



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-16-09 Conditional Use; New Bern Avenue

General Location: New Bern Avenue, north side, east of Bertie Drive

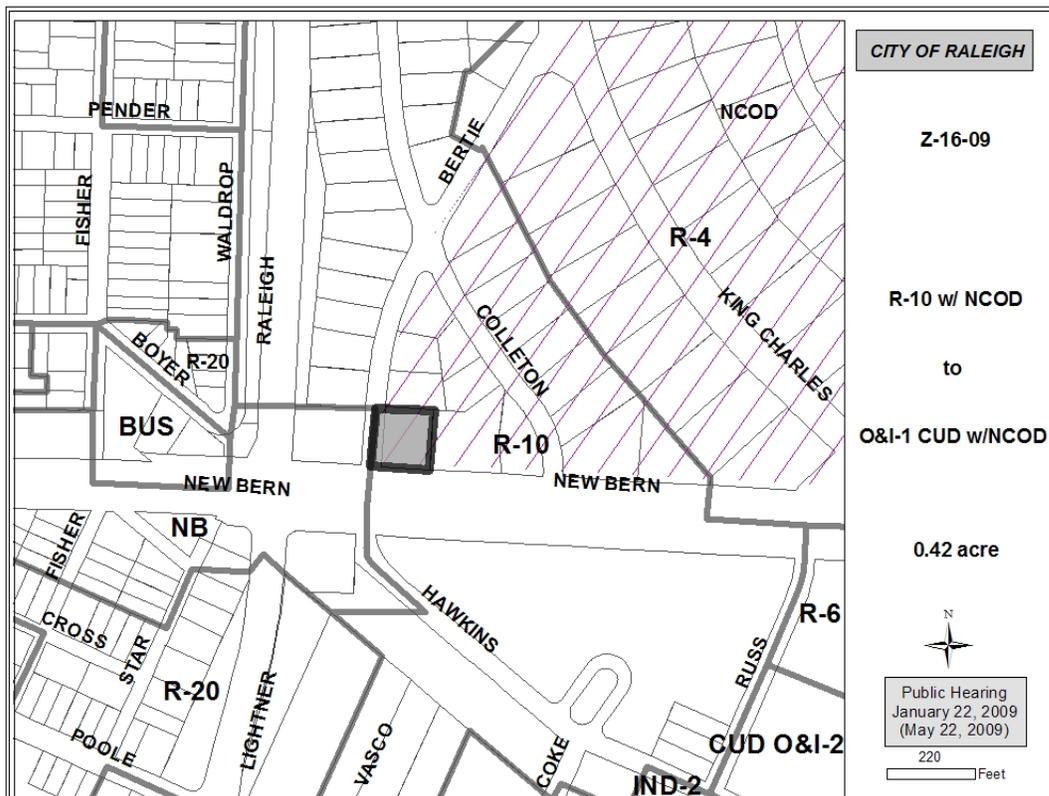
**Planning District
/ CAC:** East / East

Request: Petition for Rezoning from Residential-10 w/ Neighborhood Conservation Overlay to Office & Institution-1 CUD w/ Neighborhood Conservation Overlay District.

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

**Valid Protest
Petition (VSP):** No

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated June 5, 2009.





Zoning Staff Report: Z-16-09 Conditional Use

LOCATION: This site is located on the north side of New Bern Avenue, east of its intersection with Bertie Drive.

AREA OF REQUEST: 0.42 acres

PROPERTY OWNER: Annette Exum

CONTACT PERSON: Annette Exum, 919-828-7448

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:**

May 22, 2009

ZONING:	<u>Current Zoning</u> Residential-10 <u>Current Overlay District</u> NCOD	<u>Proposed Zoning</u> Office & Institution-1 CUD <u>Proposed Overlay District</u> NCOD
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ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u> 4 units (10 units per acre)	<u>Proposed Zoning</u> 6 units (15 units per acre)
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ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u> None	<u>Proposed Zoning</u> 13,721 square feet
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ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u> None	<u>Proposed Zoning</u> N/A
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ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u> Tract ID	<u>Proposed Zoning</u> Low Profile (<i>Height=3.5 feet; Area=70 sq ft</i>)
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ZONING HISTORY: This property has been zoned Residential-10 for several decades. The approval of Z-73-04 added the Neighborhood Conservation Overlay District (NCOD) to the property.

