



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) Harry Gentry
Becky Gentry

Date: 3/11/2008
3/11/2008

Please type or print name(s) clearly:

Harry Gentry

Becky Gentry

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No. 2-35-08
Date Filed: 3-20-08
Filing Fee: pd 1,000.00 by Ct# 1768

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

See instructions, page 6

Name(s)	Address	Telephone / E-Mail
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1) Petitioner(s):	<u>Harry and Becky Gentry</u>	<u>14213 Allison Drive</u>	<u>847-4645</u>
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Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

	<u>Raleigh, NC 27615</u>	<u>hgentry@nc.rr.com</u>
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2) Property
Owner(s):

3) Contact Person(s):	<u>David H. Permar</u>	<u>327 Hillsborough Street</u>	<u>856-3940</u>
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	<u>Hatch, Little & Bunn, L.L.P.</u>	<u>Raleigh, NC 27602</u>	<u>dhpermar@hatchlittle bunn.com</u>
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4) Property

Description:

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

Wake County Property Identification Number(s) (PIN): _____

Durham County PIN# 0758-03-32-9153

General Street Location (nearest street intersections): 3601 Page Road

West of World Trade Blvd.

5) Area of Subject Property (acres):	<u>2.15</u>
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6) Current Zoning
District(s)

Classification: Durham County Res/Rural Res

Include Overlay District(s), if
Applicable

7) Proposed Zoning
District

Classification: Thoroughfare District (C.U.D.)

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

Office Use Only	
Petition No.	2-35-08
Date Filed:	3/26/08

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).

- A. **Please state which District Plan area the subject property is located within and the recommended land use for this property:** The subject property is located in the Triangle Regional Center of the Umstead District. The recommended land use is a regional intensity area within a regional area.
- 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 in the adopted Triangle Regional Center. The area is designated to contain the most intense land development possible.

- 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 and all other City Council – adopted plans and policies.

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 surrounding area is currently zoned rural residential and largely vacant, but the area has been designated for Raleigh urban services under the Raleigh-Durham annexation agreement.

- B. **Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):** Property to the north and east is zoned TD-CUD. Property to the east is vacant, but being developed as office/warehouse; property to the north is developed as a flex-space warehouse. Property to the west and south is used and zoned residential in Durham County.

- 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 surrounding area is currently vacant and rural in character but growth is occurring rapidly. The zoning map amendment will allow compatible development providing urban services.

III. Benefits and detriments of the proposed map amendment.

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

The rezoning and annexation of the subject property will allow the landowner to develop the property in a manner consistent with the Comprehensive Plan.

- B. **For the immediate neighbors:**

The rezoning matches the zoning of the adjacent World Trade Park subdivision (S-97-98) It is anticipated that the property to the south on the east side of Page Road will develop in a similar fashion.

C. For the surrounding community:

The surrounding community is growing at a rapid rate and is in need of urban services consistent with the zoning map amendment.

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

The rezoning will allow the property to be used for urban services which are or will be needed by the surrounding properties.

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

This property fronts on Page Road, a thoroughfare and is adjacent to a flex space business park, the World Trade Park. The subject property is flat and the pond on the site has been determined to be "not subject" to surface water regulation by the State Division of Water Quality.

V. Recommended items of discussion (where applicable).

- a. **An error by the City Council in establishing the current zoning classification of the property.**

Not applicable, the current zoning was applied many years ago by Durham County.

- 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.**

The subject property is currently zoned residential in Durham County, but has been designated for Urban Services from the City of Raleigh. The Raleigh Comprehensive Plan has designated this area as a Regional Center.

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

The Thoroughfare District is appropriate for land which is developing to the most intense standards possible. The rapidly developing residential areas in the vicinity will require additional service businesses allowed in the Thoroughfare District.

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

The City of Raleigh has committed to bring all urban services needed to the Triangle Regional Center, including the subject property. The 2.15 acre rezoning shall require little additional urban services.

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

The subject property is included in an area designated by City of Raleigh ordinance No. 1995-525 and City of Durham Ordinance 11656 for annexation by the City of Raleigh. Simultaneously with this zoning application, the property owner is submitting an annexation petition to include this subject property within the City of Raleigh. If the city grants the annexation petition, the City will also need to zone the property in accordance with the City of Raleigh Zoning Code, since the property is not currently within Raleigh's extraterritorial jurisdiction. However, the City of Raleigh has already, included the subject in the City's Comprehensive Plan. The TD-CUD zoning requested by the petitioner is the most appropriate and consistent with the Comprehensive Plan.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-35-08 Conditional Use; Page Rd.**

General Location: East side of Page Road, west of World Trade Blvd., south of Longistics Drive.

