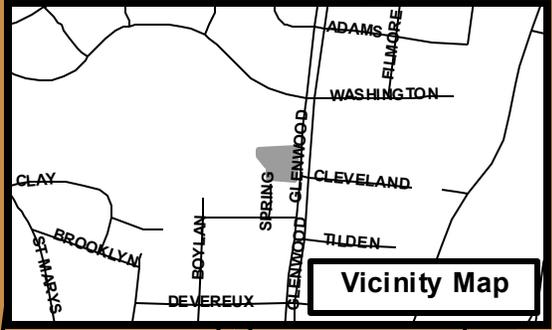


**Existing Zoning Map**  
**Case Number: Z-3-12**



**O&I-1**

**GLENWOOD**

**WASHINGTON**

**R-30**

**GLENWOOD**

**SP R-30**

**CLEVELAND**

**SPRING**

**WILLS FOREST**

**BOYLAN**

**TILDEN**

160

**IND-2**

Feet

**Request:**

**0.6 ac from SPR-30 to RB CUD**

City of Raleigh Public Hearing  
January 17, 2012  
(April 16, 2012)



# Certified Recommendation

Raleigh Planning Commission

CR# 11451

## Case Information Z-3-12 Glenwood Av.

<i>Location</i>	West side of Glenwood Avenue, north of intersection with Wills Forest Street
<i>Size</i>	0.6 acres
<i>Request</i>	Rezone property from Special Residential-30 (SP R-30) to Residential Business Conditional Use District (RB CUD)

## Comprehensive Plan Consistency

Consistent

Inconsistent

### Consistent

<i>Future Land Use Designation</i>	<input type="checkbox"/>	Moderate Density Residential
<i>Applicable Policy Statements</i>	<input type="checkbox"/> <input checked="" type="checkbox"/>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 7.4 – Scale and Design of New Commercial Uses Policy HP 1.2 – Cultural and Historic Resource Preservation Policy HP 2.4 – Protecting Historic Neighborhoods Policy HP 3.1 – Adaptive Reuse Policy HP 3.2 – Retention over Replacement Policy HP 3.3 – Adaptive Reuse and Parking Policy HP 3.4 – Context Sensitive Design Policy UD 5.1 – Contextual Design

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Allow only certain uses on the property.</li> <li>2. Retain existing structures on the property.</li> <li>3. Maximum building height, minimum setbacks, maximum building size, vehicular surface area restrictions, maximum building lot coverage, building entrance orientation, building material restrictions, and minimum roof pitch for any new development.</li> <li>4. Certain signage restrictions.</li> <li>5. One access point onto Glenwood Avenue.</li> <li>6. Offer of cross access between parcels.</li> <li>7. Maximum building lot coverage and floor to area ratio for office uses.</li> </ol>
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## Issues and Impacts

<i>Outstanding Issues</i>	1. Inconsistency with Future Land Use category	<i>Suggested Conditions</i>	1. Amend Condition (a) to remove the specific zoning code section number reference.
<i>Impacts Identified</i>	1. Potential increase in traffic 2. Potential increase in transit ridership	<i>Proposed Mitigation</i>	1. None

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
9/13/11	1/17/12	None	3/27/12: Approve

**Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

## Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with zoning conditions dated March 26, 2012.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. The request is reasonable and in the public interest, and will not adversely impact surrounding properties. Rezoning to Residential Business Conditional Use District with the proposed conditions will have little additional impact on surrounding infrastructure, and will provide the applicant a broader range of options for redevelopment. Applicable policies and guidelines have been met.</li> <li>2. The proposal is compatible with the surrounding area. While the property is adjacent to low density residential, the applicant has provided conditions to keep the existing residential type buildings on the properties. If these buildings are to be replaced, any new development is subject to conditions providing design standards that are sensitive to surrounding residential structures.</li> <li>3. The request will bring into compliance the currently non-conforming office use on 909 Glenwood Avenue.</li> <li>4. The conditions provide a greater degree of protection for keeping and maintaining the historic buildings on the properties than currently exists or is provided for neighboring historic buildings.</li> </ol>
<i>Motion and Vote</i>	<p>Motion: Buxton Second: Fleming</p> <p>In Favor: Butler, Buxton, Fleming, Harris Edmisten, Haw, Mattox, Sterling Lewis, Terando</p> <p>Excused: Schuster</p>





# Zoning Staff Report - Z-3-12

## Conditional Use District

### Request

<i>Location</i>	West side of Glenwood Avenue, north of intersection with Wills Forest Street
<i>Request</i>	Rezone property from Special Residential-30 (SP R-30) to Residential Business Conditional Use District (RB CUD)
<i>Area of Request</i>	0.6 acres
<i>Property Owner</i>	A.J. Fletcher Foundation
<i>PC Recommendation Deadline</i>	April 16, 2012

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Special Residential-30	Residential Business Conditional Use District
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Multi-Family Residential and Office	Unknown
<i>Residential Density</i>	30 Units per acre (max. 18 units)	10 Units per acre (max. 6 units)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	SP R-30, O&I-1	SP R-30, R-30	SP R-30	SP R-30, O&I-1
<i>Future Land Use</i>	Moderate Density Residential (6 to 14 units per acre), Public Parks and Open Space	Moderate Density Residential	Moderate Density Residential	Moderate Density Residential, Public Parks and Open Space
<i>Current Land Use</i>	Low Density Residential, Public Park	Low Density Residential	Low Density Residential, Multi-Family Residential	Low Density Residential, Public Park

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Moderate Density Residential (6-14 units/acre)
<i>Area Plan</i>	n/a
<i>Applicable Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency

	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 7.4 – Scale and Design of New Commercial Uses Policy HP 1.2 – Cultural and Historic Resource Preservation Policy HP 2.4 – Protecting Historic Neighborhoods Policy HP 3.1 – Adaptive Reuse Policy HP 3.2 – Retention over Replacement Policy HP 3.3 – Adaptive Reuse and Parking Policy HP 3.4 – Context Sensitive Design Policy UD 5.1 – Contextual Design
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## Contact Information

<i>Staff</i>	Carter Pettibone, <a href="mailto:carter.pettibone@raleighnc.gov">carter.pettibone@raleighnc.gov</a>
<i>Applicant</i>	A.J. Fletcher Foundation
<i>Citizens Advisory Council</i>	Five Points; Phil Poe, Chair, <a href="mailto:pwpo@att.net">pwpo@att.net</a> , 919-832-6777

## Case Overview

The proposal seeks to rezone two parcels, located at 907 and 909 Glenwood Avenue and totaling 0.6 acre, from Special Residential-30 (SP R-30) to Residential Business Conditional Use District (RB CUD). The parcels are located on the west side of Glenwood Avenue north of its intersection with Wills Forest Drive and south of its intersection with Washington Street. There is one flag shaped lot located directly north and west between these parcels and Fred Fletcher Park.

The parcel at 907 Glenwood Avenue has a multi-family residence containing four units. While residential in character, the building at 909 Glenwood Avenue is used as an office, having received a use variance in 1982, according to the applicant.

Neither property has direct vehicular access onto Glenwood Avenue. 907 Glenwood is accessed via an alley off of Wills Forest Drive. Vehicular access to 909 Glenwood Avenue is provided at the rear of the property from a driveway connected to the driveway on the narrow portion of the flag lot to the north.

