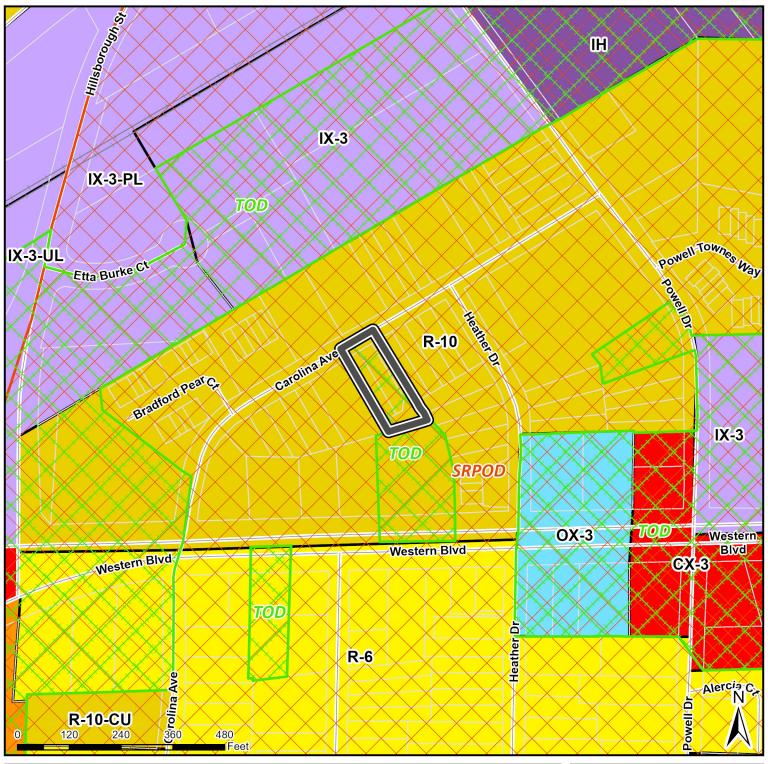
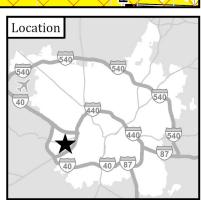
Existing Zoning

Z-43-2023



| Property | 405, 407, & 407 1/2 Carolina Ave |
|---------------------|----------------------------------|
| Size | 0.56 acres |
| Existing Zoning | R-10 w/ TOD |
| Requested Zoning | R-10 (Remove TOD) |



Rezoning Application and Checklist



Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

| Rezoning Request | | | | | | | |
|--|---------------|-------|---------------------------|-----------------|-------------------|---------------------------------|--|
| Rezoning | General Use C | | Conditional U | Conditional Use | | Office Use Only Rezoning case # | |
| Type | Text cha | nge t | o zoning conditions | | | | |
| Existing zoning base district: R-10 | | | Height:N/A | | ntage:N/A | Overlay(s): SRPOD,TO | |
| Proposed zoning base district: R-10 | | | Height: N/A Frontage: N/A | | Overlay(s): SRPOD | | |
| Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers. | | | | | | | |
| If the property has been previously rezoned, provide the rezoning case number: Z-18-2022 | | | | | | | |

| General Information | | | | | | |
|--|----------------------------|--------------------|-----------------------|--|--|--|
| Date:8/13/2023 | Date amended (1): | | Date amended (2): | | | |
| Property address: 405 (Portion), 407 | and 407 1/2 Carolina Avenu | ue | | | | |
| Property PIN:0784414675, 07844156 | 607, 0784415646 | | | | | |
| Deed reference (book/page): 0192 | 40/00275; 019240/00278 | BM 2022 PG 2260 | | | | |
| Nearest intersection: Heather Drive | and Carolina Ave | Property size (acr | res): 0.43 ac | | | |
| For planned development | Total units: | | Total square footage: | | | |
| applications only | Total parcels: | | Total buildings: | | | |
| Property owner name and address | S: EDWARDS, KENT H TRU | JSTEE COLE, KERI P | TRUSTEE | | | |
| Property owner email: Kent@edwar | dsresidential.com | | | | | |
| Property owner phone: 919-422-805 | 54 | | | | | |
| Applicant name and address: Kent Edwards, 405 Carolina Avenue, Raleigh, NC 27606 | | | | | | |
| Applicant email: Kent@edwardsresidential.com | | | | | | |
| Applicant phone: 919-422-8054 DocuSigned by: | | | | | | |
| Applicant signature(s): Funt Edwards 9/25/2023 | | | | | | |
| Additional email(s): slrgtr52@gmail.com | | | | | | |

