

CITY OF RALEIGH

Z-37-08

R-10
to
R-30 CUD

2.40 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.

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)

W-Stephs
Stacey Stephens

Date: 03/20/08

03/20/08

Please type or print name(s) clearly:

WARREN STEPHENS
STACEY STEPHENS

03/20/08

03/20/08

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>2-37-08</u>
Date Filed:	<u>3-20-08</u>
Filing Fee:	<u>pd 1,000.00 by check # 13501</u>

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>Warren Stephens</u>	<u>107 Greygate Place</u>	<u>(919)851-4925</u>
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Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

<u>Stacey Stephens</u>	<u>Cary, NC 27518</u>	
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2) Property Owner(s):

<u>Warren Stephens</u>	<u>107 Greygate Place</u>	<u>(919)851-4925</u>
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<u>Stacey Stephens</u>	<u>Cary, NC 27518</u>	
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3) Contact Person(s):	<u>Ted Van Dyk, AIA</u>	<u>1304 Hillsborough Street</u>	<u>919.831.1308</u>
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	<u>Raleigh, NC 27605</u>	<u>Ted@newcitydesign.com</u>
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4) Property Description:

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

0793460320

General Street Location (nearest street intersections): 2513 Avent Ferry Road
(near intersection of Avent Ferry Road and Chappell Road.

5) Area of Subject Property (acres):	<u>2.40 Acres</u>
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6) Current Zoning District(s)

Classification:

Include Overlay District(s), if
Applicable

R-10

7) Proposed Zoning District

Classification:

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

R-30 CUD

2-37-08

Office Use Only	
Petition No.	2-37-08
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).**

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

Southwest District 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.

Dorthea Dix/Centennial Campus Small Area Plan

The proposed development supports the development of Centennial Campus and potential future development of the Dorthea Dix property by providing a housing opportunity to the general public in proximity to downtown and to students, graduate students, researchers, faculty and staff in proximity to NC State University.

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

Proposed plan is for rezoning to R-30 Residential, which is consistent with the Small Area Plan which calls for Medium Density Residential for this location.

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 characterized by medium density residential development, generally 3 stories in height with surface parking lots. Single family residential housing is generally rental property that is slowly being repurposed for denser residential uses.

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

Adjacent properties to the north are currently zoned R-30. Property across Avent Ferry Road is also zoned R-30 with properties zoned R-20 and R-15 in close proximity.

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

Population growth in the State of North Carolina is driving up university enrollment. NC State estimates growth of approximately 8,000 students in the next 10 years. Housing in proximity to campus and served with campus transit is needed to support the population that serves and is served by the university. The proposed change is in keeping with adjacent medium density residential developments that cater to this growing population.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

Benefit for the landowner is a denser development and income opportunity.

B. For the immediate neighbors:

Benefits for the immediate neighbors include a denser development vs. the existing use, yielding increased property values for surrounding properties.

C. For the surrounding community:

Benefit for the surrounding community is a zoning change that falls within the pattern for medium density residential development in this area and provides housing that will primarily

serve university students and staff. The area is already served with campus transit, reducing the need for additional vehicular traffic to and from campus. This development will protect established neighborhoods adjacent to campus from having to accommodate the growing campus population via turnover of single family houses to rental property.

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.

The location of the subject property in proximity to downtown and NC State University make this a valuable location for denser development served by both public and campus transit. Development closer to downtown and to campus allows for denser nodes to be served by transit, reducing reliance on private automobiles and in turn reduced traffic and pollution.

V. Recommended items of discussion (where applicable).

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

N/A

- 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.**

Avent Ferry Road has become a more heavily trafficked road over time and would not currently support low density/single family residential development.

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

Past and projected growth of the NC State University and the continued development and revitalization of downtown has increased the need for higher density development in proximity to these urban nodes. A pattern of increased development density in the Avent Ferry Road corridor is inevitable.

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

The proposed development will contribute to a more compact area of housing to support the university and increase ridership of public and campus transit in the proposed location.