Conditions proposed with this rezoning limit uses on the property, call for the existing buildings to be retained, provide development standards for any new buildings on the properties if the existing buildings are destroyed or damaged, and detail restrictions on signage for the property.

The parcels are located within the Glenwood Brooklyn neighborhood, a majority of which is zoned R-30 or SP R-30. While the rezoning the properties would bring 909 Glenwood Avenue into compliance with its office use, it would permit limited non-residential uses on both parcels.

## Exhibit C & D Analysis

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

#### 1.1 Future Land Use

The proposal is inconsistent with the Future Land Use Map. The Future Land Use Map designates the parcels as Moderate Density Residential, which is a category that applies to some of the city's older single family residential neighborhoods, along with newer small lot single family subdivisions and patio home developments. Other

housing types would be consistent with this designation as long as an overall gross density not exceeding 14 units per acre was maintained. Gross density in these areas would be 6 to 14 units per acre.

**1.2 Policy Guidance**

The following policy guidance is applicable with this request:

**Policy LU 1.2 - Future Land Use Map and Zoning Consistency**  
The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The proposal is inconsistent with this policy. Office, institutional, and other non-residential uses are not consistent with the Moderate Density Residential category.

**Policy LU 1.3 - Conditional Use District Consistency**  
All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

The proposal is consistent with this policy. Rezoning conditions provided by the applicant are consistent with the Comprehensive Plan.

**Policy LU 2.6 - Zoning and Infrastructure Impacts**  
Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposal is consistent with this policy. There are little additional impacts anticipated to infrastructure associated with this request

**Policy LU 4.5 - Connectivity**  
New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

The proposed rezoning is consistent with this policy. Both parcels have vehicular connections from alternative means other than Glenwood Avenue, and a condition specifies an offer of cross access between the parcels.

**Policy LU 7.4 - Scale and Design of New Commercial Uses**  
New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The proposal is consistent with this policy. The proposed conditions call for the retention of existing buildings on the parcels, or if the existing buildings are destroyed or damaged, new buildings are subject to development standards intended to provide context sensitive design. Maximum height is defined, building square footage is capped at 5,000 square feet for each parcel, and there are additional development standards similar to those specified for new buildings in the Special Residential-30 District.

**Policy HP 1.2 - Cultural and Historic Resource Preservation**

Identify, preserve, and protect cultural and historic resources including buildings, neighborhoods, designed and natural landscapes, cemeteries, streetscapes, view corridors, and archaeological resources.

The proposal is consistent with this policy. The proposed conditions call for preserving the existing older buildings unless they are damaged or destroyed.

**Policy HP 2.4 - Protecting Historic Neighborhoods**

Protect the scale and character of the City's historic neighborhoods while still allowing compatible and context-sensitive infill development to occur.

The proposal is consistent with this policy. The buildings are contributing structures of the Glenwood Brooklyn National Historic District and are part of the historic fabric of the area. The conditions speak to preserving the existing buildings on the properties, and setting design requirements for any new buildings to fit in the existing fabric of the neighborhood if the existing buildings are damaged or destroyed.

**Policy HP 3.1 - Adaptive Reuse**

Encourage adaptive use of historic properties to preserve cultural resources and conserve natural resources.

The proposal is consistent with this policy. 909 Glenwood Avenue is currently used as an office and a rezoning to RB would make this use conforming. The building on 907 Glenwood Avenue could have the opportunity to be adaptively reused for non-residential uses.

**Policy HP 3.2 - Retention over Replacement**

Encourage the preservation and rehabilitation of significant or contributing existing structures, favoring retention over replacement, especially in areas where other historic resources are present.

The proposal is consistent with this policy. The conditions speak to retaining the existing buildings unless damaged or destroyed.

**Policy HP 3.3 - Adaptive Reuse and Parking**

Additional parking required for nonresidential adaptive use should be located to the rear

The proposed rezoning is consistent with this policy. Conditions call for any new vehicular surface areas to be located to the rear of buildings.

**Policy HP 3.4 - Context Sensitive Design**

Use the existing architectural and historical character within an area as a guide for new construction

The proposal is consistent with this policy. The proposed conditions call for the retention of existing buildings on the parcels, or if the existing buildings are destroyed or damaged, any new buildings are subject to development standards intended to provide context sensitive design.

**Policy UD 5.1 - Contextual Design**

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

The proposal is consistent with this policy. The proposed conditions call for the retention of existing buildings on the parcels, or if the existing buildings are destroyed or damaged, any new buildings are subject to development standards intended to provide context sensitive design.

**1.3 Area Plan Guidance**

The site is not located in a portion of the City governed by an Area Plan.

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

909 Glenwood Avenue has housed an office use since 1982 while 907 Glenwood Avenue is used as a multi-family residence. The applicant states that if rezoned, the adaptive reuse of the parcels would be compatible with the surrounding area, which has a number of multi-family residences in close proximity. Conditions seek to preserve the existing buildings, which would be visually compatible with the surround residential buildings. If the buildings or damaged or destroyed, conditions spell out design requirements that would help the buildings bend with surrounding residences.

Since 909 Glenwood Avenue is already used as an office, the property could be suitable for a rezoning to Residential Business. A case for non-residential uses for 907 Glenwood Avenue would be more difficult.

**3. Public benefits of the proposed rezoning**

The applicant states that the proposed rezoning would provide a public benefit by facilitating the rehabilitation and adaptive reuse of the existing structures on the site.

The proposed rezoning could help to reduce congestion in the street by locating office uses in close proximity to residences. It would also allow a higher intensity use to take better advantage of existing infrastructure.

**4. Detriments of the proposed rezoning**

The rezoning would introduce additional non-residential uses to an area with primarily residential uses. It would result in an “island” of Residential Business zoning completely surrounded by SP R-30. Potential site uses could pose light and noise impacts to adjacent residential properties. While the conditions speak to preserving the existing buildings, demolition of the buildings would be a detriment to the historic character of the area.

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

**5.1 Transportation**

<u>Primary Street(s)</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>			
Glenwood Avenue	Major Thoroughfare	15,000	31,000			
<b>Street Conditions</b>						
<u>Glenwood Avenue</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>

Existing	4	75'	Back-to-back curb and gutter section	100'	5' sidewalks on both sides	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	N/A
<b>Meets City Standard?</b>	<b>Yes</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	13	19	<b>6</b>			
PM PEAK	28	31	<b>3</b>			
<b>Suggested Conditions/ Impact Mitigation:</b>			Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-3-12. The petitioner may wish to add a condition stating that access to Glenwood Avenue will be limited to one vehicular access driveway.			
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

**Impact Identified:** The petitioner has added a condition stating that access to Glenwood Avenue will be limited to one vehicular access driveway.

### 5.2 Transit

Transit is established in this corridor but no transit improvements are requested. There is an existing stop with a bench in front of Fletcher Park.

**Impact Identified:** A change in use may increase transit demand in the corridor.

### 5.3 Hydrology

<i>Floodplain</i>	None.
<i>Drainage Basin</i>	Pigeon House
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

**Impact Identified:** None.

### 5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	9,450 gpd	4,500 gpd
<i>Waste Water</i>	9,450 gpd	4,500 gpd

The proposed rezoning will not impact the wastewater collection or water distribution systems of the City. Sanitary sewer and water mains are available to the property.

### 5.5 Parks and Recreation

The subject property is not located adjacent to a greenway corridor. The proposed rezoning will not impact the recreation level of service in this area.

