

**CITY OF RALEIGH**

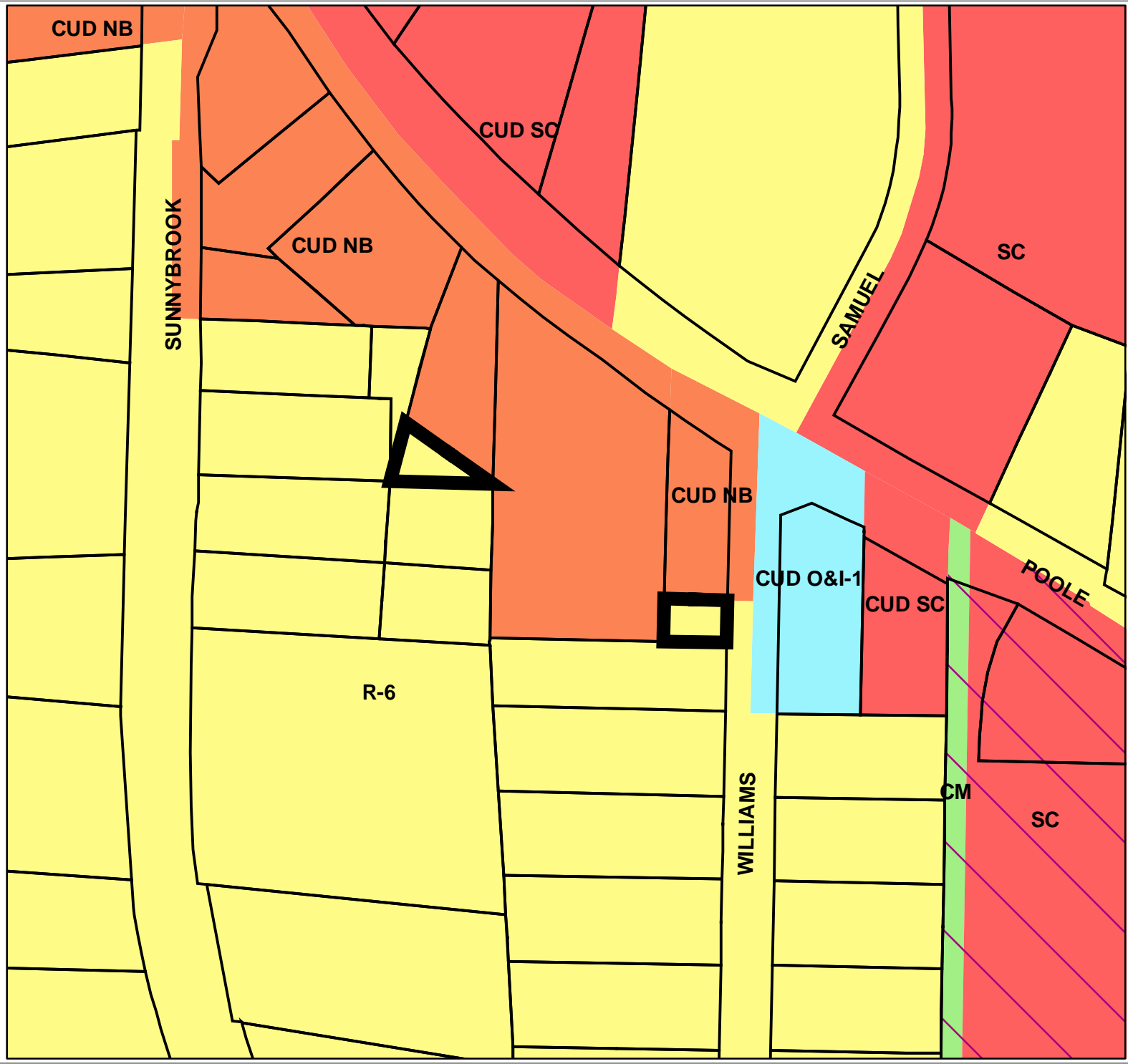
**Z-30-08**

**R-6  
to  
NB CUD**

**1.19 acres**

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

180 Feet





# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

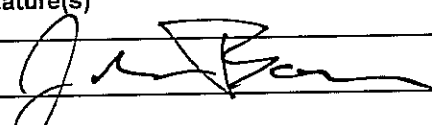
The petitioner seeks to show the following:

- 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: 1-20-2008



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Please type or print name(s) clearly:

House Boney LLC \_\_\_\_\_ 1-20-08

John Boney Manager \_\_\_\_\_

Office Use Only	
Petition No.	2-30-08
Date Filed:	3/20/08
Filing Fee:	1000 pd
	ck# 170

# 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
<b>1) Petitioner(s):</b>	House Boney LLC	2509 Weybridge Dr	919 567-0483
<small>Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.</small>		Raleigh, NC 27615	
<b>2) Property Owner(s):</b>	House Boney, LLC	2509 Weybridge Dr	
		Raleigh, NC	
<b>3) Contact Person(s):</b>	John Tucker	PO Box 297	919 567 0483
		Fuquay Varina, NC 27526	
<b>4) Property Description:</b>	Wake County Property Identification Number(s) (PIN): _____		
<small>Please provide surveys if proposed zoning boundary lines do not follow property lines.</small>	Tract 1 - 1723441897		
	Tract 2 -- 1723349114 (portion to total tract)		
	General Street Location (nearest street intersections): _____		
	3308 Poole Rd, 904 Williams Rd ( Williams Rd and Poole Rd)		
<b>5) Area of Subject Property (acres):</b>	Tract 1 .09 acres, Tract 2 .098 acres		
<b>6) Current Zoning District(s)</b>			
<b>Classification:</b>	R-6		
<small>Include Overlay District(s), if Applicable</small>			
<b>7) Proposed Zoning District</b>			
<b>Classification:</b>	CUD - NB		
<small>Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.</small>			

Office Use Only  
Petition No. 2-30-08

**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.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
<u>Ollie Rex Hollan</u>	<u>659 Sunnybrook Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723347771</u>
<u>Bernice B. Horton</u>	<u>653 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723347921</u>
<u>Brian R. Yeargin</u>	<u>649 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723347937</u>
<u>Bernice B. Horton</u>	<u>653 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>172348899</u>
<u>Brian R. Yeargin</u>	<u>649 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723349907</u>
<u>Maximum E Frederick</u>	<u>645 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723356160</u>
<u>Terraine Saunders</u>	<u>641 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723357129</u>
<u>William D Barrett</u>	<u>0 Sunnybrooke Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723358240</u>
<u>Hattie M. Clark</u>	<u>3306 Poole Road</u>	<u>Raleigh, NC 27610</u>	<u>1723358312</u>
<u>House Boney LLC</u>	<u>3308 Poole Road</u>	<u>Raleigh, NC 27610</u>	<u>1723359114</u>
<u>John Homes Inc</u>	<u>908 Williams Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723441702</u>
<u>Derrick L Scales</u>	<u>906 Williams Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723441801</u>
<u>House Boney LLC</u>	<u>904 Williams Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723441897</u>
<u>Michael T Parks</u>	<u>3400 Poole Rd</u>	<u>Raleigh, N C27610</u>	<u>1723443945</u>
<u>House Boney LLC</u>	<u>3310 Poole Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723450052</u>
<u>Nancy H Godwin</u>	<u>3311 Poole Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723450508</u>
<u>Nancy H Godwin</u>	<u>3313 Poole Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723450592</u>
<u>Imad A Ata</u>	<u>3314 Poole Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723452003</u>
<u>Cokesbury Methodist Ch</u>	<u>3315 Poole Rd</u>	<u>Raleigh, NC 27610</u>	<u>1723452474</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

For additional space, photocopy this page.

Office Use Only	
Petition No.	Z-30-08
Date Filed:	3/20/08

# 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 Southeast District. Recommended uses include residential, institutional and commercial development into mixed use centers

- 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.

There is no small area plan nor corridor plan for this area at this time. There streetscape concerns addressed on page 9 of the comprehensive plan. The streetscape issues are along Poole Road and neither of the parcels front Poole Road

**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.

**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 area consist of mixed uses; single family homes, multifamily units, neighborhood commercial and churches. The largest parking lot is belongs to a church at Samuel and Poole Road.

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

Zoning along Poole Road is Shopping Center or CUD-NB. R-6 residential is located behind these properties. Building heights are generally 2 stories or less.

