

CITY OF RALEIGH

Z-12-08

R-30 & SP R-30
to
R-30 CUD
w/PBOD

0.92 acre

Public Hearing
January 22, 2008
(May 21, 2008)

175 Feet



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.

The petitioner seeks to show the following:

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☐ 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.

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)

Gaskill-Osgood Properties, LLC

By: Carolyn Gaskill Osgood
Carolyn Gaskill Osgood, Manager

Carolyn Gaskill Osgood
Carolyn Gaskill Osgood

James H. Johnson

Mary G. Johnson

Date:

10/18/07



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:

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- ☐ 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.

The petitioner seeks to show the following:

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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.

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)
Gaskill Osgood Properties, LLC
By: _____
Carolyn Gaskill Osgood, Manager

Carolyn Gaskill Osgood

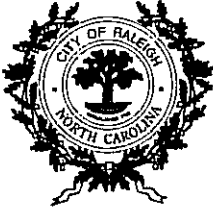
James H. Johnson
James H. Johnson

Mary G. Johnson
Mary G. Johnson

Date: _____

10/17/2007

10/17/2007



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:

5. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
6. 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.

The petitioner seeks to show the following:

3. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
4. 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.

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)
CitySpace Investment Group, LLC
By: [Signature]
Richard Johnson, Manager

Glenwood Avenue Brownstones, LLC
By: [Signature]
Richard Johnson, Manager

Date:

10/19/07

10/19/07

EXHIBIT B. Request for Zoning Change

| | |
|-----------------|--------------------------|
| Office Use Only | |
| Petition No. | 2-12-08 |
| Date Filed: | 10-19-07 |
| Filing Fee: | PO 1005.00 NJ Clerk 2747 |

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

See instructions, page 6

1) Petitioner(s):

Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

Name(s)
Gaskill Osgood Properties,
LLC
Carolyn Gaskill Osgood
James H. Johnson and
Mary G. Johnson
CitySpace Investment
Group, LLC
Glenwood Avenue
Brownstones, LLC

Address:
100 Centerville Court
Cary, NC 27513
1706 Marion Quimby Dr.
Stevensville, MD 21666
1021 Harvey Street,
Raleigh, NC 27608
514 Daniels Street #338,
Raleigh, NC 27605
514 338 Daniels Street,
Raleigh, NC 27605

Telephone / E-Mail

2) Property Owner(s):

Gaskill Osgood Properties,
LLC
Carolyn Gaskill Osgood
James H. Johnson and
Mary G. Johnson
CitySpace Investment
Group, LLC
Glenwood Avenue
Brownstones, LLC

100 Centerville Court
Cary, NC 27513
1706 Marion Quimby
Dr. Stevensville, MD 21666
1021 Harvey Street,
Raleigh, NC 27608
514 Daniels Street #338,
Raleigh, NC 27605
514 338 Daniels Street,
Raleigh, NC 27605

3) Contact Person(s):

Isabel Worthy Mattox

PO Box 946
Raleigh, NC 27602

Phone: 828-7171
Fax: 831-1205
Email:
isabel@mattoxfirm.com

4) Property Description:

Please provide surveys if proposed
zoning boundary lines do not follow
property lines.

Wake County Property Identification Number(s) (PIN): PIN Nos. 1704425320;
1704424321; 1704423371; 1704422355; 1704425325; 1704423323; and
1704422350, together with alley running between tracts PIN nos. 1704425325,
1704425320 and 1704424321 running between Hinsdale Street and W. Pease
Street

General Street Location (nearest street intersections): South of Hinsdale Street;
north of W. Pease Street; west of Glenwood Avenue; east of N. Boylan.

5) Area of Subject Property (acres):

PIN No. 1704425320, .16 acres ±; PIN no. 1704424321, .12 acres ±; PIN No.
1704423371, .12 acres ±; PIN no. 1704422355, .12 acres ±; PIN No. 1704425325
.16 acres ±; PIN no. 1704423323, .13 acres ±; PIN No. 1704422350, .11 ± acres
for a total of .92 acres ±, together with alley running between tracts PIN nos.
1704425325, 1704425320 and 1704424321 running between Hinsdale Street and
W. Pease Street

6) Current Zoning District(s)

Classification:

Include Overlay District(s), if
Applicable

Pin nos. 1704425325 and 1704425320 – zoned R-30;
Pin nos. 1704422355, 1704423323, 1704423371 and 1704424321 – zoned Special
R-30

7) Proposed Zoning District

Classification:

Include Overlay District(s) if
Applicable. If existing Overlay
District is to remain, please state.