**Impact Identified:** None

**5.6 Urban Forestry**

This rezoning will not have an impact on the application of the tree conservation ordinance (10-2082.14) to the property.

**5.7 Wake County Public Schools**

Under the existing zoning, a maximum of 18 dwelling units could be constructed on the sites. The proposed zoning would permit up to 6 units. The decrease could potentially result in fewer possible students enrolled at base schools (two elementary school students, one middle school student, and one high school student):

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Wiley	385	100.3%	383	99.7%
Daniels	1,145	101.5%	1,144	101.4%
Broughton	2,045	106.3%	2,044	106.3%

**Impact Identified:** The proposal could result in a slight decrease in the number of school-age children in the base school area, based on a reduction in allowable residential density.

**5.8 Designated Historic Resources**

The parcels are located in the Glenwood Brooklyn National Register District and are listed as contributing structures. The applicant also states that both properties are listed on the National Register of Historic Places.

**Impact Identified:** If torn down or modified beyond their historic appearance, it would impact the historic character of the area.

**5.9 Community Development**

The subject property is not within a designated redevelopment area.

**Impact Identified:** None

**5.10 Impacts Summary**

- Potential increase in traffic.
- Potential increase in transit ridership.
- Potential impact to historic character if building(s) are demolished.

**5.11 Mitigation of Impacts**

- None

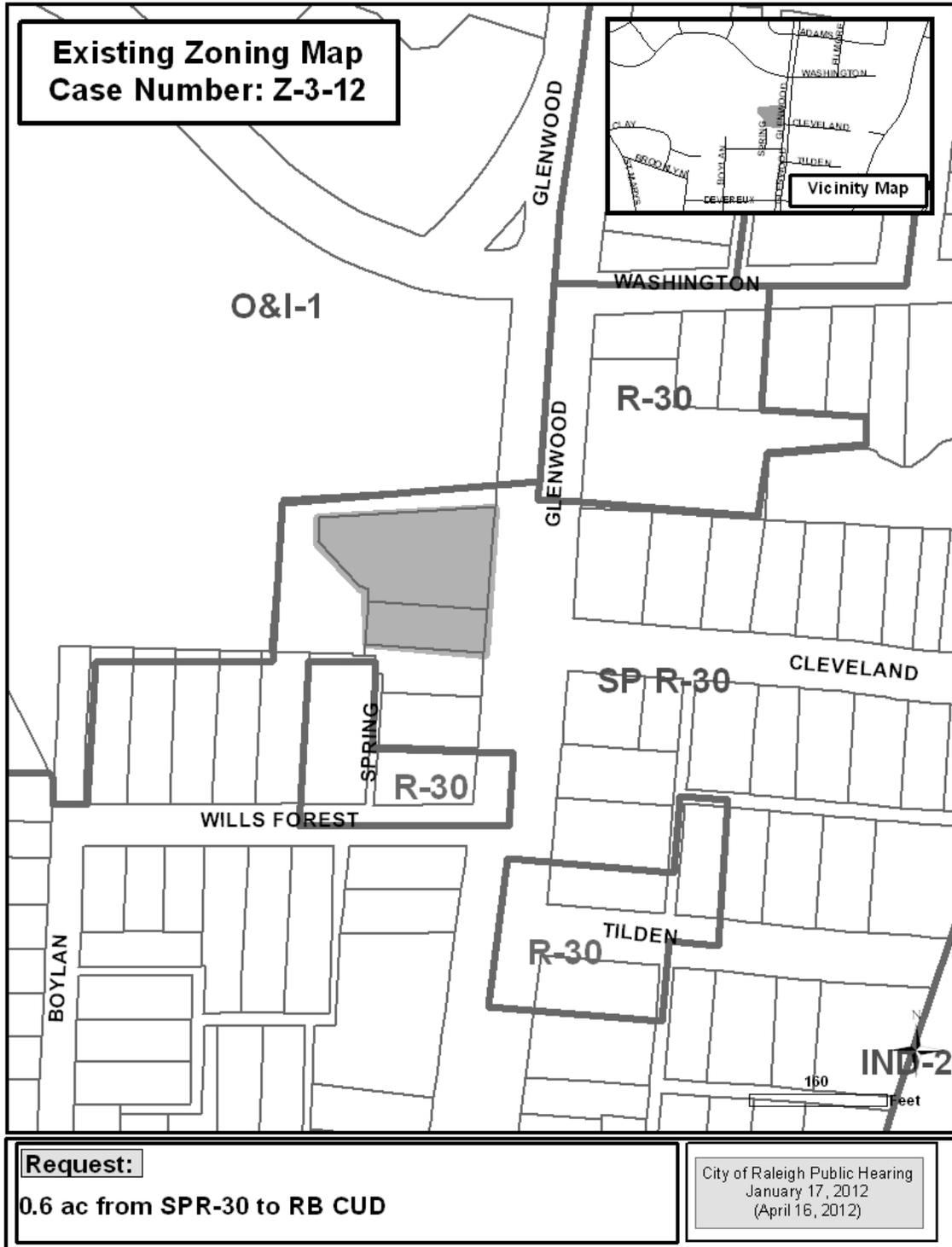
**6. Appearance Commission**

This rezoning request is not subject to Appearance Commission review.

