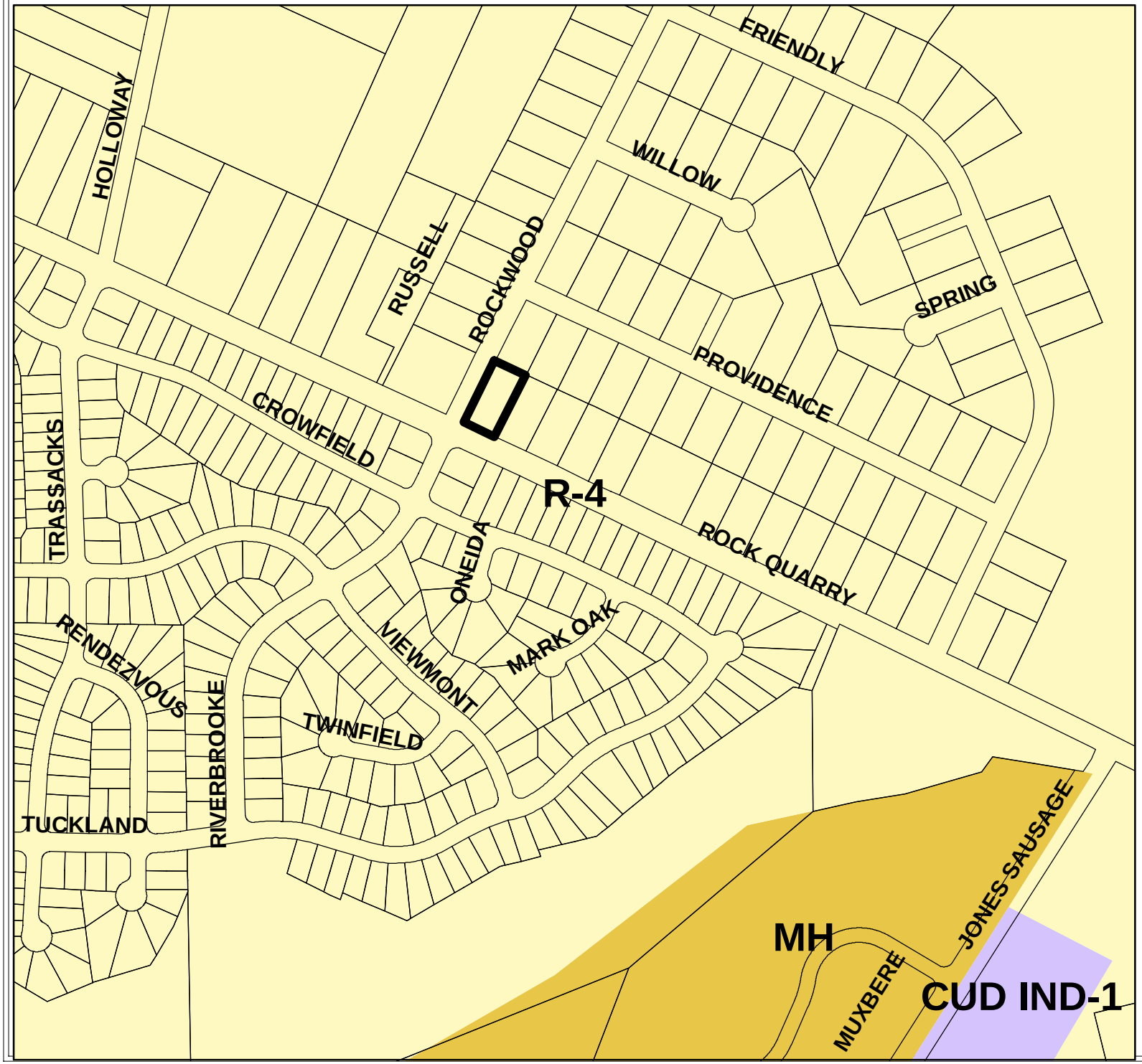

CITY OF RALEIGH

Z-17-09

R-4

to

AP

0.46 acre

Public Hearing
April 21, 2009
(August 19, 2009)

275 Feet

Office Use Only
Petition No. Z-17-09

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):

Please check boxes where appropriate

- ☐ 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.

