proposed amendment would complement the current zoning scheme in the area. It is consistent with the NB zoning scheme immediately north of the subject property. The area directly across the street is zoned for shopping center and office and institutional use. A neighborhood business would compliment the existing development and provide needed services to the community.

III. Benefits and detriments of the proposed map amendment.

- A. For the landowner(s):

The landowners would benefit from having a neighborhood business in the area, which would complement the current zoning and development patterns. The business would provide needed services due to the population and traffic increase in that area.



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(continued)

B. For the immediate neighbors:

Continuity in the zoning patterns.

C. For the surrounding community:

The proposed amendment would support commerce, the local economy, employment and a sense of community

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

Due to the population increase in recent years, amending the zoning map would allow needed services to be available in the community.

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

The character of the land, specifically the location, size and depth are appropriate to be zoned NB.

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.

Sign 

Date 7-1-08

Office Use Only	
Petition No.	<u>Z-7-08</u>
Date Filed:	<u>10/19/07</u>

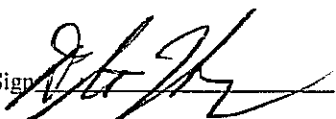
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(continued)

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

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

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

Signature 

Date 7-1-08



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-07-08 Conditional Use; Louisburg Road

General Location: Louisburg Road, west side, south of its intersection with Perry Creek Road.

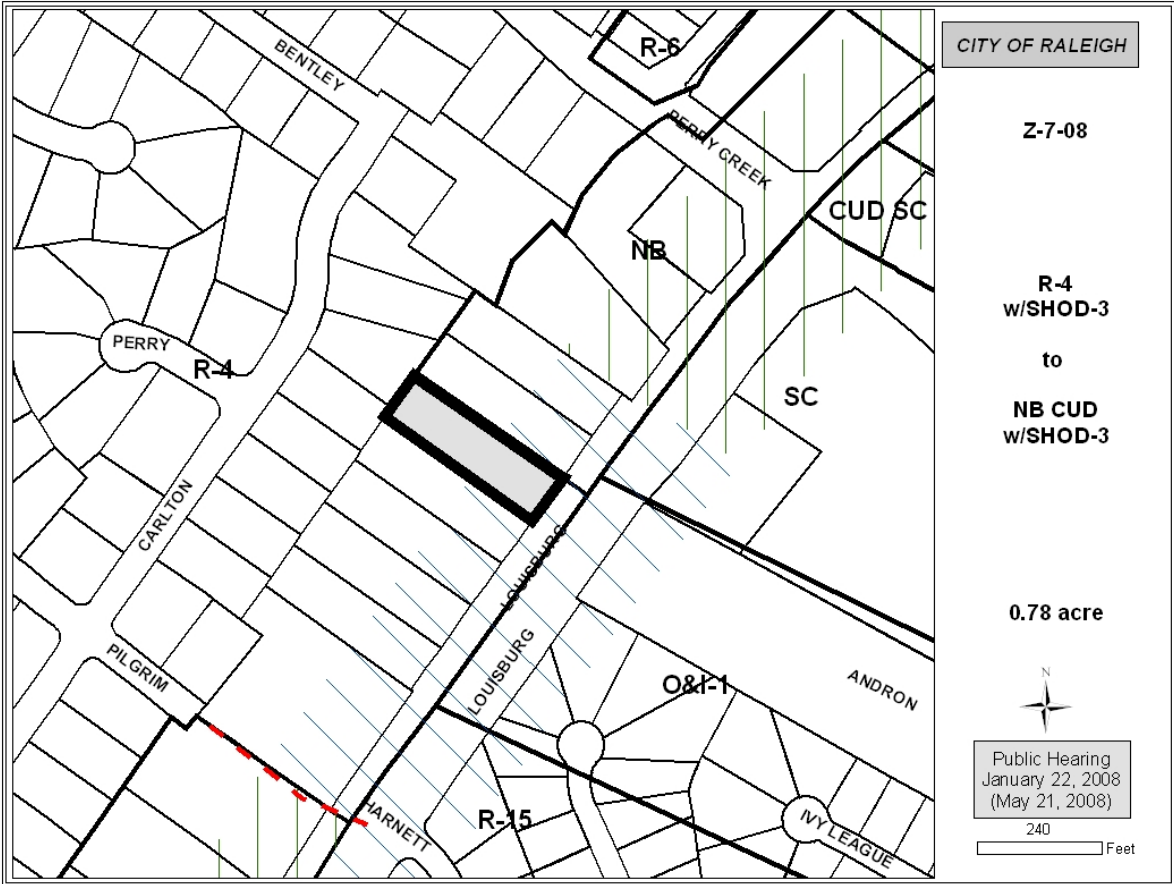
Planning District / CAC: Northeast / Northeast

