



# 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:

The Wood Pile, L.L.C.

*Mack Paul*

12/12/07

By: Mack Paul and Jason Barron, Attorneys for the Owner

# EXHIBIT B. Request for Zoning Change

Office Use Only	<u>2-19-08</u>
Petition No.	<u>12-21-07</u>
Date Filed:	<u>12-21-07</u>
Filing Fee:	<u>\$1,000.00 by check</u>

776071

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

See instructions, page 6

Name(s)	Address	Telephone / E-Mail
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**1) Petitioner(s):** Wood Pile, LLC

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

2209 Century Drive  
Suite 450  
Raleigh, N.C. 27612

**2) Property  
Owner(s):**

Wood Pile, LLC

2209 Century Drive  
Raleigh, N. C. 276121

**3) Contact Person(s):** Mack Paul and Jason L.  
Barron

KENNEDY COVINGTON  
4350 Lassiter at North  
Hills Avenue, Suite 300  
Raleigh, NC 27609

919.743.7326 and  
919.743.7343  
mpaul@kennedycovingt  
on.com and  
jbarron@kennedycoving  
ton.com

**4) Property**

**Description:**

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

Wake County Property Identification Number(s) (PIN): 1703-88-8232; 1703-88-8281; 1703-88-9232; 1703-88-9282; 1703-88-9152; 1703-88-9054; 1703-87-9959; 1703-87-9972; 1703-87-9922; 1703-87-8973; 1703-87-8913; 1703-87-8949; 1703-88-8044; 1703-88-8049; 1703-88-8135

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

General Street Location (nearest street intersections): 1.9 acre, more or less, block bounded by E. Hargett St., S. East Street, E. Martin Street and S. Bloodworth Street

**6) Current Zoning  
District(s)**

**Classification:** Residential Business

Include Overlay District(s), if  
Applicable

**7) Proposed Zoning  
District**

**Classification:**

Include Overlay District(s) if  
Applicable. If existing Overlay  
District is to remain, please state.

Office and Institutional 1 Conditional Use with Downtown Overlay District

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.

[illegible]**Rezoning Petition**  
**Form Revised November 1, 2006**

## Adjacent Property Owners

Z-19-08

Wake County Board of Education  
PO Box 590  
Raleigh, NC 27602-0590  
NC Pin #1703-87-4682

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-87-6898

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-87-6953

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-87-6933

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-87-6991

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-87-6995

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-87-7908

United States of America  
310 New Bern Ave.  
Raleigh, NC 27601-1441  
NC Pin #1703-88-5537

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-88-6024

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-88-6088

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-88-6184

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-88-6253

Wood Pile LLC, The  
PO Box 12504  
Raleigh, NC 27605-2504  
NC Pin #1703-88-7004

Bryan Regan LLC  
2100 Nancy Ann Dr.  
Raleigh, NC 27607-3317  
NC Pin #1703-87-7795

Raleigh City Of  
PO Box 590  
Raleigh, NC 27602-0590  
NC Pin #1703-87-8697

Bryant, Linda Faye  
305 S. Bloodworth St.  
Raleigh, NC 27601-1901  
NC Pin #1703-87-8720

Thomas, Fredrick & Landonna  
404 E. Martin St.  
Raleigh, NC 27601-1906  
NC Pin #1703-87-8725

Dunham, Patricia & Rodney  
124 Marykirk Pl.  
Garner, NC 27529-2158  
NC Pin #1703-87-8775

Blalock, Alphonza  
Blalock, Donald Wayne  
306 S. East St.  
Raleigh, NC 27601-1959  
NC Pin #1703-87-9658

Luzzi, Joseph Michael  
5 W Hargett St. Rm 407  
Raleigh, NC 27601-1348  
NC Pin #1703-87-9715

Freeman, Ruben & Annie  
4309 Rockside Hills Dr.  
Raleigh, NC 27603-6318  
NC Pin #1703-87-9765

Raleigh, City Of  
PO Box 590  
Raleigh, NC 27602-0590  
NC Pin #1703-88-8357

United States Postal Service  
2245 Perimeter Park Dr. Ste 17  
Atlanta, GA 30341-1310  
NC Pin #1703-88-8477

United States Postal Service  
2245 Perimeter Park Dr. Ste 17  
Atlanta, GA 30341-1310  
NC Pin #1703-88-9388

