

CITY OF RALEIGH

Z-39-08

IND-2
to
O&I-2 CUD

0.88 acre

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

—

300
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:

Hillsborough Ventures, LLC

A handwritten signature in black ink, appearing to read "Mack Paul", written over a horizontal line.

By: Mack Paul, Attorney for Owner

02.12.08

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.

[illegible]**Rezoning Petition**
Form Revised December 21, 2007

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	<u>7-39-08</u>
Date Filed:	<u>3/30/08</u>
Filing Fee:	<u>pd 1000 by check # 1416</u> <u>Amount 7/3/08</u>

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Hillsborough Ventures,</u> <u>L.L.C.</u>	<u>9 McKnight Avenue</u> <u>Raleigh, NC 27607</u>	
2) Property Owner(s):	<u>Same as above</u>	<u>Same as above</u>	
3) Contact Person(s):	<u>Mack Paul and Jason</u> <u>Barron</u> <u>c/o KENNEDY</u> <u>COVINGTON</u>	<u>4350 Lassiter at North</u> <u>Hills Avenue, Suite 300</u> <u>Raleigh, NC 27609</u>	<u>(919) 743.7315 AND</u> <u>(919) 743.7343</u> <u>mpaul@kennedycovingt</u> <u>on.com AND</u> <u>jbarron@kennedycoving</u> <u>ton.com</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): 0794521089; 0794522038; 0794522086; 0794523023; 0794523071; 0794514919		
	General Street Location (nearest street intersections): On the south side of Stanhope Avenue in between its intersections with Rosemary Street (to the west) and Concord Street (to the east)		
5) Area of Subject Property (acres):	<u>0.88 acres</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>IND-2</u>		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>O&I-2 CUD</u>		

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 within the University District. The recommended land use for the property is regional center, subject to the Stanhope Village Small Area 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.

The property is located within the Stanhope Village Small Area Plan. The small area plan calls for the construction of a 2.5 story, non-student, multi-family residential dwelling upon the property. Further, the small area plan requires that any parking deck be wrapped by active uses or screened and detailed pursuant to Section 3.11 of the Urban Design Guidelines. In addition, the small area

plan calls for appropriate transitions between the residences and the planned mixed use development.

- 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 not directly consistent with the recommended land use for the property. However, the proposed rezoning permits the development of offices and higher density residential uses upon the property. The petitioner submits that the rezoning is reasonable and in the public interest notwithstanding the proposal's inconsistency with the small area 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):

- to the west: single family detached residential
- to the north: commercial and industrial uses, including parking
- to the east: vacant and student parking
- to the south: railway line

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

Zoning Patterns

- to the west and north: industrial zoning
- to the east: the Stanhope Village Planned Development District, a planned mixed use development to include office, retail and residential uses

Existing Built Environment

- the existing built environment is a hodge-podge of older residences mixed in with vacant commercial buildings and some retail uses along Hillsborough Street. A good portion of the area within proximity to the subject property is currently devoted to student parking

- 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 subject property's proximity to the rail line makes it ideal for a higher density residential and/or office use. Locating a larger structure upon the subject property should serve to shield noise generated by the rail line.

III. Benefits and detriments of the proposed map amendment.

- A. For the landowner(s):

- 7-1-08
- the landowner will be benefited by the proposed map amendment by permitting the property to be developed for its highest and best use.

B. For the immediate neighbors:

- conditionally zoning the property for office, institutional and higher density residential uses is a benefit to the immediate neighbors in that it allows for the removal of the existing industrial zoning classification, which is not consistent with the residential uses to the west of the subject property. In addition, redevelopment of the property under the proposed zoning should result in an increase in adjacent property values by removing the existing student parking use.

C. For the surrounding community:

- the surrounding community will be greatly benefited by the proposed rezoning, in that it should serve as a catalyst for redevelopment of much of the Stanhope Village area.

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

- no. the subject rezoning merely seeks to permit development of the property for office and institution uses, which uses are permitted on a number of other properties in proximity to the subject property.

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

- as stated previously, the proximity of the site to the existing rail line makes it ideal for an a higher intensity use. Further, the area is in need of new development, and the subject rezoning permits the same.

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.

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

The petitioner submits that there is a need for redevelopment within the Stanhope Village area, and believes that the rezoning contemplated herein will facilitate such redevelopment.

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

The petitioner submits that there will not be a significant impact on the aforementioned public facilities as compared to the existing zoning. In fact, by conditioning out some of the permitted uses, the impact on public facilities may be reduced by the proposed rezoning.

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

None at this time.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-39-08 Conditional Use; Stanhope Ave.**

General Location: This site is located on the south side of Stanhope Avenue, east of its intersection with Rosemary Street.