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CITY OF RALEIGH
PLANNING DEPT.
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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.

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:**

12-18-08

Please type or print name(s) clearly:

Dr. Alex Nicholas Fisher, Sr., DVM

Office Use Only	
Petition No.	Z-17-09
Date Filed:	12-19-08
Filing Fee:	~~$514.~~ by ck # 1340

EXHIBIT B. Request for Zoning Change

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Alex N. Fisher, Sr.	4228 Penrose Valley Circle Cary, NC 2751	8327460199 docfishervet@hotmail.com
2) Property Owner(s):	Darrell Wolf	1604 Poplar Springs Church Rd. Sanford 27330	
	Rachel Wolf	1604 Poplar Springs Church Rd Sanford 27330	
3) Contact Person(s):	Alex Fisher	4228 Penrose Valley Circle Cary, NC 27518	(832) 746-0199

4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.

Wake County Property Identification Number(s) (PIN): 1722557652

Map. # 608-00000-0149

General Street Location (nearest street intersections): 2705 Rockwood Dr. Raleigh, NC 27610-5217; corner of Rock Quarry Road

5) Area of Subject Property (acres): 0.46 acres

6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable: R-4

7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state: AP (Small Animal Veterinary Hospital)

Exhibit B. continued

8) Adjacent Property Owners

Office Use Only
Petition No. Z-17-09

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: PIN #
Timberlake, Wayne	2703 Rockwood	Raleigh, NC 27610	0070795 (1722558841
Franklin. Parker	2704 Rockwood	Raleigh, NC 27610	0618378 (1722556835
Patelos, Nicholas	2700 Rockwood	Raleigh, NC 27610	0077451.0 (1722556984
Timberlake, Wayne	2701 Rockwood	Raleigh, NC 27610	0070792 (1722558841
Gutierrez, Andres	2616 Rockwood	Raleigh, NC 27610	0344238 (1722567023
Jordon, Rollin & Nora	2804 Providence	Raleigh, NC 27610	0046572 (1722655973
Wiggs, Robert & Cathy	2808 Providence	Raleigh, NC 27610	0064703 (1722650731)
Britt, John & Rena	2809 Providence	Raleigh, NC 27610	0018379 (1722651945
Jernigan, Johnny & Agnes	2811 Providence	Raleigh, NC 27610	0033551 (1722652931
Buendia, Jose	2816 Providence	Raleigh, NC 27610	0048877 (1722652
Parker, Franklin	4309 Rock Quarry	Raleigh, NC 27610	1722559534
Jefferys, Grady & Thelma	4215 Rock Quarry	Raleigh 27610	1722555771
Peng, Jian	2801 Riverbrook Dr.	Raleigh, NC 27610	1722556472
Jolly, Mckinley & Latasha	4305 Crowfield	Raleigh, NC 27610	1722557313
Bush, Lance & Pamela	518 Powhatan	Fuquay Varina, NC 27526	1722555419
Artis, Iradell	4309 Crowfield	Raleigh, NC 27610	1722557361

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Office Use Only	
Petition No.	Z-17-09
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:

Southeast

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.

A portion of the property is in an area proposed to have a sidewalk placed by the city of Raleigh. The proposed area is very small and should not pose a problem in rezoning.

2-17-09

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

Yes, it is consistent.

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):**

Residential housing, parks and thoroughfares.

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

Approx. 1500 sq/ft single family residential dwelling. Alluminum siding. Single Story.

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**

Property is located on a corner lot which is assessible from Rock Quarry Rd. The size of the lot acts as a buffer zone from other neighbors. Traffic from Rock Quarry Rd and noise makes this property an unlikely residence

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

A. **For the landowner(s):** Current landowners have not lived on this property or in this dwelling for more than 10 years. It is becoming more difficult to sell dwelling due to it's age. The building has potential to become delapidated which will ultimately lower existing property values. A strong business will raise values.