R-30 with Pedestrian Business Overlay District - CUD

Petition No. 2-12-08

(Important: Include PIN Numbers 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 in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

[illegible]

4

Wake County Board of Education
3600 Wake Forest Road
Raleigh, NC 27609
PIN: 1704424530

Jeffrey L. Ward
Christa A. Ward
5405 W. Oaks Drive
Fuquay Varina, NC 27526
PIN: 1704420371

McDonalds Corporation (32-0018)
PO Box 182571
Columbus, OH 43218
PIN: 1704420041

Wazee Properties, LLC
PO Box 6481
Raleigh, NC 27628
PIN: 1704422272

Barrett Associates
2012 Prescott Place
Raleigh, NC 27615
PIN: 1704423273

Rebecca H. Kraus
1010 Ramapo Valley Road #R
Mahwah, NJ 07430
PIN: 1704424015

Jill A. Johnson
88 Grace Glen
Nellysford, VA 22958
PIN: 1704427159

James M. Durham
1809 Glenwood Avenue
Raleigh, NC 27608
PIN: 1704427374

Daniel Hayes, et. al
Mary Hayes Lane
130 Forest Road
Raleigh, NC 27605
PIN: 1704427581

David A. Johnson
8100 Coleraine Court
Raleigh, NC 27615
PIN: 1704421405

Peace Street Subway Limited
5317 Kaplan Drive
Raleigh, NC 27606
PIN: 1704420202

Serina S. Milne
614 W. Peace Street
Raleigh, NC 27605
PIN: 1704422222

Paula Jones Narron
Norwood Godwin Narron
610 W. Peace Street
Raleigh, NC 27605
PIN: 1704423222

James H. Johnson
Mary G. Johnson
1021 Harvey Street
Raleigh, NC 27608
PIN: 1704424222

Hinsdale Enterprises
PO Box 71549
Durham, NC 27722
PIN: 1704425020

Joseph H. Holt
Vivian Nicolsen Holt
5016 Bartons Enclave Lane
Raleigh, NC 27613
PIN: 1704427283

Doro Taylor
708 Glenwood Avenue
Raleigh, NC 27605
PIN: 1704427379

Mary Ella G. Johnson
1021 Harvey Street
Raleigh, NC 27608
PIN: 1704421500

Jeffrey L. Ward
Christa A. Ward
5405 W. Oaks Drive
Fuquay Varina, NC 27526
PIN: 1704421332

Barney G. Joyner
Family Trust
815 New Bern Avenue
Raleigh, NC 27601
PIN: 1704420293

Barry Sheffield Properties, LLC
1700 Hillsborough Street
Raleigh, NC 27605
PIN: 1704422130

Barry Sheffield Properties, LLC
1700 Hillsborough Street
Raleigh, NC 27605
PIN: 1704423131

Rebecca H. Kraus
1010 Ramapo Valley Road #R
Mahwah, NJ 07430
PIN: 1704425222

Phillip S. Horwitz
Sue E. Horwitz
PO Box 6
Raleigh, NC 27602
PIN: 1724427018

William J. Reese, Jr.
704 Glenwood Avenue
Raleigh, NC 27605
PIN: 1704427350

Jimmie F. Warlick
310 E. Park Drive
Raleigh, NC 27605
PIN: 1704427474

Jenkins Memorial Church
725 N. Boylan Avenue
Raleigh, NC 27605
PIN: 1704420596

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: The subject property is located within the University District Plan. The recommended land use for this property is residential.
- 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. The subject property is within the Central Area Regional Center and the Glenwood-Brooklyn Small Area Plan. It is immediately adjacent to the Glenwood South Small Area Plan and the Peace Street Pedestrian Business Overlay District.

| | |
|-----------------|---------|
| Office Use Only | |
| Petition No. | Z-12-08 |
| Date Filed: | |

(continued)

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?** Although the Glenwood-Brooklyn Small Area Plan indicates a recommended land use of medium density residential, the Property is within the Central Area Regional Center, which is intended to contain the highest density of uses. It also appears that the Property is in the Region Intensity Area of the Regional Center. According to the Plan, Regional Intensity Areas are found near the junction of two major thoroughfares (Peace Street and Glenwood Avenue, in this case) and would include the highest residential densities, suggesting that the area should be urban in character, which is what is proposed in this location

It should be also noted that the Glenwood-Brooklyn Small Area Plan is inconsistent with the current zoning and the current as-built environmental. Both the proposed and existing zoning provide for high density residential uses and the actual as-built environment is developed as high density residential.

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):** Surrounding land uses are as follows: North: Institutional – elementary school; East: Residential; West: Residential; and South: Commercial.
- B. **Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):** Zoning in the area is as follows: Subject property is Special R-30 and R-30; North: O&I-1 and O&I-2; East: Special R-30; West: Special R-30; and South: Neighborhood Business.
- 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 proposed map amendment is compatible with the area in that it maintains the same permitted density as the current area zoning permits but proposes a more urban development which will be complementary for the surrounding commercial uses..

III. Benefits and detriments of the proposed map amendment.

- A. **For the landowner(s):** Allows for more efficient development and the realization of a yield which will make the development economically feasible.

| |
|-----------------------------|
| Office Use Only |
| Petition No. <u>2-12-08</u> |
| Date Filed: _____ |

(continued)

- B. For the immediate neighbors:** The development will provide a good transition from the commercial development on Peace Street to the lower density residential in the Glenwood-Brooklyn area.
- C. For the surrounding community:** Allows an assemblage of several tracts to be developed in a harmonious manner. Facilitates an urban development with good pedestrian access to public transportation and nearby goods and services.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain: It provides for similar densities as available in the neighborhood, but more flexibility for development than allowable under Special R-30. The setback relief which will be afforded by the PBOD overlay is available to the properties to the south but not otherwise

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest. The property is sandwiched between a commercial NB district along Peace Street and a school building zoned O&I-1 and O&I-2 to the north. The site is very conducive to higher density pedestrian oriented housing based upon its proximity to Glenwood South, availability of goods and services within easy walking distance, ready access to public transportation.

