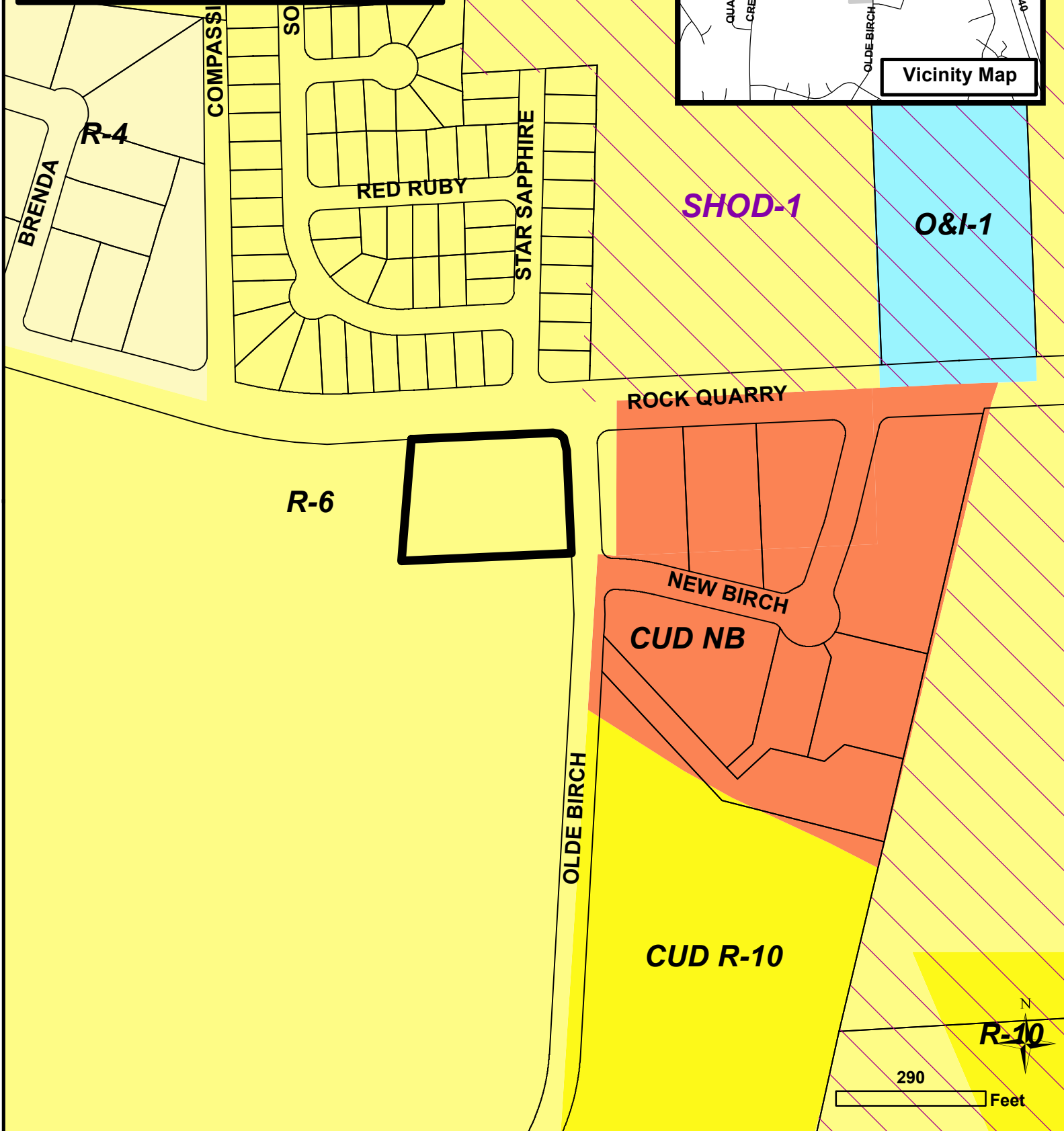
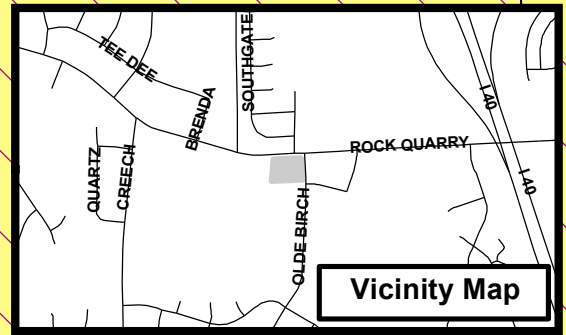


