

CITY OF RALEIGH

Z-29-08

R-10

to

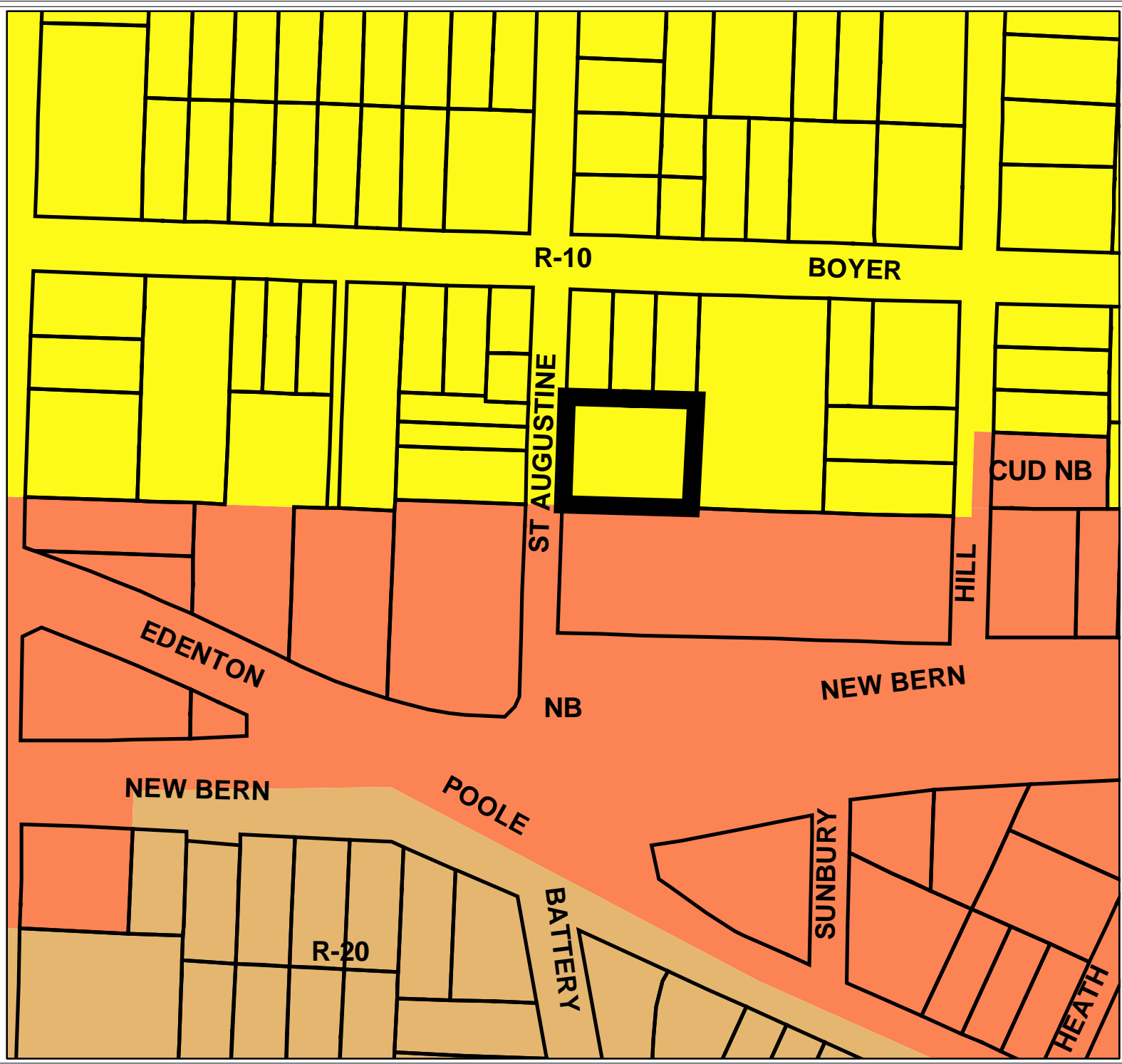
NB CUD

0.28 acre

Public Hearing  
July 15, 2008  
(Nov 12, 2008)