B. **For the immediate neighbors:** There are no Small Animal Veterinary hospitals within 5 mile radius of property. Benefit to neighbors will be of convienence to have family pets healthcare needs addressed.

C. **For the surrounding community:**

Benefit to the surrounding community will be in the reduction of zoonotic diseases, such as leptospirosis, scabies, rabies, hookworms and roundworms. Zoonotic diseases are those that can be transmitted from animal to man. Children and elderly persons will be much safer in the community if their pets are healthy.

2-17-09

IV. **Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:** Yes. Typically, when dogs and cats do not have appropriate preventive healthcare, ie., rabies vaccinati dewormings and spay/neuters, Zoonotic diseases and over population of animals occur which lead to poorer health and makes environment unsafe for children and elderly

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

This property would support the proposed map amendment as reasonable and in the public interest because of it's convienence to the community and there are no other facilities offering these services.

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

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

N/A

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.**

N/A

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

N/A

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

An addition of a small animal veterinary hospital will relieve the City of Raleigh and the tax payers of valuable dollars used in Animal Control. Veterinary clinics not only treat and prevent animal diseases, but they also educate the public in animal welfare, which in turns decreases the number of stray animals and decreases the number of euthanasias performed by the city.

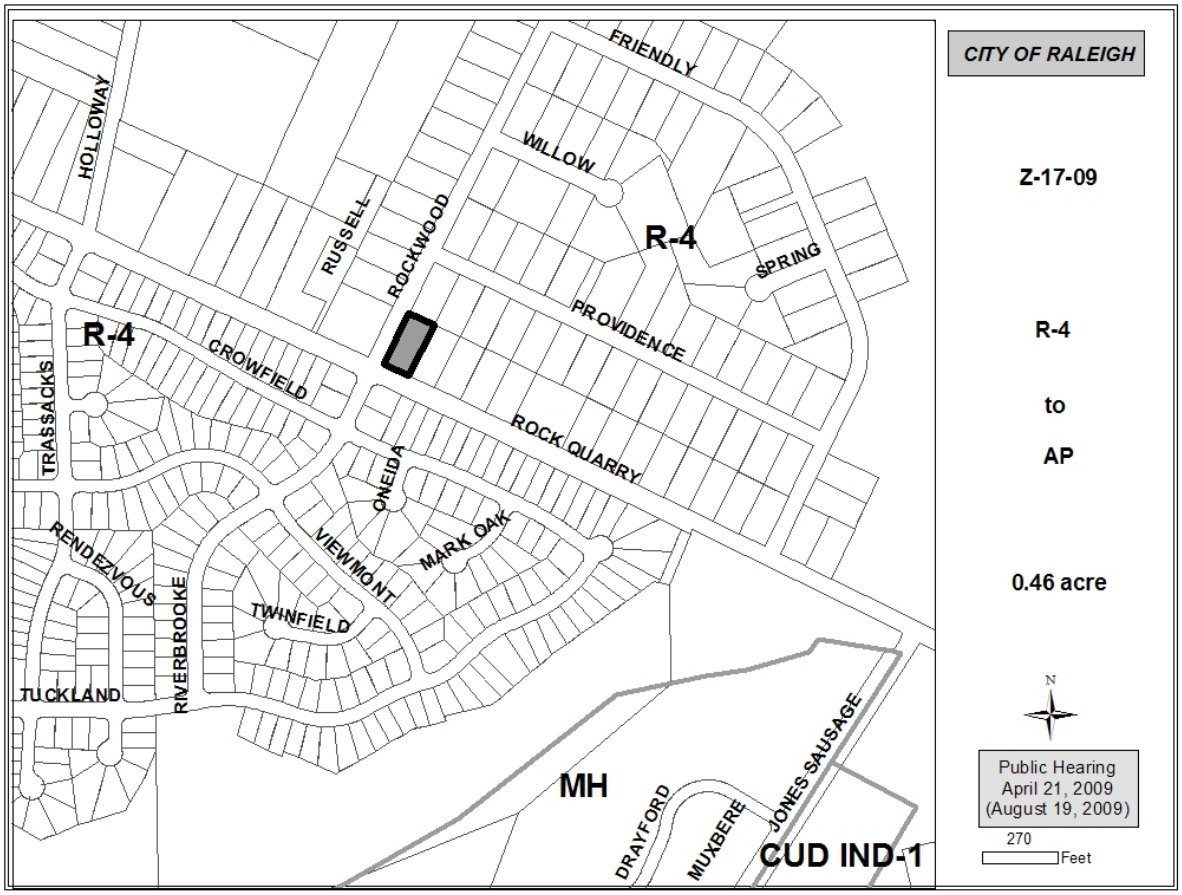
Z-17-09

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

Veterinary clinics have proven to be a benefit to the majority of the communities in which they are located throughout the United States. Veterinary clinics are stable businesses which usually have extensive longevity. Communities are typically safer and have high property values when surrounded by a veterinary clinic. Communities usually have a lower incidence of stray animals, lower incidence of rabies and animal bites / attacks when a veterinary clinic is located in the neighborhood.