Winters, John W. Heirs  
Frances W. Carter, Exec.  
4148 Fawn Ct.  
Marietta, GA 30068-2634  
NC Pin #1703-97-0896

Winters, John W. Heirs  
Frances W. Carter, Exec.  
4148 Fawn Ct.  
Marietta, GA 30068-2634  
NC Pin #1703-97-0990

O'Neal, Eugene Jr.  
O'Neal, Gwendolyn Sparks  
301 S. East St.  
Raleigh, NC 27601-1960  
NC Pin #1703-97-1745

## Adjacent Property Owners

Z-19-08

Winters, John W. Heirs  
Frances W. Carter, Exec.  
4148 Fawn Ct.  
Marietta, GA 30068-2634  
NC Pin #1703-97-1848

Winters, John W. Trustee  
Frances W. Carter, Exec.  
4148 Fawn Ct.  
Marietta, GA 30068-2634  
NC Pin #1703-97-1955

Winters, John W. Trustee  
Frances W. Carter, Exec.  
4148 Fawn Ct.  
Marietta, GA 30068-2634  
NC Pin #1703-97-2818

Winters, John W. Heirs  
Frances W. Carter, Exec.  
4148 Fawn Ct.  
Marietta, GA 30068-2634  
NC Pin #1703-98-1011

Wintershaven LTD  
C/O Reilly Mortgage  
2000 Corporate Rdg, Ste 925  
McLean, VA 22102-7861  
NC Pin #1703-98-1174

Raleigh, City Of  
PO Box 590  
Raleigh, NC 27602-0590  
NC Pin #1703-98-3554

Living, Vivian E.  
533 E. Lenoir Street  
Raleigh, NC 27601-2484  
NC Pin #1703-97-1720

Aytch, Lynette  
309 S. East St.  
Raleigh, NC 27601-1960  
NC Pin #1703-97-1604

Gaddy, Smith & Amanda W.  
1812 Bennett St.  
Raleigh, NC 27604-2314  
NC Pin# 1703-87-8625

Office Use Only	
Petition No.	Z-19-0F
Date Filed:	<del>2/15/08</del> 1/4/08

## 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 which District Plan area the subject property is located within and the recommended land use for this property:

The Property is located within the Central District Planning area. The Central District Plan's Urban Form and Land Use Policies envision higher density housing, along with appropriate public amenities. Compatible higher density tracts are to be encouraged.

- B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The Property is located within the Downtown Plan area. The Downtown Plan encourages high density, multi-story residential development as an appropriate transition to existing neighborhoods to the east. Infill development is encouraged to replace existing vacant lots and surface parking which currently disrupts the areas residential character and livability.

Office Use Only	
Petition No.	2-19-08
Date Filed:	RECEIVED 1/4/08

(continued)

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

The proposed map amendment is consistent with the Comprehensive Plan. The comprehensive plan promotes the development of high density, multistory residential as a way to increase the downtown housing stock and simultaneously reduce the strain on municipal facilities. As indicated in the Comprehensive Plan, higher density residential development near the downtown core like the development proposed herein is an appropriate antidote to sprawl.

In addition, this rezoning would accommodate new residential development in an area with almost exclusively low to moderate income housing. For example, the larger neighborhood has ten affordable housing opportunities with approximately 470 units. A majority of the rental units are affordable units. Under the Comprehensive Plan's Regional Development Principles section, it states, "Housing choices of different costs should be integrated within communities." The proposed map amendment would advance this goal by creating the opportunity for more housing choices in an area with limited choices.

## 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 Property is adjacent to multifamily seniors housing, along East St.; along Hargett St. there is a parking lot and vacant lot owned by the City of Raleigh; along Bloodworth St., a vacant tract of land and the Raleigh Rescue Mission; along Martin St., Moore Square Middle School; and in the block immediately to the south of the Property is a mix of residential and commercial uses.

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

The +/- 4 acre block immediately to the west is located in the Downtown Overlay District. The Raleigh Rescue Mission, Salvation Army, Killo Pest Control and an Office building populate +/- 2.3 acres of the site with the remaining 1.7 acres used as a parking lot for the Moore Square Middle School. The property immediately to the north contains a United States government parking lot and assorted commercial uses. The block to the east, has multifamily seniors housing and various commercial uses. The property to the south has a combination of single-family detached and commercial uses. The properties to the north, west and south are developed with a number of varied uses but commercial uses predominate.



