

CITY OF RALEIGH
CITY PLANNING DEPT

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:
9-19-2008 _____

Please type or print name(s) clearly:

ANNETTE EXUM _____

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No. <u>2-16-09</u>
Date Filed: <u>9-16-08</u>
Filing Fee: <u>pd 1004.2 by Clerk</u> 1004

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

See instructions, page 6

1) Petitioner(s)

Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.

Name(s)	Address	Telephone / E-Mail
ANNETTE EXUM	1911 New Bern Avenue	(919)828-7448
	Raleigh, NC 27610	

2) Property Owner(s):

ANNETTE EXUM	1911 New Bern Avenue	(919) 828-7448
	Raleigh, NC 27610	

3) Contact Person(s):

ANNETTE EXUM	1911 New Bern Avenue	(919) 838-7448
	Raleigh, NC 27610	

4) Property

Description:

Please provide surveys if proposed zoning boundary lines do not follow property lines.

Wake County Property Identification Number(s) (PIN): 1713499175

Property: 1901 New Bern Avenue, Raleigh, NC 27610

General Street Location (nearest street intersections): Bertie Dr. Raleigh, NC 27610 and New Bern Avenue, Raleigh, NC 27610- Two sides of the property abut a lot connected to 1911 New Bern Avenue, Raleigh, NC 27610 and a buffered residential property behind the property's driveway.

5) Area of Subject Property (acres):

.42 Acres

6) Current District Classification:

R10-R4; Z-73-2004; with Neighborhood Conservation Over-lay District

7. Proposed Zoning District Classification:

Office and Institution-1(O&I) §10-2035

The overlay district is proposed to remain, but with modification to allow the intended use as proposed.

OPI-1 CUDW/NCOD

2-14-09

Office Use Only	
Petition No.	2-16-09
Date Filed:	

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:

The subject property is in the King Charles Neighborhood Plan. The recommended land use for the King Charles Neighborhood Plan is primarily residential, though not exclusively. The greater plan intent within the plan is not that the properties are dwelling places. The fundamental intent is that the exterior of the subject property to have an appearance to be consistent with a well maintained residential area.

More specifically the plan has the following goals:

- To provide a vision and guideline for future growth in the area;
- To preserve the unique character of the King Charles neighborhoods;
- To protect and enhance property values in th neighborhoods; and
- To increase the sense of community within the neighborhoods encompassed by the plan.

It is important to note, that within this planning district there are resident dwellings for half way houses, day cares and other more commercially used dwellings that do have activities that do not maintain the outward appearance of a residential character, or the other safe guards that are proposed and exist in the subject property.

- 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.**

Attached are the listings of various maps and relevant planning designations that cover the subject property. If other plans that are not included cover the subject property, the petitioner does constructively incorporate those plans herein by reference.

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

Yes. The proposed map amendment is consistent with the Comprehensive Plan. It promotes economic, social, cultural, and physical development and well being for the subject community and insures an increase in property value for the area as a long and short term affect.

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 surrounding area includes commercial property on three sides of the subject property. The intended use of the subject property is the least intrusive on the intent to maintain a residential character of the neighborhood than the majority of the other adjacent properties.

Bertie Drive separates the subject property from an oil change facility (formerly Jiffy Lube, now Snappy Lube). This facility does have commercial traffic, but it does not pose a detriment to the overall neighborhood based on traffic. Still, the subject property, by comparison has no visual impact on the neighborhood as a commercial property.

The single family residential properties surrounding the subject property are owned by parties who are familiar with the petitioner and the proposed activities in the subject property. None of these residents have expressed any objection to the proposal. In fact, those consulted find the proposed use to be a source of benefit to them and the impact on their property values. The subject property does look in all respects the same as the surrounding properties with no external property that differs from that of a residential unit.

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

The subject property does conform in all respects to the King Charles Neighborhood descriptions as defined below.

