



# Certified Recommendation

Raleigh Planning Commission

CR# 11385

## Case Information - Z-16-10/ Wade Avenue

<i>Location</i>	Wade Avenue, north side, at its intersection with Faircloth Street
<i>Size</i>	0.9 acre
<i>Request</i>	Rezone property from Residential-4 to Shopping Center Conditional Use District

## Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Low Density Residential
<i>Applicable Policy Statements</i>	Policy LU 1.3 - Conditional Use District Consistency Policy T 2.9 - Curb Cuts Policy UD 3.7 - Parking Lot Placement

Consistent

Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Permitted uses: All uses permitted in R-4, plus surface parking lot (but not parking decks), access drives and associated features (sidewalks, curb &amp; gutter, utility lines, related improvements).</li> <li>2. All pole-mounted lighting to be of full cutoff design; maximum 0.4 footcandle at residential property lines.</li> <li>3. Trash receptacle capacities limited to maximum size of 20 gallons.</li> <li>4. Sidewalk a minimum of 5 feet wide required from Wade Avenue to shopping center property.</li> <li>5. Transitional Protective Yard vegetation adjacent to properties fronting Redbud Lane to be of larger size upon planting than required by Code; multi-stem trees limited to 30% of total and no crape myrtles permitted.</li> <li>6. Access to property from Wade Avenue limited to single curb cut.</li> <li>7. Maximum building height to be the same as that permitted for R-4.</li> <li>8. Dwelling units to be limited to a maximum of four per acre (i.e., R-4).</li> <li>9. Closed fence 6' tall to be installed within 5' of property lines shared with parcels fronting Redbud Lane.</li> </ol>
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## Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>1. Inconsistency with Future Land Use Map in permitting a primary use (surface parking) associated with zoning other than the prescribed Low Density Residential designation.</li> <li>2. Potential inconsistency with Policy UD 3.7 - Parking Lot Placement.</li> <li>3. Recommendations of staff regarding content and wording of respective Conditions (see attachment).</li> </ol>
<i>Impacts Identified</i>	None.





# Zoning Staff Report – Z-16-10

## Conditional Use District

### Request

<i>Location</i>	Wade Avenue, north side, at its intersection with Faircloth Street
<i>Request</i>	Rezone property from Residential-4 to Shopping Center Conditional Use District
<i>Area of Request</i>	0.9 acre
<i>Property Owner</i>	Country Club Homes. Inc.
<i>PC Recommendation Deadline</i>	November 17, 2010

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4	Shopping Center CUD
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Low Density Residential	(not provided)
<i>Residential Density</i>	4 units per acre ( <b>3 maximum</b> )	Conditioned to 4 units per acre ( <b>3 maximum</b> )

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-4	R-4; O&I-1	R-4	SC
<i>Future Land Use</i>	Low Density Residential	Low Density Residential; Institutional	Low Density Residential	Neighborhood Mixed Use
<i>Current Land Use</i>	Low Density Residential	Low Density Residential; College campus	Low Density Residential	Retail, Offices

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Low Density Residential
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.3 - Conditional Use District Consistency Policy T 2.9 - Curb Cuts Policy UD 3.7 - Parking Lot Placement

### Contact Information

<i>Staff</i>	Doug Hill; <a href="mailto:doug.hill@raleighnc.gov">doug.hill@raleighnc.gov</a>
<i>Applicant</i>	Jason L. Barron; <a href="mailto:Jason.Barron@klgates.com">Jason.Barron@klgates.com</a> Michael Birch; <a href="mailto:Michael.Birch@klgates.com">Michael.Birch@klgates.com</a>
<i>Citizens Advisory Council</i>	Glenwood: Linda Watson; <a href="mailto:Linda@lindawatson.com">Linda@lindawatson.com</a>

## Overview

The proposal seeks to rezone three single-family residential properties to Shopping Center. The existing zoning on the property is R-4. The submitted conditions would restrict future uses to those currently permitted in R-4 and surface parking. The Future Land Use Map designates the properties for continued low-density residential use. The properties are adjacent to the Ridgewood Shopping Center. Access is currently provided by a flared portion of Wade Avenue which also serves as an access drive to the adjacent shopping center.

## Exhibit C & D Analysis

*Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.*

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

#### 1.1 Future Land Use

The Future Land Use Map designates the property for Low Density Residential development (one to six dwelling units per acre). The current zoning is consistent with this designation. The proposed zoning, while capped at a maximum of four units per acre, would permit surface parking lots—a use only permitted in non-residential districts. The proposal is thus inconsistent.

#### 1.2 Policy Guidance

The following policy guidance is applicable with this request.

##### **Policy LU 1.3 - Conditional Use District Consistency**

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

The conditioned uses are inconsistent with the Comprehensive Plan, in permitting surface parking as a primary use.

##### **Policy T 2.9 - Curb Cuts**

The development of curb cuts along public streets—particularly on thoroughfares and arterials—should be minimized to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity.