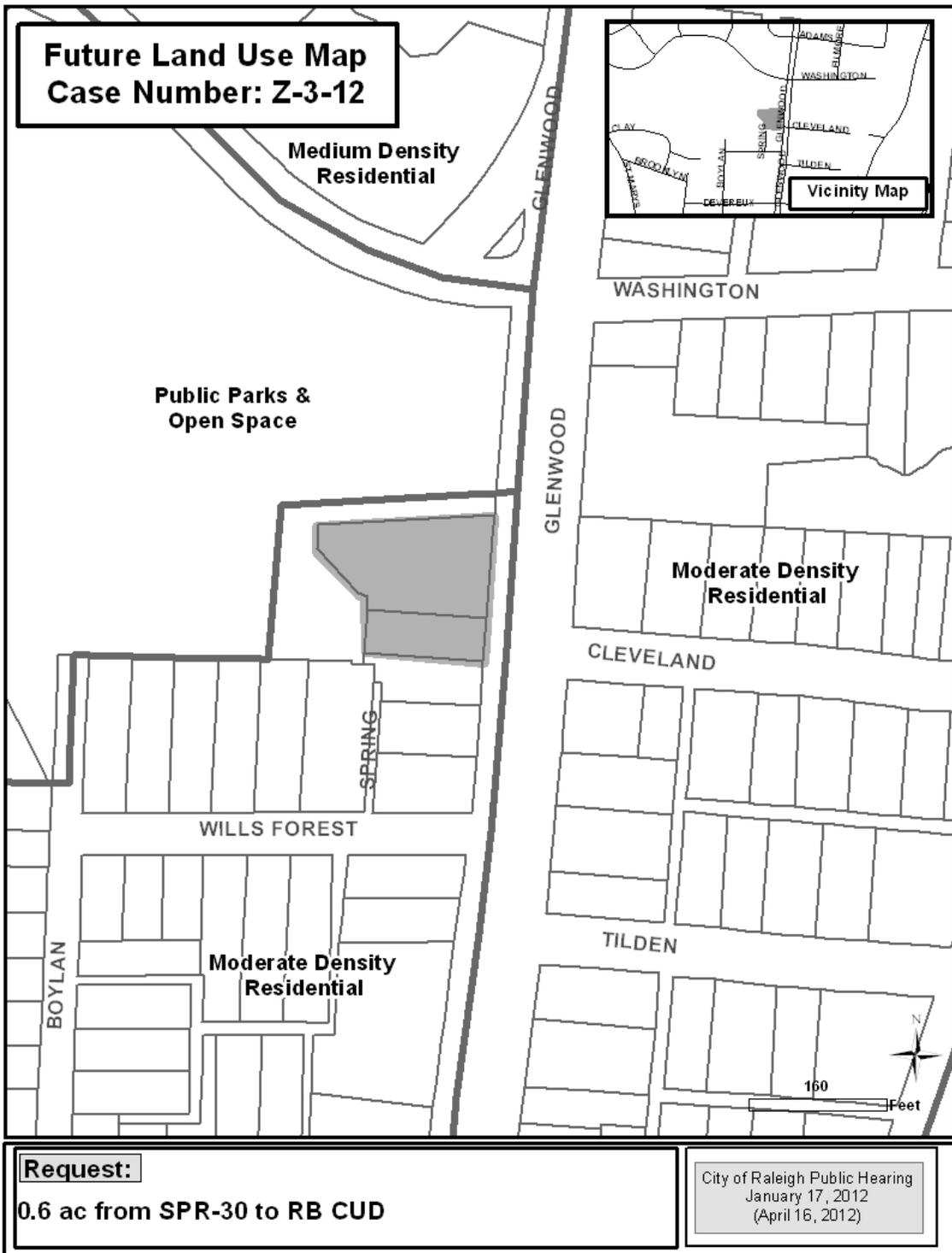
**7. Conclusions**

While the proposed conditions appear to be consistent with Comprehensive Plan, the proposal is inconsistent with the Future Land Use Map, which calls for Moderate Density Residential. Conditions seek to limit non-residential uses on the property, provide for the existing structures to remain on the property, detail design requirements for new buildings on the site if the existing buildings are damaged or destroyed, and specify limits to signage used on the property.

# Existing Zoning Map



# Future Land Use Map





# Petition to Amend the Official Zoning Map

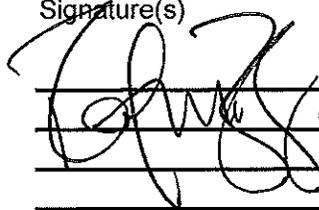
Before the City Council of the City of Raleigh, North Carolina

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 consistent 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:
  - a. to lessen congestion in the streets;
  - b. to provide adequate light and air;
  - c. to prevent the overcrowding of land;
  - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. to regulate in accordance with a comprehensive plan;
  - f. to avoid spot zoning; and
  - g. 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.

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. All property owners must sign below for conditional use requests.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
	R. Michael Birch, Jr., attorney on behalf of property owners A.J. Fletcher Foundation and Scott E. and Elizabeth A. Snyder	September 16, 2011
_____	_____	_____
_____	_____	_____
_____	_____	_____

# EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

## Contact Information

	<b>Name(s)</b>	<b>Address</b>	<b>Telephone/Email</b>
<b>Petitioner(s)</b> (for conditional use requests, petitioners must own petitioned property)	A. J. Fletcher Foundation	c/o Daniel P. McGrath 400 Cedarview Ct. Raleigh, NC 27609	
<b>Property Owner(s)</b>	Same as above		
<b>Contact Person(s)</b>	Mack A. Paul and Michael Birch	4350 Lassiter at North Hills Avenue, Suite 300 Raleigh, NC 27609	919.743.7326 mack.paul@klgates.com 919.743.7314 michael.birch@klgates.com

## Property information

<b>Property Description</b> (Wake County PIN)	1704-43-5490 and 1704-43-6321
<b>Nearest Major Intersection</b>	Glenwood Avenue and Wills Forest Street
<b>Area of Subject Property</b> (in acres)	0.6 acres
<b>Current Zoning Districts</b> (include all overlay districts)	Special Residential-30
<b>Requested Zoning Districts</b> (include all overlay districts)	Residential Business - Conditional Use

BK014526PG02167

WAKE COUNTY, NC 149  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
11/03/2011 AT 11:52:27  
STATE OF NORTH CAROLINA  
REAL ESTATE EXCISE TAX: \$775  
BOOK:014526 PAGE:02167 - 02171

Prepared by and mail to: Moore & Van Allen PLLC  
100 N. Tryon Street, Suite 4700  
Charlotte, North Carolina 28202  
Attn: Evan M. Bass, Esq.

Tax Parcel No.: 1704436321

Property Description: 907 Glenwood Avenue, Raleigh, North Carolina

STATE OF NORTH CAROLINA

Excise Stamps: \$775.00

COUNTY OF WAKE

**NORTH CAROLINA GENERAL WARRANTY DEED**

**THIS DEED** is made as of the 3<sup>rd</sup> day of November, 2011 by and between **SCOTT E. SNYDER and wife, ELIZABETH A. SNYDER** having an address of 5417 Lake Edge Drive, Holly Springs, North Carolina 27540 ("Grantor"), and **A. J. FLETCHER FOUNDATION**, a North Carolina non-profit corporation, having an address of 400 Cedarview Court, Raleigh, North Carolina 27609 ("Grantee"); the designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include the singular, plural, masculine, feminine or neuter, as required by context;

**WITNESSETH**, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does hereby grant, bargain, sell and convey unto the Grantee in fee simple all that certain lot or parcel of land situated in the City of Raleigh, Wake County, North Carolina and being more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by this reference.

The property hereinabove described was devised to Grantor by an instrument recorded in Book 009365, Page 02053 of the Wake County Public Registry.

BK014526PG02168

A plat showing the Property is recorded in Book of Maps 1885, Page 86 of the Wake County Register of Deeds.

To comply with NCGS Section 105-317.2, the property conveyed does not include the primary residence of Grantor.

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple;

**AND THE GRANTOR** covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Taxes for the year 2012, and subsequent years, not yet due and payable.
2. Those matters noted and shown on the Record Plat entitled "Plat of The Glenwood Land Company-Glenwood" recorded in Book of Maps 1885, Page 86, Wake County Registry.
3. Survey by John Y. Phelps Jr., NCPLS 1319 of John Y. Phelps Jr. Professional Surveyor, dated August 31, 2011 reveals the following:
  - a. Triangle gap created by a disparity in chain of deeds into Carrie V. Carrol adjoining property;
  - b. 10' alley ends 5.0' short of the southern property line;
  - c. Overhead power line.

[SIGNATURE PAGE ON NEXT PAGE]

BK014526PG02169

IN WITNESS WHEREOF, Grantor has duly executed this General Warranty Deed as of the day and year first above written.