Southern NCOD

Minimum lot size: 0.77 acres

Minimum front yard setback: 76 feet

Minimum lot width: 144 feet

Maximum house height: no more than two stories

Central/Northern NCOD

Minimum lot size: 0.29 acres
 Minimum front yard setback: 39 feet
 Minimum lot width: 84 feet
 Maximum house height: no more than two stories

C. Conformity of Intended Use and Dimension

The subject property does conform in all respects to the King Charles Neighborhood descriptions as defined below.

Southern NCOD

Minimum lot size: 0.77 acres
 Minimum front yard setback: 76 feet
 Minimum lot width: 144 feet
 Maximum house height: no more than two stories

Central/Northern NCOD

Minimum lot size: 0.29 acres
 Minimum front yard setback: 39 feet
 Minimum lot width: 84 feet
 Maximum house height: no more than two stories

The Office and Industry zoning is intended to be used as a professional office space for a law office. Along the corridor from the beltline to the Capitol Building, New Bern Avenue is lined by commercial and business professional building use.

By comparison, the Capitol Square includes Ante Bellum houses that are converted into professional offices. These houses maintain the character of the period and geographic area without disrupting the ambiance of the neighborhoods in which they are placed.

As a consequence of the specific care for landscaping and grounds maintenance, these properties add to the property values in their locations.

Since purchase, a substantial amount of work transformed the subject property that was in disrepair as a residential property to become a well maintained structure as the now subject property.

Within the intent of the prior zoning is the desire to build property values and maintain the residential character of the neighborhood. The subject property is owned by the petitioner and is located next door to her actual residence. Consequently, this property is more likely to be one that is very well maintained with a schedule of continuous renovations and improvements than it might be if converted into a rental dwelling place.

As a rental property, even the petitioner will have less control over the day to day maintenance of the property and the activities of those who lease the property from her.

As a professional office, where the petitioner works herself, she will maintain the property both in and outside as an imperative.

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 subject property includes separate spaces for small internal offices, reception and administrative areas. The house layout also supports conference rooms and ample space for work product processing. The up-stairs in the property offers a space for additional work processing and office equipment. The basement area has an entrance that is wheel chair accessible and the outside terrain is physically adaptable for a graduated sideway from the back driveway that can give an alternative handicapped accessibility.

The exterior of the property is in all respects that of a residential home and will remain so under the proposed plan.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The benefit to the landowner is certainly that of having one's office next door to one's home:

1. saves on travel costs that can be substantial in the current economy;
2. allows for an extended career life for the landowner because as one becomes older health considerations require the ability to receive the benefit of easy access to ones' home and medical resources;
3. provides an opportunity for there to be a seamless working environment between home and the actually office location through the use of technology and the physical exchange between locations;
4. gives increased security and protection for both properties both day and night due to occupancy;
5. allows the owner to integrate benefits to the community from the law office directly and consistently; and
6. provides a means to mentor and offer a tangible role modeling for the community's youth by the mere presence in the site.

B. For the immediate neighbors:

1. The immediate neighbors express that they take pride in the idea of a law firm in their community.
2. The law firm attracts an ethnic diversity of persons from around the Triangle to have a favorable view the subject neighborhood. Many of these persons have never had any direct dealings with the African American Community prior to their contact with the law firm. Increasing the overall favorable view of the neighborhood by the larger community ultimately increases the positive perception of the property values in the target community.
3. The office offers a source of stability for the neighborhood and assurance that positive activity is occurring in and near their respective surroundings.

4. Having occupants of the subject property who are careful and not engaged in illegal activity creates a sense of security for the neighbors.
5. Having a property with heightened security reduces criminal activity in the surrounding properties.
6. The professional office provides opportunities for youth empowerment activities as youth engages in small jobs on the property or mentoring.
7. The professional office also offers the opportunity for members of the community to perform day labor jobs for lawn maintenance or home repair jobs.

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

Yes. This rezoning to O & I provides the benefit of community empowerment, employment, mentoring, role modeling, and resource enhancement by virtue of the professional office's existence, particularly as an unobtrusive presence in the community.