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.** The area has developed significantly since this was last zoned. Glenwood South has become a destination for shopping, dining and entertainment. The City is encouraging infill development in the City center, compliance with Urban Design Guidelines that bring buildings closer to the street and pedestrian friendly development.

(continued)

- c. **The public need for additional land to be zoned to the classification requested.** The public has a need for additional land in this area to be zoned in a way that permits new urban development to be accomplished. The current Special R-30 includes many impediments to higher density, and the setbacks required by both R-30 and Special R-30 require front yard setbacks greater than the typical front yard setbacks in the neighborhood.
- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.** Development permitted by the proposed map amendment would be easily served by existing infrastructure. It would not deprive any adjoining owner of light and air as it is bounded by the major thoroughfare of Glenwood Avenue, commercial development and the major thoroughfare of Peace Street and a large school building.

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



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-12-08 (SSP-1-08) Conditional Use; Hinsdale Street**

General Location: This site is located on the south side of Hinsdale Street, west of its intersection with Glenwood Avenue.

**Planning District
/ CAC:** University / Five Points

Request: Petition for Rezoning from **Residential-30 and Special Residential-30 to Residential-30 Conditional Use with Pedestrian Business Overlay District.**

**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. However, based on the Findings and Reasons stated below, the Planning Commission recommends that this request be approved in accordance with conditions dated April 7, 2008 and the Hinsdale Street Streetscape and Parking Plan dated April 8, 2008.



CASE FILE: Z-12-08 (SSP-1-08) Conditional Use

LOCATION: This site is located on the south side of Hinsdale Street, west of its intersection with Glenwood Avenue.

REQUEST: This request is to rezone approximately 0.92 acre, currently zoned Residential-30 and Special Residential-30. The proposal is to rezone the property to Residential-30 Conditional Use with Pedestrian Business Overlay District.

**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. However, based on the Findings and Reasons stated below, the Planning Commission recommends that this request be approved in accordance with conditions dated April 7, 2008 and the Hinsdale Street Streetscape and Parking Plan dated April 8, 2008.

**FINDINGS
AND REASONS:**

- (1) The request is inconsistent with the Comprehensive Plan. The Glenwood Brooklyn Small Area Plan designates this area as appropriate for medium density residential. Although inconsistent with the Comprehensive Plan, the proposed redevelopment is compatible with the surrounding area. This rezoning request proposes a maximum of 20 units (21.74 units/acre).
- (2) The Planning Commission also finds that this redevelopment is reasonable and in the public interest. Higher density residential on this site will provide an appropriate transition for adjoining retail uses. The proposed urban infill development of this site will be compatible with the surrounding area based on the incorporation of design standards within the current Peace Street Streetscape and Parking Plan. This proposal will also bring higher densities within walking distance of retail uses in the Peace Street and Glenwood South area, supporting the pedestrian business character.
- (3) The proposed zoning conditions would limit overall density to 20 units, building height would be limited to a maximum of 40 feet, no parking would be allowed between the front of buildings and the right of way. Also, access points would be limited to one access onto Boylan Avenue, and redevelopment of the site would require Planning Commission site plan approval. Limitations are also included for garbage containers and types of residential uses.
- (4) The extension of the Peace Street Streetscape and Parking Plan would include several additional standards for this site. The proposed standards are compatible and consistent with the current Peace Street Streetscape and Parking Plan. Implementation of these standards with the redevelopment of this site will insure a consistent and appropriate pattern of development in this area.
- (5) Although this request is located within the Glenwood/Brooklyn National Register Historic District, the subject properties represent the southern boundary of the district and with the nonresidential use located across Hinsdale Street (Charter Elementary School), this 0.92 acre is somewhat removed from the neighborhood proper. The block face along Hinsdale

should be developed as an appropriate buffer between the retail uses along Peace Street, and the Glenwood Brooklyn neighborhood to the north. The loss of the contributing structures resulting from this rezoning does not imperil the overall listing of the National Register District nor does the approval of this rezoning set a precedent for future rezoning within the Glenwood-Brooklyn neighborhood.

- (6) It is anticipated that this site will be developed in conjunction with the adjoining Neighborhood Business zoning district on Peace Street. It appears that the commercial development will be subject to Planning Commission site plan review. During this zoning case, neighbors expressed concern that the amount of off-site parking provided in the adjoining commercial properties exceed city code standards. The site plan requirement in this zoning case provides an opportunity to review development of this site and the adjoining commercial properties in one unified site plan subject to public review.

To PC: 1/29/08
Case History: COW 2/5/2008, PC 2/26/2008 deferred, PC 3/11/2008 deferred, PC 3/25/2008 deferred, PC 4/8/2008

To CC: 4/15/08 **City Council Status:** _____

Staff Coordinator: Stan Wingo

Motion: Chambliss
Second: Davis
In Favor: Anderson, Bartholomew, Butler, Chambliss, Davis, Haq, Harris Edmisten, Holt, Mullins, Smith
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: 4/10/08



Zoning Staff Report: Z-12-08 Conditional Use

LOCATION: This site is located on the south side of Hinsdale Street, west of its intersection with Glenwood Avenue.