Certified Recommendation
of the City of Raleigh Planning Commission

Case File:	**Z-17-09 General Use; Rock Quarry Rd**
General Location:	Rock Quarry Road, north side, east of Rockwood Drive
Planning District / CAC:	Southeast / Southeast
Request:	Petition for Rezoning from **Residential-4 to Agricultural Productive.**
Comprehensive Plan Consistency:	**This request is inconsistent with the Comprehensive Plan**
Valid Protest Petition (VSPP):	Application deadline date: April 16, 2009
Recommendation:	**That this request be denied.**



CASE FILE: **Z-17-09 General Use Rock Quarry Rd**

LOCATION: This site is located on the north side of Rock Quarry Road, east of its intersection with Rockwood Drive.

REQUEST: This request is to rezone approximately 0.46 acres, currently zoned Residential-4. The proposal is to rezone the property to Agricultural Productive.

COMPREHENSIVE PLAN CONSISTENCY: **This request is inconsistent with the Comprehensive Plan**

RECOMMENDATION: **That this request be denied.**

FINDINGS AND REASONS:

(1) The request is inconsistent with the Comprehensive Plan; and

(2) The request is not compatible with the surrounding area.

To PC: 4/28/09
Case History:

To CC: 5/5/09 **City Council Status:** _____

Staff Coordinator: Alysia Bailey Taylor

Motion: Haq
Second: Fleming
In Favor: Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith
Opposed:
Excused:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.) (PC Chair)

_____ _____

date:_____ date: 4/29/09

Zoning Staff Report: Z-17-09 General Use

LOCATION: This site is located on the north side of Rock Quarry Road, east of its intersection with Rockwood Drive.

AREA OF REQUEST: 0.46 acres

PROPERTY OWNER: Darrell and Rachel Wolf

CONTACT PERSON: Alex Fisher, 832-746-0199

PLANNING COMMISSION RECOMMENDATION DEADLINE: August 19, 2009

	Current Zoning	**Proposed Zoning**
ZONING:	Residential-4	Agricultural Productive
	Current Overlay District	**Proposed Overlay District**
	N/A	N/A

	Current Zoning	**Proposed Zoning**
ALLOWABLE DWELLING UNITS:	1 unit (*4 units per acre*)	0 units (*0.54 units per acre*)
ALLOWABLE OFFICE SQUARE FOOTAGE:	None	None
ALLOWABLE RETAIL SQUARE FOOTAGE:	None	None
ALLOWABLE GROUND SIGNS:	Tract ID	Tract ID

ZONING HISTORY: This property was rezoned to Residential-4 in 1989 (Z-36-89), and was annexed into the corporate limits of the city in 2005.