**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 development of the Property as high density multifamily, with O & I allowable commercial uses, will serve as a buffer between the more intense uses envisioned for the Central Business District and the lower density multifamily and single family uses to the east. High density, multifamily residential will provide additional choices in the downtown housing stock. The Property's proximity to the newly opened Fayetteville Street and the commercial uses in the Central Business District will promote pedestrian traffic over vehicular traffic, thereby reducing the strain on downtown streets. The higher density urban develop also serves to combat sprawl.

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

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

Wood Pile, LLC has owned most of the Property in this 1.9 acre block for over 10 years. In that time, the development patterns and urban form have changed. The highest and best use, from both a public and private prospective has changed from low density residential to high density residential with ancillary commercial uses. The Central District's Plan, recognizing the change in the Urban Form, encourages higher density, multistory, residential development.

**B. For the immediate neighbors:**

The development of the Property as high density multifamily, with targeted commercial uses, will: (1) provide a buffer from the more intense commercial development to the west; (2) increase the stock of market rate housing; and (3) encourage pedestrian access to the commercial uses and amenities in the Central District's core.

**C. For the surrounding community:**

With the development of this Property, the housing stock in the Central District will be enhanced without increasing the strain on the existing infrastructure. As the Central District continues to develop with high density, high rise commercial development, the development of this Property for multifamily residential purposes will serve as a valuable buffer for the lower density residential uses to the east.

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

The rezoning of the Property does not provide a significant benefit which is not available to the surrounding properties. The proposed rezoning seeks to expand upon the available housing stock in the downtown area. With the site being adjacent to the DOD, the addition of the DOD to this Property, and the higher densities permitted thereby, is in keeping with such

adjacent properties. In addition, the parcel to the immediate east is zoned predominately Residential-30, a high density residential zoning district.

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

The City of Raleigh's Central District has seen a marked increase in high-density development, including primarily office and retail uses. The development of this Property as high-density multifamily residential, with ancillary business uses, will assist in providing a balance, increasing the housing stock for downtown, and serving as a buffer between the high-density, mixed use development contemplated for the downtown area to the west of the site.

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

- a. An error by the City Council in establishing the current zoning classification of the property.  
For several years the Property carried the zoning designation High Density Residential Overlay District, which allowed the Property to be developed for multistory, high density residential. The Comprehensive Plan envisioned this site as a transition between the high density, high rise, commercial and retail uses in the Central District and the residential neighborhoods to the east. With the adoption of the current Downtown Plan, the Property lost the High Density Residential Overlay District designation. The petitioner seeks the current rezoning to enable development as originally contemplated.
- 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.
- c. The public need for additional land to be zoned to the classification requested.

With the rapid development of the Downtown Core, there is a need for residential development, as contemplated on this site, to increase the housing stock in the downtown area.

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

With the development of the Property as a multistory, multifamily residential development, the strain on the existing infrastructure will actually be lessened by promoting pedestrian, rather than vehicular, access to the Central Business District. With the Property's proximity to the Central Business District, residents will be able to walk to work, shopping, and entertainment venues.

Office Use Only	
Petition No.	<u>2-19-08</u>
Date Filed:	<u>Revised 1/4/08</u>

(continued)

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

**None at this time.**



## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** **Z-19-08 Conditional Use; E. Hargett Street**

**General Location:** Hargett Street, south side, between S. Bloodworth and S. East streets, extending southerly to Martin Street.

