RB to O&I-1 CUD w/DOD
1.9 acres

Public Hearing
April 15, 2008
(Aug 13, 2008)
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.

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.

[Signature]

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

Rezoning Petition
Form Revised November 1, 2006
EXHIBIT B. Request for Zoning Change

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

See instructions, page 6

1) Petitioner(s):

Name(s)          Address          Telephone / E-Mail

Wood Pile, LLC  2209 Century Drive
                 Suite 450          919.743.7343 and
                Raleigh, N.C. 27612

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

2) Property Owner(s):

Name(s)          Address          Telephone / E-Mail

Wood Pile, LLC  2209 Century Drive
                Raleigh, N.C. 27612

3) Contact Person(s):

Name(s)          Address          Telephone / E-Mail

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@kennedycovington
ibarron@kennedycovington

4) Property Description:

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

Property Identification Number(s) (PIN): 1703-88-8232; 1703-88-8281; 1703-88-9232; 1703-88-9282; 1703-88-9152; 1703-88-9054; 1703-97-9959; 1703-87-9972; 1703-87-9922; 1703-87-9973; 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:

Office and Institutional 1 Conditional Use with Downtown Overlay District

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

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Street Address(es):</th>
<th>City/State/Zip:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEE ATTACHED ZONING MAP AND ADDRESS LIST</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Phone Number</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Wake County Board of Education</td>
<td>PO Box 590, Raleigh, NC 27602-0590</td>
<td>NC Pin #1703-87-4682</td>
</tr>
<tr>
<td></td>
<td>Wood Pile LLC, The</td>
<td>PO Box 12504, Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NC Pin #1703-87-6993</td>
</tr>
<tr>
<td>Wood Pile LLC, The</td>
<td>PO Box 12504, Raleigh, NC 27605-2504</td>
<td>NC Pin #1703-87-7908</td>
</tr>
<tr>
<td></td>
<td>Wood Pile LLC, The</td>
<td>PO Box 12504, Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NC Pin #1703-87-6995</td>
</tr>
<tr>
<td>Wood Pile LLC, The</td>
<td>United States of America</td>
<td>310 New Bern Ave., Raleigh, NC 27601-1441</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NC Pin #1703-88-6024</td>
</tr>
<tr>
<td>Wood Pile LLC, The</td>
<td>Wood Pile LLC, The</td>
<td>PO Box 12504, Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td></td>
<td>Wood Pile LLC, The</td>
<td>PO Box 12504, Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td>Wood Pile LLC, The</td>
<td>Bryan Regan LLC</td>
<td>2100 Nancy Ann Dr., Raleigh, NC 27607-3317</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NC Pin #1703-87-8097</td>
</tr>
<tr>
<td></td>
<td>Raleigh City Of</td>
<td>PO Box 590, Raleigh, NC 27602-0590</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Raleigh, NC 27605-2504</td>
</tr>
<tr>
<td>Bryant, Linda Faye</td>
<td>Thomas, Fredrick &amp; Landonna</td>
<td>404 E. Martin St., Raleigh, NC 27601-1906</td>
</tr>
<tr>
<td>305 S. Bloodworth St.</td>
<td></td>
<td>NC Pin #1703-87-7975</td>
</tr>
<tr>
<td>Raleigh, NC 27601-1901</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC Pin #1703-87-7200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blalock, Alphonza</td>
<td>Luzzi, Joseph Michael</td>
<td>5 W Hargett St. Rm 407, Raleigh, NC 27601-1348</td>
</tr>
<tr>
<td>Blalock, Donald Wayne</td>
<td></td>
<td>NC Pin #1703-87-9658</td>
</tr>
<tr>
<td>306 S. East St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raleigh, NC 27601-1959</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC Pin #1703-87-8355</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raleigh, City Of</td>
<td>United States Postal Service</td>
<td>2245 Perimeter Park Dr. Ste 17, Atlanta, GA 30341-1310</td>
</tr>
<tr>
<td>PO Box 590</td>
<td></td>
<td>NC Pin #1703-88-8477</td>
</tr>
<tr>
<td>Raleigh, NC 27602-0590</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC Pin #1703-87-8357</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winters, John W. Heirs</td>
<td>United States Postal Service</td>
<td>2245 Perimeter Park Dr. Ste 17, Atlanta, GA 30341-1310</td>
</tr>
<tr>
<td>Frances W. Carter, Exec.</td>
<td></td>
<td>NC Pin #1703-88-9388</td>
</tr>
<tr>
<td>4148 Fawn Ct.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marietta, GA 30068-2634</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC Pin #1703-97-0896</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O'Neal, Eugene Jr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O'Neal, Gwendolyn Sparks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>301 S. East St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raleigh, NC 27601-1960</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC Pin #1703-97-1745</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Adjacent Property Owners