AREA OF REQUEST: 0.92 acre

PROPERTY OWNER: Various property owners

CONTACT PERSON: Isabel Mattox 828-7171

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** May 21, 2008

ZONING: **Current Zoning**

Special Residential-30 and
Residential-30

Current Overlay District

None

Proposed Zoning

Residential-30 Conditional Use

Proposed Overlay District

Pedestrian Business Overlay
District

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

R-30 portion: 9 dwelling units
SP R-30 portion: 8 dwelling units (4
duplexes) (18 dwelling units with conditional
approval)

Proposed Zoning

20 dwelling units per zoning
conditions

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

Office uses not permitted.

Proposed Zoning

Office uses not permitted.

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Retail uses not permitted.

Proposed Zoning

Retail uses not permitted.

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Tract ID Sign

Proposed Zoning

Tract ID Sign

ZONING HISTORY: All of the subject properties were originally zoned Residential-30 since the 1950s. Most of the surrounding base zoning classifications were zoned in the same time period. The Special Residential-30 zoned portion of the site was zoned in 1985, shortly after the adoption into the Code of the Special R-30 regulations. The Office and Institution-2 Conditional Use zoning to the north was rezoned in 1998 (Z-94-98). The Pedestrian Business Overlay District was adopted in 2002 as the Peace Streetscape Plan, SSP-1-02. The Overlay was applied with zoning case Z-12-02. The Pedestrian Business Overlay includes the properties adjacent to the south of the proposed rezoning site.

**SURROUNDING
ZONING:**

NORTH: O&I-1 and O&I-2 CUD (Z-94-98)
Conditions: (10/07/98)

- A. The property being rezoned shall be restricted to the following uses:
1. Office uses as specified in the Schedule of Permitted Uses, Section 10-2071, of the City of Raleigh Development Regulations for O&I-2 zoning districts.
 2. Dwelling units
 3. Schools
 4. Recreational areas accessory to schools
 5. Vehicular access and loading area accessory to schools.
 6. Parking accessory to schools
 7. Parking accessory to dwelling units
 8. Parking accessory to office uses

The maximum residential density shall be that allowed in O&I-1. Use of the site for modular or mobile buildings or telecommunication towers as a primary use or accessory use to a school shall be prohibited. There shall be no provision for hotels, motels, commercial parking facilities or special and related service uses that may otherwise be permitted in O&I districts or allowed by the Board of Adjustment.

B. The addition of any vehicular surface area (including the substitution of new vehicular area for existing vehicular surface area) or building on any land area within the property being rezoned shall require that a Street Protective Yard with a minimum width of fifteen (15) feet be installed along the entire abutting public right of way frontage of the property being rezoned. With the exception of the width requirement already specified in this condition, the installation of the Street Protective Yard shall comply with Section 10-2082, et. seq. of the City of Raleigh Development regulations. Recreational playground equipment, playground structures, loading area screening structures and storage buildings with less than 200 square feet of gross floor area shall be exempted from this condition.

C. All future buildings including single family dwelling units, duplexes and non-residential buildings including offices and schools constructed on the property being rezoned shall conform to the design standards for the Special R-30 district as set forth in Section 10-2072(b) and shall have a required minimum and maximum front yard setback of either 15 feet or within 10% of the median front yard setback established by buildings on the same side of the block face of the proposed building. Recreational playground equipment, playground structures, loading area screening structures and storage buildings with less than 200 square feet of gross floor area shall be exempted from this condition.

SOUTH: NB w/PBOD (SSP-1-02/Z-12-02)
EAST: SP R-30
WEST: SP R-30

LAND USE: Multifamily duplexes and apartments.

SURROUNDING

LAND USE: NORTH: Elementary school and accessory uses
SOUTH: Retail uses
EAST: Single family and retail uses
WEST: Single family and retail uses

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 | University |
| Urban Form | Downtown Regional Center |
| Specific Area Plan | Glenwood Brooklyn SAP |
| Guidelines | N/A |

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

This request is inconsistent with the Comprehensive Plan. The subject property is located within the Glenwood Brooklyn Small Area Plan which designates this area as appropriate for medium density residential, or 7 to 14 dwelling units per acre. However, it should be noted that current zoning already exceeds this threshold, as the majority of the property is currently zoned Special Residential-30, permitting 3 or more dwelling units or additional residential density greater than 20 units per acre through compliance with special design conditions (§10-2072).

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

Petitioner states that the proposed map amendment is compatible with the area in that it maintains the same permitted density as the current area zoning permits but proposes a more urban development which will be complementary for the surrounding commercial uses. The applicant also notes that the current zoning on the subject property is inconsistent with the guidelines designated in the Glenwood Brooklyn Small Area Plan.