**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**

These are small parcels that are contiguous to a parcel already zoned CUD-NB. One parcel is landlocked, the other is a non-buildable lot that will provide alternate access to Williams Street

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

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

These parcels will be recombined with adjacent tracts owned by the petitioner. This will provided one zoning district for the resulting tract.

**B. For the immediate neighbors:**

Access to the site without having to go onto Poole Road

**C. For the surrounding community:**

The proposed map amendment helps make this re-development project more feasible.

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

No

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

These parcels will be recombined with adjacent parcels owned by the petitioner. This will provide one zoning district for the resulting parcel. Redevelopment of this parcel under the proposed conditions will improve the streetscape along Poole Road and provide a retail destination along existing sidewalks and bus route.

**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.**

These parcels have been obtained by the petitioner since the property was originally zoned. They are intended to be recombined with the larger tract owned by the petitioner.

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.**

There is no impact on public services.

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



## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-30-08 Conditional Use; Poole Rd.

**General Location:** Poole Road, interior to its south side, west of Williams Road and east of Sunnybrook Road.

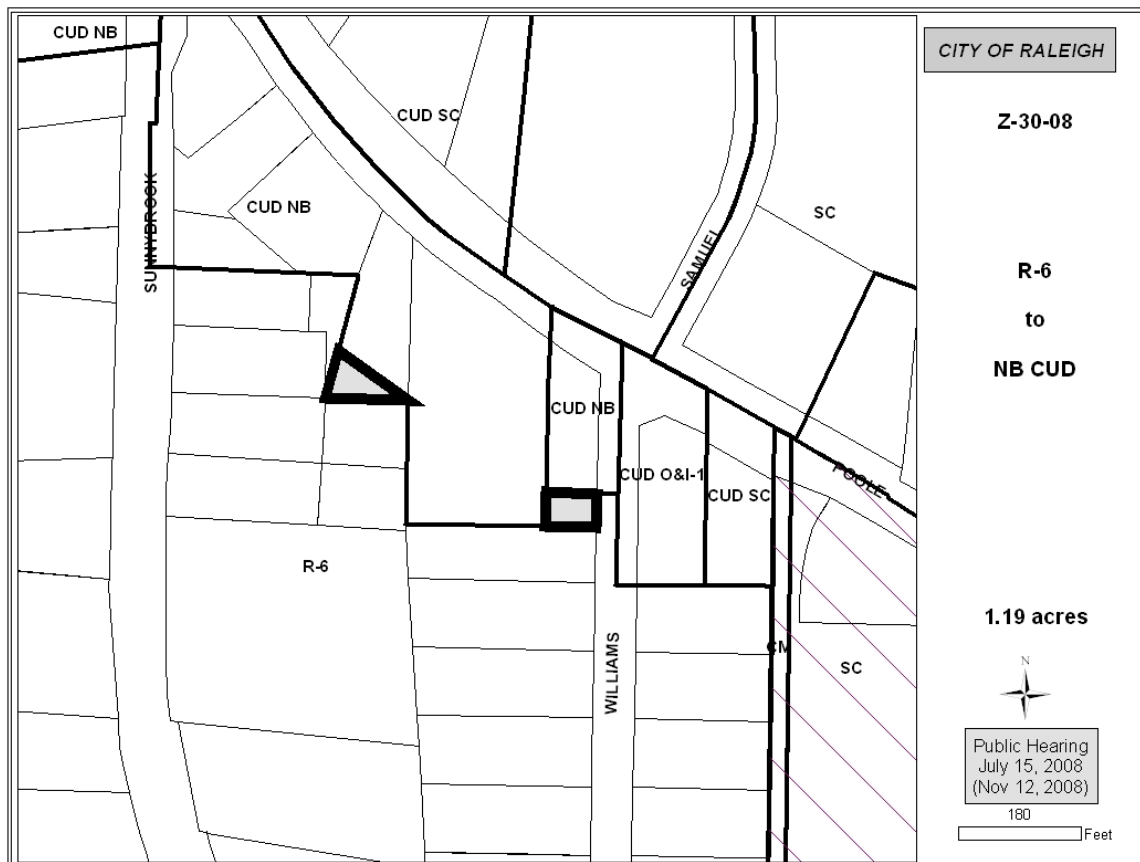
**Planning District / CAC:** Southeast / Southeast

**Request:** Petition for Rezoning from Residential-6 to Neighborhood Business Conditional Use District.

**Comprehensive Plan Consistency:** This proposal is consistent with the Comprehensive Plan.

**Valid Protest Petition (VSPP):** No.

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





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**CASE FILE: Z-30-08 Conditional Use**

**LOCATION:** These sites are located interior to the south side of Poole Road, east of its intersection with Sunnybrook Road.