Existing Zoning Map
Case Number: Z-10-13



Request:

1.69 ac from R-6 to NB CUD

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)



Certified Recommendation

Raleigh Planning Commission

CR# 11515

Case Information Z-10-13 Rock Quarry Road

<i>Location</i>	The property is in the southwest quadrant of the intersection of Rock Quarry Road and Olde Birch Drive.
<i>Request</i>	Rezone property from R-6 to Neighborhood Business CUD
<i>Area of Request</i>	1.69 acres
<i>Property Owner</i>	William Goodwin
<i>Applicant</i>	Ryan Le
<i>Citizens Advisory Council</i>	Southeast Anthony McLeod anthony.mcleod@gmail.com
<i>PC Recommendation Deadline</i>	April 15, 2012

Comprehensive Plan Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.9 – Corridor Development Policy LU 5.6 – Buffering Requirements Policy LU 7.1 – Nodal Development Policy LU 10.6 – Retail Nodes
<i>INCONSISTENT Policies</i>	None

Summary of Proposed Conditions

1. Uses excluded: multi-family dwellings, hotels, motels, adult establishments, emergency shelters, bar, nightclub, tavern, stadium, amphitheater, race track, rifle range, penal facility, townhouses, arcades, pool halls, ABC store
2. Residential density not to exceed 6 dwellings per acre
3. A 15' x 20' transit easement shall be granted on Rock Quarry Road.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
10/30/12		Date: Action	Date: Action

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan. Based on the findings and reasons stated herein, it recommends that the request be approved in accordance with zoning conditions dated November 13, 2012.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposed rezoning request is consistent with the Future Land Use Map and is consistent with all applicable Comprehensive Plan Policies. 2. The request is reasonable and in the public interest. 3. The proposal is consistent and compatible with the surrounding area.
<i>Motion and Vote</i>	Motion: Schuster Second: Haq In Favor: Butler, Buxton, Harris Edmisten, Haq, Mattox and Schuster

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	<u>2/12/13</u> Date
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Staff Coordinator: James Brantley james.brantley@raleighnc.gov