The proposal conditions access to Wade Avenue to a single curb cut. This would be an improvement over existing conditions. There are currently three separate driveways to serve the three properties. Given the geometry and limited sight distances involved, a consolidation of access points could be beneficial.

##### **Policy UD 3.7 - Parking Lot Placement**

New parking lots on designated Urban or Multi-modal corridors on the Growth Framework Map should be generally located at the side or rear of buildings. Where feasible, existing parking lots on such corridors should be landscaped to create a pedestrian-friendly streetscape with business visibility.

The site is located on a part of Wade Avenue designated as an Urban Corridor on the Growth Framework Map. The proposal as conditioned would permit surface parking as a primary use, without note of parking lot placement or landscaping.

### **1.3 Area Plan Guidance**

This site is not located within a part of the City subject to an Area Plan.

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

Properties abutting the site on the north and east, and located diagonally southeast across Wade Avenue, are zoned Residential-4 and developed with single-family detached dwellings. The property to the southwest across Wade Avenue is the northwest corner of the Meredith College campus, which, while zoned O&I-1, is characterized by dense woods for much of the Wade Avenue corridor. Rezoning the subject site would not disallow future redevelopment at the current density, but use of the site as a surface parking lot represents a departure from existing residential form and use.

## **3. Public benefits of the proposed rezoning**

Redevelopment could result in improved ingress/ egress to the adjacent shopping center complex, as well as potentially relieve parking pressures for shopping center patrons. The proposal lists “additional service-related non-residential uses within walking distance and with improved connectivity” and “additional retail options through expansion of the existing shopping center” as being among the possible public benefits attendant to rezoning. The conditioned non-residential uses of the site, however, are limited to surface parking and access drives. Additionally, aside from the conditioned sidewalk connection, no conditions are provided regarding pedestrian-oriented development.

## **4. Detriments of the proposed rezoning**

No conditions are provided regarding building orientation, placement, or design (other than height), nor any as to parking placement, site signage, or other features potentially impacting neighborhood character. Topographically, the three parcels decline nearly 20 feet west to east across the boundaries shared with residences to the north (which front Redbud Lane); grading for access drive improvements and/ or parking areas could necessitate retaining walls, potentially reducing the benefits of transition yard plantings. Additionally, should the access drive be repositioned closer to the neighborhood, noise and light impacts (i.e., car headlights) could proportionately increase. Two large oak trees on Wade Avenue, near the southwest corner of the site, contribute significantly to the character of the adjacent area; the effect of future site redevelopment on the two trees is not addressed.

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

### **5.1 Transportation**

Wade Avenue is classified as secondary arterial (2007 ADT 32,000 vpd) and exists as a 4-lane curb and gutter section roadway with sidewalks on both sides within a 90-foot right-of-way. City standards call for Wade Avenue to be constructed as a 6-lane roadway within a minimum 110-foot right-of-way. Faircloth Street is classified as a minor thoroughfare (2007 ADT 11,000 vpd) and is constructed as 2-lane curb and gutter section roadway with sidewalk on one side. City standards call for sidewalk to be constructed on both sides of Faircloth Street.

By the year 2030 traffic volumes along Wade Avenue near the subject property are forecasted to increase to 43,616 vehicles per day, an increase of 36% over current traffic volume.

The City currently has a project to add sidewalk along the north side and a multi-use path along the south side Wade Avenue from Ridge Road to Faircloth Street. The subject property is provided access within the right-of-way of Wade Avenue. The proposed rezoning eliminates the need for this right-of-way and as such should be included with development of the subject property. The petitioner may wish to describe how the subject property will be accessed from Wade Avenue and Faircloth Street.

**Impact Identified:** The City’s transportation services are expected to be able to accommodate any changes in traffic due to the proposed rezoning.

**5.2 Transit**

This area is currently served by Route 4 Rex Hospital Monday through Saturday during the daytime and by Route 37 Blue Ridge during the evenings and on Sunday. The closest stop westbound is on Wade just east of the shopping center. With the installation of a multipurpose path it is anticipated that this stop would be moved west of the shopping center entrance. Eastbound, the closest stop is at the back entrance to Meredith College. The proposed sidewalk will benefit the stop and it is not anticipated that it would be changed.

**Impact Identified:** No impacts on the City’s transit services are expected due to the proposed rezoning.

**5.3 Hydrology**

<i>Floodplain</i>	No
<i>Drainage Basin</i>	Beaver Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	No

**Impact Identified:** There are no additional requirements beyond meeting Part 10, Chapter 9 Stormwater Regulations.

**5.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	<b>1,800 gpd</b>	<b>4,050 gpd</b>
<i>Waste Water</i>	<b>1,800 gpd</b>	<b>4,050 gpd</b>

Site redevelopment, if permitted at densities of the proposed base district (SC), would add approximately 2250 gpd to the wastewater collection and water distribution systems of the City of Raleigh. There is an existing eight (8”) inch sanitary sewer main and an existing eight (8”) inch water main in Wade Avenue that the proposed development could use to connect to the City’s utilities.