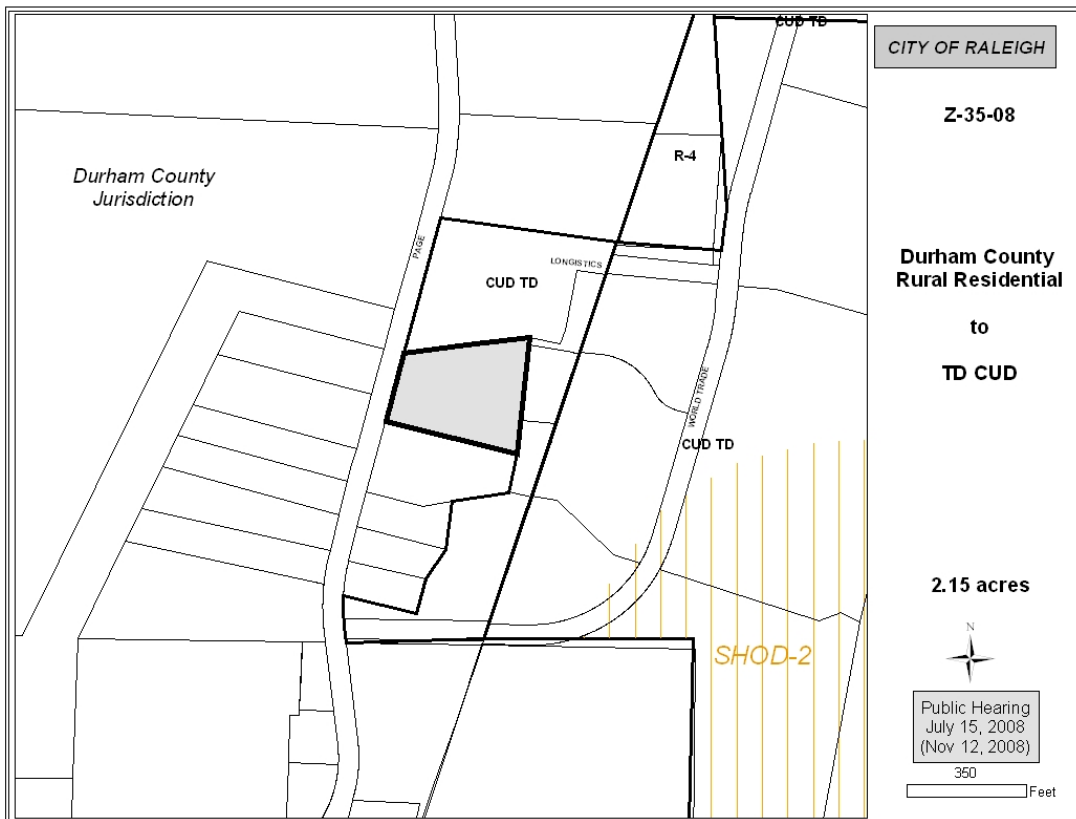
**Planning District
/ CAC:** Umstead/ Northwest

Request: Petition for Rezoning from **Durham County Rural Residential** to **Thoroughfare Conditional Use District**.

**Comprehensive Plan
Consistency:** The request 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 that this request be approved in accordance with conditions dated July 23, 2008.



CASE FILE: Z-35-08 Conditional Use

LOCATION: This site is located on the east side of Page Road, west of World Trade Blvd., south of Longistics Drive.

REQUEST: This request is to rezone approximately 2.15 acres, currently zoned **Durham County Rural Residential**. The proposal is to rezone the property to **Thoroughfare Conditional Use District**.

**COMPREHENSIVE
PLAN CONSISTENCY:** The request is consistent with the Comprehensive 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 July 23, 2008.

FINDINGS AND REASONS:

- (1) That the proposed uses are consistent with the Comprehensive Plan in that, the subject property falls within the limits of the Triangle Regional Center of the Umstead Planning District that encourages a mix of uses.
- (2) That the subject property, once annexed into the City of Raleigh limits, effective September 30, 2008, will require a zoning designation within 60 days. That the proposed zoning category is compatible with the existing zoning and use in the area, which is predominantly a mix of residential and industrial uses.
- (3) That the property being located within the inter-local agreement area of City of Durham and City of Raleigh, recommends cooperation in land use planning and development regulations that will seek compatible uses of land and natural resources. That the proposed rezoning appears to be compatible and achieves a smooth transition between areas of development within each jurisdiction.
- (4) That for the above mentioned reasons, the subject request appears to be reasonable and in the public interest.