Zoning Staff Report – Case Z-10-12

Conditional/General Use District

Z-10-13 Rock Quarry Road

Case Summary

Overview

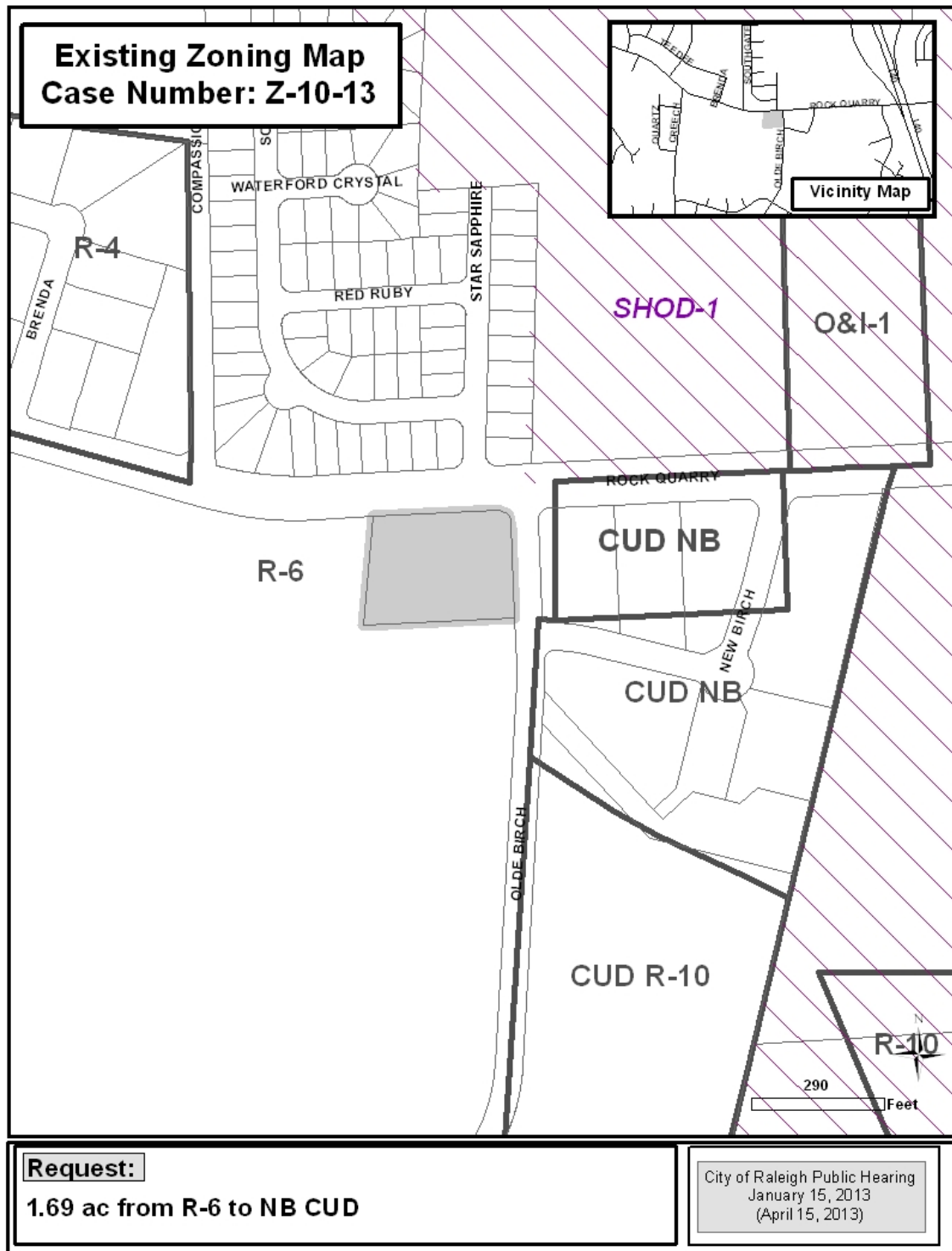
This is a request to rezone 1.69 acres located in southeast Raleigh from R-6 to NB-CUD. The property is located in the southwest quadrant of the intersection of Rock Quarry Road and Olde Birch Drive. Southeast Raleigh High School property lies to the south and west of the site. To the north, across Rock Quarry Road are single family houses. To the east, across Olde Birch Drive, is a small retail center.

The site is designated for Neighborhood Mixed Use in the Comprehensive Plan; therefore the proposal is consistent with the Future Land Use Map.

Outstanding Issues

<i>Outstanding Issues</i>	1. The Transit Division staff has requested a transit easement be granted.	<i>Suggested Mitigation</i>	1. The applicant could offer a condition granting a transit easement.
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ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-6	R-6	R-6	R-6, NB CUD	R-6
<i>Additional Overlay</i>	N/A	N/A	N/A	N/A	N/A
<i>Future Land Use</i>	Neighborhood Mixed Use	Low density residential	Public facilities	Neighborhood Mixed Use	Public facilities
<i>Current Land Use</i>	Residential	Single family houses	High school	Retail	High school

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	6 dwellings per acre	10 dwellings per acre
<i>Setbacks:</i>		
<i>Front:</i>	10'	10'
<i>Side:</i>	5'	5'
<i>Rear:</i>	30'	20'
<i>Retail Intensity Permitted:</i>	Retail not allowed	Retail permitted, no cap
<i>Office Intensity Permitted:</i>	Office not allowed	Office permitted, no cap