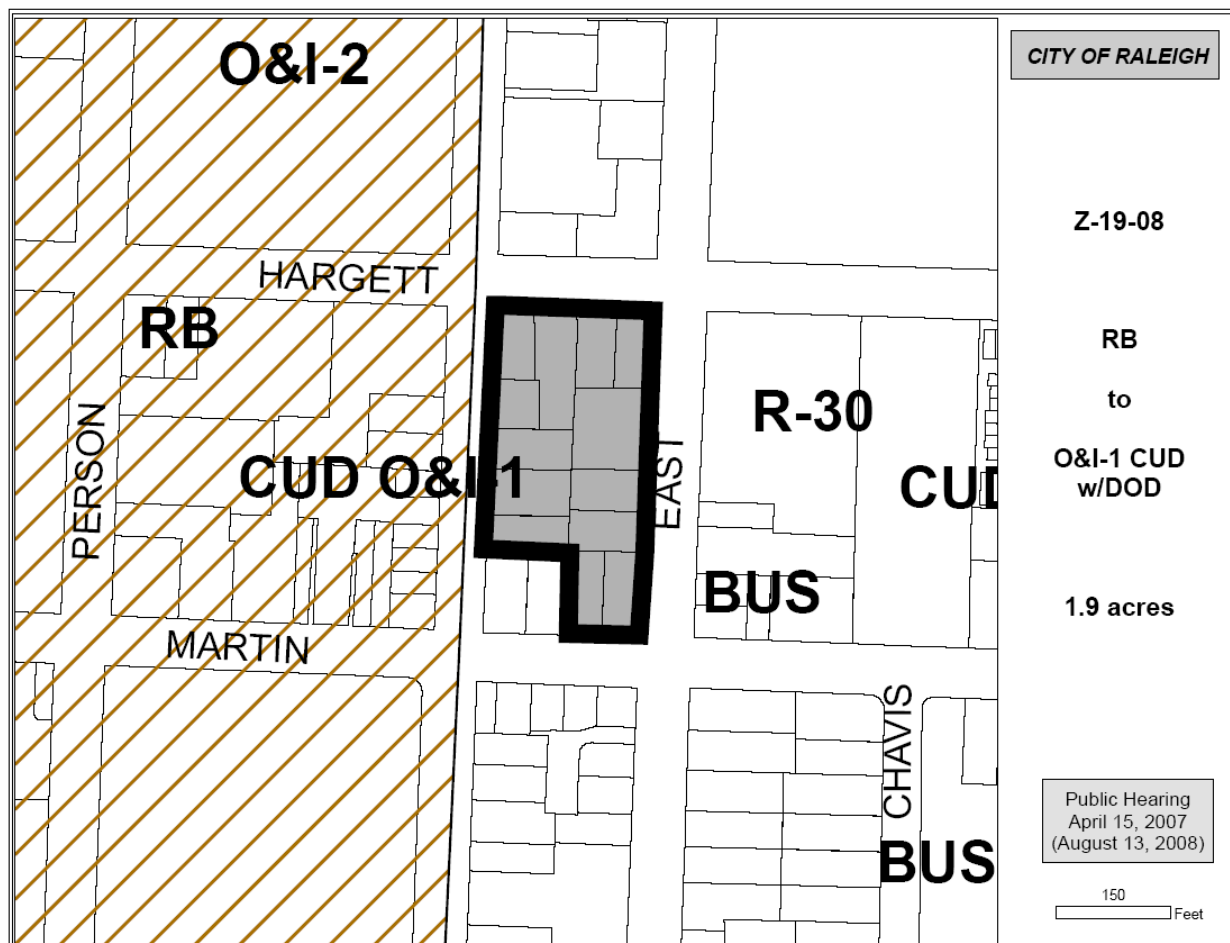
**Planning District  
/ CAC:** Central / Central

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

**Comprehensive Plan  
Consistency:** This request is consistent with the Downtown Small Area Plan.

**Valid Protest  
Petition (VSPP):** NO

**Recommendation:** The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated April 23, 2008.



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**CASE FILE: Z-19-08 Conditional Use**

**LOCATION:** This site is located on the south side of Hargett Street, west of its intersection with East Street.

**REQUEST:** This request is to rezone approximately 1.9 acres, currently zoned Residential Business. The proposal is to rezone the property to Office & Institution-1 CUD w/ Downtown Overlay District.

**COMPREHENSIVE  
PLAN CONSISTENCY:** This request is consistent with the Downtown Small Area Plan, and consistent with the Central District Plan.

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**RECOMMENDATION:** The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated April 23, 2008.

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**FINDINGS  
AND REASONS:**

- (1) The rezoning request is consistent with the land use recommendations of the Comprehensive Plan. The Downtown Small Area Plan recommends that the site and surrounding area be developed as two to four story multi-family housing.
- 2) The request being consistent and a logical transitional use between downtown and the neighborhoods to the east can be considered reasonable and in the public interest.

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**To PC:** 4/22/08  
**Case History:** 4/22/08, recommended approval as revised.