To PC: 7/22/08

Case History: PC approved;

To CC: 8/5/08

City Council Status:

Staff Coordinator: Dhanya Sandeep

Motion: Smith

Second: Davis

In Favor: Anderson, 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-35-08 Conditional Use

LOCATION: This site is located on the east side of Page Road, west of World Trade Blvd., south of Longistics Drive.

AREA OF REQUEST: 2.14 acres

PROPERTY OWNER: Harry & Becky Gentry, 919-847-4645

CONTACT PERSON: David H. Permar, 919-856-3940

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

ZONING: Current Zoning

Durham County Rural
Residential

Current Overlay District

None

Proposed Zoning

Thoroughfare District CUD

Proposed Overlay District

None

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

1 dwelling unit

Proposed Zoning

Not permitted (as the parcel is less than
10 acres in size)

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Not permitted

Proposed Zoning

No max. specified

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Not permitted

Proposed Zoning

No max. specified

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Not permitted

Proposed Zoning

High Profile

ZONING HISTORY: This property is located in Durham County and is within Raleigh's Urban Service Area, designated for subsequent annexation by the City (per inter-local agreement with the City of Durham). The property is currently zoned Residential Rural District (Durham County), the Residential Rural District is established to provide for agricultural activities and residential development on lots of one acre

or greater and in conservation subdivisions. This district is generally located outside the urban growth area. The regulations of this district are designed to discourage the premature development of urban services and to encourage the maintenance of an open and rural character. In the suburban tier, Residential Rural district requires a minimum lot area of 30,000 square feet per dwelling unit (DU) and a minimum lot width of 100 feet per DU. On June 3, 2008, the Raleigh City Council approved the annexation of this property, effective September 30, 2008. From the effective date of the annexation, the City has a maximum of 60 days to place City of Raleigh zoning on the property. During this 60-day period the Durham County zoning remains in place until City of Raleigh zoning is approved. Following this 60-day period, if no action has been taken on the zoning request, the current Durham County zoning no longer applies and the property will be officially "unzoned".

**SURROUNDING
ZONING:**

NORTH: TD CUD (Z-12-00)
Zoning Conditions- Z-12-00

a. All residential uses allowed in the Residential-30 District as indicated in Section 10-2071 of the City of Raleigh Zoning Code up to and including 30 units/acre; however, single-family detached residential dwelling units shall not be allowed.

b. All Office, Institutional, Civic and Services uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code also including without limitation hospitals, and multi-family (30 units per acre, or less) and residential uses by excepting single-family detached dwellings and correctional/penal facilities, which are excluded.

c. All Commercial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code, except adult establishments, which are prohibited.

d. All industrial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code.

e. All recreation uses allowed in the Thoroughfare District of the Raleigh City Code.

Note A. as to above Sections a, b, c, d and e: Allowable uses shall include; "accessory uses" and "accessory structures" as permitted on the City of Raleigh Zoning Code

g. Reimbursement for additional right of way shall be calculated based on the rate for Industrial zoned property.

SOUTH: Durham Rural Residential
EAST: Durham Rural Residential
WEST: TD CUD (Z-65-96- Airport Assemblage)

LAND USE: Vacant lot

**SURROUNDING
LAND USE:**

NORTH: Industrial
SOUTH: Residential
EAST: Industrial
WEST: Vacant

**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	Durham County (to be annexed into Raleigh limits as of Sept. 30, 2008)
Urban Form	Raleigh Urban Service Area, Triangle Regional Center
Specific Area Plan	None
Guidelines	None

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

This rezoning request is consistent with the policies of the Comprehensive Plan. Once annexed into the City of Raleigh limits, the proposal to rezone it to Thoroughfare CUD would allow the development of office, institutional, civic and service, commercial, industrial, and/or recreational uses. The proposed rezoning request, located within the Triangle Regional Center limits, is consistent with the recommendations of the Triangle Regional Center Plan, which calls for higher intensity and a mix of uses.