SURROUNDING ZONING:
NORTH: Residential-4
SOUTH: Residential-4
EAST: Residential-4
WEST: Residential-4

LAND USE: Single-family residential

SURROUNDING LAND USE: NORTH: Single-family residential
SOUTH: Single-family residential
EAST: Single-family residential
WEST: Single-family residential

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	Southeast District
Urban Form	Suburban Residential
Specific Area Plan	Rock Quarry Road Corridor Plan
Guidelines	N/A

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

This proposal is inconsistent with the Comprehensive Plan. The site is designated as part of the Southeast District Plan with more specific recommendations in the Rock Quarry Road Corridor Plan. The District Plan recommends Suburban Residential (*six or fewer units per acre*), and the Corridor Plan recommends Residential development as well.

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

The subject property is surrounded by single-family homes on parcels of land smaller than one half acre. The applicant states that traffic and noise generated by Rock Quarry Road makes the subject property an unlikely residence.

Staff disagrees. This portion of Rock Quarry Road is lined on both sides with single-family homes. The proposed zoning district requires a minimum lot size of 80,000 square feet and is typically applied to areas around the City's fringe. The subject property is approximately 20,037 square feet, well within the city limits, and surrounded by residential development consisting of lots that are 20,000 square feet or less. Allowing the requested rezoning would result in a non-conforming lot if continued to be used for residential purposes, and potentially a nonresidential use that is incompatible with the surrounding area.

3. Public benefits of the proposed rezoning

This rezoning singles out one small parcel for treatment different than that given to nearby and similarly situated properties. Under the enhanced scrutiny that should accompany such small-scale

rezonings, there should be a clear identification of a public benefit beyond the benefit to the landowner in order to show that the zoning is reasonable and in the public interest.

The petitioner has indicated that the proposed rezoning will provide a benefit because it will provide an opportunity for a small veterinary hospital in an area that currently does not have one within a several mile radius. The petitioner further explains that the veterinary hospital could potentially reduce diseases that are transferred from animal to man because animals will receive proper preventative care.

While there is potential to provide a use that may not be readily available in the immediate surrounding area, there should be some consideration made about how compatible the allowable uses within the requested zoning district will be to the surrounding single-family residential development. It should also be noted that the Agriculture Productive zoning districts provides a range of uses, and approval of this rezoning would allow the property to be used in accordance with any of these uses. While the petitioner states that the public benefit derived is gained from one specific use, the full complement of uses will be allowed once the property is rezoned.

4. Detriments of the proposed rezoning

The Agricultural Protective (AP) zoning designation requested requires setbacks of 150 feet in the front, 150 feet in the rear, and 150 feet on the sides. The subject property is approximately 200 feet deep and 100 feet wide. If the rezoning were approved the existing structure currently on the property would be rendered non-conforming and redevelopment of the property would necessitate multiple variances.

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

TRANSPORTATION: Rock Quarry Road is classified as a major thoroughfare (2007 ADT-14,000 vpd) and exists as a 3-lane curb and gutter section with sidewalk on the south side within a 75-foot right-of-way. City standards call for Rock Quarry Road to be constructed as a multi-lane facility with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within a 90-foot right-of-way. Rockwood Drive is classified as a collector street and exists as a 2-lane ribbon paved road within a 60-foot right-of-way. City standards call for Rockwood Drive to be constructed with a 41-foot back-to-back curb and gutter cross-section with sidewalk on a minimum of one side within the existing right-of-way.

The City has a funded capital improvement project to widen Rock Quarry Road to a five-lane curb and gutter section with sidewalks and streetlights on both sides. This improvement may have right-of-way impacts on the subject property between 15 to 20 feet. This additional right-of-way adjacent to the subject property will further exacerbate the lot size and setback non-conformity.

TRANSIT: N/A

HYDROLOGY: FLOODPLAIN: None
DRAINAGE BASIN: Big Branch
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9, Stormwater Control and Watercourse Buffer Regulations. Site may qualify for an exemption from these regulations under 10-9021(2).
No Buffer. No WSPOD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	**Maximum Demand on Proposed Zoning**

Water	**Approx. 920 gpd**	**Approx. 288 gpd**
Waste Water	**Approx. 920 gpd**	**Approx. 288 gpd**

The proposed rezoning would not impact the wastewater or water treatment systems of the City. There are existing sanitary sewer and water mains in place which could serve the rezoning site.