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

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

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

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

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

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

Raleigh, City Of
PO Box 590
Raleigh, NC 27602-0590
NC Pin #1703-98-3554
EXHIBIT D. Petitioner’s Argument on Behalf of The Zoning Change Requested

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

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement shall address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the property and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER’S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state which District Plan area the subject property is located within and the recommended land use for this property:

The 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.
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, Kilo 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 development 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.
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.
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.

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.

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.

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: 4/25/08
Zoning Staff Report: Z-19-08 Conditional Use

**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

<table>
<thead>
<tr>
<th>ZONING:</th>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Business</td>
<td>Office and Institution-1 CUD</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CURRENT OVERLAY DISTRICT</th>
<th>PROPOSED OVERLAY DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Downtown Overlay District</td>
</tr>
</tbody>
</table>

**ALLOWABLE DWELLING UNITS:**

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 dwelling units</td>
<td>w / Staff approval: 28 dwelling units</td>
</tr>
<tr>
<td>w / PC approval: 47 dwelling units</td>
<td></td>
</tr>
<tr>
<td>w / DOD: 608 dwelling units subject to Council site plan approval</td>
<td></td>
</tr>
</tbody>
</table>

**ALLOWABLE OFFICE SQUARE FOOTAGE:**

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 square feet per structure</td>
<td>62,073 square feet (FAR 0.75); FAR increase permitted within the DOD subject to Council site plan approval</td>
</tr>
</tbody>
</table>

**ALLOWABLE RETAIL SQUARE FOOTAGE:**

<table>
<thead>
<tr>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 square feet per structure</td>
<td>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.</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Element</th>
<th>Application to case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning District</td>
<td>Central</td>
</tr>
<tr>
<td>Urban Form</td>
<td>Regional Intensity Area</td>
</tr>
<tr>
<td>Specific Area Plan</td>
<td>Downtown Small Area Plan</td>
</tr>
<tr>
<td>Guidelines</td>
<td>n/a</td>
</tr>
</tbody>
</table>
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 WSPOD.  
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:  
<table>
<thead>
<tr>
<th></th>
<th>Maximum Demand on Current Zoning</th>
<th>Maximum Demand on Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>Approx. 1,187 gpd</td>
<td>Approx. 6,175 gpd</td>
</tr>
<tr>
<td>Waste Water</td>
<td>Approx. 1,187 gpd</td>
<td>Approx. 6,175 gpd</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>School name</th>
<th>Current enrollment</th>
<th>Current Capacity</th>
<th>Future Enrollment</th>
<th>Future Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Root</td>
<td>463</td>
<td>108.7%</td>
<td>545</td>
<td>127.9%</td>
</tr>
<tr>
<td>Moore Square</td>
<td>490</td>
<td>86.9%</td>
<td>539</td>
<td>95.6%</td>
</tr>
<tr>
<td>Broughton</td>
<td>2,174</td>
<td>106.3%</td>
<td>2,209</td>
<td>108.0%</td>
</tr>
</tbody>
</table>

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 Lonnette Williams, (919) 833-6371

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.