



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-15-09 Conditional Use; Donald Ross Drive

General Location: This site is located on the west side of Donald Ross Drive, northwest of its intersection with Poole Road.

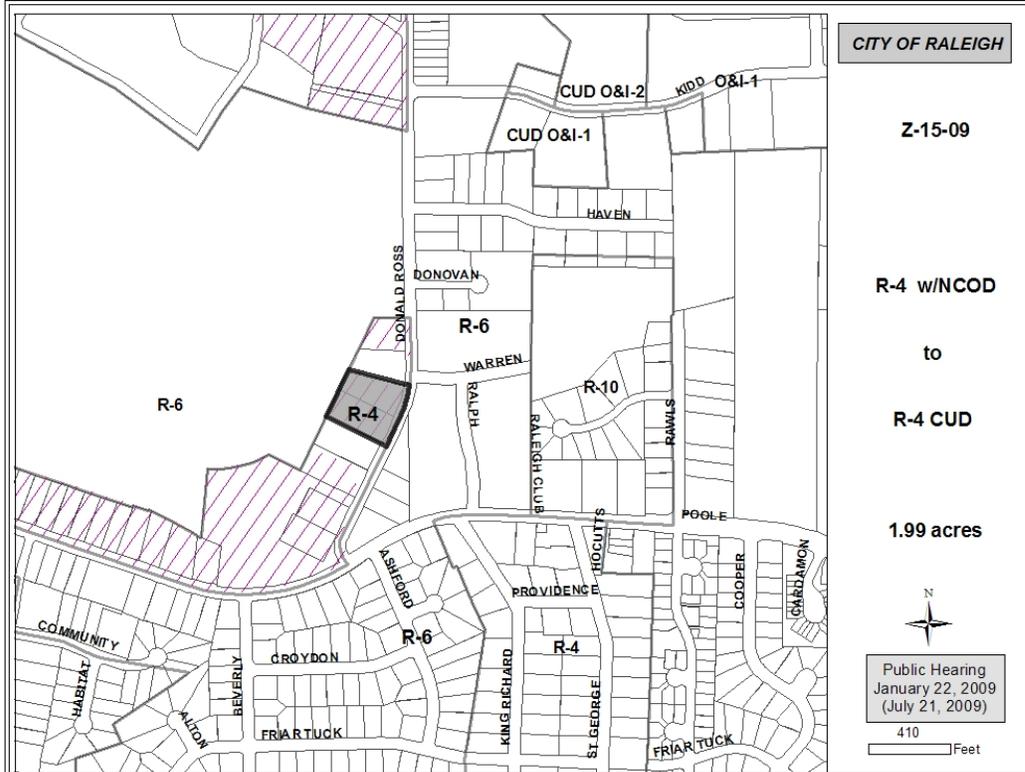
Planning District / CAC: East / East

Request: Petition for Rezoning from Residential-4 w/NCOD to Residential-4 Conditional Use.

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

Valid Protest Petition (VSPP): NO

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan and based on the findings and reasons of this report should be denied.



CASE FILE: Z-15-09 Conditional Use

LOCATION: This site is located on the west side of Donald Ross Drive, northwest of its intersection with Poole Road.

REQUEST: This request is to rezone approximately 1.99 acres, currently zoned Residential-4 with Neighborhood Conservation Overlay District. The proposal is to rezone the property to Residential-4 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 and based on the findings and reasons of this report should be denied.

FINDINGS AND REASONS:

- (1) The request is inconsistent with the Comprehensive Plan. Removal of the King Charles Neighborhood Conservation Overlay District would not be consistent with the guidelines set forth in the Comprehensive Plan.
- (2) The proposal would have very little public benefit. Removal of the NCOD would not be in the best interest of the surrounding neighborhood or community. Properties were included in the NCOD to help conserve and protect the overall character of the neighborhood. Property could be redeveloped as currently zoned.
- (3) Based on the above stated reasons that this request should be denied.

To PC: 1/27/09
Case History: 1/27/09 Referred to COW
5/5/09 COW- Applicant requests time extension
6/2/09 COW
6/7/09 Planning Commission

To CC: 6/16/09 **City Council Status:** _____
Staff Coordinator: Stan Wingo

Motion: Bartholomew
Second: Holt
In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris, Edmisten, Holt, Mullins, Smith, Vance
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: 6/10/09



Zoning Staff Report: Z-15-09 Conditional Use

LOCATION: This site is located on the west side of Donald Ross Drive, northwest of its intersection with Poole Road.