GRANTOR:

*Scott E. Snyder*  
Scott E. Snyder

*Elizabeth A. Snyder*  
Elizabeth A. Snyder

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he/she signed the foregoing document:

SCOTT E. SNYDER

ELIZABETH A. SNYDER

Date: November 1, 2011

*Michelle J. Frasier*  
Notary Public

Print Name: Michelle J. Frasier

My commission expires: 3/31/14

[Official Seal]



BK014526PG02170

**Exhibit A**

**Legal Description**

All that certain tract or parcel of land located in the City of Raleigh, County of Wake, State of North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pipe in the West line of Glenwood Avenue, the common corner of Lots 7, 8 and the West line of Glenwood Avenue; thence along the dividing line of Lots 7 and 8 North 85°00' West a distance of 137.3 feet to a new iron pipe; thence North 04°30' East a distance of 49.05 feet to an existing iron pipe; thence South 85°22' East a distance of 137.7 feet to an existing iron pipe in the West line of Glenwood Avenue; thence South 05°00' West a distance of 50 feet to the place and point of beginning; being the Eastern Portion of Lots 7 & 6, Glenwood Subdivision, as shown on plat recorded in Book of Maps ~~1188~~, Page 86, Wake County Registry. 1885

BK014526PG02171



BOOK:014526 PAGE:02167 - 02171

**Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

**This Customer Group**  
\_\_\_\_\_ # of Time Stamps Needed

**This Document**  
\_\_\_\_\_ New Time Stamp  
\_\_\_\_\_ # of Pages

58

BK014526PG02172

WAKE COUNTY, NC 150  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
11/03/2011 AT 11:52:27

BOOK:014526 PAGE:02172 - 02176

Prepared by and  
return after recording to: Moore & Van Allen PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, North Carolina 28202  
Attn: Evan M. Bass, Esq.

Tax ID No.: 1704436321

STATE OF NORTH CAROLINA

Excise Stamps: \$0.00\*

COUNTY OF WAKE

**NORTH CAROLINA QUITCLAIM DEED**

**THIS DEED** is made as of this 3<sup>rd</sup> day of November, 2011, by and between **SCOTT E. SNYDER and wife, ELIZABETH A. SNYDER** having an address of 5417 Lake Edge Drive, Holly Springs, North Carolina 27540 ("Grantor"), and **A. J. FLETCHER FOUNDATION**, a North Carolina non-profit corporation having an address of 400 Cedarview Court, Raleigh, North Carolina 27609 ("Grantee"); the designation Grantor and Grantee as used herein shall include said parties, its/their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context;

**WITNESSETH**, that Grantor, for valuable consideration paid by Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has bargained, sold, and by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee all of Grantor's right, title and interest in and to that certain tract or parcel of land lying and being situated in the City of Raleigh, Wake County, North Carolina, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property");

The property hereinabove described was devised to Grantor by an instrument recorded in Book 009365, Page 02053 of the Wake County Public Registry.

BK014526PG02173

A plat showing the Property is recorded in Book of Maps 1885, Page 86 of the Wake County Register of Deeds.

To comply with NCGS Section 105-317.2, the property conveyed does not include the primary residence of Grantor.

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Grantor makes no warranty, express or implied, as to the title to the Property.

- Under N.C.G.S. Section 105-228.29, no excise tax is due in association with a transfer where no consideration in property or money is due or paid by the transferee to transferor. No additional consideration separate from the concurrent conveyance of the property recorded contemporaneously is being paid herewith.

[Remainder of page intentionally left blank]

BK014526PG02174

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed as of the day and year first above written.

GRANTOR:

*Scott E. Snyder*  
Scott E. Snyder

*Elizabeth A. Snyder*  
Elizabeth A. Snyder

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he/she signed the foregoing document:

SCOTT E. SNYDER

ELIZABETH A. SNYDER

Date: November 1, 2011

*Michelle J. Frasier*  
Notary Public

Print Name: Michelle J. Frasier

My commission expires: 3/31/2014

[Official Seal]



BK014526PG02175

**Exhibit A**

As-Surveyed Legal Description  
907 Glenwood Avenue, Raleigh, North Carolina

All that certain tract or parcel of land located in the City of Raleigh, County of Wake, State of North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe in the western right of way of Glenwood Avenue, being the northeast corner of Carrie V. Carroll, the northeast corner of Lot 8 Glenwood, Book of Maps 1885 Page 86 and having N. C. Grid Coordinates of N 743,299.4727 E 2,104,550.3929; thence with the north property line of Carrie V. Carroll N 86°47'10" W a distance of 137.38 feet to an existing iron pipe, in the East property line of Wilbur K. Hester and Cynthia F. Thacker, being Lot 15, Book of Maps 2005 Page 1749; thence with the east property line of Wilbur K. Hester and Cynthia F. Thacker N 02°49'46" E a distance of 48.89 feet to an existing iron pipe, the southwest corner of A. E. Fletcher Foundation, Lot 3 Book of Maps 2005 Page 1749; thence with the south property line of A. E. Fletcher Foundation S 87°10'46" E a distance of 137.74 feet to an existing iron pipe in the western right of way line of Glenwood Avenue, the southeast corner of the A. J. Fletcher Foundation; thence with the western right of way line of Glenwood Avenue S 03°14'26" W a distance of 49.83 feet to the point and Place of Beginning containing 6,789.5 square feet, 0.156 acres.

BK014526PG02176



BOOK:014526 PAGE:02172 - 02176

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**Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.**

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**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

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**This Document**  
\_\_\_\_\_ New Time Stamp  
\_\_\_\_\_ # of Pages  
38

# EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs 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. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
James M. Durham	902 S. Walnut Dr.	Smithfield, NC 27577	1704438440
Community Alternatives for Supportive Abodes, Corp.	P.O. Box 12545	Raleigh, NC 27605	1704438292 1704439504
Karen Mattocks Tower Land Trust	205 Courtland Circle	Clayton, NC 27520	1704439309
Wil Dor Inc.	7408 Siemens Rd.	Wendell, NC 27591	1704435119
Elin E. Gabriel Trustee James Clark Gabriel, Sr. Trustee	480 Dean Falls Tr.	Bryson City, NC 28713	1704434159
Linda H. Brody	903 Glenwood Ave.	Raleigh, NC 27605	1704436221
Dennis C. & Mary F. Poteat	904 Glenwood Ave.	Raleigh, NC 27605	1704438145
Carrie Virginia Carroll	205 Woodside Ave.	Fayetteville, NC 28301	1704436226
Robert F. Bozart Trustee	906 Glenwood Ave.	Raleigh, NC 27605	1704438223
Wilbur Keith Hester Cynthia Frances Thacker	911 Glenwood Ave.	Raleigh, NC 27605	1704435467
City of Raleigh	P.O. Box 590	Raleigh, NC 27602	1704432648

# EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: **Residential Business Conditional Use**

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Narrative of conditions being requested:

As used herein, the "Properties" means and refers to all of those certain tracts or parcels of land containing an aggregate of approximately .60 acres, located along Glenwood Avenue, north of its intersection with Willis Forest Street, in the City of Raleigh, NC, and having Wake County Parcel Identification Numbers: 1704-43-5490 (Deed Book 14071, Page 2771; 909 Glenwood Avenue) and 1704-43-6321 (Deed Book 14526, Page 2172; 907 Glenwood Avenue) (collectively, "Properties").