Request: Petition for Rezoning from Residential-4 with Special Highway Overlay District-3 to Neighborhood Business CUD with Special Highway Overlay District-3.

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

Valid Protest Petition (VSPP): No.

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends that this request be approved in accordance with the conditions dated July 1, 2008.



CASE FILE: Z-07-08 Conditional Use

LOCATION: This site is located on the west side of Louisburg Road, south of its intersection with Perry Creek Road.

REQUEST: This request is to rezone approximately 0.78 acre, currently zoned Residential-4 with Special Highway Overlay District-3. The proposal is to rezone the property to Neighborhood Business CUD with Special Highway Overlay District-3.

COMPREHENSIVE PLAN CONSISTENCY: This proposal is consistent with the Comprehensive Plan.

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends that this request be approved in accordance with the conditions dated July 1, 2008.

FINDINGS AND REASONS:

(1) The proposal is consistent with the Comprehensive Plan. The US 401 North Corridor Plan locates the property on the non-residential side of a Policy Boundary Line.

(2) The proposal is compatible with the surrounding properties. Adjacent properties to the north of the subject property, south of the intersection with Perry Creek Road, are zoned Neighborhood Business. Development of the subject property is conditioned to mitigate impacts on adjacent residential lots (e.g., hours of site operation and dumpster service limited, maximum building height not to exceed single story of 35 feet, 30-foot transitional protective yard with six foot fence provided on rear property line, no parking within 50 feet of rear property line).

To PC: 1/29/08
Case History: PC 4/22/08; 60-day extension: PC 5/27/08, CC: 6/3/08

To CC: 7/15/08 **City Council Status:** _____

Staff Coordinator: Doug Hill

Motion: Chambliss
Second: Butler
In Favor: Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Holt, Mullins
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: 7/10/08



Zoning Staff Report: Z-07-08 Conditional Use

LOCATION: This site is located on the west side of Louisburg Road, south of its intersection with Perry Creek Road.

AREA OF REQUEST: 0.78 acre

PROPERTY OWNER: Dwight Henry

CONTACT PERSON: Dwight Henry

PLANNING COMMISSION RECOMMENDATION DEADLINE: July 26, 2008

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-4	Neighborhood Business CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	Special Highway Overlay District-3	Special Highway Overlay District-3

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	3 units	7 units

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office uses not permitted	No limitation specified

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Retail uses not permitted	No limitation specified

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID sign	Low Profile Sign (as per zoning condition)

ZONING HISTORY: This property has been zoned Residential-4 since 1986 (Z-56-86).

SURROUNDING ZONING:
NORTH: Neighborhood Business
SOUTH: Residential-4

EAST: Office & Institution-1
WEST: Residential-4

LAND USE: Low Density Residential

**SURROUNDING
LAND USE:**

NORTH: Low Density Residential
SOUTH: Low Density Residential
EAST: Medium Density Residential
WEST: Low Density Residential

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	Northeast
Urban Form	Retail Area along a Gateway Corridor
Specific Area Plan	US 401 North Corridor Plan
Guidelines	Frontage Lots on Thoroughfares