**To CC:** 5/6/08

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:** Alysia Bailey Taylor

**Motion:** Chambliss  
**Second:** Davis  
**In Favor:** Anderson, Bartholomew, Chambliss, Davis, Haq, Harris Edmisten, 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: 4/25/08



## Zoning Staff Report: Z-19-08 Conditional Use

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**LOCATION:** This site is located on the south side of Hargett Street, west of its intersection with East Street.

**AREA OF REQUEST:** 1.9 acres

**PROPERTY OWNER:** Wood Pile, LLC

**CONTACT PERSON:** Mack Paul & Jason L. Barron, 919-743-7326

**PLANNING COMMISSION  
RECOMMENDATION  
DEADLINE:** August 13, 2008

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**ZONING:** Current Zoning

Residential Business

Current Overlay District

None

Proposed Zoning

Office and Institution-1 CUD

Proposed Overlay District

Downtown Overlay District

**ALLOWABLE  
DWELLING UNITS:**

Current Zoning

19 dwelling units

Proposed Zoning

w / Staff approval: 28 dwelling units  
w / PC approval: 47 dwelling units  
w/ DOD: 608 dwelling units subject  
to Council site plan approval

**ALLOWABLE OFFICE  
SQUARE FOOTAGE:**

Current Zoning

5,000 square feet per structure

Proposed Zoning

62,073 square feet (FAR 0.75); FAR  
increase permitted within the DOD  
subject to Council site plan approval

**ALLOWABLE RETAIL  
SQUARE FOOTAGE:**

Current Zoning

5,000 square feet per structure

Proposed Zoning

Limited retail (10%) based on office  
building exceeding 30,000 square feet;  
general retail permitted for vertical  
mixed use buildings within the DOD on  
properties located no closer than 100  
feet to the perimeter of the DOD subject  
to Council site plan approval.

**ALLOWABLE  
GROUND SIGNS:**

**Current Zoning**

**Proposed Zoning**

Tract ID

Low Profile (Height=3.5 feet;  
Area=70sq.ft.) when building is located  
a minimum of 30 feet from the r-o-w.

**ZONING HISTORY:**

The subject properties were rezoned to Residential Business in 1985 (file #: Z-130-85). This property was previously zoned Downtown Residential Housing Overlay District (DRHOD) from 1984 to 2005. The DRHOD permitted densities in excess of that allowed by the underlying zoning district, subject to Council site plan approval. When the Downtown Overlay District replaced the DRHOD in 2005, the eastern edge of the district was shifted from East Street to Bloodworth Street. This eliminated the opportunity for higher densities in excess of that permitted by the underlying zoning district.

**SURROUNDING  
ZONING:**

NORTH: Residential Business  
SOUTH: Residential Business  
EAST: Residential-30 & Business Zone  
WEST: Office & Institution-1 CUD w/ Downtown Overlay District

**LAND USE:**

Predominantly vacant; one single family residence. Within the past year, numerous single family structures were relocated from the subject property.

**SURROUNDING  
LAND USE:**

NORTH: Office, Residential, and Surface parking  
SOUTH: Residential  
EAST: Multi-family housing  
WEST: Surface parking, Raleigh Rescue Mission & Salvation Army

**DESIGNATED  
HISTORIC  
RESOURCES:**

There are three national Historic Districts located within a block (less than an eighth of a mile) of the subject property. The Oakwood Historic District, is located to the north, the East Raleigh/ South Park Historic District is located to the east, and the Capital Square Historic District is located to the west. Both the Oakwood and Capital Square Historic Districts are recognized locally as well..

**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	Central
Urban Form	Regional Intensity Area
Specific Area Plan	Downtown Small Area Plan
Guidelines	n/a



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

The zoning request is consistent with the Central District Plan and the Downtown Small Area Plan.

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

The density allowed by the requested zoning is compatible with the existing zoning in the area, and the applicant's condition to limit the building height to four stories will provide a transition between downtown and Olde East Raleigh.

The area surrounding the rezoning request has a variety of land uses. There are surface lots for the United States Postal Service and City owned property to the north of the subject property, one story single-family homes to the south, and office uses (*including the Raleigh Rescue Mission and the Salvation Army*) with surface parking lots to the west and a three-story multi-family apartment building called Wintershaven to the east.