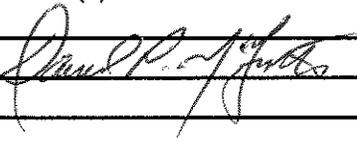
(a) The following principal uses, as listed in Raleigh City Code section 10-2071 "Schedule of Permitted Land Uses in Zoning Districts" shall be the only principal uses permitted on the Properties:

- Agriculture - all
- Recreation:
  - non-governmental, not for profit - all
- Residential – all, except for rooming house, boarding house, lodging house or tourist home
- Institution/Civic/Services:
  - church
  - civic club
  - family child care home
  - library or museum – non-governmental
- Office – all
- Commercial:
  - residential related service

(b) The existing structures located on the Properties shall not be demolished or moved. However, if a structure is damaged or destroyed as a result of the exercise of eminent domain; man-made acts, such as riot, fire, accident, explosion; or flood, lightning, wind or other calamity or natural act, the owner of the property shall not be obligated to restore, rebuild or reconstruct the structure to its previous condition.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
	DANIEL P. MCCREATH TIRENOR LLC As President of Tirenor LLC	May 26, 2012

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# EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: **Residential Business Conditional Use**

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(c) The development of any new principal building on the Properties shall conform to the following standards:

1. The maximum building height for the principal building shall be 12 feet higher than any other residential structure located on property residentially zoned and located within 30 feet of the lot on which the structure is to be located. Notwithstanding this maximum height limitation, any building greater than 40 feet in height shall add one foot of additional width to each required district yard setback for each foot in height over 40 feet, except that any building greater than 40 feet in height located closer than 50 feet to either the lot line of any dwelling, congregate care or congregate care living structure or the boundary line of any residential zoning district shall add two feet of additional width to the required district yard setback adjacent thereto for each foot in height greater than 40 feet.
2. The minimum front yard setback shall be 15 feet, and the maximum front yard setback shall be 45 feet.
3. The minimum side yard setback shall be 5 feet.
4. No structure shall contain more than 5,000 square feet floor area gross.
5. Any new vehicular parking areas shall be located behind the front façade of the principal building.
6. At least one building entrance shall be oriented toward Glenwood Avenue.
7. Subject to condition (h) below for office uses, the maximum building lot coverage shall not exceed 50%.
8. The materials, including their direction, dimension, and application, used on the exterior portion of the building shall be the same as those materials used on any two or more existing buildings on those blocks within or fronting along the streets within the areas (i) to the west of Glenwood Avenue, bound by Wills Forest Street, North Boylan Avenue and Devereux Street; and (ii) to the east of Glenwood Avenue, bound by Washington Street, the railroad right-of-way and Devereux Street.
9. The main roof of any building shall have a minimum rise-to-run pitch of 4 to 12.

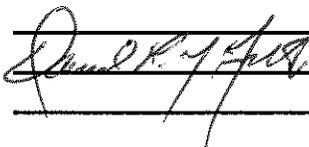
I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)

Print Name

Date

	JAMIEL P. McLEOD Treasurer A.S. FETTER FOUNDATION	March 26, 2012
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# EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: **Residential Business Conditional Use**

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(d) A total of only one sign may be located on the Properties, collectively. No sign on the Properties may be internally illuminated. The maximum dimension of any sign located on the Properties shall be 2.5 feet in height by 6.5 feet in length.

(e) Any new vehicular parking areas associated with the existing principal buildings shall be located to the rear of the principal building. This condition (e) shall not prohibit the maintenance and improvement of the vehicular parking areas in their current locations existing as of the day of adoption of this zoning ordinance.

(f) Direct access to the Properties from Glenwood Avenue shall be limited to one access point. This condition (f) shall not limit access to the Properties from Glenwood Avenue via access over 913 Glenwood Avenue (PIN 1704-43-5467; DB 11579, PG 2381) or 905 Glenwood Avenue (PIN 1704-43-6226; DB 5002, PG 383) or Spring Street.

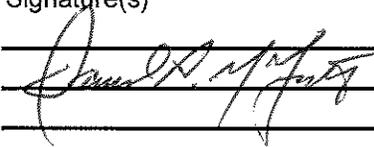
(g) Prior to issuance of a building permit for a new principal building on one of the Properties, the owner of the redeveloping Property shall record in the Wake County Registry a specific offer of vehicular cross-access over and upon the redeveloping Property in favor of the other Property.

(h) Any office use on the Properties is subject to a maximum building lot coverage of 30%. Building lot coverage is the amount of net lot area or land surface area, expressed in terms of a percentage, that is covered by all principal buildings, including: (i) overhangs or cantilevered portions of the building (other than roof overhangs), such as bay windows; (ii) roofs or canopies covering areas where a principal use is conducted, such as a gasoline pump island canopy or display area; (iii) enclosed breezeways or walkways; and (iv) decks, balconies more than 3.5 feet high. Building lot coverage shall exclude roof overhangs; unenclosed walkways or stairs; unenclosed stoops, decks, patios, balconies less than 3.5 feet high; vehicular surface areas and parking structures; uncovered paved areas; and accessory uses and structures, such as signs, decorative items and lighting.

(i) Any office use on the Properties is subject to a maximum floor area ratio of 1.0. Floor area ratio is the numerical value obtained by dividing the floor area gross of the building by the net lot area. Floor area gross is the sum in square feet of the gross horizontal areas of all floors of the building measured from the exterior walls. The floor area gross of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses shall be included in the calculation of floor area gross. However, the following shall not be included in the floor area gross: any space devoted exclusively to off-street parking; outdoor loading, display, utility service areas; mechanical equipment and uninhabited enclosed space on top of roofs; attic space having head room of less than seven feet, ten inches (7' 10").

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
	Daniel P. McHenry TREASURER A.S. Research Foundation	March 26, 2012

## EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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](http://www.raleighnc.gov)).**

##### **A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:**

The properties are designated Moderate Density Residential on the Future Land Use Map, which encourages residential density between 6-14 units per acre. Although professional office uses are already permitted on the property located 909 Glenwood Avenue as a result of a use variance granted by the Board of Adjustment in 1982, the proposed map amendment would allow professional office uses on 907 Glenwood Avenue. Professional office uses are inconsistent with the Future Land Use Map designation.

##### **B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

To the petitioners' knowledge, the subject properties are not located within any Area Plan and are not subject to any other City Council-adopted plan.

##### **C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

Although the proposed map amendment is currently inconsistent with the Future Land Use Map, it does further some important Comprehensive Plan policies. The existing structures on the subject properties are both listed on the National Register of Historic Places, so the policies of the Historic Preservation Element apply. First, the proposed map amendment is consistent with Policy LU 8.4 "Rehabilitation

## EXHIBIT D. Request for Zoning Change

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Before Demolition” by facilitating the rehabilitation of the existing structures for office uses as opposed to the current multifamily use. Also, the ability to reuse the existing structures for office uses is consistent with Policy HP 3.1 “Adaptive Reuse” and Policy HP 3.2 “Retention Over Replacement,” which encourage the preservation and adaptive reuse of significant structures.

### **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 subject properties are bordered to the north by Fletcher Park; to the west by a single family dwelling and Fletcher Park; to the south by single family structures, some of which are used as multi-family conversions; and to the east by Glenwood Avenue and residential structures including garden apartments, single family dwellings and multi-family conversions. The subject properties front along Glenwood Avenue, which is classified as a major thoroughfare.

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

Fletcher Park, located to the north and west, is zoned Office & Institution-1. Properties to the west, south and east are zoned Special Residential-30. The majority of the residentially-zoned properties are built-out as single family dwellings, but many of the structures have been converted to multifamily dwellings. Most of the structures are located close to the adjoining street and have minimal setbacks.