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

A high quality residential development is proposed using quality materials. Building facades will be a combination of brick and cement board siding and/or stone. Roofing materials will be asphalt shingle, clay tile or standing seam metal.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-37-08 Conditional Use; Avent Ferry Rd**

General Location: This site is located on the south side of Avent Ferry Drive, east of its intersection with Chappell Drive.

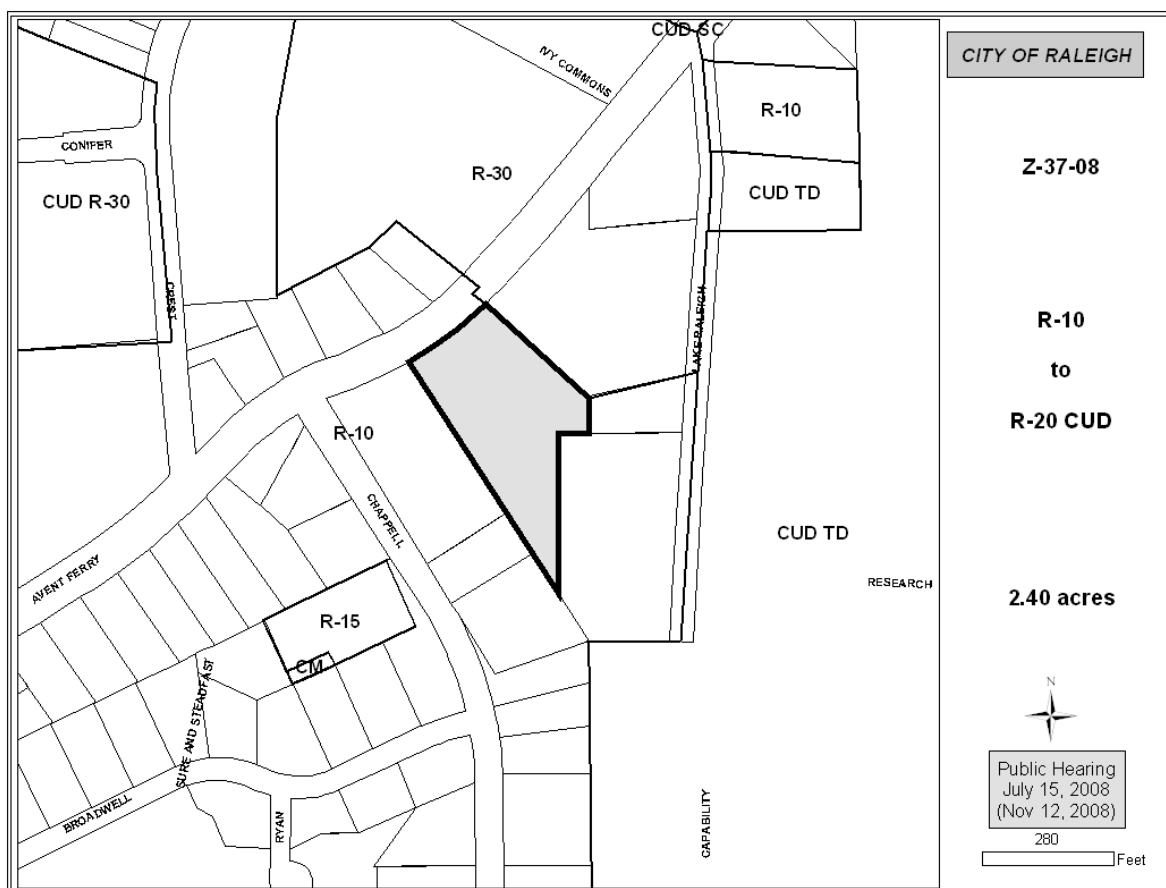
**Planning District
/ CAC:** Southwest / Southwest

Request: Petition for Rezoning from **Residential-10 to Residential-20 Conditional Use.**

**Comprehensive Plan
Consistency:** This request is inconsistent with the Comprehensive Plan.

**Valid Protest
Petition (VSPP):** YES

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan, however based on the Findings and Reasons listed below should be approved in accordance with conditions dated November 10, 2008.