The Institute for Human Rights Advocacy is a program that offers high school, college and law students to receive course credit for participation in an internship with the firm. No other area offers this opportunity.

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

The proposed subject property appears in all respect as a residential property. There no proposal or plan to change that outward appearance and therefore maintaining the unique character of the King Charles Neighborhood.

The subject property was built in or around 1949. The proposed use will support the appreciation of the property and additional care for continuous maintenance that helps older homes retain and extend their property values that is in the public interest.

A professional office is the essence of growth and empowerment for a community both by way of aspiration for youth and as a source of entrepreneurial endeavor. The professional office is a place in which community members express relief that their needs for personal and community can be addressed or heard.

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.**

The Property Conditions Are Changed:

As earlier stated, at the time that the original zoning occurred, the petitioner did not own the subject property. Consequently, the safeguards, proposed uses and other factors discussed in this application were not in place.

When the property was initially zoned, the property was owned by an absentee landlord and the property was a residential rental property. Now, the property is owned by the petitioner who lives on the property adjacent to the subject property.

The property will be maintained within the spirit and intent of the zoning while allowing the various benefits to the community to enhance the overall plan for the neighborhood, as a matter of personal interest for the petitioner's own safety and homestead preservation.

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

South East Raleigh is an area of the city in which economic development and maintenance of construction is in most need. The subject property will serve to accomplish the most fundamental of goals for the South East Raleigh Community while maintaining the character of the neighborhood in the process.

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

The subject property will have only the impact of any residence on the public utilities, fire, safety, recreation, topography, light access, and air with the following exceptions:

- (1.) The subject property has enhanced security measures will engender a reputation among law enforcement that will support rapid deployment in the community in the event of a security breach.
- (2.) The topography and landscaping of the property will be enhanced beyond that which existed when the property was a rental dwelling place.
- (3.) Outside lighting on the property during evening hours increases neighborhood security and aesthetics.

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

WITH PERMISSION, THE PETITIONER REQUESTS THE PERMISSION TO SUBMIT A BRIEF REGARDING ADDITIONAL ARGUMENTS THAT WILL ADDRESS ANY SPECIFIC INQUIRES OR NOTICE FROM THE COMMISSION FOR ADDITIONAL INFORMATION.

THE PETITIONER ALSO RESERVES THE RIGHT TO EXTEND AND EXPAND " SHOULD NEW INFORMATION OR MORE RELEVANT INFORMATION BECOMES AVAILABLE.

This proposal intends to maintain the residential character of the Overlay District with the subject property in all respects maintain the outward appearance as a residence both by way of physical structure and landscape. The modification from the current plan only narrowly seeks to amend the Overlay District Plan to exclusively permit a law office to occupy the subject property.

A.

Vested Interest To Maintain The Residential External Character of Subject Property:

The subject property and the adjacent property are owned by the petitioner. The adjacent property, 1911 New Bern Avenue, Raleigh, NC 27610 is the petitioner's permanent and sole residence. The petitioner has every intent and motivation to therefore maintain the character, appearance, and demographic description of the subject property to be consistent with that of a residence. To that end, the subject property, 1901 New Bern Avenue, Raleigh, North Carolina has been landscaped and is continuing to be landscaped with flowers, shrubs, trees, bushes and plants that beautify the property along the character description of a well maintained residence.

B.

Neighborhood Traffic Impact:

Traffic impact is expected to be negligible and consistent with a residential character. The amount of traffic in and out of the subject property is expected to be no more than might be expected of a residence with traffic averaging approximately 3-7 persons coming into or out of the subject property per week day and only 1-2 persons coming in or out of the residence on the weekend. The law office is small with only minimum support staff. There is currently one full time attorney in the practice and associate attorneys who work on selected cases.

C.