The residential density could be increased with this proposal without strict compliance with the design standards associated with the Special R-30 district. Otherwise staff agrees with the applicant's assessment of compatibility. Although inconsistent with the Comprehensive Plan, the proposal would be consistent with current land use and zoning patterns in the area. As conditioned by the proposed Streetscape and Parking Plan (SSP-1-08), building heights will be limited to 40 feet and setbacks along Hinsdale to 10 feet. Several design standards are provided as well as provisions for landscaping, sidewalks and street trees. Density will be limited to 20 dwelling units.

The current land use in the area includes an elementary school to the north, single and multi family residential to the east and west, and retail uses to the south. Higher density residential on this site will provide appropriate urban infill and would be compatible with the surrounding area if appropriate design standards are met. This proposal will also bring higher densities within walking distance of retail uses in the Peace Street and Glenwood South area. The redevelopment of these properties

under consistency with the Peace Street Streetscape and Parking Plan may result in better use of this location and the current infrastructure in place.

3. Public benefits of the proposed rezoning

Petitioner states that the development will provide a good transition from the commercial development on Peace Street to the lower density residential in the Glenwood-Brooklyn area. Also that the proposal would facilitate urban development with good pedestrian access to public transportation and nearby goods and services.

Staff concurs with this assessment. Higher density residential on this site will provide appropriate urban infill and would be compatible with the surrounding area based on the incorporation of design standards within the current Peace Street Streetscape and Parking Plan. This proposal will also bring higher densities within walking distance of retail uses in the Peace Street and Glenwood South area, supporting the pedestrian business character.

4. Detriments of the proposed rezoning

The current standards applied through the Peace Street Streetscape and Parking Plan should be matched as closely as possible to insure a consistent pattern of development. The applicants have worked with neighborhood representatives to mitigate negative impacts associated with removing the Special R-30 zoning designation.

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

TRANSPORTATION: Hinsdale Street is classified as residential street and is constructed to City standards as a 31-foot back-to-back curb and gutter section on 50 feet of right-of-way with sidewalks on both sides. North Boylan Avenue is also classified as a residential street and is constructed to City standards as a 31-foot back-to-back curb and gutter section on 50 feet of right-of-way with sidewalks on both sides. Glenwood Avenue is classified as a major thoroughfare (2005 ADT - 28,000 vpd) and is constructed to City standards a four-lane median-divided curb and gutter roadway with sidewalks on both sides on varying right-of-way. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

TRANSIT: This site is within close proximity of current bus routes and a proposed regional rail transit station but does not provide a suitable space for a bus stop. No transit easement is needed.

HYDROLOGY: FLOODPLAIN: None
DRAINAGE BASIN: Pigeon House
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 Stormwater Regulations.
COMPLAINTS: No downstream drainage complaints found on file.

PUBLIC UTILITIES: The proposed rezoning would not impact the wastewater or water treatment systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area which would serve said area.

PARKS AND RECREATION: This property is not adjacent to any greenway corridors.

WAKE COUNTY PUBLIC SCHOOLS: The current rezoning proposal may increase residential density on the SP R-30 portion of the subject property. Without consideration for residential density increases that could be approved by means of the PBOD, there would be very little added impact on the public school system associated with this rezoning proposal. As projected, the increase could result in the addition of approximately

one elementary school student. Additional density above the base maximum afforded by the PBOD could be evaluated through the site plan approval process, should the property owner request any increase. The current and future capacities are as follows:

| School name | Current Enrollment | Current Capacity | Future Enrollment | Future Capacity |
|-------------|--------------------|------------------|-------------------|-----------------|
| Wiley | 399 | 118% | 400 | 118% |
| Daniels | 1,006 | 80% | 1,006 | 80% |
| Broughton | 2,180 | 105% | 2,180 | 105% |

IMPACTS SUMMARY: There would be very little impact on public services associated with this proposal. There could be a very small increase in allowed base residential density on a portion of the subject properties. Infrastructure is well established in this area and could accommodate the proposed zoning amendment. Being in close proximity to retail and residential service related uses, this proposal will provide a positive effect on city transportation systems and traffic by promoting walkability. There would be very little impact on the Wake County Public School System due to this rezoning request.

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 that the surrounding area has developed significantly since this was last zoned. Glenwood South has become a destination for shopping, dining and entertainment. The City is encouraging infill development in the city center, compliance with Urban Design Guidelines that bring buildings closer to the street and pedestrian friendly development.

Staff disagrees with the applicants' assessment of this location being within the city center. However, staff concurs that the surrounding area has developed significantly since this was last zoned.

APPEARANCE

COMMISSION: This request was reviewed by the Appearance Commission and recommended for approval and their January 17th meeting.