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By Sean Stewart at 4:28 pm, Sep 26, 2023

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| Conditional Use District Zoning Conditions | | | | | |
|--|------------------|---------------------------------|--|--|--|
| Zoning case #: | Date submitted: | Office Use Only Rezoning case # | | | |
| Existing zoning: | Proposed zoning: | | | | |

| Narrative of Zoning Conditions Offered |
|--|
| |

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

| Property Owner(s) | Signature: | tent Edwards | 9/25/2023 |
|-------------------|--------------|--------------|-----------|
| Printed Name(s): | Kent Edwards | | |

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| Rezoning Application Addendum #1 | | | | |
|---|-----------------|--|--|--|
| Comprehensive Plan Analysis | Office Use Only | | | |
| The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest. | Rezoning case # | | | |

Statement of Consistency

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

The subject site is proposed to maintain its pre-existing underlying R-10 Residential zone, which is consistent with the Future Land Use Map designation of Moderate Scale Residential.

Stated in the opener of the 2030 CP, economic and physical development shall be present and nurtured in a well-oiled comprehensive land use plan.

The zoning request is consistent with the Urban Form Map as Carolina Avenue is a residential street, lacking the Urban Limited Frontage necessary to support the TOD that will require community facilities and streets be available at city standards to serve the use proposed for the property. The pre-existing zoning conditions of R-10, and SRPOD in the Frequent Transit Area allow for more appropriate transitional density goals to be achieved today that remain capatible with existing land and infrastructure.

Urban frontage should be used in urban locations, such as downtown, and transit oriented districts (TOD), to create streetwalls and a pedestrian-oriented environment. In these contexts, vehicular access and front door parking is accommodated on-street. Off-street parking is located at the sides or rear of buildings, but never between the building and the street

Policy LU 1.1; Policy LU 1.2; Policy LU 2.1; Policy LU 2.2; Policy LU 2.5; Policy LU 2.6; Action LU 2.1; Policy LU 4.1; Policy LU 4.2; Policy LU 4.11; Policy LU 4.16; Policy LU 4.19; Policy LU 5.1; Policy LU 5.2; Policy LU 5.4; Policy LU 5.7; Policy LU 6.1; Policy H 1.1; Policy H 1.6; Policy H 2.8; Policy LU 8.3; Policy LU 8.5; Policy LU 8.6; Policy LU 8.10; Policy LU 8.11; Policy LU 8.16; Policy LU 8.14

Public Benefits

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

The recent TOD overlay mapped on 405, 407 and 407 1/2 Carolina is incompatible with the land capacity of these parcels. The surrounding infrastructure needed to fulfill the intent of pedestrian-oriented intent of the TOD does not exist adjacent to the parcels and poses safety concerns to pedestrians sharing the public right of way with vehicles, as expressed by neighbors at the public meeting. These 3 parcels that were selected during mapping were incorrectly analyzed as one whole parcel as opposed to three separate parcels.

The TOD zone was placed in one shape over 3 separate parcels of land, which were recently recombined as recorded in BM 2022 PG 2260 in an effort to bring the subject parcels of land more into conformity with the UDO and recent redevelopment along Carolina Ave.

All 3 parcels front on Carolina Avenue, a local residential road lacking curb and gutter and sidewalk along the entire of the block. 407 and 407 1/2 are non-conforming in width for the R-10/RX district.