Client Base:

Since the law office is a civil practice, the location does not attract or serve a criminal client base. Instead, the practice serves personally injured persons, parents of school children, victims of bad faith employment practices, and persons with family related matters.

The clients are those who are gainfully employed or who have financial support for the services that the law practice provides. Therefore, again, the character of the location and the neighborhood, a middle class residential location, will be supported, enhanced and maintained by having the law office housed in the subject property.

D.

Community Capacity and Empowerment Building

Because of its location, the law office can provide employment and internship opportunities for youth and local area university students who need office experience and or who are interested in the practice of law. As a consequence, the subject property will offer an enhanced community benefit that is consistent with neighborhood development and capacity building.

E.

Noise and Neighborhood Disturbance

The subject property will have no activities that will be discernable outside the house building itself which are inconsistent with residential living. The law firm hires a gardener to maintain the lawn and to plant various seasonal plants. The current lawn project is to plant an extensive rose garden and other flowering plants that enhance the overall appearance of the property.

In addition, there are shrub, bush and tree buffers planted that demarcate the property lines on each of the subject property.

The property currently has security equipment that includes: audio and visual camera, motion and contact alarm systems as well as security key pad locks to protect the property and to deter security breaches.

F.

Parking:

The property is located on a corner lot bordered by New Bern Avenue that is a main thoroughfare and Bertie Dr. that is a side street with ample parking for the two, three or even four cars that might be at the location at any given time. In addition, the property has a long driveway in the back of it that is secluded from direct street view, but that is easily accessible to and from Bertie Drive. The visual buffers on the property serve to support the residential character of the property even in the sporadic periods of heaviest use that may include the approximately seven persons who might be at the subject property at any given time.

If more off street parking is ever needed or desired, the property can accommodate such parking with minor modifications in the landscape, without affecting the character of the property or the residential ambiance.

G.

King Charles Neighborhood Plan

The subject property was extensively remodeled and improved after the petitioner purchased it. Improvements were required because as a rental property the internal maintenance suffered substantially and the petitioner later learned that persons of criminal enterprise lived in the property.

After purchase, the property fits the intent of the King Charles Neighborhood Plan to increase the numbers of well maintained and remodeled homes that support the residential character of the area.

H.

Comprehensive Plan

The Comprehensive Plan encourages neighborhood development and empowerment. The law firm will support positive role modeling in the community by the ownership structure with an African American female attorney as the managing partner.

In addition, the firm includes support staff and interns representing the diversity of the Research Triangle Area.

Further, having the law firm at the tip of the neighborhood area provides a positive transition from the purely residential community to the commercial business area that runs from that subject property up to at least Tarboro Road.

I.

Conformity of Intended Use and Dimension

The subject property does conform in all respects to the King Charles Neighborhood descriptions as defined below.

Southern NCOD

Minimum lot size: 0.77 acres
 Minimum front yard setback: 76 feet
 Minimum lot width: 144 feet
 Maximum house height: no more than two stories

Central/Northern NCOD

Minimum lot size: 0.29 acres
 Minimum front yard setback: 39 feet
 Minimum lot width: 84 feet
 Maximum house height: no more than two stories

The Office and Industry zoning is only intended to be limited to the use of the house as a professional office space. Along the corridor from the beltline to the Capitol Building, New Bern Avenue is lined by commercial and business professional building use.

By comparison, the Capitol Square includes Ante Bellum houses that are converted into professional offices. These houses maintain the character of the period and geographic area without disrupting the ambiance of the neighborhoods in which they are placed.

As a consequence of the specific care for landscaping and grounds maintenance, these properties add to the property values in their locations.

Since purchase, a substantial amount of work transformed a property with that was in disrepair as a residential property to a well maintained structure as the now subject property.

Within the intent of the prior zoning is the desire to build property values and maintain the residential character of the neighborhood. The subject property is owned by the petitioner and is located next door to her actual residence. Consequently, this property is more likely to be one

that is very well maintained with a schedule of continuous renovations and improvements than it might be if converted into a rental dwelling place.