CASE FILE: **Z-37-08 Conditional Use**

LOCATION: This site is located on the south side of Avent Ferry Drive, east of its intersection with Chappell Drive.

REQUEST: This request is to rezone approximately 2.4 acres, currently zoned Residential-10. The proposal is to rezone the property to Residential-20 Conditional Use.

**COMPREHENSIVE
PLAN CONSISTENCY:** **This request is inconsistent with the Comprehensive Plan.**

RECOMMENDATION: **The Planning Commission finds that this request is inconsistent with the Comprehensive Plan, however based on the Findings and Reasons listed below should be approved in accordance with conditions dated November 10, 2008.**

**FINDINGS
AND REASONS:**

(1) Although high density residential is inconsistent with the Comprehensive Plan, the Commission finds the increase in density compatible with surrounding land uses and in the public interest.

(2) This property is in close proximity to NCSU's Centennial Campus and is located on the University's transit line. There are numerous high density apartment complexes to the North and West of this property. The subject property is a good location for higher density residential in order to help serve the increasing housing needs of the University.

(3) That the conditions offered by the applicant provide sufficient buffers to surrounding single family residential land uses.

To PC: 11/06/08
Case History: COW 11/4/08

To CC: 11/18/08

City Council Status: _____

Staff Coordinator: Stan Wingo

Motion: Bartholomew

Second: Mullins

In Favor: Anderson, Bartholomew, Butler, Chambliss, Gaylord, Harris Edmisten, Holt, 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: 11/7/08



Zoning Staff Report: Z-37-08 Conditional Use

LOCATION: This site is located on the south side of Avent Ferry Drive, east of its intersection with Chappell Drive.

AREA OF REQUEST: 2.4 acres

PROPERTY OWNER: Warren and Stacey Stephens

CONTACT PERSON: Ted Van Dyk 831-1308

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

ZONING: Current Zoning

Residential-10

Current Overlay District

None

Proposed Zoning

Residential-20 Conditional Use

Proposed Overlay District

None

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

24 dwelling units

Proposed Zoning

48 dwelling units

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Office uses not permitted.

Proposed Zoning

Office uses not permitted.

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Retail uses not permitted.

Proposed Zoning

Retail uses not permitted.

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Tract ID Sign

Proposed Zoning

Tract ID Sign

ZONING HISTORY: This property has been zoned Residential-10 since being brought into the City's jurisdiction.

SURROUNDING

ZONING:

NORTH: R-30
SOUTH: R-10
EAST: R-10
WEST: R-10

LAND USE:

Vacant single family on heavily wooded lot

SURROUNDING

LAND USE:

NORTH: Multifamily apartment complexes
SOUTH: Single family home, multifamily
EAST: Single family homes
WEST: Single family homes

DESIGNATED HISTORIC

RESOURCES:

There are no designated historical structures on site and this area is not within a historic district.

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	Southwest
Urban Form	Regional Center
Specific Area Plan	Dorothea Dix/Centennial Campus SAP
Guidelines	N/A

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

This proposal is in the Southwest Planning District within the Dorothea Dix/Centennial Campus Small Area Plan. The Small Area Plan designates this area as appropriate for medium density residential. The proposal to rezone the property to Residential-20 would be considered high density residential and therefore would be inconsistent with the guidelines set forth in the Small Area Plan.

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

Applicant states that the surrounding area is characterized by medium density residential development, generally 3 stories in height with surface parking. Single family residential uses in the area are generally rental properties that are slowly being repurposed for denser residential uses. Applicant also notes that adjacent properties to the north are zoned R-30, with R-30, R-20 and R-15 all in close proximity.