PARKS AND RECREATION: This property is not adjacent to any greenway corridors. This rezoning case will not affect the level of service for parks in the area.

WAKE COUNTY PUBLIC SCHOOLS:

Based on the Wake County data, students living in this area may be assigned to attend either: East Garner Elementary, West Lake Middle or Garner High. Development of the subject property at the requested rezoning could lead to a slight decrease in the projected number of students assigned to the schools listed.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
East Garner	505	52.4%	504	52.3%
West Lake	1,362	98.7%	1,362	98.7%
Garner	2,269	99.8%	2,269	99.8%

IMPACTS SUMMARY: Required right-of-way dedication and the required setbacks of the requested zoning would create a non-conforming lot that would require variances from the Board of Adjustment if any new development were to occur on the property.

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 properly applied to it now were it being zoned for the first time.**

   N/A

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

CITIZENS' ADVISORY COUNCIL: DISTRICT: Southeast
CAC CONTACT PERSON: Bill Lynn, 919-231-8153

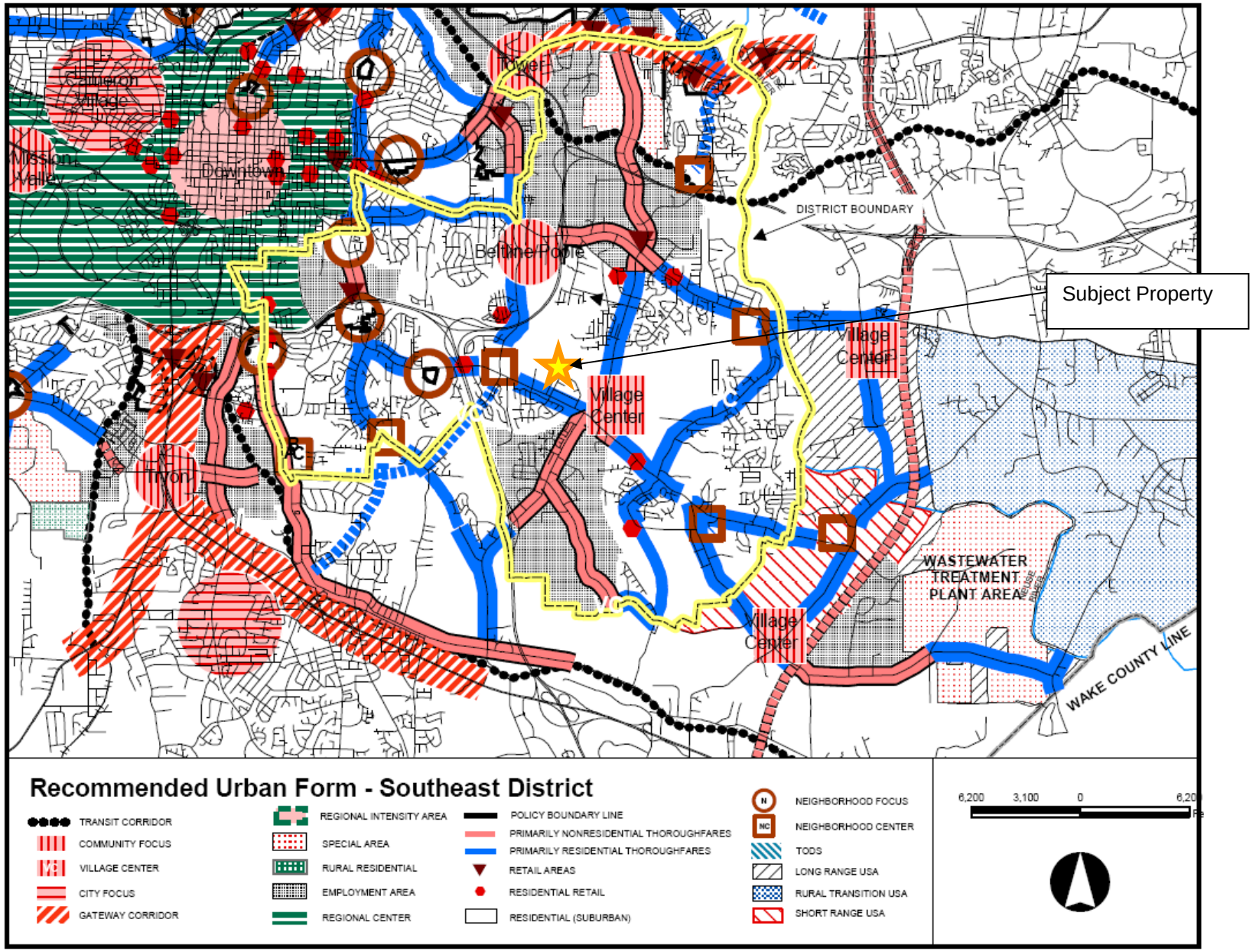
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. **Outstanding issues**