SURROUNDING ZONING:
NORTH: Residential-10
SOUTH: Residential-10
EAST: Residential-10

WEST: Neighborhood Business

LAND USE: Single-family residential

SURROUNDING

LAND USE: NORTH: Single-family residential
SOUTH: Multi-family residential
EAST: Single-family residential
WEST: Auto Service

DESIGNATED HISTORIC RESOURCES: N/A.

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	East
Urban Form	Residential side of PBL
Specific Area Plan	King Charles Neighborhood Plan
Guidelines	N/A

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

The request is inconsistent with the Comprehensive Plan. The property is located in the East District with more specific recommendations in the King Charles Neighborhood Plan. The East District Plan shows this property on the residential side of a Policy Boundary Line. The King Charles Neighborhood Plan contains a policy that specifically states, “Discourage business uses of residential property within the neighborhoods. This includes, but is not limited to, churches, daycare facilities and other homes businesses.”

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

The subject property is a part of the King Charles Neighborhood Conservation Overlay District (NCOD), and the single-family dwellings located to the immediate north and east of the property are also regulated by the King Charles NCOD. Property located south of the proposed rezoning contains multi-family housing, and the property to the west is occupied by an auto service business.

The applicant has indicated that the subject property looks, in all respects, the same as the surrounding residential properties. The applicant has been operating an office from the dwelling that is located on the subject property, which has resulted in the issuance of a Zoning Violation. The proposed rezoning would allow for the office use to legally continue; however, the applicant would be required to bring the building and the site into compliance with the codes relating to non-residential uses, which will alter the appearance of both the property and the building. In order for an office use to be considered compatible with the surrounding area the applicant would need to provide conditions to ensure that the existing structure, either in its current or altered form, is compatible with the

surrounding neighborhood. Further, any additional buildings should be compatible with the surrounding residential neighborhood. A condition should also be added regulate any signage that may be used on the property.

3. Public benefits of the proposed rezoning

The applicant has stated that the proposed zoning will offer a source of stability for the neighborhood and assurance that a positive activity is occurring in and near their respective surroundings. The applicant further states that the proposed use will offer job opportunities for members of the community, and internship opportunities for students.

4. Detriments of the proposed rezoning

Without conditions to regulate the building size, roof design, building materials and signage, or conditions that require that the existing building be maintained, the detriment of the proposed rezoning may be that the goals of the community supported and adopted King Charles Neighborhood Plan are violated.

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

TRANSPORTATION: New Bern Avenue is classified as a principle arterial (2007 ADT- 20,000 vpd) and exists as a six lane median divided roadway with a 170-foot right-of-way. City standards call for New Bern Avenue to be constructed with curb and gutter and sidewalks on both sides within the existing right-of-way. Bertie Drive is classified as a residential street and exists and 2-lane road with a 31-foot back-to-back curb and gutter section within a 50-foot right-of-way. City standards call for Bertie Drive to be constructed with sidewalk on a minimum of one side within the existing right-of-way.

The petitioner may wish to consider a condition stating that reimbursement for additional right-of-way dedicated shall be at current R-10 values. The petitioner may also wish to consider a condition stating that no vehicular assess will be permitted onto New Bern Avenue from the subject property.

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.

HYDROLOGY: FLOODPLAIN: None.
DRAINAGE BASIN: Walnut
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No Neuse Buffer. No WSPD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>2,205</u> gpd	Approx. <u>1,365</u> gpd
Waste Water	Approx. <u>2,205</u> gpd	Approx. <u>1,365</u> gpd

The proposed rezoning would not impact the City's wastewater collection or water distribution systems. There are existing sanitary sewer and water mains located adjacent to the zoning case's boundary.

PARKS AND

RECREATION:

This property is not adjacent to any greenway corridor. The request has no impact on existing park services.

WAKE COUNTY

PUBLIC SCHOOLS:

Based on the Wake County data, students living in this area may be assigned to attend either: Hunter Elementary, Moore Square Middle or Enloe High. Development of the subject property at the requested rezoning could potentially lead to a negligible increase in the projected number of students assigned to the schools listed.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Hunter	829	129.9%	830	130.1%
Moore Square	490	86.9%	490	86.9%
Enloe	368	78.0%	368	78.0%

IMPACTS SUMMARY:

There are no notable impacts from the proposed rezoning.