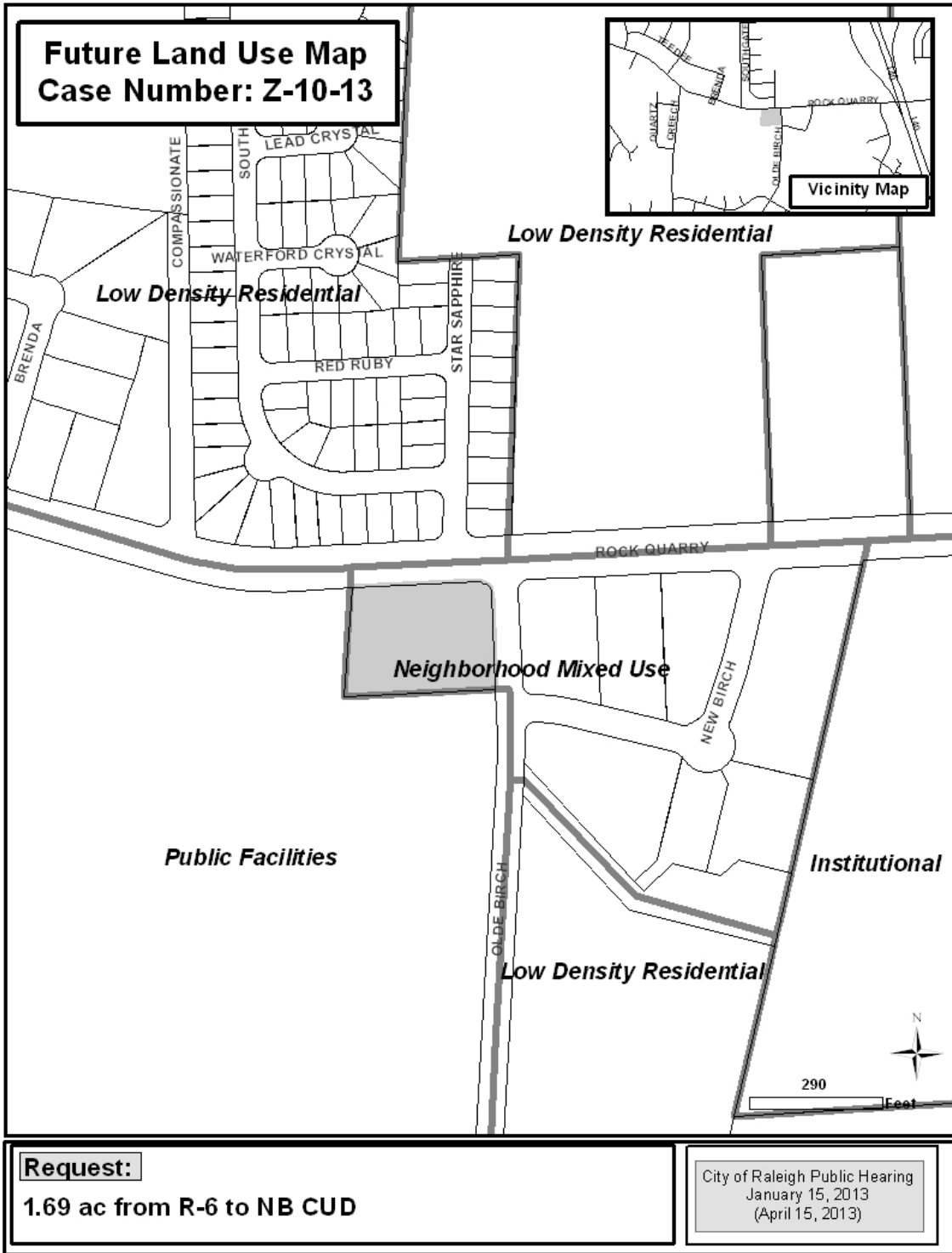
The proposed rezoning is:

☒ **Compatible** with the property and surrounding area.

☐ **Incompatible.**

Analysis of Incompatibility:

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

The rezoning request is:

☒ **Consistent** with the Future Land Use Map.

☐ **Inconsistent**

Analysis of Inconsistency:

N/A

2.2 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

Policy LU 6.4 – Bus Stop Dedication

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

2.3 Area Plan Policy Guidance

N/A

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

The proposed rezoning will allow additional retail and services in an area that is relatively lacking in those amenities

3.2 Detriments of the Proposed Rezoning

The site is on a corner opposite from the existing retail development, perpetuating a suburban, automobile-dependent development type.