As a rental property, even the petitioner will have less control over the day to day maintenance of the property and the activities of those who lease the property from her.

As a law office, however, maintenance both in and outside of the property is imperative.

J.

Request for Modification and Relief

The proposed plan is consistent with the earlier modification accepted for the Raleigh Country Club that excluded 13 lots from the NCOD plan in 2004. See excerpt from discussion below.

Matt Leary, 500 North King Charles Road, Raleigh, NC 27610-2238 – Mr. Leary chairs the KCNP Task Force. He provided the Committee members with copies of a letter from Raleigh Country Club Acquisition, LLC to the KCNP Task Force and the East CAC clarifying the properties that would be excluded from the NCOD. The Raleigh Country Club has requested that 13 parcels be excluded from the NCOD, and the KCNP Task Force has agreed because the overlay district is not really appropriate for those lots. The property occupied by the Raleigh Country Club has already been excluded from the NCOD. Most of the 13 parcels are located on New Bern Avenue; however, two are located on King William Road and two on South Peartree Lane.

While Raleigh Country Club use was for business purposes to expand the club site, this use was specifically not one that continues the residential character of the lots that they excluded from the Overlay Plan.

Conversely, the proposed use for the subject property does retain every intended goal and purpose of both the Overlay District and the various community neighborhood plans. Finally, this property is one that is across the street from three commercial properties.

The duplexes across the New Bern Avenue roadway meridian are buildings with multi-family units. The Convenience store next to the duplexes includes gas pumps and neighborhood street vending. Directly across from the property is an oil change chain store "Snappy Lube".

The use of the subject property, as a professional office, will actually bring the entire block back into the intent of the planning initiatives to maintain the neighborhood with a residential character and appearance.

L.

Change in Circumstance

At the time that the subject property was placed in the Overlay District and the Neighborhood Plans were adopted, the current owner did not own the property. Consequently, no assurances as to the character of maintenance or even the integrity of the property's internal structure could be given.

Because the two adjoining properties are owned by one person who actually resides on the property, the circumstances now exist to maintain the character and maintenance of the property to a standard contemplated by the earlier zoning petition.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-16-09 Conditional Use; New Bern Avenue

General Location: New Bern Avenue, north side, east of Bertie Drive

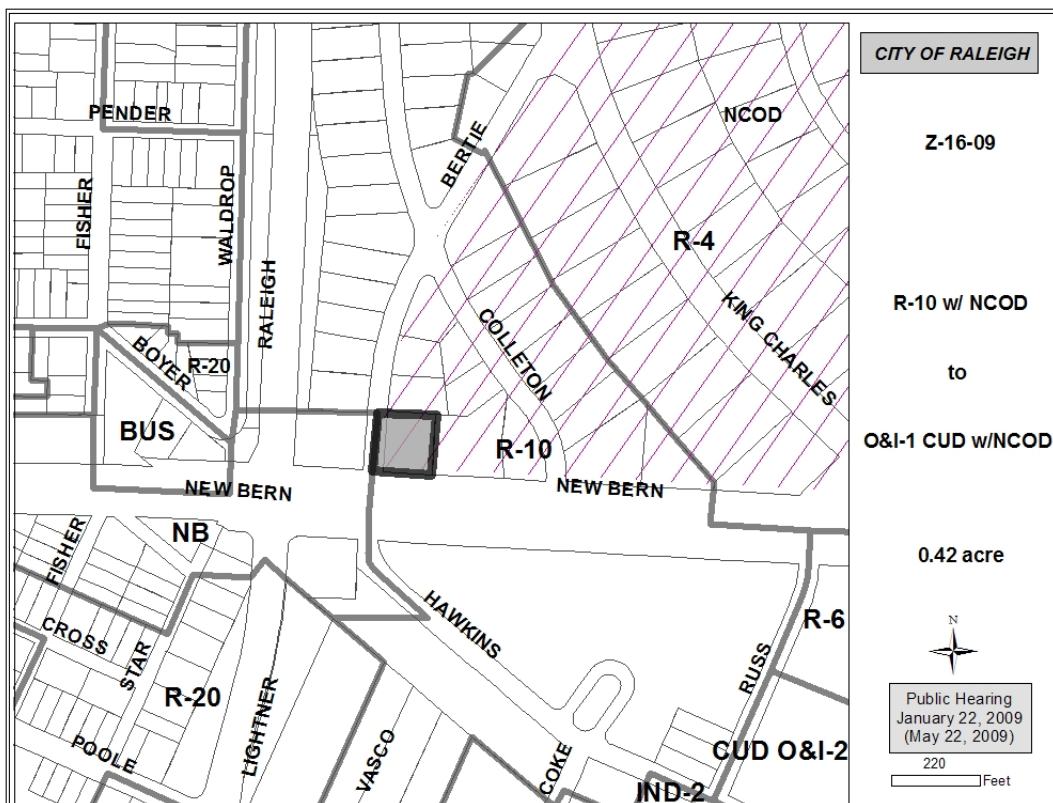
**Planning District
/ CAC:** East / East