140

Feet



Rev. 6/6/08



# 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)

Belinda J. Madujibeva  
Samuel C. Madujibeva

Date:

6/03/08  
6/03/08

Please type or print name(s) clearly:

Belinda J. Madujibeva

Samuel C. Madujibeva

# EXHIBIT B. Request for Zoning Change

<i>Office Use Only</i>	
Petition No.	<u>Z-29-08</u>
Date Filed:	<u>3/20/08</u>
Filing Fee:	_____

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REV. 6/6/08

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Belinda J. Madujibeya</u>	<u>1710 Lisburn ct.</u>	<u>919-662-0456</u>
	_____	<u>Garner, NC 27529</u>	_____

<b>2) Property Owner(s):</b>	<u>Samuel C. Madujibeya</u>	<u>1710 lisburn ct.</u>	_____
	_____	<u>Garner, NC 27529</u>	<u>919-662-0456</u>

<b>3) Contact Person(s):</b>	<u>Belinda J. Madujibeya</u>	<u>1710 lisburn ct.</u>	_____
	_____	<u>Garner, NC 27529</u>	<u>919-662-0456</u>

<b>4) Property Description:</b> Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>1713390286</u>
	_____

General Street Location (nearest street intersections): Saint Augustine Ave. off  
New Bern Ave.

<b>5) Area of Subject Property (acres):</b>	<u>.28 acres</u>
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<b>6) Current Zoning District(s) Classification:</b> Include Overlay District(s), if Applicable	<u>R-10</u>
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<b>7) Proposed Zoning District Classification:</b> Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>NB conditional use</u>
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Office Use Only Petition No. <u>Z-29-09</u>
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**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.

*REV 6/6/08*  
**(Important: Include PIN Numbers with names, addresses and zip codes.)** Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
<u>Duke Properties &amp; Development Inc</u>	<u>3803 Junction Blvd</u>	<u>Raleigh, NC 27603</u>	<u>1713393228</u>
<u>Willie M. Haywood</u>	<u>P.O. Box 46798</u>	<u>Raleigh, NC 27620</u>	<u>1713392310</u>
<u>City of Raleigh</u>	<u>P.O Box 590</u>	<u>Raleigh, NC 27602</u>	<u>1713299306</u>
<u>Willie M. Mccullers Heirs &amp;</u>	<u></u>	<u></u>	<u></u>
<u>Carolyn Mccullers</u>	<u>1608 Athens Dr</u>	<u>Raleigh, NC 27606</u>	<u>1713390396</u>
<u>Sylvester Heirs White</u>	<u>17 Hill St</u>	<u>Raleigh, NC 27610</u>	<u>1713392395</u>
<u>Fayger M. White</u>	<u>17 Hill St</u>	<u>Raleigh, NC 27610</u>	<u>1713393355</u>
<u>Willie Mae Minor</u>	<u>1216 Boyer St</u>	<u>Raleigh, NC 27610</u>	<u>1713299336</u>
<u>Rosie M. Cooper</u>	<u>36808 165<sup>th</sup> St. E</u>	<u>LLano, CA 93544</u>	<u>1713299320</u>
<u>AGP Corporation</u>	<u>804 Faulkner PL</u>	<u>Raleigh, NC 27609</u>	<u>1713299235</u>
<u>AGP Corporation</u>	<u>804 Faulkner PL</u>	<u>Raleigh, NC 27609</u>	<u>1713299134</u>
<u>Ellen Monroe Powell</u>	<u>1304 Boyer St</u>	<u>Raleigh, NC 27610</u>	<u>1713391335</u>
<u>Edgar B &amp; Bobbie A Jones</u>	<u>1212 Boyer St.</u>	<u>Raleigh, NC 27610</u>	<u>1713298351</u>
<u>John W Winters Trustee c/o Frances carter</u>	<u>4148 Fawn Ct.</u>	<u>Marietta, GA 30068</u>	<u>1713390356</u>
<u>WLW Asso. c/o Fances Carter</u>	<u>4148 Fawn Ct.</u>	<u>Marietta, GA 30068</u>	<u>1713298124</u>
<u>Wake Co. c/o Country Attorney office</u>	<u>336 Fayetteville St</u>	<u>Raleigh, NC 27601</u>	<u>1713392105</u>
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<i>Office Use Only</i>	
Petition No.	<u>Z-2A-02</u>
Date Filed:	<u>3/20/08</u>
REV. 6/6/08	