AREA OF REQUEST: 1.99 acres

PROPERTY OWNER: Elizabeth Grady

CONTACT PERSON: Tommy Oates 868-6500

PLANNING COMMISSION RECOMMENDATION DEADLINE: May 22nd, 2009

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Residential-4	Residential-4 Conditional Use
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	NCOD	None

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	2 dwelling units	6 dwelling units per conditions

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Office uses not permitted.	Office uses not permitted.

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Retail uses not permitted.	Retail uses not permitted.

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Tract ID Sign	Tract ID Sign

ZONING HISTORY: This property was rezoned to be included in the King Charles Neighborhood Conservation Overlay in 2004 (Z-73-04)

Southern NCOD

- Minimum lot size: 0.77 acres
- Minimum front yard setback: 76 feet
- Minimum lot width: 144 feet
- Maximum house height: no more than two stories

SURROUNDING

ZONING: NORTH: R-4
SOUTH: R-4
EAST: R-6
WEST: R-6

LAND USE: Single Family

SURROUNDING

LAND USE: NORTH: Single Family
SOUTH: Single Family
EAST: Multi Family Apartments
WEST: Golf Course

DESIGNATED HISTORIC RESOURCES: *This site is not located within a historic district and does not contain any historic landmarks.*

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 Suburban
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).

This site is located in the East Planning District within an area designated as appropriate for suburban residential. However, the property is also located within the King Charles Neighborhood Plan which outlines building setback, lot size and height. The plan also encourages appropriate infill development while promoting single family, owner occupied housing. With this rezoning proposal the subject properties would be removed from the neighborhood conservation overlay. Retention of the base zoning, Residential-4, ensures single family development.

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

Applicant states that the proposed map amendment is compatible with the suitability of the property for residential use as higher density residential infill while matching the zoning to the rear and in front.

The rezoning proposal would be compatible with surrounding zoning. Properties to the north and south are currently zoned Residential-4 and they were not included within the King Charles NCOD. However, the subject properties are both developable as single family residential under their current zoning classification.

3. Public benefits of the proposed rezoning

Applicant states that the change in zoning could be the jump start to a revitalization of the community around the Raleigh Country Club. The proposed map amendment would lead to increased housing in the downtown area beside the golf course and close to the Wake Medical Center which are needs in this area.

Staff agrees in part with the applicant's assessment. Improved housing development is needed in this area in the form of appropriate infill development. However, this can be accomplished with the current zoning designation while remaining part of the Neighborhood Conservation Overlay District.

4. Detriments of the proposed rezoning

The removal of the King Charles Neighborhood Overlay District will remove neighborhood regulations on setbacks, lot size and building height, all of which help to conserve and protect the overall character of the neighborhood. Removing this overlay could set a precedent and encourage incompatible development in this area.

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

TRANSPORTATION: Donald Ross Drive is classified as a collector street and exists as 2-lane road with a 41-foot back-to-back curb and gutter section within a 60-foot right-of-way. City standards call for Donald Ross Drive to have sidewalk constructed on a minimum of one side within the existing right-of-way. Neither NCDOT nor the City have any projects scheduled on any of these roadways 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: None.
 DRAINAGE BASIN: Crabtree
 STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. No buffer. No WSPD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>3,980</u> gpd	Approx. <u>6,965</u> gpd
Waste Water	Approx. <u>3,980</u> gpd	Approx. <u>6,965</u> gpd

The proposed rezoning would add approximately 2,985 gpd to 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 a greenway corridor and there is not impact on existing park services in the area.

WAKE COUNTY

PUBLIC SCHOOLS: There will be very little impact on area public schools. The proposal will increase potential site development by 1 dwelling unit.

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Oak Grove	865	115.2%	865	115.2%
Dillard Drive	1,167	121.2%	1,167	121.2%
Enloe	368	78.0%	368	78.0%

IMPACTS SUMMARY: This rezoning request would have very little impact on current infrastructure in this area.

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 the NCOD has not encouraged revitalization efforts that positively affect the neighborhood plan area. The most recent development was the construction of duplex units that are used as rooming houses.