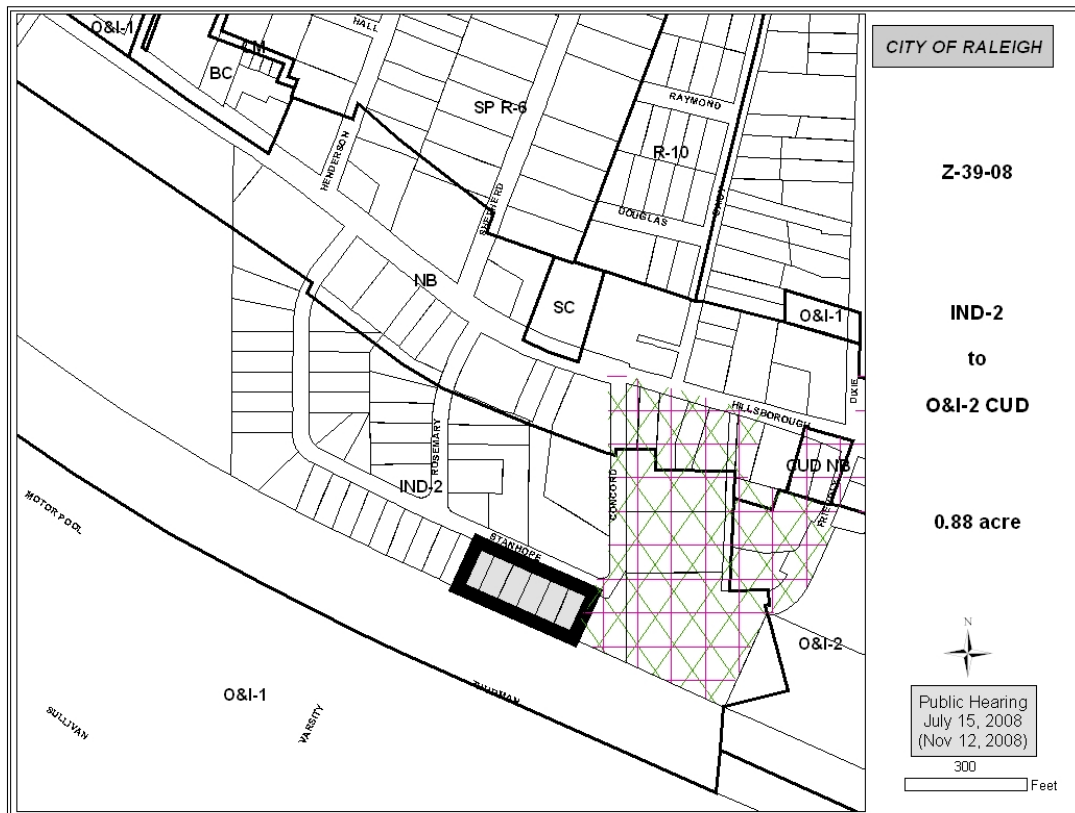
**Planning District
/ CAC:** University / Wade

Request: Petition for Rezoning from Industrial-2 to Office and Institution-2 Conditional Use.

**Comprehensive Plan
Consistency:** This request is inconsistent 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 conditions dated July 3, 2008.



CASE FILE: Z-39-08 Conditional Use

LOCATION: This site is located on the south side of Stanhope Avenue, east of its intersection with Rosemary Street.

REQUEST: This request is to rezone approximately 0.88 acre, currently zoned Industrial-2. The proposal is to rezone the property to Office and Institution-2 Conditional Use.

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

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 conditions dated July 3, 2008.

FINDINGS AND REASONS:

- (1) Although the Stanhope Village Small Area Plan designates this area as appropriate for 2-3 story, then 4-5 story residential transitioning from the Stanhope Neighborhood, the Planning Commission finds that the proposal is consistent with the Comprehensive Plan. The previous West Hillsborough Small Area Plan designates this area as appropriate for mixed use development.
- (2) The proposal is compatible and in the public interest. Due to the subject property's proximity to North Carolina State University, Office and Institutional uses as well as increased residential densities are appropriate to serve the increasing student populations in this area.

To PC: 7/22/08
Case History: 7/22/08, referred to Committee of the Whole, 8/12/08 removed from COW for Special PC Meeting.
 8/18/08 PC recommended approval

To CC: 9/2/08

City Council Status:

Staff Coordinator: Stan Wingo

Motion:	Smith
Second:	Holt
In Favor:	Bartholomew, Butler, Chambliss, Davis, Gaylord, Haq, 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: 8/21/08



Zoning Staff Report: Z-39-08 Conditional Use

LOCATION: This site is located on the south side of Stanhope Avenue, east of its intersection with Rosemary Street.