4. Impact Analysis

4.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Rock Quarry Road	Major Thoroughfare	19,000	29,127			
Olde Birch Drive	Collector Street	N/A	N/A			
Street Conditions						
<u>Rock Quarry Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	60'	Back-to-back curb and gutter section	96'	5' sidewalk on north side of the street and 8' MUP on the south side of street	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalk on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	NO	YES	YES	YES	NO
<u>Olde Birch Drive</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	41'	Back-to-back curb and gutter section	60'	5' sidewalk on west side of the street	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalk on one side	N/A
Meets City Standard?	YES	YES	YES	YES	YES	N/A
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	17	91	74			
PM PEAK	13	128	115			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-10-13.				
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

4.2 Transit

Impact Identified: Development of the property may increase demand on the transit network.

Mitigation: A 15' x 20' Transit Easement along Rock Quarry Rd has been dedicated.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Big Branch - S
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

Impact Identified: A stream buffer determination will be needed by the NC Division of Water Quality. A drainage feature is shown on page 69 of the Wake County Soil Survey Map.

4.4 Public Utilities

<i>Maximum Demand</i>	<i>Maximum Demand</i>	<i>Estimated</i>
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	<i>(current)</i>	<i>(proposed)</i>	<i>Remaining Capacity</i>
<i>Water</i>	5,915 gpd	10,563 gpd	
<i>Waste Water</i>	5,915 gpd	10,563 gpd	

Impact Identified: The proposed rezoning would add approximately 4,647 gpd to the wastewater collection and water distribution systems of the City. There is currently twelve (12") inch water mains located within the rights-of way of Rock Quarry Road and Old Birch Drive and an eight (8") inch sanitary sewer within an easement on the property. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

Subject Tract is not allocated adjacent to a greenway corridor. The subject tract is located in a neighborhood park search area. This rezoning decreases the recreation level of services.

Impact Identified: None

4.6 Urban Forestry

Rezoning this parcel from R6 to a non-residential NC-CUD would make the property subject to the requirement for either a natural protective yard or tree conservation for parcels smaller than two acres with groups of tree adjacent to a thoroughfare with a basal area density of ≥ 30 . Code section 10-2132.1 b.(20) Exception to this condition must be approved by the Planning Commission.

Impact Identified:

Natural protective yard or tree conservation area will be required at time of site plan.

4.7 Designated Historic Resources

N/A

4.8 Community Development

N/A

4.9 Appearance Commission

N/A

4.10 Impacts Summary

The proposed rezoning will have minimal impacts on the surrounding area. There is a potential for increase of transit use in the Rock Quarry Road corridor.

4.11 Mitigation of Impacts

N/A.

5. Conclusions

The proposal is consistent with the Future Land Use Map and other Comprehensive Plan policies. Impacts on the various city services and the environment will be minimal. Development of the site for commercial uses will provide much needed commercial services for the area.



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 consistent 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:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. 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. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<u>William E Goodwin</u>	<u>William E Goodwin</u>	<u>Oct 30 -12</u>

EXHIBIT B. Request for Zoning ChangePlease use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum***Contact Information**

	Name(s)	Address	Telephone/Email
Petitioner(s)	Ryan Le	1013 Chessridge Way, Morrisville, NC 27560	919-699-1027
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)			
	William Goodwin	2718 Rock Quarry Rd, Raleigh, NC 27610	919-414-9446
Contact Person(s)	Ryan Le	1013 Chessridge Way, Morrisville, NC 27560	919-699-1027

Property information

Property Description (Wake County PIN)	1712863917
Nearest Major Intersection	Rock Quarry Rd. & Olde Birch Dr.
Area of Subject Property (in acres)	1.69
Current Zoning Districts (include all overlay districts)	R-6
Requested Zoning Districts (include all overlay districts)	NB-CUD

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: _____

Narrative of conditions being requested:

1. The following uses are excluded: multi-family dwellings, hotels, motels, adult establishments, emergency shelters, bars, nightclubs, taverns, lounges, stadiums, amphitheaters, race tracks, rifle ranges, penal facilities, townhouses, arcades, pool halls, and an ABC store unless mandated by local, state or federal law.
2. Residential density shall not exceed 6 dwellings per acre.
3. Prior to subdivision of the property or the issuance of a building permit for the property, whichever shall occur first, a transit easement measuring twenty (20) feet along Rock Quarry Road by fifteen (15) feet shall be granted to the City pursuant to a transit easement deed approved by the City Attorney and recorded in the Wake County Registry.