The Agricultural Protective (AP) zoning designation requested requires setbacks of 150 feet in the front, 150 feet in the rear, and 150 feet on the sides. The subject property is approximately 200 feet deep and 100 feet wide. If the rezoning were approved the existing structure currently on the property would be rendered non-conforming, and redevelopment of the property would necessitate multiple variances.

This rezoning singles out a single small parcel for treatment different than that given to nearby and similarly situated properties. Under the enhanced scrutiny that should accompany such small-scale rezonings, there should be a clear identification of a public benefit beyond the benefit to the landowner in order to show that the zoning is reasonable and in the public interest.


Cameron Village
Mission Valley
Downtown
Five
Beltline/Poole
DISTRICT BOUNDARY
Subject Property
Village Center
Village Center
Village Center
Village Center
AC
Tryon
WASTEWATER TREATMENT PLANT AREA
WAKE COUNTY LINE
Recommended Urban Form - Southeast District
TRANSIT CORRIDOR
COMMUNITY FOCUS
VILLAGE CENTER
CITY FOCUS
GATEWAY CORRIDOR
REGIONAL INTENSITY AREA
SPECIAL AREA
RURAL RESIDENTIAL
EMPLOYMENT AREA
REGIONAL CENTER
POLICY BOUNDARY LINE
PRIMARILY NONRESIDENTIAL THOROUGHFARES
PRIMARILY RESIDENTIAL THOROUGHFARES
RETAIL AREAS
RESIDENTIAL RETAIL
RESIDENTIAL (SUBURBAN)
NEIGHBORHOOD FOCUS
NEIGHBORHOOD CENTER
TODS
LONG RANGE USA
RURAL TRANSITION USA
SHORT RANGE USA
6,200
3,100
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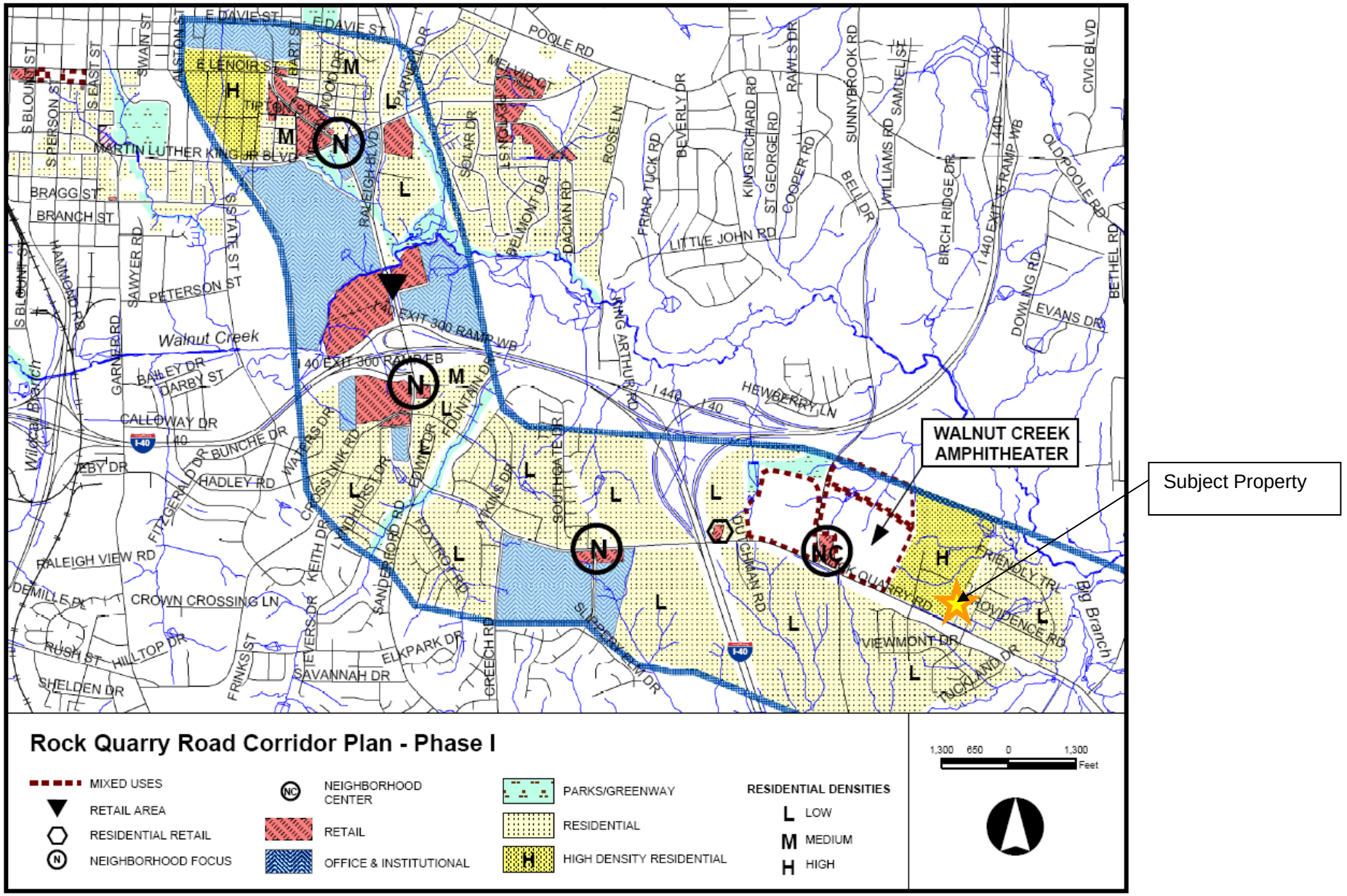
6,20


WALNUT CREEK AMPHITHEATER
Subject Property
Rock Quarry Road Corridor Plan - Phase I
MIXED USES
RETAIL AREA
RESIDENTIAL RETAIL
NEIGHBORHOOD FOCUS
NEIGHBORHOOD CENTER
RETAIL
OFFICE & INSTITUTIONAL
PARKS/GREENWAY
RESIDENTIAL
HIGH DENSITY RESIDENTIAL
RESIDENTIAL DENSITIES
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M MEDIUM
H HIGH
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POOLE RD
MARTIN LUTHER KING JR BLVD
BRAGG ST
BRANCH ST
PETERSON ST
Walnut Creek
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I 40 EXIT 300 RAMP EB
CALLOWAY DR
HADLEY RD
RALEIGH VIEW RD
CROWN CROSSING LN
SAVANNAH DR
ELKPARK DR
LITTLE JOHN RD
BEVERLY DR
SUNNYBROOK RD
CIVIC BLVD
OLD POOLE RD
BETHEL RD
EVANS DR
DOWLING RD
HEWBERRY LN
ROCK QUARRY RD
FRIENDLY TRL
PROVIDENCE RD
VIEWMONT DR
NICKLAND DR
Big Branch
I 440
I 40