#### **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 properties front along Glenwood Avenue, a major thoroughfare. The existing structures are both listed on the National Register of Historic Places, and are both over 86 years old. Given the location and zoning of the properties, these structures have been used as multifamily conversions for much of the recent past. Also, the structure at 909 Glenwood Avenue has been used as a professional office pursuant to a use variance granted in 1982. The proposed zoning map amendment, which would facilitate the rehabilitation and adaptive reuse of the structures for professional office uses, is compatible with the location of the subject properties, the current professional office use of one of the properties, and the multi-family and park uses surrounding the subject properties.

### **III. Benefits and detriments of the proposed map amendment.**

#### **A. For the landowner(s):**

The proposed map amendment would benefit the owner of 907 Glenwood Avenue by permitting professional office uses and facilitating the rehabilitation of the existing structure for such use. The proposed map amendment would benefit the owner of 909 Glenwood Avenue by permitting professional office uses without the need of the 1982 variance.

#### **B. For the immediate neighbors:**

The proposed map amendment would benefit the immediate neighbors by facilitating the rehabilitation and adaptive reuse of the existing structures.

## EXHIBIT D. Request for Zoning Change

Please use this form only -- form may be photocopied. Please type or print. See instructions in *Filing Addendum*

### C. For the surrounding community:

The proposed map amendment would benefit the surrounding community by facilitating the rehabilitation and adaptive reuse of the existing structures.

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

The proposed rezoning of 907 Glenwood Avenue does not provide a significant benefit that is not available to surrounding properties because professional office uses are currently permitted on 909 Glenwood Avenue. Additionally, the owners of surrounding properties have the same right to petition the City Council to rezone their property.

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

The proposed map amendment is reasonable and in the public interest because it facilitates the rehabilitation and adaptive reuse of the existing structures for professional office uses. The existing structures are located on lots that front along a major thoroughfare and are surrounded by similar structures that have been converted to multi-family residential uses. Additionally, the proposed professional office uses are compatible with the surrounding multifamily residential uses.

### V. Recommended items of discussion (where applicable).

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

Not applicable.

- 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.**

Not applicable.

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

Not applicable.

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

Not applicable.

- e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

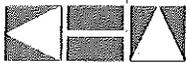
The rezoning advances the fundamental purposes of zoning, particularly to lessen congestion in the streets and to regulate with reasonable consideration of the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City. The proposed rezoning could reduce congestion in the streets by

**FILING ADDENDUM:** Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

providing office uses in close proximity to residences. As noted above, the subject properties are suitable for professional office uses, and the proposed rezoning would facilitate the rehabilitation and adaptive reuse of the existing structures for professional office uses.

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

The applicants have no other arguments on behalf of the proposed map amendment at this time.



Kimley-Horn  
and Associates, Inc.

September 15, 2011

■  
P.O. Box 33068  
Raleigh, North Carolina  
27636

Mr. Eric Lamb, P.E.  
City of Raleigh Public Works Department  
One Exchange Plaza  
219 Fayetteville Street, Suite 300  
Raleigh, North Carolina 27601

Re: 907 & 909 Glenwood Avenue Rezoning  
Raleigh, North Carolina

Dear Mr. Lamb:

Kimley-Horn and Associates, Inc. has reviewed the traffic generation potential for the proposed rezoning of 907 and 909 Glenwood Avenue in Raleigh, North Carolina. 907 Glenwood Avenue is a 0.16 acre property that is currently zoned SPR-30, and 909 Glenwood Avenue is a 0.44 acre property that is also currently zoned SPR-30 and has a valid use variance for professional office use. Both properties are proposed to be rezoned to O&I- 2 with a restriction to professional office and residential use.

The existing land uses on these two parcels consist of a 3,140 square foot (SF) single family home at 907 Glenwood Avenue and a 4,986 SF single family home at 909 Glenwood Avenue. The existing structures are proposed to be maintained and used with the proposed rezoning.

***Trip Generation***

The traffic generation potential of the proposed rezoning was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Eighth Edition, 2008) and is included in Table 1. The traffic generation potential of the existing zoning was also estimated for comparison purposes and is shown in the table below. For this analysis it was assumed that the existing zoning would allow up to 4 apartment units (0.16 acres at 30 units/acre) and 4,986 square feet (SF) of office space (SF of existing 909 Glenwood Avenue building). It was assumed that the proposed zoning would allow up to 8,126 SF of office space (SF of existing buildings).

Due to the low density of the existing and proposed land uses, the ITE weighted average trip generation rates were used instead of the regression equations for everything except the daily trip generation potential of the office uses. The regression equations were used in those instances to be conservative.

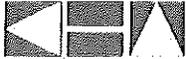


Table 1 ITE Trip Generation Comparison									
Land Use	Size	Daily		AM			PM		
		In	Out	Total	In	Out	Total	In	Out
<b>Existing Zoning</b>									
Apartments	4 d.u.	14	14	2	0	2	2	1	1
General Office	4,986 s.f.	67	67	7	6	1	7	1	6
Subtotal		81	81	9	6	3	9	2	7
<b>Proposed Zoning</b>									
General Office	8,126 s.f.	97	97	12	11	1	12	2	10
Difference		16	16	3	5	-2	3	0	3

Table 1 shows that when compared to the existing zoning, the proposed rezoning has the potential to result in a net increase of 32 trips during a typical weekday (16 entering, 16 exiting), 3 trips during the AM peak hour (5 more entering, 2 fewer exiting), and 3 trips during the PM peak hour (0 entering, 3 exiting). Based on this minor increase in trip generation, we do not believe that a traffic impact analysis should be required with the proposed rezoning.

If you have any questions concerning our analysis, please do not hesitate to contact me at (919) 653-2948.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.  
Project Engineer

RMH/tf

CC: Michael Birch, K&L Gates LLP



ZONING CASE Z-3-12REZONING OF PROPERTY CONSISTING OF +/- 0.6 ACRES LOCATED ALONG  
GLENWOOD AVENUE BETWEEN ITS INTERSECTION WITH WASHINGTON STREET  
AND WILLS FOREST STREET, IN THE CITY OF RALEIGHREPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON SEPTEMBER 13, 2011

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Tuesday, September 13, 2011, at 6:00 p.m. The properties subject to this proposed zoning total approximately 0.6 acres, located along Glenwood Avenue between its intersection with Washington Street and Wills Forest Street, in the City of Raleigh, having Wake County Parcel Identification Numbers 1704-43-5490 and 1704-43-6321. This meeting was held at the historic Borden Building, 820 Clay Street, Raleigh, NC 27605. A copy of the meeting notice is attached hereto as **Exhibit A**. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit B** is a copy of the City Code required mailing list for the meeting invitations. Attached hereto as **Exhibit C** is a copy of the addressed, stamped envelopes containing the neighborhood notices mailed by first class mail. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**. Attached hereto as **Exhibit E** is a list of individuals who attended the meeting. No changes were made to the rezoning petition as a result of this meeting.

**- EXHIBIT A**  
**MEETING NOTICE**  
**(See Attached)**

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**MEMORANDUM**

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**To** Neighboring Property Owners  
**From** Mack Paul and Michael Birch  
**Date** September 2, 2011  
**Re** Notice of meeting to discuss potential rezoning of properties located along Glenwood Avenue, between the intersections of Washington Street and Willis Forest Street, with street addresses of 907 and 909 Glenwood Avenue, and having Wake County PINs: 1704-43-5490 and 1704-43-6321.