405 Carolina contains an existing single family home and the land owner is unable to develop the now vacant and TOD-zoned portion of the property. This parcel is best able to achieve its maximum density with the restablishment of the pre-existing zoning of R-10, and SRPOD as opposed to no options under the current mixed zoning.

The existing Frequent Transit Area designation will still allow the developer of 405, 407 and 407 1/2 Carolina to provide density under the FTA development option and is most appropriate in relationship to the non-conforming R-10 lots, existing infrastructure and surrounding character of the lower intensity residential area.

The land capacity and lot configuration of these 3 parcels is insufficient to support the goals of TOD and poses a safety risk to pedestrians that would be sharing the public right of way with vehicles.

Should the TOD remain, these parcels will be regulated and controlled by the TOD overlay and will remain vacant and/or built with structures at risk of later becoming non-conforming with future changes to the UDO.

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| Rezoning Application Addendum #2 | |
|---|--------------------------------------|
| Impact on Historic Resources | |
| The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District. | Office Use Only Rezoning case # |
| Inventory of Historic Resources | |
| List in the space below all historic resources located on the property to be rezorthe proposed zoning would impact the resource. | ned. For each resource, indicate how |
| N/A | |
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| Public Mitigation | |
| Provide brief statements describing actions that will be taken to mitigate all neg | ative impacts listed above. |
| N/A | |
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Design Guidelines

The Applicant must respond to the **Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas". OR:
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please click here to download the Design Guidelines Addendum if required.

Urban Form Designation: Transit Station Area

Click here to view the Urban Form map.

Please continue to the next page for the Rezoning Checklist Submittal Requirement.

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| Rezoning Checklist (Submittal Requirements) | | | | | | | |
|---|-----|-----|-----|----|--------------------------|--|--|
| To be completed by Applicant | | | | | To be completed by staff | | |
| General Requirements – General Use or Conditional Use Rezoning: | Yes | N/A | Yes | No | N/A | | |
| I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh | X | | | | | | |
| 2. Pre-application conference | X | | | | | | |
| 3. Neighborhood meeting notice and report | X | | | | | | |
| 4. Rezoning application review fee (see <u>Development Fee Guide</u> for rates). | X | | | | | | |
| 5. Completed application submitted through Permit and Development Portal | X | | | | | | |
| 6. Completed Comprehensive Plan consistency analysis | X | | | | | | |
| 7. Completed response to the urban design or downtown design guidelines | X | | | | | | |
| 8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned | X | | | | | | |
| 9. Trip generation study | | X | | | | | |
| 10. Traffic impact analysis | | X | | | | | |
| For properties requesting a Conditional Use District: | Yes | N/A | Yes | No | N/A | | |
| 11. Completed zoning conditions, signed by property owner(s) | | X | | | | | |
| If applicable, see page 18: | Yes | N/A | Yes | No | N/A | | |
| 12. Proof of Power of Attorney or Owner Affidavit | | X | | | | | |
| For properties requesting a Planned Development or Campus District: | Yes | N/A | Yes | No | N/A | | |
| 13. Master plan (see Master Plan submittal requirements) | | X | | | | | |
| For properties requesting a text change to zoning conditions: | | N/A | Yes | No | N/A | | |
| 14. Redline copy of zoning conditions with proposed changes | | X | | | | | |
| 15. Proposed conditions signed by property owner(s) | | X | | | | | |

Please continue to the next page for the Master Plan Submittal Requirements checklist.