**REQUEST:** This request is to rezone approximately 0.188 acre, currently zoned Residential-6. The proposal is to rezone the property to Neighborhood Business Conditional Use District.

**COMPREHENSIVE PLAN CONSISTENCY:** This proposal is consistent with the Comprehensive Plan.

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

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**FINDINGS AND REASONS:**

(1) The proposal is consistent with the land use recommendations of the Comprehensive Plan. The Wake Medical Center Small Area Plan locates the property within a Community Focus Area.

(2) The proposal is compatible with the surrounding properties. Adjacent properties to the north of the subject property, fronting Poole Road, are zoned Neighborhood Business. Development of the subject property is conditioned to mitigate impacts on adjacent residential lots (e.g., maximum floor ratio of 0.26, prohibited uses, installation of a closed fence along the south lot line).

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**To PC:** 7/22/08

**To CC:** 8/5/08

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

**Staff Coordinator:** Doug Hill

**Motion:** Mullins

**Second:** Davis

**In Favor:** Anderson, Bartholomew, Butler, Chambliss, Davis, Gaylord, 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: 7/25/08



## Zoning Staff Report: Z-30-08 Conditional Use

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**LOCATION:** These sites are located interior to the south side of Poole Road, east of its intersection with Sunnybrook Road.

**AREA OF REQUEST:** 0.188 acre

**PROPERTY OWNER:** House Boney LLC

**CONTACT PERSON:** John Tucker, 567-0483

**PLANNING COMMISSION RECOMMENDATION DEADLINE:** November 12, 2008.

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<b>ZONING:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Residential-6	Neighborhood Business CUD
	<u><b>Current Overlay District</b></u>	<u><b>Proposed Overlay District</b></u>
	n/a	n/a

<b>ALLOWABLE DWELLING UNITS:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	1 units	1 unit

<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Office uses not permitted	2,129 square feet (0.26 FAR) combined for all uses, per zoning condition.

<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Retail uses not permitted	2,129 square feet (0.26 FAR) combined for all uses, per zoning conditions.

<b>ALLOWABLE GROUND SIGNS:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Tract ID sign	Low profile sign (as less than 200 linear feet of street frontage)

**ZONING HISTORY:** These properties have been zoned R-6 since 1973 (Z-38-73).

**SURROUNDING ZONING:**

NORTH: Neighborhood Business CUD (Z-60-89).

Conditions:

- 1) The storm drainage system shall be designed such that the post development discharge is released at a rate (cfs) equal to or less than the rate expected if the site were zoned Residential-6. This guideline shall be met for two and ten year frequency storms.
- 2) No more than one driveway shall be permitted on Poole Road if developed for non-residential use and no more than one driveway shall be permitted on Sunnybrook Road if developed for non-residential use. The cross access agreement entered into by the owners must be approved by the city, executed and recorded within 60 days after City Council approval of this rezoning petition.
- 3) No driveway shall be allowed within 400 feet of the Poole/Sunnybrook intersection.
- 4) Right-of-way for future widening of Poole Road and Sunnybrook Road will be dedicated to the City at no cost, or shall remain at Residential-6 value.
- 5) The maximum floor area ratio shall not exceed .26.
- 6) Adult establishments defined by Raleigh City Code Section 10-2002 shall be prohibited.
- 7) Garages and filling stations otherwise permitted by Raleigh City Code Section 10-2043, shall be prohibited.
- 8) No portion of the subject property shall be occupied by a business containing more than two (2) coin activated amusement devices.
- 9) There shall be no drive-through businesses on these properties.

