



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.
- 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.

X 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.

- 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:
 - to lessen congestion in the streets;
 - 2) to provide adequate light and air;
 - 3) to prevent the overcrowding of land;
 - to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - to regulate in accordance with a comprehensive plan;
 - 5) 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:
V. Kussel alle City Morage	3/20/09
Please type or print name(s) clearly:	
Mayor Charles Meeker	March 19, 2009

Office Use Only Petition No.	Z	-	0	2	8		0	9	
Date Filed:									
Filing Fee:	þd	5	14		J	V	יס כ	77	7 44

$Exhibit \ B. \ Request \ for \ Zoning \ Change$

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

See instructions, page 6	Name(s)	Address	Telephone / E-Mail
Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	City of Raleigh	222 West Hargett St Raleigh, NC 27602	996-4040 David.Eatman@ci.raleig
2) Property Owner(s):	City of Raleigh	222 West Hargett St. Raleigh, NC 27602	996-3030
3) Contact Person(s):	David Eatman Aaron Hair		996-4040 996-4046
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Ident 1723941639, 1723943603,	tification Number(s) (PIN): <u>172</u> 1723941466, 1723941216, 17	<u>23844313, 1723848359,</u> 23940077
		arest street intersections): Po	
5) Area of Subject Property (acres):	23.02601		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	O & I – 2, R - 6		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	IND-2		

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ADDR1 C/O GWENDOLYN ROBERTSON HORTON C/O TONY C LANE 1401 BETHEL RD PO BOX 580 PO BOX 580 A020 AJINOMOTO DR PO BOX 14341 12124 THARRINGTON RD PO BOX 14241 4702 OLD SPANISH TRL 2309 HOLIDAY DR PO BOX 580 PO BOX 590 PO BOX 46559 PO BOX 46559 PO BOX 550 PO BOX 46559 PO BOX 550 PO BOX 550 PO BOX 550
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Office Use Only Petition No.	Z	1	0	2	8	 0	9	
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.
- 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 in question is located within the Southeast Planning District and have been designated as an employment area by the Comp Plan.

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.

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

The property is consistent with the Comprehensive Plan.

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 site is surrounded to the north by IND-1 zoning and by O&I-2 to the east and the west. To the south is Residential-6 zoning.

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

This requested change is compatible with the surrounding area because the area includes IND-1 zoning. Since this area has been designated as an employment area, this site will help provide jobs in the general vicinity.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

This will allow Capital Area Transit to replace the existing operations facility. At the start of the project Capital Area Transit plans to build a facility for 125 buses with a final build out of 200 buses. This facility will house around 200 employees as well as operational staff and include administrative offices.

B. For the immediate neighbors:

This request will have minimal or no impact above that allowed in the current zoning category.

C. For the surrounding community:

This site will allow Capital Area Transit to expand its operations so that a higher level of bus service for the citizens of Raleigh can be achieved. The major reasons we are seeking an IND-2 classification is to allow greater pedestrian access to the facility since the set back regulations are less stringent. It is anticipated that the primary tree conservation area will be along the southern part of the property creating a natural buffer between the facility and the mostly unoccupied residential properties located south of the proposed facility. The IND-2 classification will allow the City of Raleigh to provide an esthetically pleasing facility that will be mutually beneficial to the surrounding area as well as the citizens of the City of Raleigh as a whole.

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

No, the intended benefit will encompass all citizens of Raleigh, both citizens that ride the bus as well as not.

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

This project is needed in order to increase the peak bus capacity of Capital Area Transit. CAT's current facility is over 30 years old as was designed to hold approximately 50 buses. CAT now has 90 buses in its fleet and is anticipating an increase in the summer of 2009. This project will support the provision of fixed route transit services throughout the City of Raleigh and the Capital Area Metropolitan Planning Organizations planning area.

V. Recommended items of discussion (where applicable).

- a. An error by the City Council in establishing the current zoning classification of the property.
- b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

Capital Area Transit is requesting that the parcels be rezoned IND - 1 so a new Operations facility can be built. Capital Area Transit (CAT) is currently operating from a facility that is beyond its useful life as defined by the Federal Transit Administration. With the continued implementation of the Capital Area Transit adopted five year transit plan and with a new 2025 planning initiative that began in the fall of 2008, a new and expanded facility is needed to support current and future growth of transit services in the region. The dramatic fuel price increases that occurred in early calendar year 2008 have increased CAT's ridership substantially. CAT recorded a 17% increase in ridership in June and a 25% increase in July of 2008 as compared to the same months in 2007. CAT currently utilizes an operations and maintenance facility situated on approximately 4 acres. The existing facility is over 30 years old and was originally built to support a fleet of 50 buses; this facility currently houses over 90 buses and support vehicles. The new facility has been strategically located in order to support local and regional transit services. This project is programmed in the North Carolina Department of Transportation's State Transportation Improvement Program and the City of Raleigh's Capital Improvement Program.

