



# 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) W-Stephs Date: 03/20/08  
Stacey Stephens 03/20/08

Please type or print name(s) clearly:  
WARREN STEPHENS 03/20/08  
STACEY STEPHENS 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 <del>1,000.00</del> by check # 13501</u>

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

See instructions, page 6

**1) Petitioner(s):** Warren Stephens 107 Greygate Place (919)851-4925  
 Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.  
Stacey Stephens Cary, NC 27518 \_\_\_\_\_

**2) Property Owner(s):** Warren Stephens 107 Greygate Place (919)851-4925  
Stacey Stephens Cary, NC 27518 \_\_\_\_\_

**3) Contact Person(s):** Ted Van Dyk, AIA 1304 Hillsborough Street 919.831.1308  
 \_\_\_\_\_ Raleigh, NC 27605 Ted@newcitydesign.com  
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**4) Property Description:** 0793460320  
 Please provide surveys if proposed zoning boundary lines do not follow property lines.  
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):** 2.40 Acres

**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



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## 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.