CITIZEN'S

ADVISORY COUNCIL: DISTRICT: Five Points
CAC CONTACT PERSON: Phillip Poe 832-6777

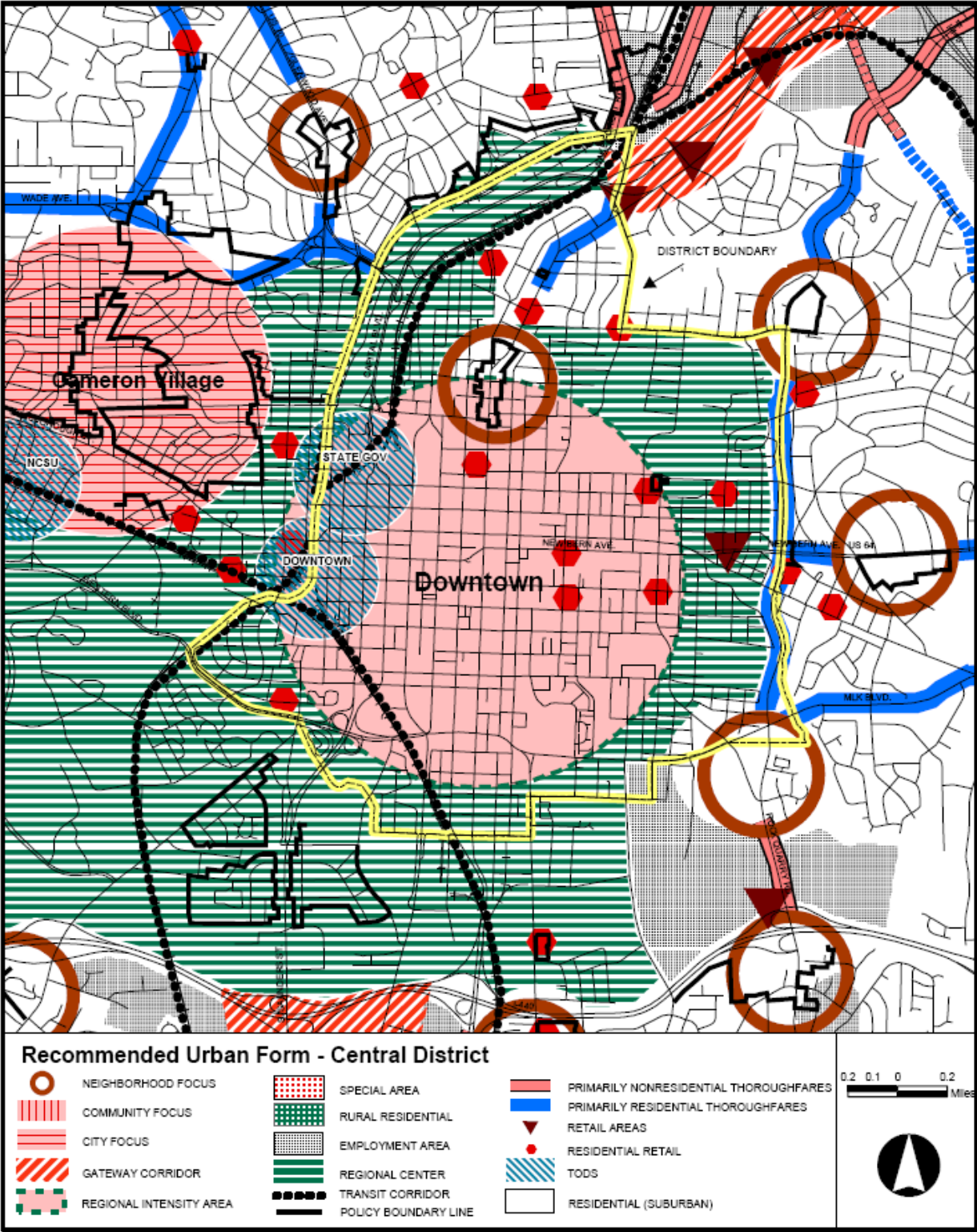
SUMMARY OF ISSUES:

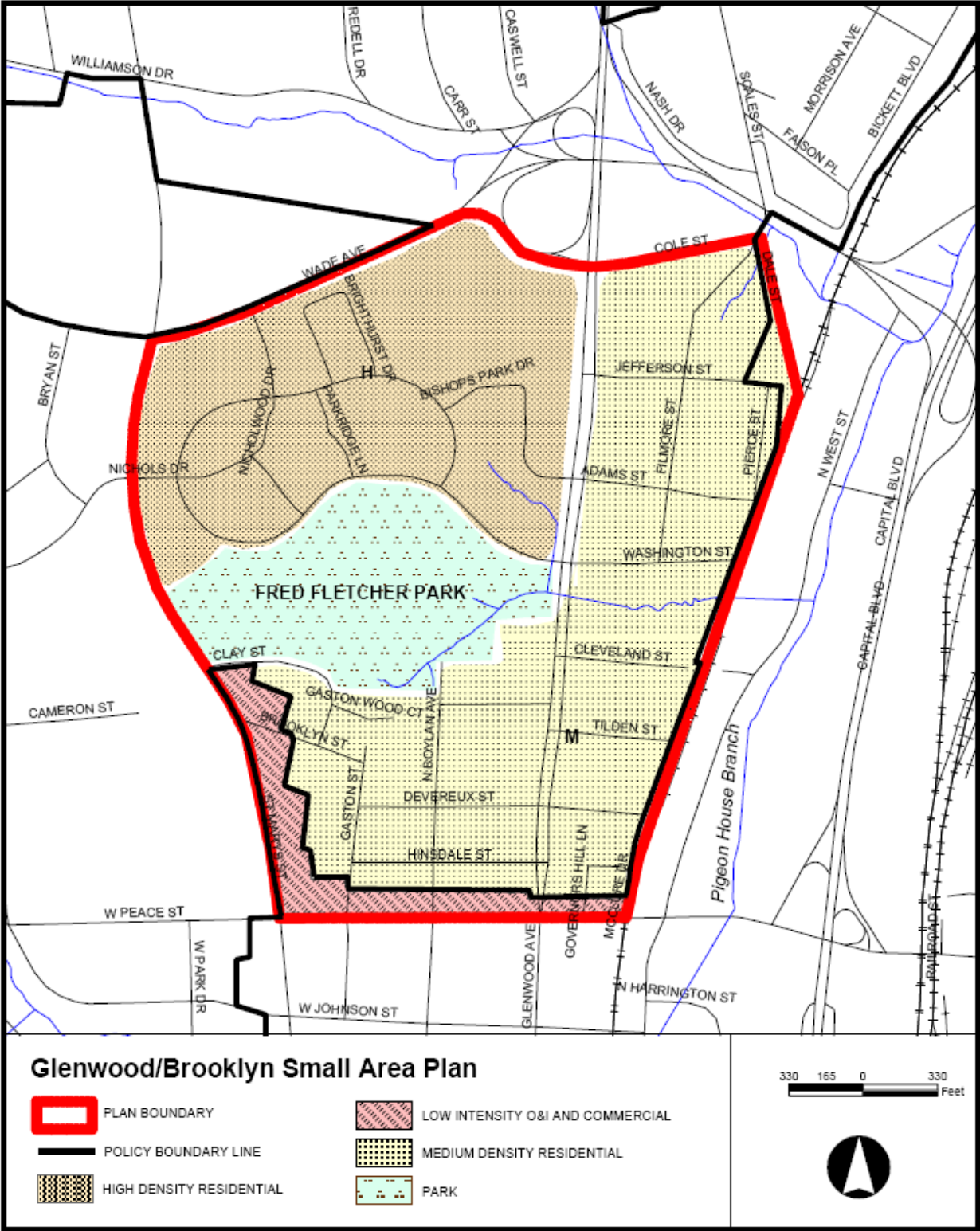
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

Outstanding issues:

- This request is inconsistent with the Comprehensive Plan.

- The subject properties are located on the southern edge of the Glenwood-Brooklyn National Register Historic District.





Pedestrian Business Overlay District – Hinsdale Streetscape (SSP-1-08) and Parking Plan Proposed expansion of Peace Streetscape & Parking Plan (SSP-1-02)

Date: April 28th, 2008

Project Boundary

The subject area impacted by this proposal includes a contiguous group of lots as follows: all lots on the south side of the 600 block of Hinsdale Street, 704 N. Boylan Avenue (Deed Book 12781, Page 1632, Wake County Registry), 707 Glenwood Avenue (Deed Book 11308, Page 675, Wake County Registry) and 601 Hinsdale (the "Hinsdale Plan Area").

The Peace Streetscape and Parking Plan adopted March 15, 2005 (the "Peace Plan") is hereby incorporated herein by reference, except as hereby modified and/or supplemented. To the extent of any conflict between the Hinsdale Streetscape Plan and the Peace Plan, this Hinsdale Plan shall control.

The present Peace Pedestrian Business Overlay District ("Peace PBOD") extends north mid-block in the 600 block of Peace Street. This proposed expansion of the Peace PBOD would result in the remainder of the block north to Hinsdale being included in the Peace PBOD.

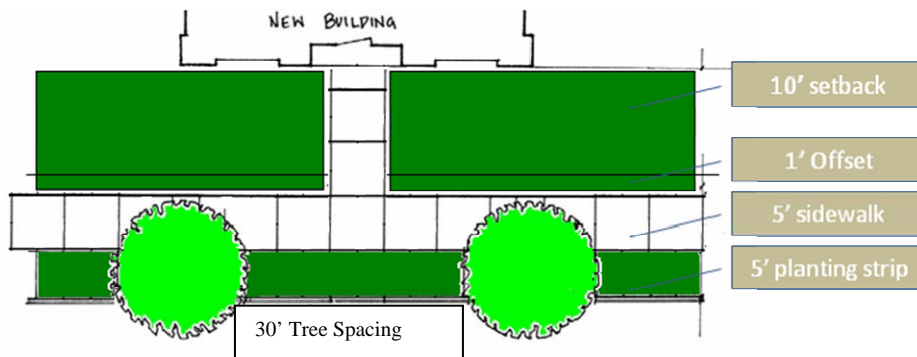
Streetscape Concept

The subject area was originally subdivided and developed as a modest single and multi-family neighborhood in the early 1900s. Most of the dwellings have now been converted to duplex rental occupancy. The Hinsdale Plan Area consists of a well connected grid of streets with sidewalks. There are no existing single family homes or owner occupied dwellings on the block. The majority of the buildings on the site have lost significant aspects of their historical character. The block has O&I zoning to the North, NB zoning to the South, and the major thoroughfare of Glenwood Avenue to the East. The Hinsdale blockface is not directly across the street from any residential dwellings. A unique plan is appropriate to this block as no other sites in the neighborhood have similar conditions. This development pattern supports a walkable environment that can be enhanced through the implementation of streetscape improvements and site design guidelines for future development. The following streetscape recommendations build upon the existing Peace Plan guidelines to establish unifying elements for the streetscape.