**Impact Identified:** The City’s utility infrastructure is expected to accommodate increased demands resulting from this proposal.

**5.5 Parks and Recreation**

This property is not adjacent to any greenway corridors.

**Impact Identified:** This rezoning will not impact the recreation level of service of the area.

**5.6 Urban Forestry**

As the site is less than 2 acres, the proposed rezoning will not impact Tree Conservation. However, the proposed landscape plan requirements should meet or exceed requirements outlined in City code.

**Impact Identified:** No impacts to the City's urban forest are expected from this proposal.

**5.7 Wake County Public Schools**

The proposed amended uses would result in the same or fewer students being added to the number possible under the current zoning conditions.

**Impact Identified:** There is no negative impact identified related to Wake County Schools. Certain allowed uses could decrease the school age population on this property, lessening demand for public schools in the area.

**5.8 Designated Historic Resources**

No historic resources are located on the site, or within 100 feet of the site.

**Impact Identified:** No impacts to the City's historic resources are expected from this proposal.

**5.9 Impacts Summary**

None.

**5.10 Mitigation of Impacts**

N/A

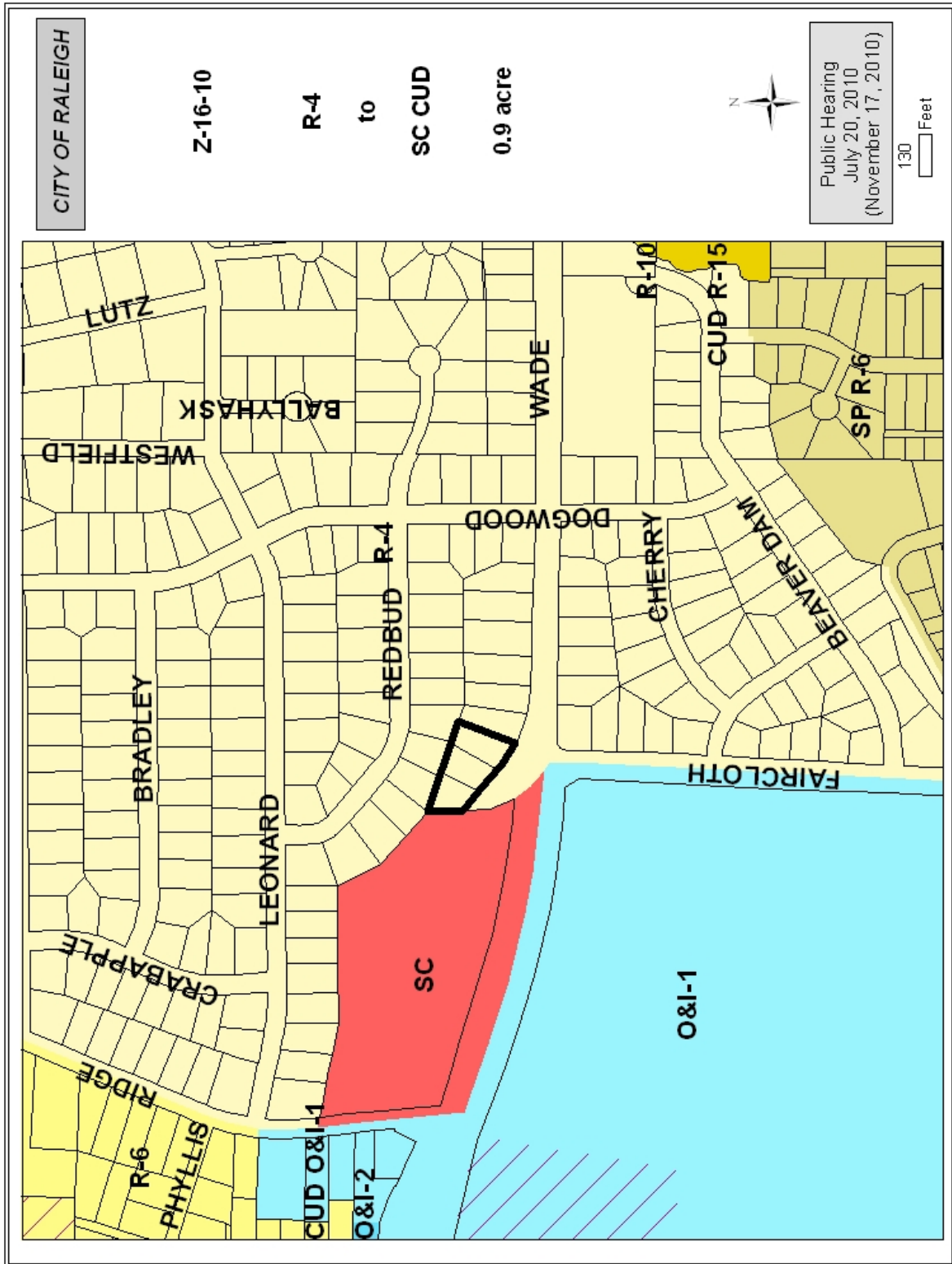
**6. Appearance Commission**

This proposal is not subject to Appearance Commission review.