OPTIONAL ITEMS OF DISCUSSION

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

N/A

2. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be property applied to it now were it being zoned for the first time.**

N/A

APPEARANCE COMMISSION:

This request is not subject to Appearance Commission review.

CITIZENS' ADVISORY COUNCIL:

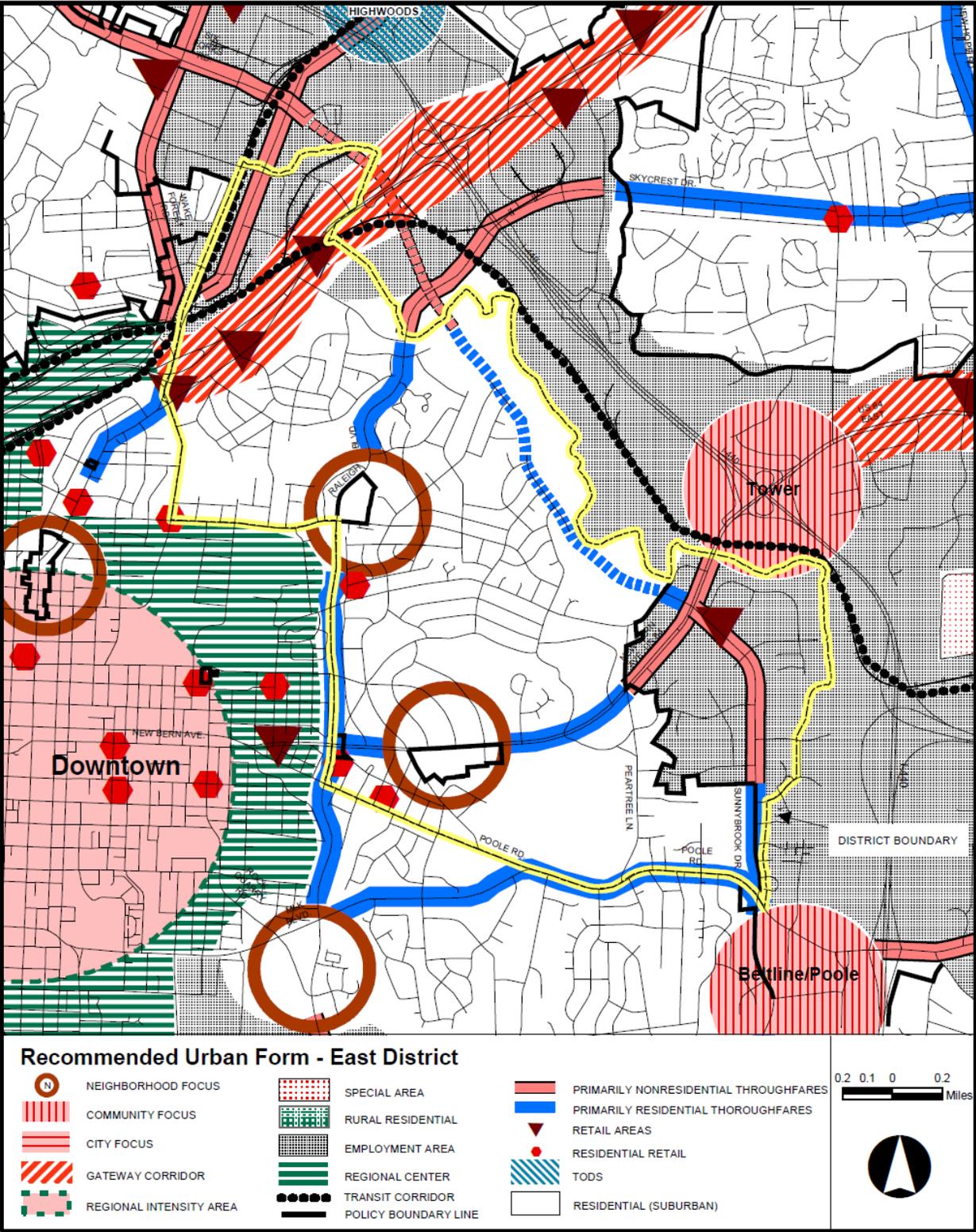
DISTRICT: East
CAC CONTACT PERSON: Mark Turner, 919- 741-6329