Staff disagrees with the applicant's assessment, the NCOD was put in place to help preserve and protect the character of the neighborhood.

APPEARANCE

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

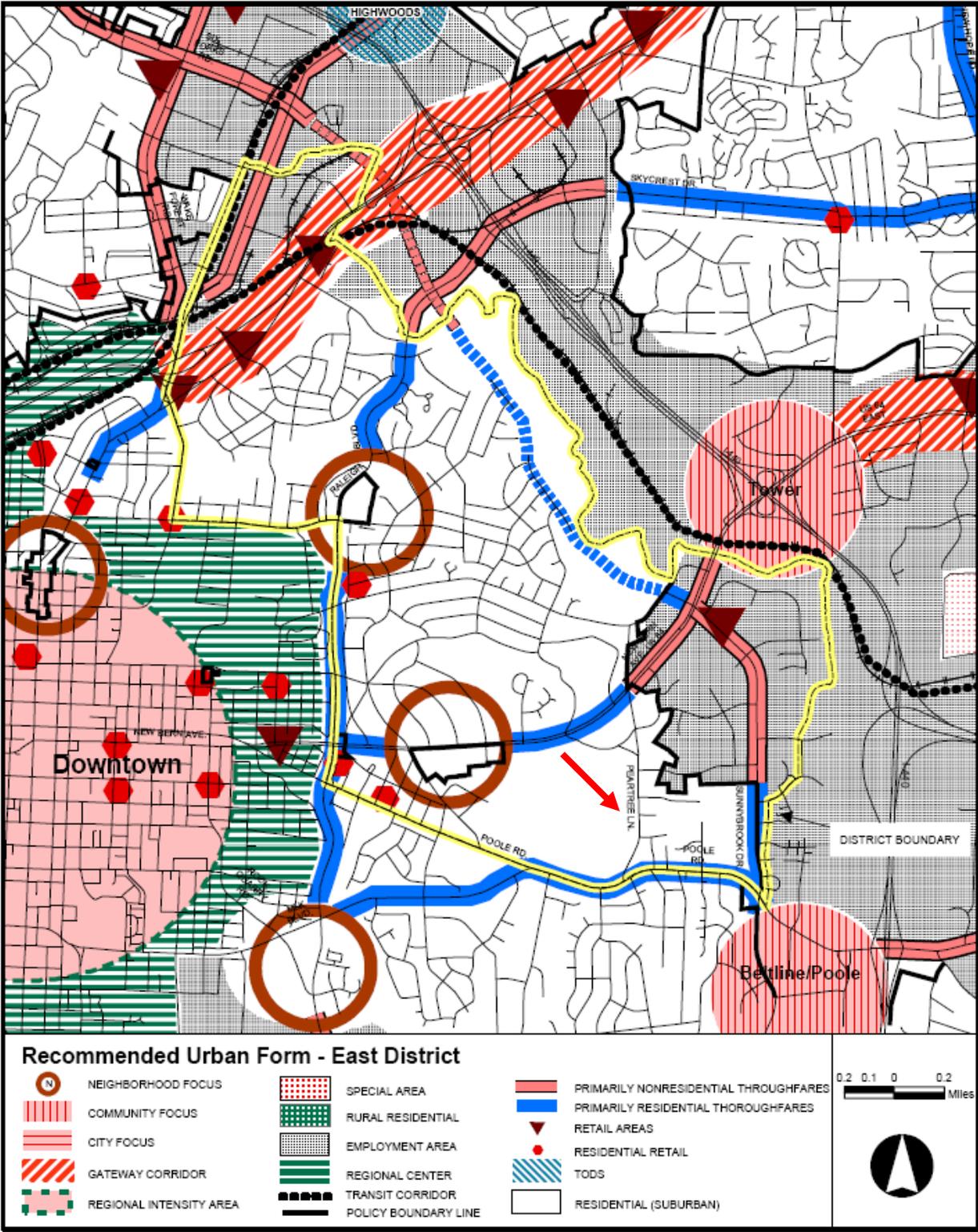
CITIZENS'

ADVISORY COUNCIL: DISTRICT: East
CAC CONTACT PERSON: Mark Turner 741-6329

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

- 1. Outstanding issues**
 - Inconsistent with the Comprehensive Plan



6/06 Raleigh Comprehensive Plan

East District 5-2.F