CITY OF RALEIGH
CITY PLANNING DEPT
2013 FEB 13 PM 2:27

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS


Signature(s)	Print Name	Date
	William E. Goodwin	FEB 13-13

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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 the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

Neighborhood Retail Mixed Use is the Future Land Use designation for this site. The proposed zoning of Neighborhood Business is consistent with this designation.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The site is not located in an area governed by Area Plan.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

Proposed map amendment is consistent with the Comprehensive Plan and other Council adopted plans and policies.

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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):

Adjacent properties (north) are zoned R-6; (east) are zoned NB-CUD; and (west & south) is zoned exempt for school use (Southeast Raleigh High School); and further south are single-family homes.

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

Primarily Low to Moderate Density Residential. The adjacent parcel to the east was recently zoned to NB-CUD.

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:

This area has experienced substantial residential growth during the last few years. Since this site is designated on the Future Land Use Map as Retail Mixed Use and is consistent with the Comprehensive Plan, the rezoning of this property will serve to meet the growing needs of this community.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The landowner is seeking the highest and best use for the property within the conformance of the Comprehensive Plan. Ultimately, the owner will provide needed service options to the neighbors and surrounding community.

B. For the immediate neighbors:

The immediate neighbors will benefit from the internal circulation, pedestrian connectivity and service options without the need to travel long distances along Rock Quarry Road. Rezoning allows for services to be offered closer to home, school, and community, thereby decreasing travel distances and traffic along congested roads, and consequently reducing the strain on the road network.

C. For the surrounding community:

The surrounding community will benefit from having access to additional retail and/or office services options nearby, thus reducing travel times as well and traffick and road congestion along Rock Quarry Rd. Having added options within the neighborhood enhances a sense of community, reduces stress, relieves traffick congestion, and helps to mitigate the negative impact on our environment.

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

Yes. Ultimately, the intent is to provide much needed retail/office services options to the surrounding community. In addition, rezoning this property will increase internal circulation, cross-accessibility, enhance pedestrian mobility and maintain the consistency in the neighborhood

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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

In addition to the cross-accessibility from the adjacent properties to the subject property, the rezoning of this property provides consistency and continuation of retail/office services to aid in the internal circulation of the the neighborhood.

V. Recommended items of discussion (where applicable).

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

Not applicable.

- 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.**

The pattern of development that has emerged appears to consist of low-moderate density residential. Future land use calls for continuation of this pattern. The community and neighborhood will require additional services close to home to support the residents in the growing area. Recently, the adjacent property (to east) has been zoned NB-CUD which supports the rezoning of subject property as it is not suitable in its existing R-6 designation due to adjacent neighbors, Southeast Raleigh High School and NB-CUD establishments.

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

Due to the current and planned growth in this area, there is a need for retail and office services in this area. This will reduce the need for residents of the community to drive to other communities for comparable services. Ultimately, this reduces traffic congestion and mitigates the negative impacts on the environment.

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

With additional service options in the community, residents benefit from eliminating the need to travel outside of their community to seek comparable services, maintaining a sense of community, and reducing the stress on the road infrastructure.

- e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

With conditions set forth, the proposed rezoning promotes the general welfare of the community by providing much needed retail/office services to the community. This enhances mobility of citizens within the community as well as reducing traffic congestion, trip times, and reduce strain on congested roadways. The Future Land Use map call for significant low to moderate density residential in this community. Therefore, rezoning of subject property will compliment the Comprehensive Plan as well as meet the growing services needs of the community.

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

Rezoning Application Summary of Issue

A neighborhood meeting was held on October 30, 2012 to discuss a potential rezoning located at 2714 Rock Quarry Road. The neighborhood meeting was held at 2718 Rock Quarry Road, Raleigh, NC.

Neighbor(s) in attendance:

<u>NAME</u>	<u>ADDRESS</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____
8) _____	_____

Summary of Issues:

None of the invited neighbors attended the meeting.
Meeting started at 6:30pm and ended at 7:30pm.