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

This proposal is consistent with the Comprehensive Plan. The site is located on the non-residential side of the Policy Boundary Line which encompasses the Louisburg Road/Perry Creek Road Retail Area. The US 401 North Corridor Plan states that “Appropriate SHODs should be applied and maintained throughout this corridor;” the existing Special Highway Overlay District-3 is to be retained. While the Plan notes “The existing Bentley Woods lots on U.S. 401 are deep with large setbacks and could remain residential,” it also adds, “Otherwise, the frontage lot redevelopment guidelines would apply.” Amended conditions address the guidelines for: the rear transitional protective yard (minimum 50-foot recommended; minimum 30-foot Type B with a minimum-6-foot-tall closed fence conditioned, with no parking allowed within 50 feet of the rear property line), cross access (conditioned to the NB property to the north), building height (one story/ 35 feet conditioned), and lighting (full cutoff fixtures conditioned on maximum 20-foot poles, outside transitional protective yard).

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

All properties to the north along Louisburg Road, from that immediately adjacent to the subject site to Perry Creek Road, are zoned Neighborhood Business. The retail parcels across Louisburg to the northeast are zoned Shopping Center, and those immediately across the thoroughfare, developed as multi-family housing, are zoned Office and Institution-1. Collectively, these properties compose the Louisburg Road/ Perry Creek Road Retail Area. Properties to the west and south, in the Bentley Woods neighborhood, are zoned Residential-4. The subject property constitutes a point of transition to these lots from the higher-intensity uses of the Retail Center, as confirmed by the Policy Boundary Line. Uses are conditioned to those of the existing R-4 zoning, adding only “automobile service and repair facility.”

3. Public benefits of the proposed rezoning

The proposal brings the subject site into consistency with the Comprehensive Plan, in securing zoning which would permit a use projected by the site's location on the non-residential side of the Policy Boundary Line. No additional demands on public infrastructure are anticipated from rezoning.

4. Detriments of the proposed rezoning

Use intensification may increase traffic to and from the site. Hours of operation are conditioned, but noise levels could increase during working hours.

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

TRANSPORTATION: Louisburg Road (US 401) is classified as a principal arterial thoroughfare (2005 ADT - 34,000 vpd) and is constructed to City standards, with the exception of sidewalk, as a six-lane median-divided curb and gutter section with sidewalk on one-side on 125 feet of right-of-way. City standards call for principal arterial thoroughfares to provide sidewalk on both sides of the roadway. Neither NCDOT nor the City has any projects scheduled in the vicinity of this property.

TRANSIT: The site is not within close proximity of current bus routes and/or a proposed regional rail transit station. No transit easement is needed.

HYDROLOGY: FLOODPLAIN: none
 DRAINAGE BASIN: Neuse
 STORMWATER MANAGEMENT: This site is subject to Part 10, Chapter 9 (Stormwater Control and Watercourse Buffer Regulations) of the Raleigh City Code.

PUBLIC UTILITIES: The proposed rezoning would add approximately 3,320 gpd to the wastewater and water treatment systems of the City. There is an existing water main adjacent to the proposed rezoning area which would serve said area. There is currently no sanitary sewer main adjacent to the proposed rezoning area. The City is currently designing and will install sanitary sewer mains which will serve the rezoning area as part of its city-initiated annexation responsibility.

PARKS AND RECREATION: This property is not adjacent to any greenway corridors.

WAKE COUNTY PUBLIC SCHOOLS: The maximum number of dwelling units permitted under the current zoning is 3; the proposed rezoning would permit 7. This would not result in any net increase in school enrollment. The current base schools for the site, and their respective capacities, are indicated below:

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Fox Road	800	82%	800	82%
W.F.-Rolesville	1,138	100%	1,138	100%
Wakefield	2,372	102%	2,372	102%

IMPACTS SUMMARY: Uses which would be permitted under the proposed zoning could vary considerably regarding attendant traffic, noise, and appearance impacts. Installation of a sidewalk will be required along the thoroughfare. Sanitary sewer will be extended to the site as part of property owner -initiated annexation.