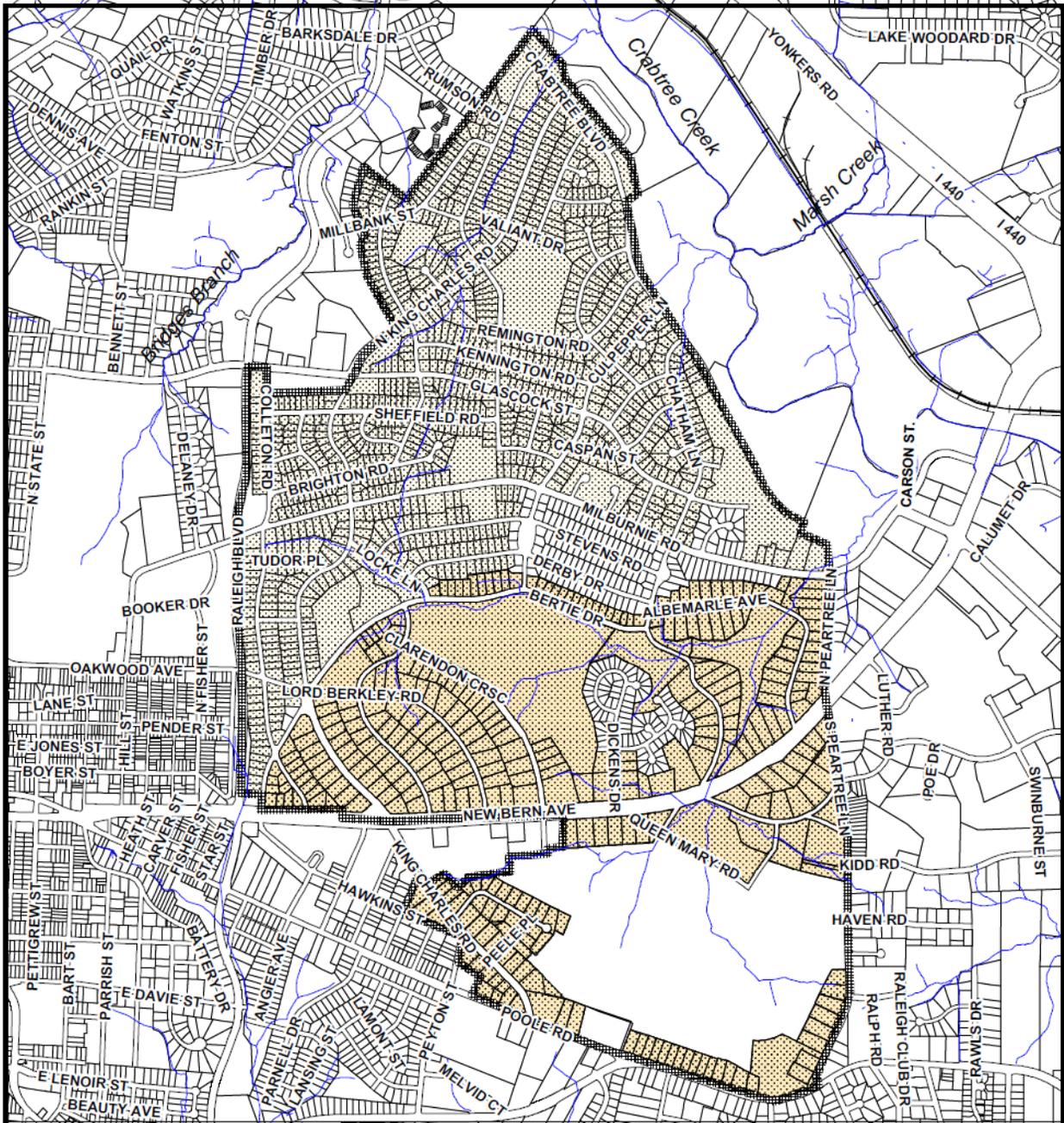
SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

1. Outstanding issues:

- a. The East District Plan shows the subject property on the residential side of a Policy Boundary Line.
- b. The King Charles Neighborhood Plan (NP) recommends that the subject property remain single-family residential.





King Charles Neighborhood Plan

-  Plan Boundary
-  South Section Parcels for Rezoning
-  North Central Section Parcels for Rezoning