SOUTH: Residential-6

EAST: Residential-6

WEST: Residential-6

**LAND USE:** West area: Part of low density residential tract; East tract: Vacant

**SURROUNDING LAND USE:**

NORTH: West site: Low density residential; East site: storefront church

SOUTH: Both sites: Low density residential

EAST: West site: Low density residential; East site: Day care facility

WEST: Both sites: Low density residential

**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	Community Focus Area
Specific Area Plan	n/a
Guidelines	n/a

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

The proposed rezoning is consistent with the Comprehensive Plan. The site is subject to the provisions of the Southeast District plan, which places the site within the Beltline/Poole Community Focus Area. Rezoning would afford an opportunity to increase density/ intensity as prescribed by the District Plan, which states: "Existing zoning in the Southeast District and Urban Service Areas is not totally compatible with the urban form recommendations. For example, much of the zoning in the district is for low density residential development, which is not appropriate in areas that the Comprehensive Plan supports higher density development such as in focus areas."

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

The tract containing the west site is currently split-zoned; rezoning the west site would extend the Neighborhood Business district to take in the full tract. The east site is too small to be developed under its present R-6 zoning (being less than the minimum 7,260 square feet needed). Extending the Neighborhood Business district to the site would provide a continuous zoning line from Williams Road westward to match the present line between NB and R-6 zoning, provided by the parcel immediately west of the east site.

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

Sites are located within a Community Focus Area. As the current zoning (R-6) does not permit retail uses, the proposal will bring the properties into consistency with the Comprehensive Plan, thereby promoting a more orderly pattern of development within the larger area.

**4. Detriments of the proposed rezoning**

The rezoning will by definition permit an intensification of use. Care will be required in addressing stormwater (as the subject site is uphill from adjacent properties) and transition yards (e.g., residential building south of the east tract is less than 15 feet from the shared property line).

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

**TRANSPORTATION:** Poole Road is classified as a secondary arterial major thoroughfare (2005 ADT - 24,000 vpd) and exists as a five-lane curb and gutter facility on 90 feet of right-of-way with sidewalk on one side. City standards call for Poole Road to provide an 89-foot back-to-back curb and gutter facility on 110 feet of right-of-way with sidewalks on both sides. Williams Street is classified as a commercial street and exists as a two lane ribbon paved roadway with a 21-foot shoulder section within a 60-foot right of way. City standards call for Williams Street to be constructed as a 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right of way. The petitioner may wish to consider adding a condition stating that reimbursement for any required right-of-way dedication shall be at the current R-6 rate. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

**TRANSIT:** The site is within close proximity of current and future bus routes. No transit easement is needed.

**HYDROLOGY:** FLOODPLAIN: No FEMA. Possible flood-prone soils.  
DRAINAGE BASIN: Walnut.  
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No Neuse Riparian Buffers. No WSPOD.  
Structural flooding has occurred at apartment downstream at Middle Branch Rd.

**PUBLIC UTILITIES:**

	<b>Maximum Demand on Current Zoning</b>	<b>Maximum Demand on Proposed Zoning</b>
<b>Water</b>	<b>Approx. 658 gpd</b>	<b>Approx. 1,175 gpd</b>
<b>Waste Water</b>	<b>Approx. 658 gpd</b>	<b>Approx. 1,175 gpd</b>

The proposed rezoning would add approximately 517 gpd of wastewater and water to the wastewater collection and water distribution systems of the City's utilities. There are existing sanitary sewer and water mains in the area which would serve the proposed rezoning area.

**PARKS AND  
RECREATION:**

This property is not adjacent to park and/or greenway sites and will not impose any additional impacts to recreation services.

**WAKE COUNTY  
PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under both the current and the proposed zoning is one. No increase in school enrollment would occur as a result of the proposed rezoning.

**IMPACTS SUMMARY:** Stormwater runoff will need to be carefully addressed.

**OPTIONAL ITEMS OF DISCUSSION**

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

The applicant also owns adjacent tracts of land. He intends to recombine these ownership interests into a single, larger commercial development.

**APPEARANCE  
COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZEN'S  
ADVISORY COUNCIL:**

DISTRICT: Southeast  
CAC CONTACT PERSON: Bill Lynn, 231-8135

**SUMMARY OF ISSUES:**

**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

- 1. Outstanding issues**
  - No outstanding issues.

# Urban Form – Southeast District Plan (detail)