AREA OF REQUEST: 0.88 acre

PROPERTY OWNER: Hillsborough Ventures, LLC

CONTACT PERSON: Mack Paul 743-7315

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** November 15, 2008

ZONING: Current Zoning

Industrial-2

Proposed Zoning

Office and Institution-2
Conditional Use

Current Overlay District

N/A

Proposed Overlay District

N/A

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

Dwelling units not permitted.

Proposed Zoning

13 dwelling units w/ staff approval
35 dwelling units w/ PC approval

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

No limitation

Proposed Zoning

38,332 sq ft (1.0 FAR)

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

No limitation

Proposed Zoning

Retail Uses not permitted.

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

High Profile

Proposed Zoning

Low Profile

ZONING HISTORY: This property has been zoned Industrial-2 since being brought into the City's jurisdiction.

**SURROUNDING
ZONING:**

NORTH: IND-2

SOUTH: IND-2
EAST: IND-2, PDD, Stanhope PBOD
WEST: IND-2

LAND USE: Unpaved leased parking

SURROUNDING

LAND USE: NORTH: Vacant land
SOUTH: Railroad, NCSU
EAST: NCSU, surface parking
WEST: single family residential

DESIGNATED HISTORIC RESOURCES: These properties are located within the West Raleigh National Register of Places.

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	University
Urban Form	Regional Center
Specific Area Plan	Stanhope Village Small Area Plan
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 University Planning District within the Stanhope Village Small Area Plan. The small area plan recommends low-rise and mid-rise multifamily residential buildings on this site. The western portion (westernmost 4 lots) being designated as appropriate for a 2 ½ story building, and a 4-5 story building being recommended on the eastern portion (easternmost 2 lots). Therefore the proposal to rezone the site to Office and Institution-2 Conditional Use is consistent with the guidelines set forth in the Comprehensive Plan if developed as medium density residential. Other allowable uses within the Office and Institution-2 zoning such as an office, hotel or commercial parking structure would be inconsistent.

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

Applicant states that the subject property's proximity to the rail line makes it ideal for a higher intensity use. Also that locating a larger building upon the subject property should serve to shield noise generated by the rail line.

Staff agrees in part with the assessment provided by the applicant. While medium density residential would be appropriate on this site, office and institutional land uses would only be appropriate on the eastern portion. Medium density residential uses should be considered on the western portion of this site to serve as a transition to the single family neighborhood. As currently proposed this rezoning request is compatible with the surrounding area in terms of zoning. However the proposal as currently conditioned would not be compatible with land uses to the west.

3. Public benefits of the proposed rezoning

Applicant states that the proximity of the site to the existing rail line makes it ideal for a higher intensity use. Further, the area is in need of new development, and the subject rezoning permits the same.

Staff disagrees with this assessment. As currently conditioned, there is very little public benefit associated with this request.

4. Detriments of the proposed rezoning

As the property is proposed for Office and Institution-2, this rezoning request would have no added impact or detriment. The site can currently be built out to full Industrial-2 zoning.

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

TRANSPORTATION: Stanhope Avenue is classified as a residential street and exists as a two lane street with a 24-foot back-to-back curb and gutter section with sidewalk on both sides along the majority of the street within a 41-foot right of way. City standards call for Stanhope Avenue to provide to a 31-foot back-to-back curb and gutter cross section with sidewalk on a minimum of one side within a 50-foot right of way. The subject properties in this case are covered under the Stanhope Village Small Area Plan. The small area plan calls for pedestrian-oriented urban streets with narrow lanes that provide accommodations for pedestrians, bicyclists, motorists and transit users. Stanhope Small Area Plan recommends upgraded sidewalks along Stanhope Avenue and Rosemary Street.

TRANSIT: This site is within close proximity of current 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: N/A
DRAINAGE BASIN: Rocky Branch
STORMWATER MANAGEMENT: Site must comply with Part 10 Chapter 9 of Raleigh Development Regulations. No recorded drainage complaints downstream were found.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>6,600</u> gpd	Approx. <u>6,600</u> gpd
Waste Water	Approx. <u>6,600</u> gpd	Approx. <u>6,600</u> gpd

The proposed rezoning would not change the amount of wastewater or water to the wastewater collection or 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.

PARKS AND

RECREATION:

This property is not adjacent to any greenway corridors. Pullen Park provides parks services in the area of the subject case.

WAKE COUNTY

PUBLIC SCHOOLS:

The rezoning of this property to Office and Institution-2 could potentially increase elementary school attendance by 3 students, pushing the capacity to over 117%.

Centennial Middle could see an increase of up to 2 students increasing its capacity to 101%. An increase of 1 student 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 overcapacity.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Olds	376	116.4%	379	117.3%
Centennial	603	100.8%	605	101.2%
Athens Drive	1,909	109.3%	1,910	109.3%

IMPACTS SUMMARY: There are no known impacts associated with this request.