## 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 in the Central District Plan  
 Recommended land use per District Plan: residential, offices, and limited retail.

- 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 subject property is located within the Small area plan: College Park/Idlewild Neighborhood Plan.

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

The College Park/Idlewild Neighborhood Plan, recommends low to medium density residential development. The comprehensive plan promotes investment in neighborhood service areas, which can be integrated with the existing fabric of the built environment. There will be no changes in the neighborhood character.

**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 land use in the surrounding area include: residential housing, commercial uses, and public facility. The area north of the site is residential, the area east is residential and to the south is a neighborhood business/public facility, the area west of the site is neighborhood business/car repair shop and residential.

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

There is a mixture of R-10, CUD NB and NB.

- 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

Changing the R-10 zoning to NB conditional use appears to be consistent with the recommended urban form and land use policies within the Central District of the Comprehensive Plan (which states "conditional use zoning could be creatively applied." The property is well suited for the proposed development, and will provide a needed service to the neighborhood and community. It is a needed service to provide services to help children succeed, now so they will have self pride and a feeling of worth and not be redirected to inappropriate behavior such as dropping out of school at an early age, or joining gangs.

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

- A. For the landowner(s):

The landowners feel that the best use for their property within the conformance with the comprehensive Plan would be to give back to the community, by providing a service to the neighborhood, and surrounding area, within this space. This service will be geared toward

the youth of the community and their parents, to provide resources to help them become productive citizens.

**B. For the immediate neighbors:**

The immediate neighbors will benefit from the convenience of having an office in the neighborhood where services are provided to help provide resources for the youth, needed for support, and to help them achieve success.

**C. For the surrounding community:**

The surrounding community will benefit by having access to a convenient office, that is near schools, where they can receive counseling and additional resources, to help their youth succeed in school. With all the efforts in the state to improve the dropout rate in schools, we are still losing our children. If we do not help them now we will pay later.

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

**Yes, at the present time there is not an office that provides this type of specialized service in this neighborhood. As the residential density continues to increase, the need for these types of services will continue to increase. The goal of this service is to help the youth succeed now, so that they will become productive citizens, and not a burden to the community later.**

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

**The site is located in a residential area surrounded by neighborhood businesses, located in the College Park/Idlewild Neighborhood Plan. The request seems reasonable to zone to NB Conditional use, because it would provide an office that is community-oriented and available to young people/ students which will help students increase skills and abilities, to help them succeed in public school and beyond. Working with our children now can help them stay out of gangs and other unhealthy activities.**

**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.

This area of Raleigh and the surrounding community has dramatically increased residential development over the last few years. These increases mean more parents and youth needing more

resources to help them succeed, and become productive citizens. The proposed NB Conditional Use office would serve this purpose.

c. The public need for additional land to be zoned to the classification requested. The subject site is located in a residential area identified in the Central District of the comprehensive plan. It seems reasonable to expand the zoning to allow for practical and much needed office space that is convenient, and provides a service. These services should increase success in school by our youth, which will build up our youth, deter crime, and impact our communities in a positive way.

d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc. *Conditional Use. BPR*  
By allowing the current request for rezoning to NB, it will not have an impact on the public services, facilities, or infrastructure, etc. The building is ready to occupy, water / sewer is connected. Parking is available in two driveways on the property. The site is within close proximity of current bus routes no transit, easement is needed upon subdivision approval.

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