**7. Conclusions**

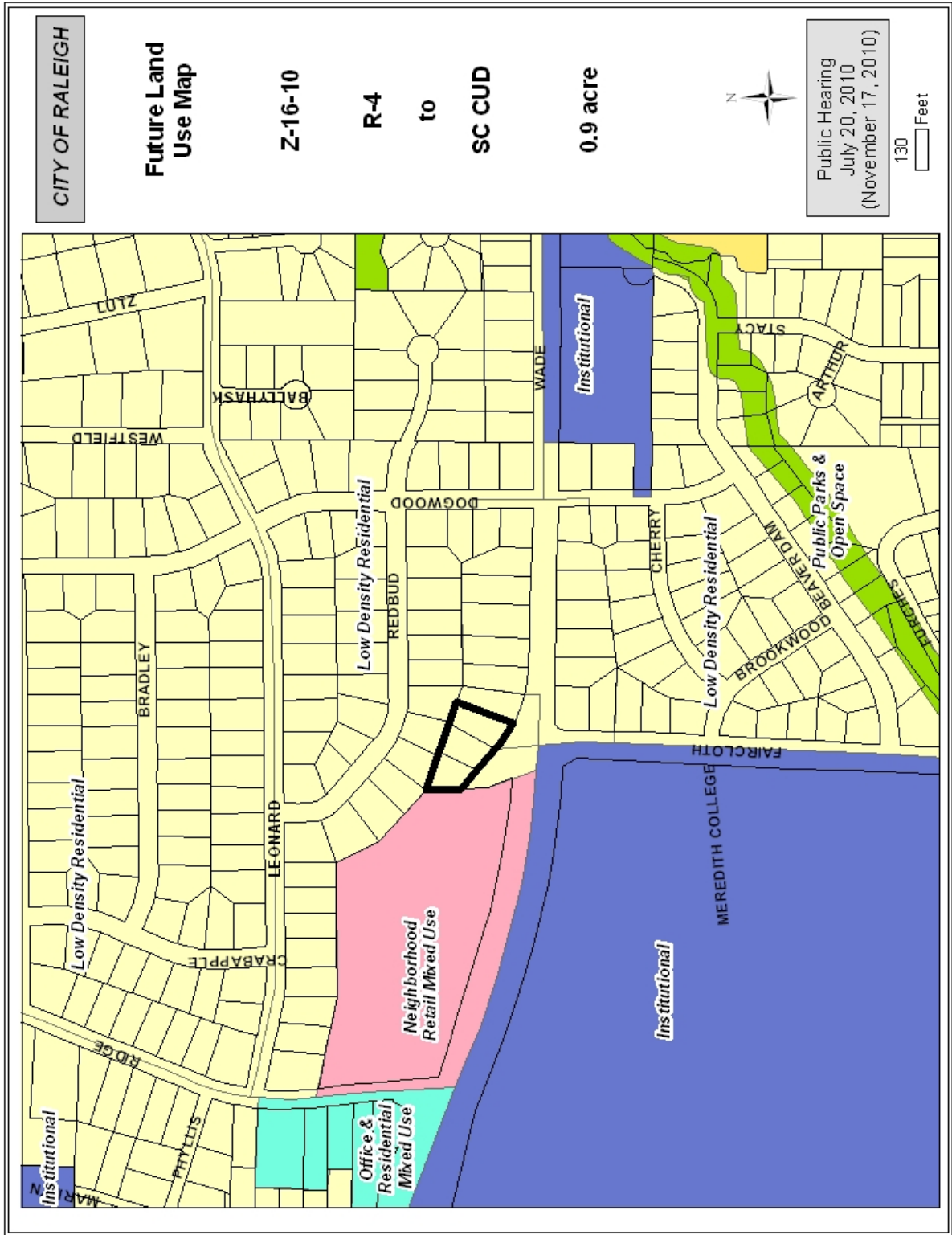
The proposal is inconsistent with the Future Land Use Map in permitting a primary use (surface parking) associated with zoning other than the prescribed Low Density Residential designation. Additionally, the proposed condition could permit development inconsistent with Comprehensive Plan policies regarding parking placement on Urban Corridors, and the need to encourage pedestrian-oriented uses. The petitioner may wish to provide a condition that describes how the subject property will be accessed from Wade Avenue and Faircloth Street.

# Existing Zoning/ Location Map





# Future Land Use Map



## **Additional Staff Comments**

### **Z-16-10 Conditions**

#### **Condition (b)**

Rather than referring to “all uses permitted in the Residential-4 district,” specify the exact uses to be permitted. Also, remove the reference to “associated features” (curb, gutter, walk, etc.), as these are not uses.

#### **Condition (e)**

Specify where the sidewalk will be located (this Property? the adjacent shopping center tract?). At minimum, include such wording as: “with the final location of the sidewalk connections to be determined in coordination with City of Raleigh staff.”