The petitioner also notes that due to the growth of NC State University and the proximity to campus, additional housing density is appropriate and necessary. The proposed change is in keeping with adjacent residential developments that cater to this growing population.

Staff concurs with the applicant's statement in relation to compatibility. The proximity to NC State University and Centennial Campus make the proposal for higher density housing appropriate and compatible. However, surrounding zoning is primarily R-10. The property to the north is zoned for high density residential (R-30), but all other adjacent properties would be limited to medium density residential (R-10). Higher density residential in this location is compatible with the surrounding area as it would serve an increasing student population.

3. Public benefits of the proposed rezoning

Applicant states that the location of the subject property in proximity to downtown and NC State University make this a valuable location for denser development served by both public and campus transit; allowing for denser nodes to be served by transit, reducing reliance on private automobiles and in turn reduced traffic and pollution.

Staff agrees that this area is suitable for denser residential development. Due to the location and proximity to North Carolina State, the increase in residential density is appropriate and would provide a significant public benefit.

4. Detriments of the proposed rezoning

There are no major detriments associated with this request. The proposed increase in residential density is compatible with surrounding land uses and zoning.

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

TRANSPORTATION: Avent Ferry Road is classified as major thoroughfare and is constructed to City standards as a five lane 60-foot back-to-back curb and gutter cross section with sidewalk on both sides within a 90-foot right of way. The petitioner may wish to add a condition stating that vehicular access from Avent Ferry Road will be limited to no more than one driveway. The petitioner may also wish to consider adding a condition stating that offers of cross-access will be provided to the adjacent properties along Avent Ferry Road. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

HYDROLOGY: FLOODPLAIN: No FEMA. No flood-prone soils.
DRAINAGE BASIN: Walnut
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No Neuse Riparian Buffer. No WSPOD.
No downstream drainage complaints found on file.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>12,600</u> gpd	Approx. <u>37,800</u> gpd

Waste Water	Approx. <u>12,600</u> gpd	Approx. <u>37,800</u> gpd
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The proposed rezoning would add approximately 25,200 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 streets rights-of-way which would serve the proposed rezoning area. The revision of this request from R-30 CUD to R-20 CUD reduces the potential water and sewer demands accordingly.

PARKS AND

RECREATION:

This property is not adjacent to any greenway corridors. Recreation services are provided at Lake Johnson Park. This rezoning does not cause any impacts to services.

WAKE COUNTY

PUBLIC SCHOOLS:

The rezoning of this property from Residential-10 could potentially increase elementary school attendance by 8 students, pushing the capacity to over 111%. Davis Drive Middle could see an increase of up to 2 students increasing its capacity to nearly 112%. An increase of 3 students could be seen in the Athens Drive High student population bringing its percentage capacity above 109%. All of the base schools that serve this area are already overpopulated. Increasing student populations will continue to negatively impact schools already crowded capacities.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Weatherstone	907	110.7%	915	111.7%
Davis Drive	1,210	111.6%	1,212	111.8%
Athens Drive	1,909	109.3%	1,912	109.4%

IMPACTS SUMMARY:

Wake County Public Schools serving this site are over capacity. When developed, this proposal could add more students to the already overpopulated student populations.

OPTIONAL ITEMS OF DISCUSSION

[Only address if the applicant has]

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

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.

Applicant states that Avent Ferry Road has become a more heavily trafficked road over time and would not currently support low density single family development.

Staff does not agree with this assessment. The property is currently zoned for medium density multifamily uses, not limited to low density single family.

APPEARANCE

COMMISSION:

This request is not subject to Appearance Commission review.