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

The applicant indicates that in the ten years that Wood Pile, LLC has owned the property the area has changed from low density residential to high density residential with ancillary commercial uses. The applicant further elaborates that development of this property with the proposed zoning will not only enhance the housing stock in the Central District without "...increasing the strain on existing infrastructure", it will provide a buffer between the higher density area of downtown to the west and the lower density residential uses to the east as well as encourage pedestrian access to commercial uses and amenities.

The only increase in density that has occurred in the more immediate area has been the Carlton Place development. The Carlton Place development consists of three stories, with a total of 84 residential units and some ground floor office space. The second closest high density development is at least three blocks from the proposed rezoning, and it did not involve a transition from low density development. Therefore, there is some validity to the applicant's statement that the area has changed, and it does provide an example of how proposing a development that will provide some transition from higher intensity uses will benefit the public.

**4. Detriments of the proposed rezoning**

Because of the subject property's close proximity to downtown it is important for the future development to have a pedestrian friendly design, currently there is no clear indication that this will occur.

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

**TRANSPORTATION:** Hargett Street (2005 ADT - 1,600 vpd), Bloodworth Street, East Street and Martin Street are all classified as minor thoroughfares. Each street is constructed to City standards as 37-foot back to back curb and gutter sections on 66 feet of right of way with sidewalks on both sides. Neither NCDOT nor the City have any projects scheduled on any of these roadways in the vicinity of this case.

**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. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

**HYDROLOGY:** FLOODPLAIN: None  
DRAINAGE BASIN: Walnut  
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No Neuse Buffers. No WSPD.  
COMPLAINTS: none found. Staff is unable to comment on direct impacts of development of this property. This would require a watershed study which is not required. The adequacy of the existing storm system to handle the potential development is unknown.

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>1,187</u> gpd	Approx. <u>6,175</u> gpd
Waste Water	Approx. <u>1,187</u> gpd	Approx. <u>6,175</u> gpd

The proposed zoning would add approximately 4,987 gpd to the City's wastewater collection and water distribution systems. There are currently existing public sanitary sewer and water mains which would serve the proposed zoning adjacent to the property.

**PARKS AND**

**RECREATION:**

This property is not adjacent to any greenway corridors. If the DOD is approved, the maximum additional dwelling units for this case is 589. This translates into 1467 additional residents. The property is located in the Central Planning District. There is currently a deficit of 4 typical neighborhood parks of 20 acres in size and 1 typical community park of 50 acres in size. The addition of 589 dwelling units will not increase the number of neighborhood parks needed. Additional residents will continue to put pressure on the overused park facilities of the Central Planning District.

**WAKE COUNTY**

**PUBLIC SCHOOLS:**

The proposed rezoning would have an impact on two of the already over capacity schools designated to serve this area. Based on the Wake County data, students living in this area may be assigned to attend either: Root Elementary, Moore Square Museum Middle, or Broughton High. Development of the subject property at the requested rezoning could potentially yield the following increases as the assigned schools: Root Elementary may increase by 192 students, Moore Square Museum Middle may increase by 54 students, and Broughton High may increase by 67 students. The requested may have a more substantial impact dependent upon application of the Downtown Overlay District, and the developer's approach to using the allowable increases in density.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Root	463	108.7%	545	127.9%
Moore Square	490	86.9%	539	95.6%
Broughton	2,174	106.3%	2,209	108.0%

**IMPACTS SUMMARY:** Given the applicant's request to extend the DOD regulations to the subject property without providing any conditions to limit building height or development density, adjacent properties may be negatively impacted by a lack of access to natural light or other impacts associated with incompatible taller buildings.

The requested base rezoning along with the added density allowed under the DOD could increase school enrollment by 166 students.

## OPTIONAL ITEMS OF DISCUSSION

*[Only address if the applicant has]*

### 1. An error by the City Council in establishing the current zoning classification of the property.

The applicant indicated that the property carried the zoning designation of Downtown Residential Housing Overlay District (DRHOD), which allowed the Property to be developed for multistory, high density residential. This overlay district, according to the applicant, was consistent with the Comprehensive Plan's recommendation that this site serve as a transition between the high density, high rise, commercial and retail uses in the Central District and the residential uses to the east. The applicant states that through the adoption of the current Downtown Overlay District the property lost the DRHOD designation.