APPEARANCE

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

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Northeast
CAC CONTACT PERSON: Paul Brant, 875-1114

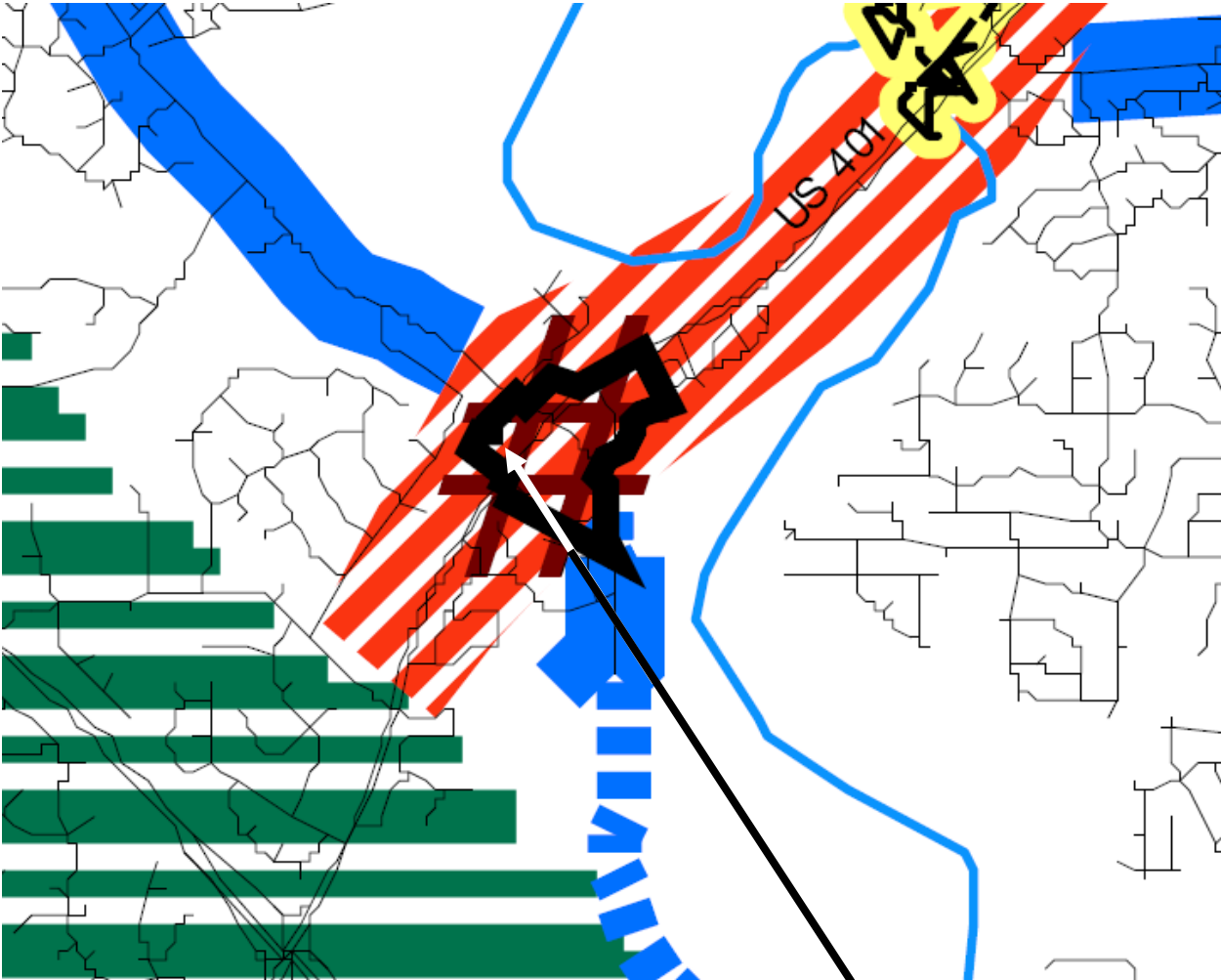
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- No outstanding issues.

NORTHEAST DISTRICT PLAN



Site

US 401 CORRIDOR PLAN