The owners of the above-referenced properties are considering rezoning the properties. The properties are currently zoned Special Residential-30; however, professional office uses are currently permitted on 909 Glenwood Avenue. The owners are considering rezoning the properties to allow office uses on both properties.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, September 13, 2011 at 6:00 p.m. This meeting will be held at the historic Borden Building in Fred Fletcher Park, located at 820 Clay Street, Raleigh, NC 27605.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owner to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7326 or [mack.paul@klgates.com](mailto:mack.paul@klgates.com) and (919) 743-7314 or [michael.birch@klgates.com](mailto:michael.birch@klgates.com).

**EXHIBIT B**

**List of Property Owners Contacted About Meeting**

Scott E. & Elizabeth A. Snyder  
5417 Lake Edge Drive  
Holly Springs, NC 27540-9342

A.J. Fletcher Foundation  
Daniel P. McGrath  
400 Cedarview Court  
Raleigh, NC 27609-3819

James M. Durham  
902 S. Walnut Drive  
Smithfield, NC 27577-3732

Community Alternatives for Supportive Abodes Corporation  
P.O. Box 12545  
Raleigh, NC 27605-2545

Karen Mattocks  
Tower Land Trust  
205 Courtland Circle  
Clayton, NC 27520

Wil Dor Inc.  
7408 Siemens Road  
Wendell, NC 27591-8317

Elin E. Gabriel Trustee  
James Clark Gabriel, Sr. Trustee  
480 Dean Falls Trail  
Bryson City, NC 28713-6046

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Raleigh, NC 27605-2545

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903 Glenwood Avenue  
Raleigh, NC 27605-1511

Dennis C. Poteat & Mary F. Craven  
904 Glenwood Avenue  
Raleigh, NC 27605-1512

Carrie Virginia Carroll  
205 Woodside Avenue  
Fayetteville, NC 28301-4835

Robert F. Bozart Trustee  
906 Glenwood Avenue  
Raleigh, NC 27605-1512

Wilbur Keith Hester  
Cynthia Frances Thacker  
911 Glenwood Avenue  
Raleigh, NC 27605-1511

City of Raleigh  
P.O. Box 590  
Raleigh, NC 27602-0590

**EXHIBIT C**

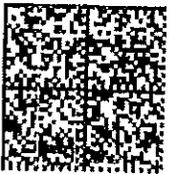
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**(See Attached)**

# K&L|GATES

K&L Gates LP  
4350 Lassiter at North Hills Avenue, Suite 300  
Post Office Box 17047  
Raleigh, NC 27619-7047

James M. Durham  
902 S. Walnut Drive  
Smithfield, NC 27577-3732



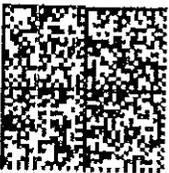
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Clayton, NC 27520



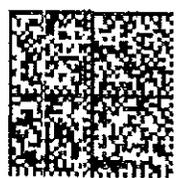
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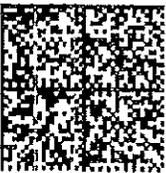
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Linda H. Brody  
903 Glenwood Avenue  
Raleigh, NC 27605-1511



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904 Glenwood Avenue  
Raleigh, NC 27605-1512



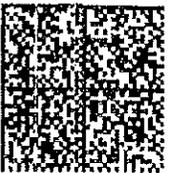
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Carrie Virginia Carroll  
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Fayetteville, NC 28301-4835



nsodau

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**\$00.440**  
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nsodau

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Scott E. & Elizabeth A. Snyder  
5417 Lake Edge Drive  
Holly Springs, NC 27540-9342



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Raleigh, NC 27609-3819



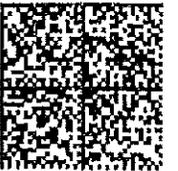
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Wilbur Keith Hester  
Cynthia Frances Thacker  
911 Glenwood Avenue  
Raleigh, NC 27605-1511



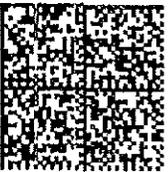
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City of Raleigh  
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Raleigh, NC 27602-0590



nsodaeu

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**\$00.44**  
Mailed From 27609  
09/02/2011  
US POSTAGE

## **EXHIBIT D**

### **SUMMARY OF DISCUSSION ITEMS**

On Tuesday, September 13, 2011, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. The following items were discussed:

1. Use of nearby structures
2. Zoning of surrounding area
3. Size of existing structures
4. Historic status of structures
5. Parking areas for office uses
6. Lighting for office uses
7. Renovation of existing structures

**EXHIBIT E**

**NEIGHBORHOOD MEETING ATTENDEES**

Cindy Thacker  
615 Spring Street  
Raleigh, NC 27605

Keith Hester  
615 Spring Street  
Raleigh, NC 27605

2-3-12

K&L | GATES

K&L Gates LLP  
4350 Lassiter at North Hills Avenue, Suite 300  
Post Office Box 17047  
Raleigh, NC 27619-7047  
t 919.743.7300 www.klgates.com

September 2, 2011

R. Michael Birch Jr.  
D 919.743.7314  
F 919.516.2014  
michael.birch@klgates.com

mailed out  
9/2/11  
DAB

**Via Hand Delivery**

DeShele Sumpter  
Department of City Planning  
One Exchange Plaza, Suite 304  
Raleigh, NC 27601

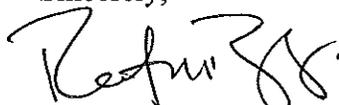
Re: Neighborhood Meeting Notices for Potential Rezoning

Dear DeShele:

In accordance with provisions of the City Code, I am enclosing stamped, addressed envelopes containing neighborhood meeting notices for a potential rezoning case, to be mailed by the City. I am also attaching a copy of the notice and the list of property owners to whom the notices are being sent.

Please feel free to call me should you have any questions or comments.

Sincerely,



R. Michael Birch Jr.

Enclosures

2011 SEP -2 PM 2:11  
CITY OF RALEIGH  
CITY PLANNING DEPT

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**MEMORANDUM**

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**To**            Neighboring Property Owners

**From**        Mack Paul and Michael Birch

**Date**        September 2, 2011

**Re**            Notice of meeting to discuss potential rezoning of properties located along Glenwood Avenue, between the intersections of Washington Street and Willis Forest Street, with street addresses of 907 and 909 Glenwood Avenue, and having Wake County PINs: 1704-43-5490 and 1704-43-6321.

The owners of the above-referenced properties are considering rezoning the properties. The properties are currently zoned Special Residential-30; however, professional office uses are currently permitted on 909 Glenwood Avenue. The owners are considering rezoning the properties to allow office uses on both properties.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, September 13, 2011 at 6:00 p.m. This meeting will be held at the historic Borden Building in Fred Fletcher Park, located at 820 Clay Street, Raleigh, NC 27605.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owner to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7326 or [mack.paul@klgates.com](mailto:mack.paul@klgates.com) and (919) 743-7314 or [michael.birch@klgates.com](mailto:michael.birch@klgates.com).

List of Adjacent Property Owners for 907 and 909 Glenwood Avenue

Scott E. & Elizabeth A. Snyder  
5417 Lake Edge Drive  
Holly Springs, NC 27540-9342

A.J. Fletcher Foundation  
Daniel P. McGrath  
400 Cedarview Court  
Raleigh, NC 27609-3819

James M. Durham  
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