The property is currently located in Durham County, and as such, has to be evaluated for its consistency with the City of Durham Comprehensive Plan. The City of Durham future land use map designates all properties to the east of Page Road, located within Raleigh's Urban Service area for office uses. However, the surrounding properties to the west of Page Road are designated for medium density residential and industrial uses. More coordination with the land use and planning efforts in this area between the two jurisdictions should be pursued in accordance with the inter-local agreement to ensure orderly and compatible growth and development.

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

The surrounding area is currently zoned rural residential and is largely vacant, with a few parcels developed for single family homes and industrial uses. The properties to the immediate north and east are within Raleigh's jurisdiction, zoned Thoroughfare CUD, and developed primarily for industrial uses. Directly across and diagonally from the subject property, to the west of Page Road and within Durham County limits, a planned development residential community (Crosslands) is being developed at medium density (up to 8 DU/acre). The properties to the south (in Raleigh's USA) and east are currently within Durham County limits and zoned for rural residential uses. The proposed Thoroughfare CUD zoning on the subject property is compatible with the surrounding zoning.

The subject parcel, being located within the annexation agreement area of two jurisdictions, has to be reviewed in light of its compatibility with the surrounding land uses of Durham County as well. Therefore, more coordination with the land use and planning efforts in this area between the two

jurisdictions should be pursued in accordance with the inter-local agreement, to ensure orderly and compatible growth and development.

3. Public benefits of the proposed rezoning

The applicant notes that the annexation and rezoning of the subject property will allow the landowner to develop the property in a manner consistent with the Comprehensive Plan, given that the surrounding community is growing at a rapid rate and is in need of urban services. The Thoroughfare District could be considered appropriate for this parcel, given that it is surrounded to the north and east by the same zoning district. The rapidly growing residential areas in the vicinity will require additional businesses allowed under the Thoroughfare District zoning. It is anticipated that the properties to the east of Page Road will develop in a similar compatible manner. Given the changing development patterns and emerging residential and industrial character of the surrounding area, the subject parcel holds increased value for development beyond that permitted under the current zoning. The proposed request would allow for more efficient use of the land while being compatible with the surrounding uses and therefore, could render larger public benefit.

4. Detriments of the proposed rezoning

The proposed rezoning is compatible with the surrounding zoning and land uses. However, any commercial/retail uses on the property, permitted under the Thoroughfare District may potentially be incompatible with the predominant mix of residential/ industrial uses in this area and should be evaluated for any adverse impacts. Moreover, the City of Durham future land use map designates all properties to the east of Page Road located within Raleigh's Urban Service area for office uses. There is a large pond on the site, which should be preserved as a natural resource since the inter-local agreement encourages coordination of development regulations that will seek compatible uses of land and natural resources.

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

TRANSPORTATION: Page Road is classified as a major thoroughfare and exists as two lane ribbon paved road. City standards call for Page Road to be constructed with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within a 90-foot right of way. World Trade Blvd is classified as a collector street and is constructed to City standards 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 offers of cross-access will be provided to the adjacent properties along Page Road. Neither NCDOT nor the City have any projects scheduled on Page Road or World Trade Boulevard in the vicinity of this case.

TRANSIT: This site is within close proximity of future bus routes and/or a proposed regional rail transit station but does not provide an appropriate space for a bus stop. No transit easement is needed.

HYDROLOGY: FLOODPLAIN: None
DRAINAGE BASIN: Little Briar
STORMWATER MANAGEMENT: Compliance with pt. 10 Ch. 9

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>2,150</u> gpd	Approx. <u>26,875</u> gpd
Waste Water	Approx. <u>2,150</u> gpd	Approx. <u>26,875</u> gpd

The proposed rezoning would add approximately 24,725 gpd of wastewater and water to the wastewater collection and water distribution systems of the City's utilities. The petitioner has been informed in previous discussions that it is his responsibility to extend sanitary sewer and water mains to serve the proposed rezoning property. The petitioner would be required to connect to both the sanitary sewer and water systems because the property is larger than two (2) acres as opposed to just connecting to only one (1) system. He may consider on-site wastewater disposal and well for his utility needs which is under the jurisdiction of the Durham Health Department.

PARKS AND

RECREATION:

This property is not adjacent to any greenway corridors. There is no impact to recreation services by the subject case.

WAKE COUNTY

PUBLIC SCHOOLS:

No impact on schools as the proposed Thoroughfare District CUD parcel is less than 10 acres in size, and so residential uses will not be permitted on the subject property.