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| Master Plan (Submittal Requirements) | | | | | | |
|---|--------------------------|-----|-----|----|-----|--|
| To be completed by Applicant | To be completed by staff | | | | | |
| General Requirements – Master Plan: | Yes | N/A | Yes | No | N/A | |
| 1. I have referenced this Master Plan Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh | | X | | | | |
| 2. Total number of units and square feet | | X | | | | |
| 3. 12 sets of plans | | X | | | | |
| 4. Completed application submitted through Permit and Development Portal | | X | | | | |
| 5. Vicinity Map | | X | | | | |
| 6. Existing Conditions Map | | X | | | | |
| 7. Street and Block Layout Plan | | X | | | | |
| 8. General Layout Map/Height and Frontage Map | | X | | | | |
| 9. Description of Modification to Standards, 12 sets | | X | | | | |
| 10. Development Plan (location of building types) | | X | | | | |
| 11. Pedestrian Circulation Plan | | X | | | | |
| 12. Parking Plan | | X | | | | |
| 13. Open Space Plan | | X | | | | |
| 14. Tree Conservation Plan (if site is two acres or more) | | X | | | | |
| 15. Major Utilities Plan/Utilities Service Plan | | X | | | | |
| 16. Generalized Stormwater Plan | | X | | | | |
| 17. Phasing Plan | | X | | | | |
| 18. Three-Dimensional Model/renderings | | X | | | | |
| 19. Common Signage Plan | | X | | | | |

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Who Can Initiate a Zoning Request?

If requesting to down-zone property, the rezoning application must be signed by all the property owners whose property is subject to the downzoning. Downzoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

- 1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- 2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

- 1. The property owner:
- 2. An attorney acting on behalf of the property owner with an executed power of attorney; or
- 3. A person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purpose of initiating the request, by property owners or third-party applicants.

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| Date: |
|--|
| Re: (SITE LOCATION) |
| Neighboring Property Owners and Tenants: |
| You are invited to attend a neighborhood meeting on (MEETING DATE). The meeting will be held at (MEETING LOCATION, INCLUDING ADDRESS) and will begin at (TIME). |
| The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS AND NEARBY LANDMARKS). This site is current zoned (CURRENT ZONING DISTRICT) and is proposed to be rezoned to (PROPOSED ZONING DISTRICT). (Please also provide any relevant details regarding the request.) |
| The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners and tenants within 500 feet of the area requested for rezoning. |
| If you have any concerns or questions I (we) can be reached at: |
| Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." If you have further questions about the rezoning process, please contact the Raleigh Planning and Development Department at: |
| (919) 996-2682 (option 2) rezoning@raleighnc.gov |
| Thank you. |
| |
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| |
| |
| At least 10 days prior to the meeting date with the owners of property, the applicant shall notify the owners of property about the meeting; notice shall be by first class mail or certified mail return receipt. If notification is to be by first class mail, the applicant shall deliver the sealed, addressed, stamped envelopes to Planning and Development prior to the aforementioned 10-day period. If notification is to be by certified mail return receipt, copies of the return receipts shall be given to Planning and Development at time of application submittal. |
| |
| Submitted Date: REVISION 06.02.22 |
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raleighnc.gov

SUMMARY OF ISSUES

| May 22, 2023 | |
|--|---|
| A neighborhood meeting was held on | (date) to discuss a potential rezoning located at |
| 405, 407 and 407 1/2 Carolina Avenue | (property address). The neighborhood |
| 2305 Lake Wheeler Road | 7 |
| Meeting was held at | (location). There were approximately |
| (number) neighbors in attendance. The general issues discussed | were: |
| Summary of Iss | sues: |
| The intent of the TOD overlay and what a residential mix | ed use zone is. |
| Existing pedestrian experience on Carolina Ave. Neighbo | ors say they fear being hit by speeding cars. |
| The difference between the Frequent Transit Area and a | TOD zone. |
| Increased pedestrian foot traffic in the front yards of neig | hbors. |
| Capacity of the land in question for rezoning. | |
| TOD parcels in the surrounding area. | |
| What R-10 and SRPOD zoning mean. | |
| | |

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| Attendance Roster | |
|-------------------|----------------------|
| Name | Address |
| Douglas Green | 427 Carolina Ave |
| Helen Schupp | 431 Carolina Ave |
| Alicia Thomas | One Exchange Plaza |
| Jason Orders | 402/406 Carolina Ave |
| Sean Stewart | One Exchange Plaza |
| Sharon Berry | 406 Carolina Ave |
| AJ Stillittano | Carolina Ave |
| Sam Reilly | Consultant |
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