APPEARANCE

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

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Wade
CAC CONTACT PERSON: Bill Padgett 787-6378

SUMMARY OF ISSUES:

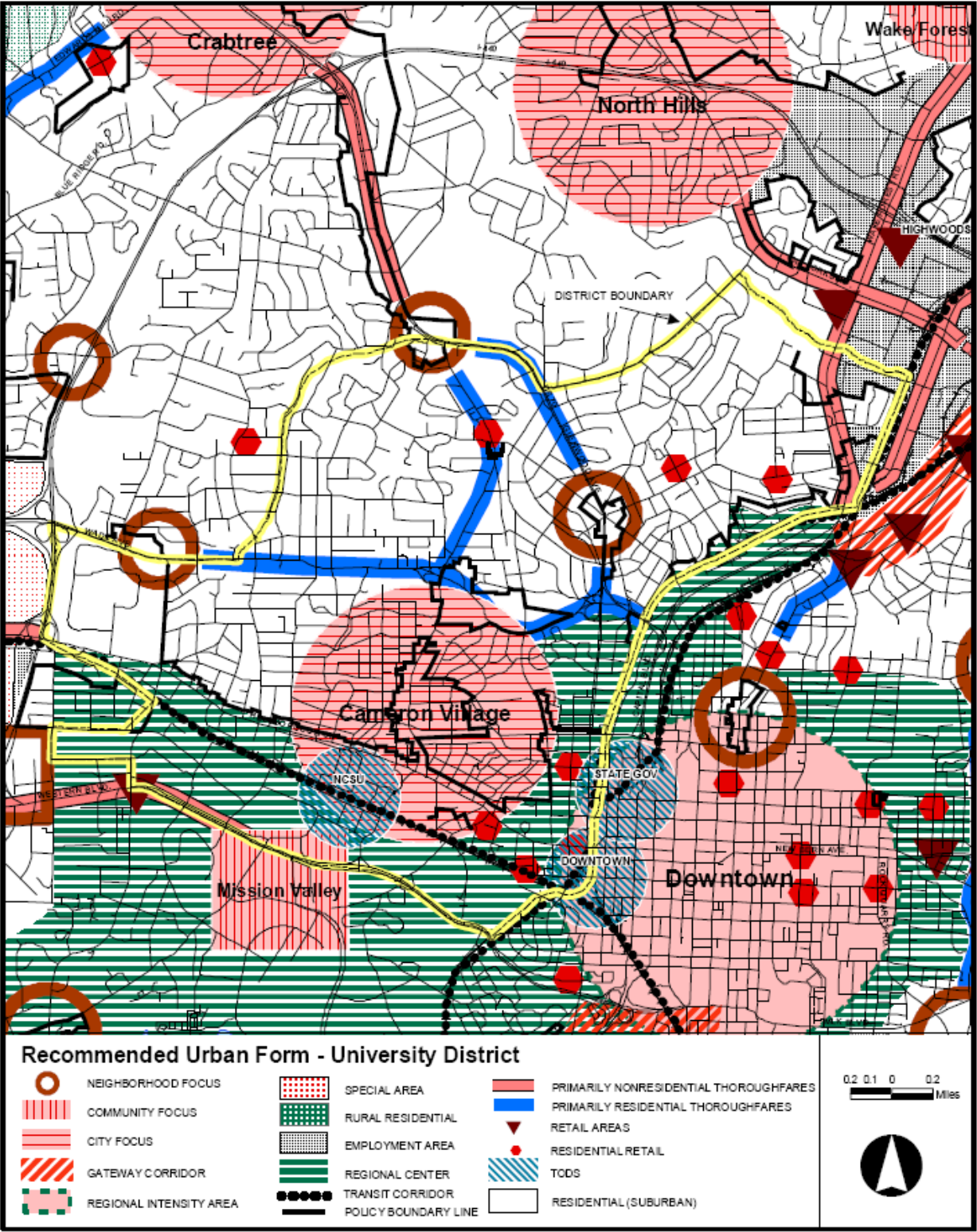
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues

- This request is inconsistent with the Comprehensive Plan. The proposal would be consistent with the Comprehensive Plan if the zoning conditions were amended to limit the use of the property to residential dwellings only.
- The existing single family structures located on the subject property are currently nonconforming. Rezoning the property to O&I-2 CUD, as requested, would eliminate the nonconforming status of these uses as single family detached residences are permitted within the O&I-2 district (5,000sf minimum lot size).

DESIGNATED HISTORIC RESOURCES:

- These properties are located within the West Raleigh National Register of Places. All of the primary structures associated with this request are contributing structures to the National District.



10/02 Raleigh Comprehensive Plan

Stanhope Village Small Area Plan 11-30-5