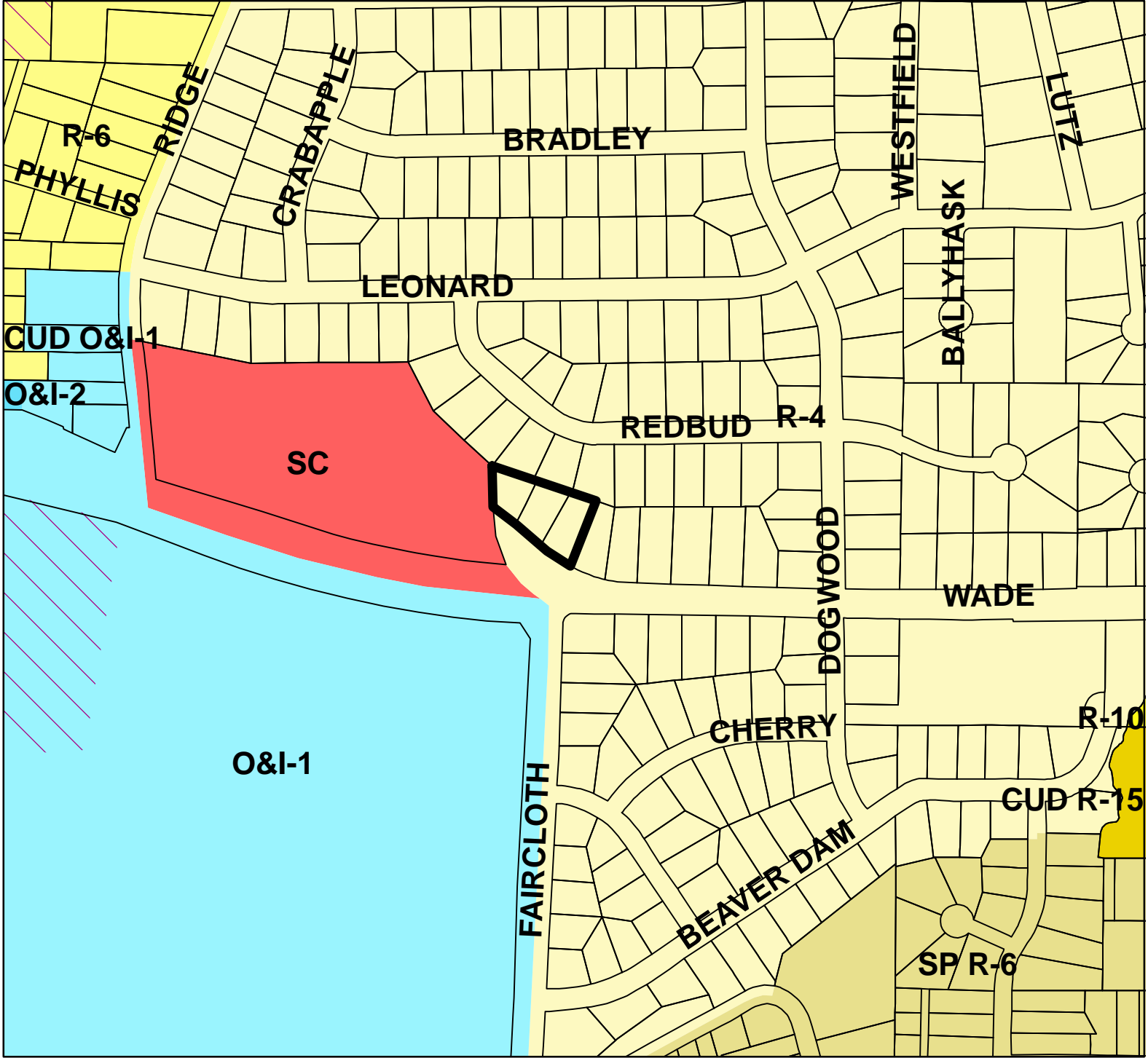
#### **Condition (h)**

Specify the maximum number of building stories and feet, including the phrase “as measured by City Code Section 10-2076(b),” instead of referring to “the Residential-4 district.” List the minimum setbacks in feet.

#### **Condition (j)**

Add the sentence: “This fence shall not be applied toward any reduction in the width of the required Transitional Protective Yard (as might be otherwise permitted under Code Sec. 10-2082.9(g)(3)).”