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

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

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



Case File: Z-28-09 General Use; Poole Road

General Location: South side of Poole Road, southeast of its intersection with I-440

Planning District

/ CAC: Southeast / Southeast

Request: Petition for Rezoning from Office & Institution-2 and Residential-6 to

Industrial-2 General Use.

Comprehensive Plan

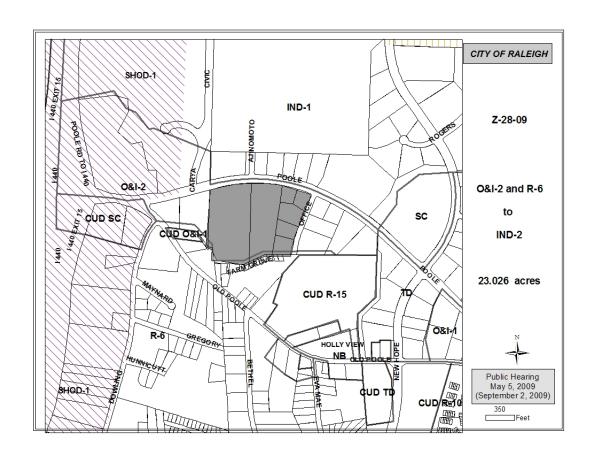
Consistency: The request is consistent with the Comprehensive Plan

Valid Protest

Petition (VSPP): NO.

Recommendation: The Planning Commission finds that this request is consistent with the

Comprehensive Plan and recommends that this request be approved.



CASE FILE: Z-28-09 General Use

LOCATION: This site is located on the south side of Poole Road, southeast of its intersection

with I-440

REQUEST: This request is to rezone approximately 23.026 acres, currently zoned Office &

Institution-2 and Residential-6. The proposal is to rezone the property to

Industrial-2 General use.

COMPREHENSIVE

PLAN CONSISTENCY: The request is consistent with the Comprehensive Plan

RECOMMENDATION: The Planning Commission finds that this request is consistent with the

Comprehensive Plan and recommends that this request be approved.

FINDINGS AND REASONS:

(1) That the subject request is consistent with the Comprehensive Plan in that, it is located in the Southeast Planning District and within a designated employment area where a mix of office, manufacturing, industrial, warehousing & distribution, and service jobs basic to the city's economy are encouraged; That the proposed industrial zoning would permit such uses.

- (2) That the proposed zoning category is compatible with the existing zoning and uses in the area, which is predominantly a mix of industrial and office uses.
- (3) That the residential properties along the southern edge will be protected by the transitional protective yard requirements of the City's Landscape Ordinance; a minimum 40 foot vegetated buffer is required between high impact uses and residential uses.
- (4) That one of the allowable uses in this zoning district renders significant public benefit since it is primarily targeted to acquire Federal stimulus monies towards building larger transit operations facility, a service that would benefit all the residents of the community and support local and regional transit services.
- (5) That for the above mentioned reasons; the subject request appears to be reasonable and in serving the larger public interest. That for the stated reasons, the Commission recommends approval of the subject rezoning request.

ADDITIONAL NOTE: The Commission recommends that the City Council evaluate citizens input prior to taking action, given that the case had minimal public involvement at the time

PC voted on this case. A public design charrette and CAC votes were pending.

To PC: 5/12/0	9
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Case History:

To CC: 5/19/09 City Council Status:

Staff Coordinator: Dhanya Sandeep

In Favor: Opposed: Excused:	Fleming, Gaylord, Haq, Har Bartholomew, Butler, Smith Chambliss	ris Edmisten, Holt, Mullins, Vance
	recommendations of the Pla	accurate statement of the findings and anning Commission. Approval of this document gs of the Staff Report attached.
Signatures:	(Planning Dir.)	(PC Chair)
	date:	date: 5/13/09

Mullins

Gaylord

Motion: Second:



Zoning Staff Report: Z-28-09 General Use

LOCATION: This site is located on the south side of Poole Road, southeast of its intersection

with I-440

AREA OF REQUEST: 23.026 acres

PROPERTY OWNER: City of Raleigh

CONTACT PERSON: Aaron Hair, 996-4046

David Eatman, 996-4040

PLANNING COMMISSION

RECOMMENDATION

DEADLINE: September 2, 2009

ZONING: Current Zoning Proposed Zoning

Office & Institution-2 &

Residential-6 (1.4 Acres)