IMPACTS SUMMARY:

No major impacts on infrastructure services have been noted for this case.

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 be properly applied to it now were it being zoned for the first time.

The subject property is being zoned for the first time by the City of Raleigh. The property has been under the Durham County rural residential zoning for many years. However, the property is within Raleigh's Urban Service area and designated as appropriate for the City of Raleigh to provide municipal services and govern planning and development, per the inter-local agreement between the two jurisdictions. Upon annexation of a parcel, the City is required to place zoning on a property, and the proposed rezoning is appropriate and compatible with the surrounding properties and will allow the property to be used for urban services which are or will be needed by the surrounding properties.

APPEARANCE

COMMISSION:

This request is not subject to Appearance Commission review.

CITIZEN'S

ADVISORY COUNCIL:

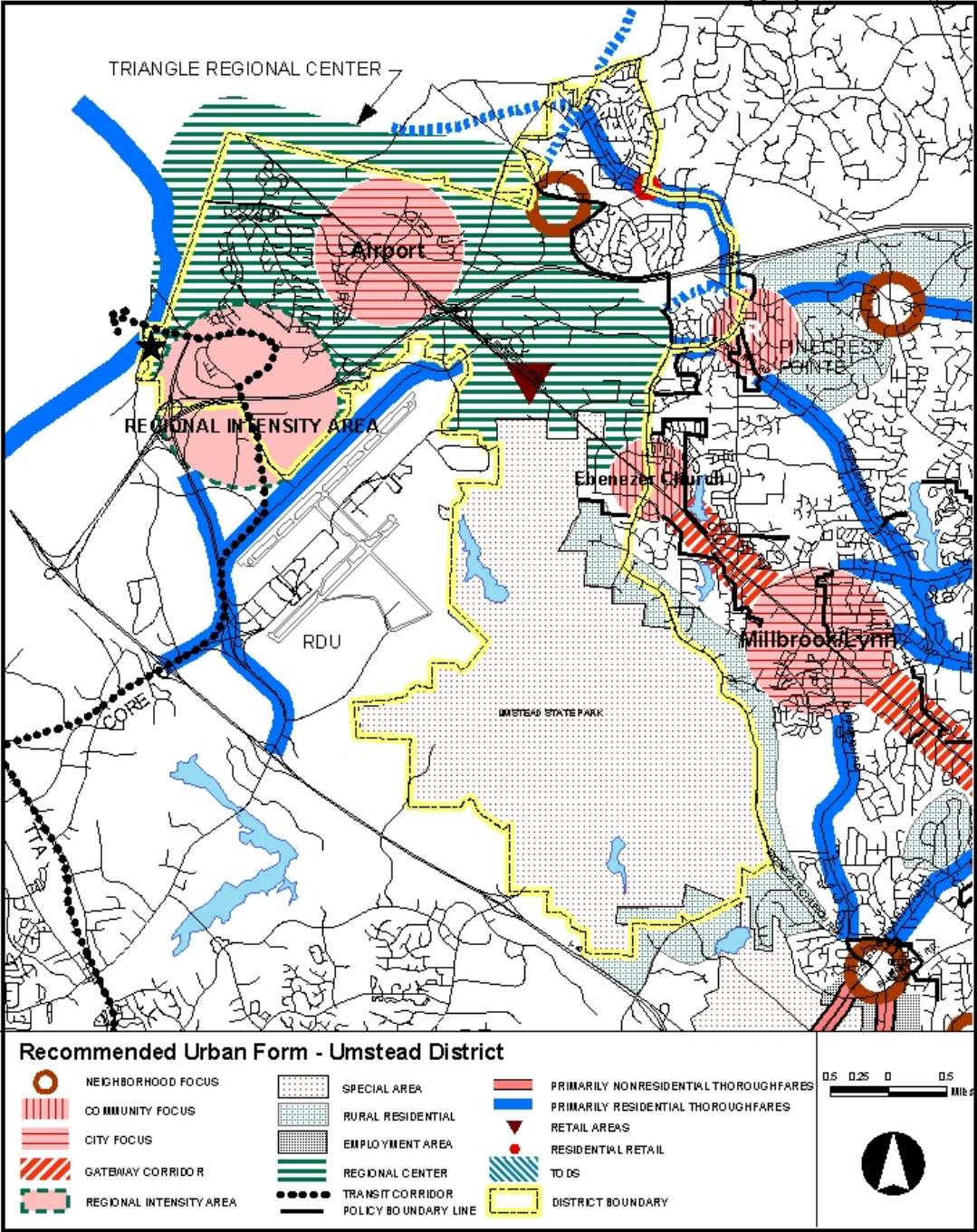
DISTRICT: Northwest
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884
Nancy Murray, 845-8845