**CITY OF RALEIGH**



**Z-16-10**

**R-4  
to  
SC CUD**

**0.9 acre**

Public Hearing  
July 20, 2010  
(November 17, 2010)

130  
Feet

CITY OF RALEIGH  
CITY PLANNING DEPT



~~3/1/10~~ AM 8:05

# Petition to Amend the Official Zoning Map

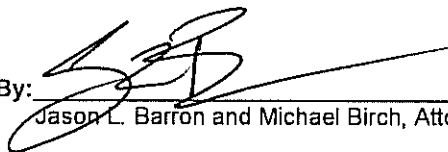
Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

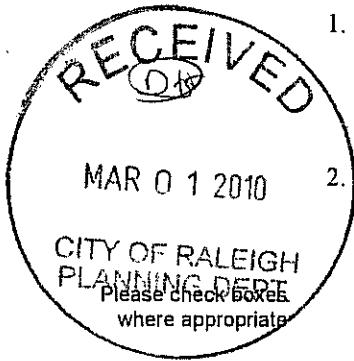
1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding 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:
  - 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.

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.

Country Club Homes, Inc.

By:   
Jason L. Barron and Michael Birch, Attorneys for the Petitioner

Date: 3/1/10



# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>2-16-10</u>
Date Filed:	<u>3-1-10</u>
Filing Fee:	<u>pd by ct # 4514</u> <u>1029.<sup>m</sup></u>

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See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Country Club Homes, Inc.</u>	<u>P.O. Box 19726</u> <u>Raleigh, NC 27619</u>	
<b>2) Property Owner(s):</b>	<u>Country Club Homes, Inc.</u>	<u>P.O. Box 19726</u> <u>Raleigh, NC 27619</u>	
<b>3) Contact Person(s):</b>	<u>Jason L. Barron and</u> <u>Michael Birch</u> <u>K&amp;L Gates LLP</u>	<u>P.O. Box 17047</u> <u>Raleigh, NC 27619</u>	<u>(919) 743-7343</u> <u>Jason.Barron@klgates.com</u> <u>(919) 743-7314</u> <u>Michael.Birch@klgates.com</u>
<b>4) Property Description:</b> Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>0794-36-6962, 0794-36-</u> <u>7848 and 0794-36-8823</u>		
	General Street Location (nearest street intersections): <u>North of Wade Avenue at its</u> <u>intersection with Faircloth Street</u>		
<b>5) Area of Subject Property (acres):</b>	<u>+/- 0.9 acres</u>		
<b>6) Current Zoning District(s)</b> <b>Classification:</b> Include Overlay District(s), if Applicable	<u>Residential-4</u>		
<b>7) Proposed Zoning District</b> <b>Classification:</b> Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>Shopping Center – Conditional Use</u>		

Office Use Only	2-16-10
Petition No.	

### 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.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
<u>See Exhibit B-1</u>			

For additional space, photocopy this page.

Z-16-10

## Exhibit B-1

## List of Adjacent Property Owners

<u>Name and Address</u>	<u>PIN</u>
Ridgewood Shopping Center LLC P.O. Box 19726 Raleigh, NC 27619-9726	0794-37-1116
Randall & Cheryl L. Weisz 3447 Redbud Lane Raleigh, NC 27607-6832	0794-37-5146
Gisela B. & Tyrus Robert Spinella 3443 Redbud Lane Raleigh, NC 27607-6832	0794-37-6028
Lisa C. & Gina I. Spinella 3439 Redbud Lane Raleigh, NC 27607-6832	0794-37-7004
William W. Bullock 3431 Redbud Lane Raleigh, NC 27607-6832	0794-37-7090
Bruce W. Keene 435 Cutler Street Raleigh, NC 27603-1921	0794-36-8997
Colleen B. & Richard K. Frazer 3427 Redbud Lane Raleigh, NC 27607-6832	0794-36-9986
Billy L. & Norma T. Shelton 3424 Wade Avenue Raleigh, NC 27607-4046	0794-36-9767
Country Club Homes Inc. P.O. Box 19726 Raleigh, NC 27619-9726	0794-36-8890
Sarah E. Huffman 3132 Brentwood Road Raleigh, NC 27604-2426	0794-36-8574

Rebecca A. Goldman Matthew & Barbara Styers 814 Faircloth Street Raleigh, NC 27607-4014	0794-36-8475
Loren William Gilbert 124 Sue Kim Drive Youngsville, NC 27596-9426	0794-36-9582
Meredith College 3800 Hillsborough Street Raleigh, NC 27607-5237	0794-26-1272



Office Use Only	
Petition No.	<u>Z-16-10</u>
Original Date Filed:	<u>3/1/10</u>
Amended Date:	<u>9/16/10</u>

# EXHIBIT C Request for Zoning Change

200 SEP 16 11:12:43

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PG 1 OF 3

1) Conditional Use Zone Requested: Shopping Center – Conditional Use

2) Narrative of conditions being requested:

As used herein, the “Property” refers to those certain tracts or parcels of land containing approximately 0.9 acres located on the north side of Wade Avenue at its intersection with Faircloth Street in Raleigh, North Carolina, having Wake County PIN 0794-36-6962 (Bk 1879, Pg 30, Wake County Registry), 0794-36-7848 (Bk 10178, Pg 1190) and 0794-36-8823 (Bk 12166, Pg 2138).

(a) Unless otherwise indicated, terms used herein shall have the meaning proscribed for them in City Code Section 10-2002.