Request: Petition for Rezoning from **Residential-10 w/ Neighborhood Conservation Overlay to Office & Institution-1 CUD w/ Neighborhood Conservation Overlay District.**

**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 June 5, 2009.



CASE FILE: Z-16-09 Conditional Use

LOCATION: This site is located on the north side of New Bern Avenue, east of its intersection with Bertie Drive.

REQUEST: This request is to rezone approximately 0.42 acres, currently zoned Residential-10 w/ Neighborhood Conservation Overlay. The proposal is to rezone the property to Office & Institution-1 CUD w/ Neighborhood Conservation Overlay District.

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 June 5, 2009.

FINDINGS AND REASONS:

- (1) The rezoning request is inconsistent with the Comprehensive Plan because it is on the residential side of a Policy Boundary Line according to the East District Urban Form Map, and based on the King Charles Neighborhood Plan which recommends that business uses be discouraged. However, the proposal is considered to be compatible with the surrounding land uses based on zoning conditions that limit use and specify design features that are compatible with surround residential development.
 - (2) The request is considered reasonable and in the public interest because it provides a transition between the Neighborhood Business uses to the west.
-

To PC: 6/9/09
Case History:

To CC: 6/16/09

City Council Status: _____

Staff Coordinator: Alysia Bailey Taylor

Motion: Bartholomew
Second: Fleming
In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris
Edmisten, Holt
Opposed: Mullins, Smith, Vance
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: 6/10/09



Zoning Staff Report: Z-16-09 Conditional Use

LOCATION: This site is located on the north side of New Bern Avenue, east of its intersection with Bertie Drive.

AREA OF REQUEST: 0.42 acres

PROPERTY OWNER: Annette Exum

CONTACT PERSON: Annette Exum, 919-828-7448

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

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-10	Office & Institution-1 CUD
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	NCOD	NCOD
ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	4 units (10 units per acre)	6 units (15 units per acre)
ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	None	13,721 square feet
ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	None	N/A
ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID	Low Profile (<i>Height=3.5 feet; Area=70 sq ft</i>)
ZONING HISTORY:	This property has been zoned Residential-10 for several decades. The approval of Z-73-04 added the Neighborhood Conservation Overlay District (NCOD) to the property.	
SURROUNDING ZONING:	NORTH: Residential-10 SOUTH: Residential-10 EAST: Residential-10	

WEST: Neighborhood Business

LAND USE: Single-family residential

SURROUNDING

LAND USE: NORTH: Single-family residential
SOUTH: Multi-family residential
EAST: Single-family residential
WEST: Auto Service

DESIGNATED HISTORIC RESOURCES: N/A.