The Carlton Place development was able to develop as a high density, mixed-use, three story development, independent of the DOD regulations, which have replaced the DRHOD referenced by the applicant. The DRHOD/ DOD regulations were removed from this area at the request of the Central Citizen Advisory Council in 2005. The successful development of Carlton Place is an indication that transitional, high density development can occur without the regulations of the DOD.

### 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 subject to Appearance Commission review.

## CITIZEN'S

**ADVISORY COUNCIL:** DISTRICT: Central  
CAC CONTACT PERSON: Frances Lonnelle Williams, (919) 833-6371

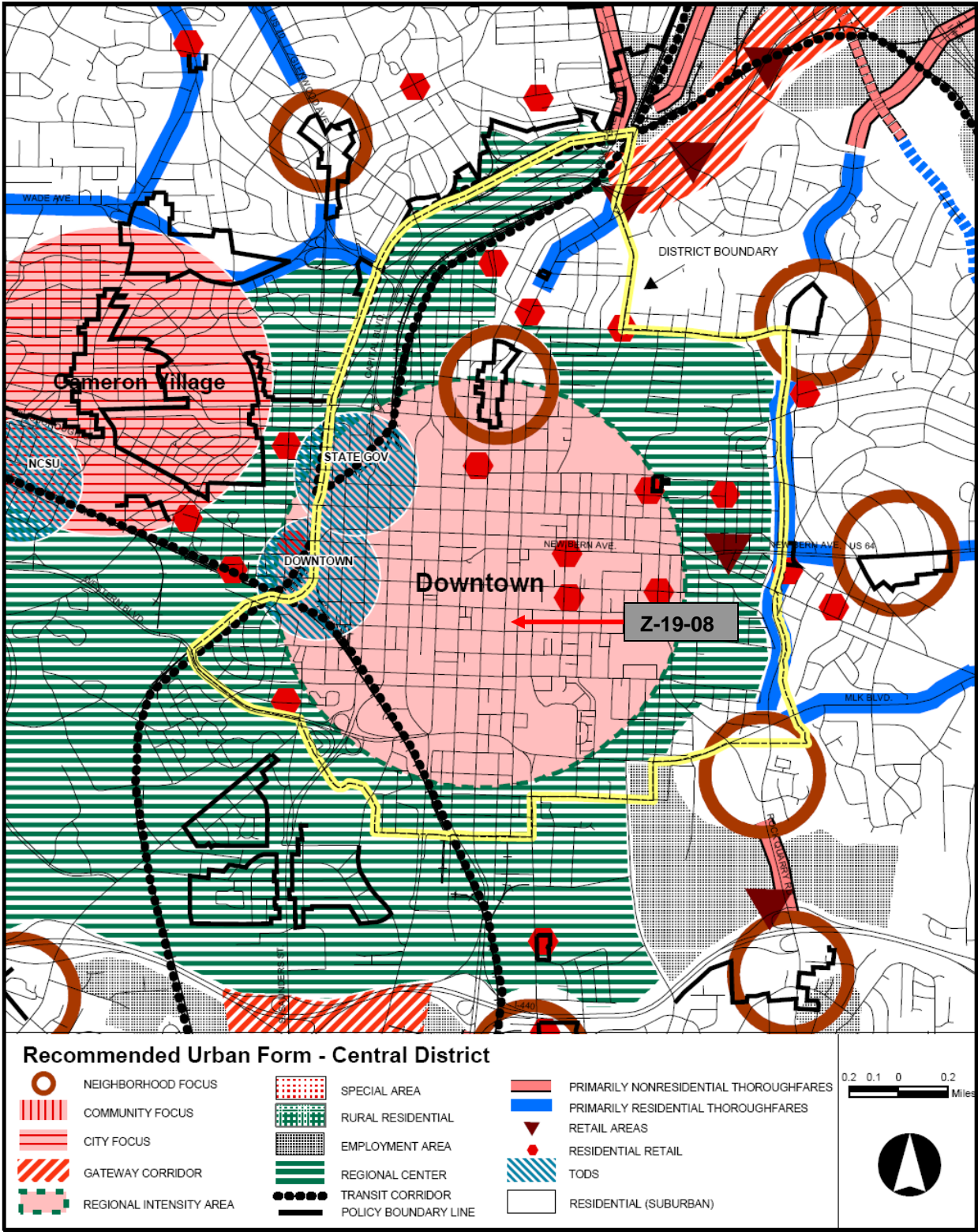
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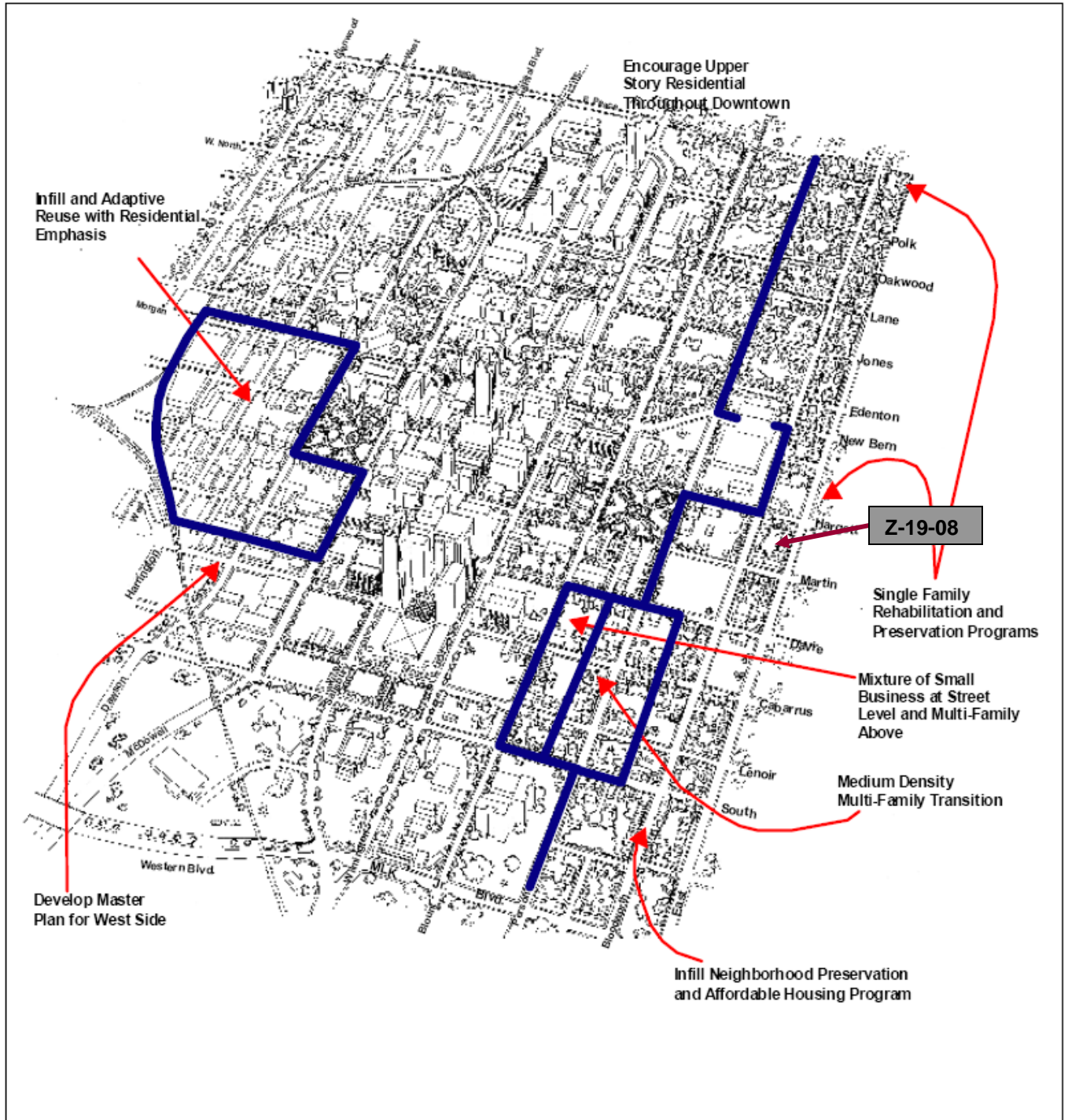
## SUMMARY OF ISSUES:

### COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

#### Outstanding issues:

The maximum density allowed by the requested zoning could result in an additional 82 elementary school students, 49 additional middle school students, and 35 high school students.





### Downtown Plan - Residential