Current Overlay District Proposed Overlay District

Industrial-2

None

No maximum

None None

ALLOWABLE DWELLING UNITS:

Current Zoning Proposed Zoning

> O&I-2 (21.62 Acres) w / Staff approval: 324 DU w / PC approval: 864 DU

Residential-6: 5 DU

ALLOWABLE OFFICE

SQUARE FOOTAGE: **Current Zoning Proposed Zoning**

> 1,003,012.5 sq. ft. (1 F.A.R.) No maximum

ALLOWABLE RETAIL

SQUARE FOOTAGE: Current Zoning Proposed Zoning

Limited (max of 10%) in association

square feet

with office building exceeding 30,000

ALLOWABLE

GROUND SIGNS: Current Zoning Proposed Zoning

> Low Profile High Profile

ZONING HISTORY: This property has been zoned Office & Institution-2 for several years. A 50 foot

strip of Residential-6 zoning along the southern edge was maintained to provide appropriate transition to the surrounding residential uses. A petition to recombine the subject parcels into one large tract is currently under review by City staff.

SURROUNDING

ZONING: NORTH: Industrial-1

SOUTH: Residential-6 EAST: Office & Institution-2 WEST: Office & Institution-2

LAND USE: Undeveloped

SURROUNDING

LAND USE: NORTH: Industrial

SOUTH: Residential, Church

EAST: Offices WEST: Offices

DESIGNATED HISTORIC RESOURCES: None

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
Urban Form	Employment Area
Specific Area Plan	NA
Guidelines	NA

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

The subject properties are located in the Southeast Planning District and also within a designated employment area. Employment areas are intended to accommodate many of the office, manufacturing, industrial, warehousing and distribution and service jobs basic to the city's economy. The proposed request to rezone the properties from Office & Institution-2 & Residential-6 to Industrial-2 would permit a mix of office, industrial and retail uses, all of which are permitted within employment areas. Therefore, the subject request is consistent with the land use recommendations of the Comprehensive Plan.

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

The properties are located in an area surrounded predominantly by office and industrial uses. To the north across from Poole Road, are properties zoned Industrial-1, which remain vacant and/ or have

been developed for office and industrial uses. To the east and west are more Office & Institution-2 zoning, some of which remain vacant. On the property to the immediate west, an office building for State Employees Credit Union was approved for construction (SP-14-07). Diagonally across to the northwest, is the Historic Oak View County Park with a library and office buildings. Along the southern edge of the subject properties, there is a 50 foot strip of Residential-6 zoning that was preserved to provide buffer to the surrounding residential properties. The proposed rezoning would remove this buffer strip; however, based on the existing landscape ordinance, a 40 foot landscaped buffer will be required along the southern edge. The proposed Industrial -2 district is similar in intensity to Industrial-1. The major difference between the two districts is that the I-2 District allows a zero-foot setback from all property lines.

3. Public benefits of the proposed rezoning

The applicant notes that the rezoning will allow Capital Area Transit to replace the existing operations facility, build a facility for 200 buses that will house 200 employees and include administrative offices. This site will allow Capital Area Transit to expand its operations and provide higher level of bus service for the citizens of Raleigh. The Industrial-2 classification would allow greater pedestrian access to the facility since the set back regulations are less stringent. The primary tree conservation area will be located along the southern edge of the properties thus creating a natural buffer between the facility and the residential zoning to the south. The Industrial-2 classification will allow the City of Raleigh to provide an aesthetically pleasing facility that will be mutually beneficial to the surrounding area as well as the citizens of Raleigh as a whole.

Staff concurs with the applicant's justification, in that the subject request appears to be consistent and compatible. The current CAT facility is very dated and undersized to accommodate anticipated expansion of the bus fleet. The proposed project will support the provision of fixed route transit services throughout the City of Raleigh and the Capital Area Metropolitan Planning Organizations planning area.

While the specific end use has been identified by the petitioner, it is important to note that the request is for a general use case. The rezoning to Industrial-2 will provide for the full range of uses specified for that zone district. The rezoning will remove the potential for residential uses in this designated employment area.

4. Detriments of the proposed rezoning

There are no perceived detriments associated with this case.