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	East
Urban Form	Residential side of PBL
Specific Area Plan	King Charles Neighborhood Plan
Guidelines	N/A

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

The request is inconsistent with the Comprehensive Plan. The property is located in the East District with more specific recommendations in the King Charles Neighborhood Plan. The East District Plan shows this property on the residential side of a Policy Boundary Line. The King Charles Neighborhood Plan contains a policy that specifically states, "Discourage business uses of residential property within the neighborhoods. This includes, but is not limited to, churches, daycare facilities and other homes businesses."

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

The subject property is a part of the King Charles Neighborhood Conservation Overlay District (NCOD), and the single-family dwellings located to the immediate north and east of the property are also regulated by the King Charles NCOD. Property located south of the proposed rezoning contains multi-family housing, and the property to the west is occupied by an auto service business.

The applicant has indicated that the subject property looks, in all respects, the same as the surrounding residential properties. The applicant has been operating an office from the dwelling that is located on the subject property, which has resulted in the issuance of a Zoning Violation. The proposed rezoning would allow for the office use to legally continue; however, the applicant would be required to bring the building and the site into compliance with the codes relating to non-residential uses, which will alter the appearance of both the property and the building. In order for an office use to be considered compatible with the surrounding area the applicant would need to provide conditions to ensure that the existing structure, either in its current or altered form, is compatible with the

surrounding neighborhood. Further, any additional buildings should be compatible with the surrounding residential neighborhood. A condition should also be added regulate any signage that may be used on the property.

3. Public benefits of the proposed rezoning

The applicant has stated that the proposed zoning will offer a source of stability for the neighborhood and assurance that a positive activity is occurring in and near their respective surroundings. The applicant further states that the proposed use will offer job opportunities for members of the community, and internship opportunities for students.

4. Detriments of the proposed rezoning

Without conditions to regulate the building size, roof design, building materials and signage, or conditions that require that the existing building be maintained, the detriment of the proposed rezoning may be that the goals of the community supported and adopted King Charles Neighborhood Plan are violated.

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

TRANSPORTATION: New Bern Avenue is classified as a principle arterial (2007 ADT- 20,000 vpd) and exists as a six lane median divided roadway with a 170-foot right-of-way. City standards call for New Bern Avenue to be constructed with curb and gutter and sidewalks on both sides within the existing right-of-way. Bertie Drive is classified as a residential street and exists and 2-lane road with a 31-foot back-to-back curb and gutter section within a 50-foot right-of-way. City standards call for Bertie Drive to be constructed with sidewalk on a minimum of one side within the existing right-of-way.

The petitioner may wish to consider a condition stating that reimbursement for additional right-of-way dedicated shall be at current R-10 values. The petitioner may also wish to consider a condition stating that no vehicular assess will be permitted onto New Bern Avenue from the subject property.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area.

HYDROLOGY: FLOODPLAIN: None.
DRAINAGE BASIN: Walnut
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No Neuse Buffer. No WSPD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>2,205</u> gpd	Approx. <u>1,365</u> gpd
Waste Water	Approx. <u>2,205</u> gpd	Approx. <u>1,365</u> gpd

The proposed rezoning would not impact 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 corridor. The request has no impact on existing park services.

WAKE COUNTY

PUBLIC SCHOOLS:

Based on the Wake County data, students living in this area may be assigned to attend either: Hunter Elementary, Moore Square Middle or Enloe High. Development of the subject property at the requested rezoning could potentially lead to a negligible increase in the projected number of students assigned to the schools listed.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Hunter	829	129.9%	830	130.1%
Moore Square	490	86.9%	490	86.9%
Enloe	368	78.0%	368	78.0%

IMPACTS SUMMARY:

There are no notable impacts from the proposed rezoning.

OPTIONAL ITEMS OF DISCUSSION

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 property 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: East

CAC CONTACT PERSON: Mark Turner, 919- 741-6329

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues:

- a. The East District Plan shows the subject property on the residential side of a Policy Boundary Line.
- b. The King Charles Neighborhood Plan (NP) recommends that the subject property remain single-family residential.