(b) Permitted Uses. Only the following uses shall be permitted upon the Property:

- all uses permitted in the Residential-4 district;
- parking facility – principal use – parking lot (not including any parking decks);
- access drives and associated features, including sidewalks, curb and gutter, utility lines, and related improvements

(c) Site Lighting. All outdoor pole-mounted light fixtures shall be “Full Cut-Off” design and directed away from residential properties. Light level at the perimeter property line adjacent to residential-use property shall be no more than four-tenths (4/10’s) of a foot candle.

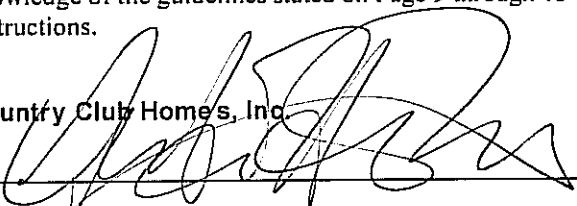
(d) Trash. No trash or recycling storage facility (dumpster, roll-out carts, etc.) shall be permitted on the Property. Notwithstanding the foregoing, convenience or courtesy trash receptacles with a maximum capacity of 20 gallons shall be allowed.

(e) Sidewalk. Prior to the recordation of a subdivision plat or issuance of certificate of occupancy for any zoning or building permit, whichever event shall first occur, the owner shall construct and install a minimum five feet (5’) wide sidewalk which will connect Ridgewood Shopping Center (Wake County Deed Book 10806, Page 1802, Wake County Registry) to the Wade Avenue right-of-way.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

Country Club Homes, Inc.

By: 

Date: 9/16/2010

Name: Andrew Techet

Title: President

# EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	2-16-10
Original Date Filed:	3/1/10
Amended Date:	9/16/10

PG 2 OF 3

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(f) Transitional Protective Yard (TPY) Buffer. As used in this condition, “Adjacent Residential Properties” shall mean and refer to the tracts of land located at 3439 Redbud Lane (having Wake County Parcel Identification Number 0794-37-7004; and described in Deed Book 6465, Page 542 of the Wake County Registry), 3431 Redbud Lane PIN 0794-37-7090; DB 10322, PG 1330) and 3429 Redbud Lane (PIN 0794-36-8997; DB 9232, PG 679). At the common boundary of the Property and the Adjacent Residential Properties, there shall be installed and maintained a Transitional Protective Yard including the following minimum elements:

1. At least fifty percent (50%) of all City Code required TPY trees shall be increased at time of installation from 2” caliper/8’ height (minimum) to 3.5” caliper/14’ height. If multi-stem trees are utilized, the minimum caliper shall be waived, and only the 14’ height standard provided.
2. At least fifty percent (50%) of all City Code required TPY shrubs shall be increased size at time of installation from 18” height (minimum) to 30” height.
3. The composition of trees located in this Transitional Protective Yard(s) shall be no less than fifty percent (50%) evergreen species.
4. No more than thirty percent (30%) of City Code required TPY trees may be multi-stem trees, and no City Code required TPY trees may be crape myrtles.

(g) Access to Wade Avenue. Upon redevelopment, access to the Property from Wade Avenue shall be limited to a single curb cut.

(h) Building Height. The maximum height for any structures built upon the Property shall be as provided in the Residential-4 district, except if a more restrictive standard is required by the Shopping Center district.

(i) Residential Density. No more than four (4) dwelling units per acre shall be permitted upon the Property.

(j) Fence Along Northern Boundary. Prior to the issuance of any certificate of occupancy or zoning compliance for the Property, the owner shall construct and install on the Property a six (6’) foot high solid wood or vinyl fence within five (5’) feet of the common property lines along those portions of the Property adjacent to and abutting the following parcels: (1) 3429 Redbud Lane; (2) 3431 Redbud Lane and (3) 3439 Redbud Lane.

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Country Club Homes, Inc.

By: \_\_\_\_\_

Name: Andrew Tchet

Title: President

Date: 9/16/2010

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Amended Date:	<u>9/16/10</u>

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PG 3 OF 3

(k) Site Signage.

1. *Ground high profile signs* (as defined by Section 10-2002 of the City Code) shall be prohibited upon the Property.

2. Subject to the provisions of subsection (k)1. hereof, any sign permitted upon the Property shall only identify the shopping center (with no tenant names, unless the shopping center bears a tenant name). It is not the intent of this condition that only tract identification signs (as described in Section 10-2083.2) be permitted upon the Property.

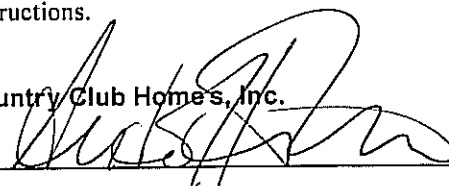
(l). Site Plan Approval by Planning Commission. Any site plan for nonresidential use(s) or use(s) accessory to a nonresidential use shall be reviewed by the Planning Commission in accordance with the provisions of Section 10-2132.2(c) of the City Code (unless the City Code requires approval by the City Council, in which case the City Council shall review in accordance with the provisions of Section 10-2132.2(b)).