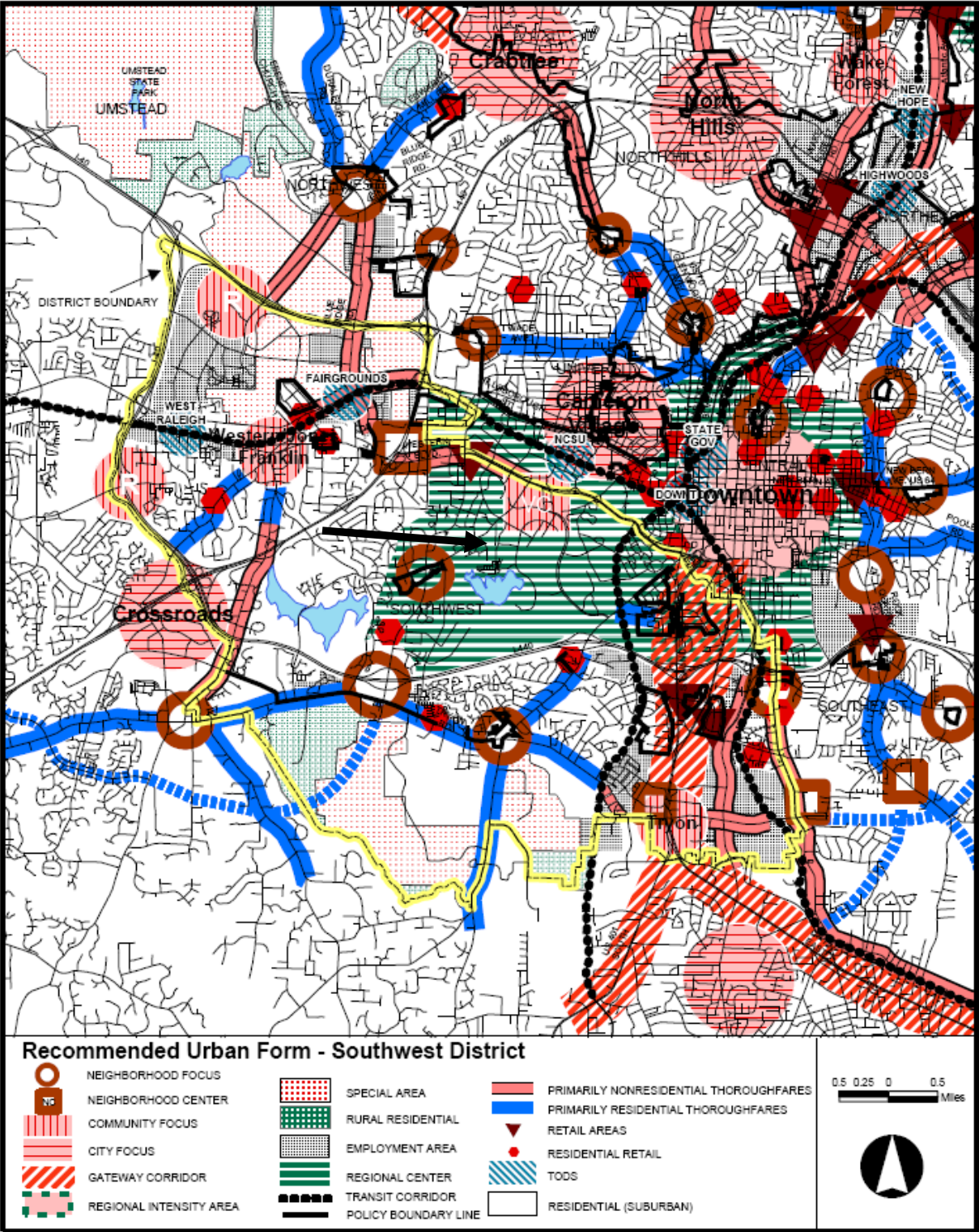
**CITIZEN'S
ADVISORY COUNCIL:** DISTRICT: Southwest
CAC CONTACT PERSON: Mary Bell Pate 772-9460

SUMMARY OF ISSUES:

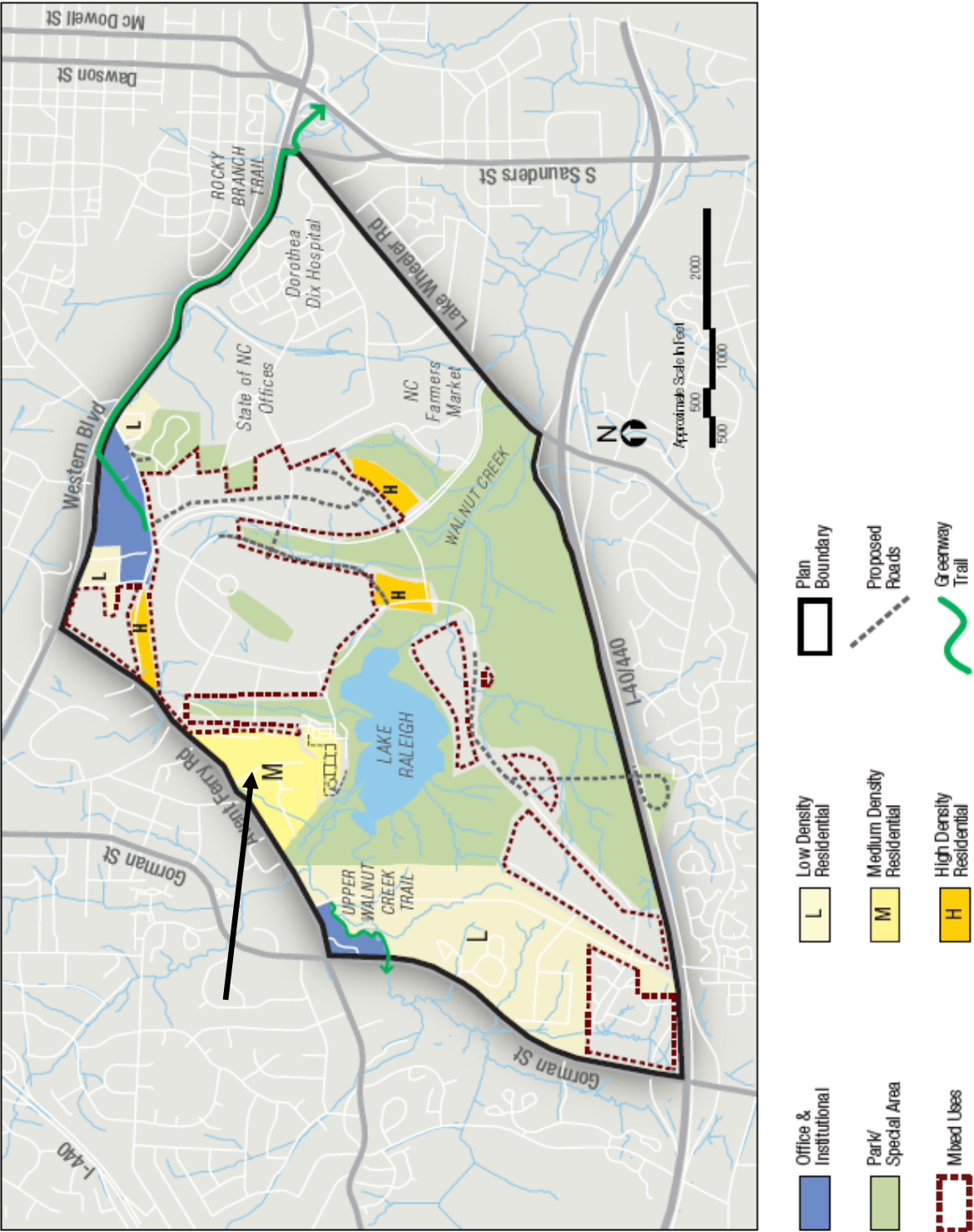
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- Request is inconsistent with the Comprehensive Plan.



Southwest District Plan
Dorothea Dix/Centennial Campus Small Area Plan



THE RALEIGH COMPREHENSIVE PLAN

SOUTHWEST DISTRICT PLAN UPDATE 9/21/2006