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

TRANSPORTATION:

Poole Road is classified as a secondary arterial thoroughfare (2007 ADT - 29,000 vpd) and exists as 4-lane median divided roadway with a curb and gutter section and sidewalks on both sides within a varying 100-115-foot right-of-way. City standards call for Poole Road to be constructed as a six-lane facility within a minimum 110-foot right-of-way. Office Way is classified as a commercial street and exists as 2-lane road with a 36-foot soft-shoulder cross-section within a 60-foot right-of-way. City standards call for Office Way to be constructed as a 41-foot back-to-back curb and gutter section with sidewalk on a minimum of one side within the existing right-of-way. Neither NCDOT nor the City have any project scheduled in the vicinity of this case.

TRANSIT: Not applicable.

HYDROLOGY: FLOODPLAIN: Alluvial Soils

DRAINAGE BASIN: Crabtree

STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9

Stormwater Regulations. There appears to be a Neuse Riparian Buffer present

on site.

PUBLIC UTILITIES:

	Maximum Demand	Maximum Demand
	on Current Zoning	on Proposed Zoning
Water	Approx. <u>185,591</u> gpd	Approx. <u>172,695</u> gpd
Waste Water	Approx. <u>185,591</u> gpd	Approx. <u>172,695</u> gpd

The proposed rezoning would not impact the wastewater and water treatment systems of the City of Raleigh. There are existing sanitary sewer and water mains adjacent to the rezoning site that could be utilized for connection to the City's utilities. The petitioner would be required to extend all mains required for the internal site utilities.

PARKS AND

RECREATION: This property is not adjacent to a greenway corridor. There is no change in the

park level of service since residential units are not allowed in this zoning district.

WAKE COUNTY

PUBLIC SCHOOLS: No impacts as residential uses are not permitted in the proposed zoning district.

IMPACTS SUMMARY: No major impacts associated with this request.

OPTIONAL ITEMS OF DISCUSSION

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

NA

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.

The applicant indicates that the proposed rezoning would facilitate the construction of a new Operations facility. Capital Area Transit (CAT) is currently operating from a facility that is beyond its useful life as defined by the Federal Transit Administration. With the continued implementation of the Capital Area Transit adopted five year transit plan and with a new 2025 planning initiative that began in the fall of 2008, a new and expanded facility is needed to support current and future growth of transit services in the region. The dramatic fuel price increases that occurred in early calendar year 2008 have increased CAT's ridership substantially. CAT recorded a 17% increase in ridership in June and a 25% increase in July of 2008 as compared to the same months in 2007. CAT currently utilizes an operations and maintenance facility situated on approximately 4 acres. The existing facility is over 30 years old and was originally built to support a fleet of 50 buses; this facility currently houses over 90 buses and support vehicles. The new facility has been strategically located in order to support local and regional transit services. This project is programmed in the North Carolina Department of Transportation's State Transportation Improvement Program and the City of Raleigh's Capital Improvement Program.

APPEARANCE

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

CITIZENS'

ADVISORY COUNCIL: DISTRICT: Southeast

CAC CONTACT PERSON: Bill Lynn, 231-8153

Tony Bethea, 747-9522 Craig Smith, 231-6874

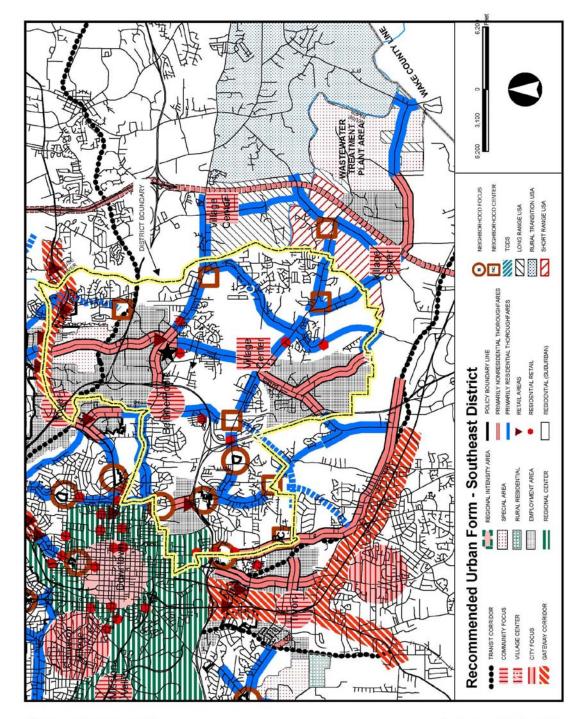
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

The request is consistent with the Comprehensive Plan.

1. Outstanding issues

None



9/07 Raleigh Comprehensive Plan

Southeast District Plan 5-7.F