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Country Club Homes, Inc.

By: \_\_\_\_\_



Date: \_\_\_\_\_

9/16/2010

Name: Andrew Tchet

Title: President

Office Use Only	
Petition No.	2-16-10
Date Filed:	3-1-10

# 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](http://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:**

The Property is designated Low Density Residential on the Future Land Use Map. The proposed zoning district permits nonresidential land uses, which is inconsistent with the Future Land Use Map designation. However, the proposed zoning district does permit residential uses at the density encouraged by the Future Land Use Map classification.

**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 Property is not located within any Area Plan. However, the Property is located within a Mixed Use Community Center according to the Growth Framework Map. According to page 19 of the Comprehensive Plan, mixed use community centers are targets for infill development and improved connectivity.

- 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").**

Although the proposed map amendment permits uses that are not encouraged by the Property's Future Land Use Map classification, the proposed map amendment is consistent with the applicable Comprehensive Plan policies. The proposed map amendment is consistent with Policy LU 5.4 "Density Transitions," because it permits medium-density residential development and other uses that can serve as a transition between the existing shopping center and existing residential uses adjacent to the Property. Also the proposed map amendment is consistent with Policy LU 7.3 "Single Family Lots of Thoroughfares" and Policy T 2.9 "Curb Cuts" because it would reduce the number of access points onto the entrance road into the shopping center that are currently used for single-family residential uses.

## **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):**

Single-family detached dwellings are located to the north, east and southeast of the Property. A large institutional use is located to the southwest of the Property. Numerous commercial uses are located to the west of the Property. The Property has direct access onto the entrance road to the shopping center off of Wade Avenue, a secondary arterial. The Property is located north of Wade Avenue at its intersection with Faircloth Street, a minor thoroughfare.

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

The Property is surrounded to the north, east and southeast by parcels zoned Residential-4 and built-out for single-family detached dwellings. To the southwest is the Meredith College campus, which is zoned Office & Institution-1. To the west of the Property is a large parcel zoned Shopping Center district and built-out as a shopping center with in-line retail and multiple out-parcels.

- 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:**

Based on the Shopping Center district zoning to the immediate west of the Property and the fact that the Property gains access from the entrance road into the shopping center, the proposed map amendment is compatible with the suitability of the property for commercial uses. Also, based on the immediately adjacent commercial uses to the west and the fact that the Property fronts along a secondary arterial, the proposed map amendment is compatible with the character of the surrounding area.

## **III. Benefits and detriments of the proposed map amendment.**

- A. For the landowner(s):**

The proposed map amendment benefits the Property owner by permitting nonresidential uses and allowing redevelopment of the Property.

**B. For the immediate neighbors:**

The proposed map amendment benefits the immediate neighbors by permitting additional service-related nonresidential uses within walking distance and with improved connectivity. Also, the immediate neighbors will benefit from investment and redevelopment in the Property from its current use as rental housing. There are no known detriments of the proposed map amendment to the immediate neighbors.

**C. For the surrounding community:**

The proposed map amendment benefits the surrounding community by providing additional retail options through expansion of an existing shopping center. Also, the proposed map amendment provides the option of reducing the number of access points onto the entrance road into the shopping center, thereby reducing the number of traffic conflicts. There are no known detriments to the surrounding area.

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

No, the rezoning of the Property does not provide a significant benefit which is not available to the surrounding properties. In fact, the 8.66 acre parcel to the immediate west is already zoned Shopping Center and is built-out for retail uses. Also, the other parcels currently zoned Residential-4 located along Wade Avenue have the ability to petition for rezoning to permit commercial uses or increased residential density.

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

The Property is immediately adjacent to an existing shopping center that fronts along a secondary arterial and gains access from entrance across from Faircloth Street, a minor thoroughfare. The Property has three access points onto this entranceway. The proposed map amendment is reasonable and in the public interest because it permits uses consistent with those permitted on the parcel to the west and potentially reduces the number of access points onto the entranceway to the shopping center. Moreover, the proposed map amendment encourages redevelopment of the Property for uses that benefit the public.

**V. Recommended items of discussion (where applicable).**

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

This recommended item of discussion is 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.**

This recommended item of discussion is not applicable.

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

This recommended item of discussion is not applicable.

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

This recommended item of discussion is not applicable.

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

The proposed map amendment advances the fundamental purposes of zoning. First, the proposed map amendment can reduce traffic congestion by reducing the number of access points on to the entrance into the existing shopping center. Second, the proposed map amendment allows the City to regulate land use in accordance with the Comprehensive Plan because, as explained above, the proposed map amendment is consistent with the applicable Comprehensive Plan policies. Third, the uses allowed by the proposed zoning district are compatible with surrounding area and encourage redevelopment of the Property for more appropriate uses than single family detached dwellings.

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

There are no other arguments on behalf of the proposed map amendment at this time.