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

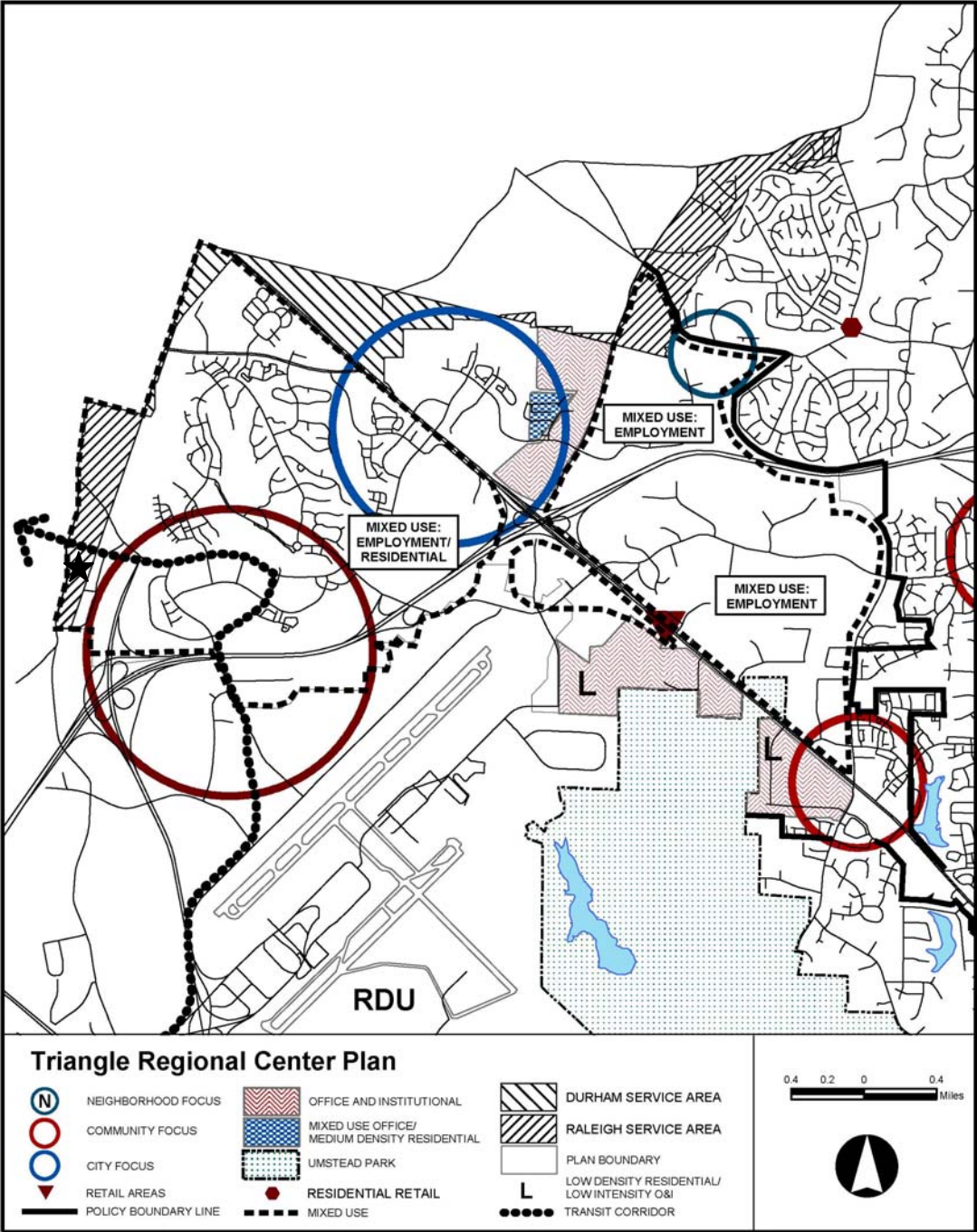
1. Outstanding issues

No outstanding issues.



8/05 Raleigh Comprehensive Plan

Umstead District 5-9.F



08/06 Raleigh Comprehensive Plan

Triangle Regional Center Plan 6-2.3