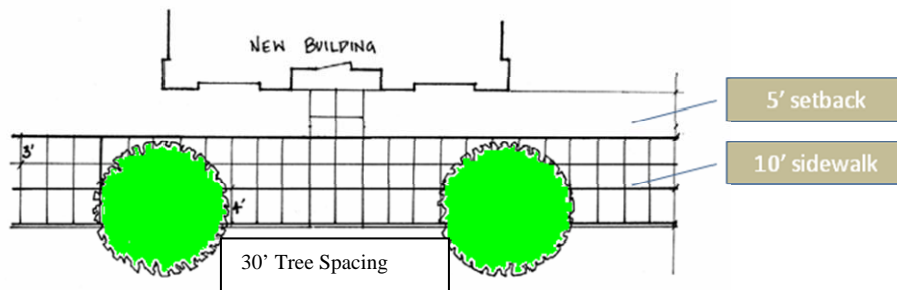
Sidewalks

Along Glenwood Avenue from the southeastern corner of the Hinsdale Plan Area to Hinsdale Street, a 10 foot (10') concrete sidewalk with a scored grid pattern will be constructed as shown on the detail below. This configuration matches the sidewalk configuration required for Peace Street in the Peace Plan. New sidewalks along Hinsdale and N. Boylan Streets located in the Hinsdale Plan Area will be concrete per city standards with a minimum width of five (5) feet. Public sidewalks on N. Boylan and Hinsdale Streets will be offset from the edge of the public street right-of-way one (1) foot per typical city standard and will include a landscape strip of at least five (5) feet

Hinsdale & Boylan Sidewalks



Glenwood Sidewalks



Landscaping

1. Street Trees – Nuttall Oaks, or other trees if approved by the city arborist, are to be planted in the landscape strip between the curb and the sidewalk. The trees will be planted at a regular spacing (as permitted by other streetscape elements) of one tree for every thirty (30') feet of street frontage. The trees shall be 4" caliper at the time of installation.

2. Street Right-of-way Treatments –

a. The landscape strip between the curb and sidewalk will be planted in a manner consistent with other locations in the neighborhood with either grass or a low ground cover (ex: periwinkle, liriopse). Where front walks for individual residences intersect the streetscape sidewalk, the walk may be extended to the curb.

b. The one (1') maintenance strip between the City of Raleigh standard five (5') foot sidewalk along the street and the edge of the right-of-way will be planted with either a groundcover to complement that planted in the landscape strip or with flowering annuals or perennials (ex: daffodils, pansies).

3. Walls – Low retaining walls to a maximum of three (3') feet height will be utilized along the front of certain units to more formally define individual front yard spaces and provide transitions where steps from the street to the front doors of the units are needed. These walls will be of either brick or stone. Continuous wall sections will be of the same material and detailing.

4. Individual Unit's Front Walks – Walks will vary in width from four (4') feet to six (6') and may incorporate larger landing areas as arrival places. Walk materials may vary from unit to unit highlighting the character of the individual units. Walk materials will be either concrete as is found elsewhere in the neighborhood or brick pavers to complement the building.

5. Front Yard Flowering Trees – A minimum of 50 percent of the front yards along Hinsdale Street

will have a Front Yard Flowering Tree. These trees will be installed at a minimum size of ten (10') feet height. Typical species will include dogwoods, redbuds, crepe myrtles and cherries.

6. Front Yard Evergreen Trees – At least one large evergreen tree will be installed in the planting scheme. Typical trees in this category would include Cryptomeria, Juniper, Cypress and Holly. These trees will be a minimum of eight (8') feet in height when installed.

7. Front Yard Shrubs – At least 4 shrubs will be installed in the yard of each dwelling unit. Shrubs will be installed at a minimum height of eighteen (18") inches with the mature height not exceed forty-eight (48") inches.

8. Front Yard Landscape Ornamentation – Yard ornamentation will be incorporated into a minimum of twenty-five (25%) percent of the front yards. Examples of ornamentation include benches.

Height Limitations

All buildings in the Hinsdale Plan Area will be no more than 36' tall as measured from the highest point on the site to the midpoint of the sloping roofs.

Highest Point on Site (HPS)

It is hereby acknowledged that the highest point on the site is 329' in elevation as measured by a topographical survey. This point is located at the corner of Hinsdale Street & N. Boylan Ave.

Building Façade

The front face of each building on the street contributes to the overall streetscape and shall relate in scale and provide interest to pedestrians along the sidewalk. Residential buildings shall include a primary entrance onto the street which is pedestrian oriented.

New buildings and existing buildings undergoing renovation, as required in 10-2055(e)(2), shall break up blank exterior building walls that exceed 15 linear feet by including any one or more of the following:

- A doorway made of transparent materials.
- A doorway made of opaque materials and recessed at least three (3) feet.
- A stairway directly available at street level to the public, excluding fire escapes and false stairways.
- A fenestration element in keeping with the surrounding architecture of at least 12 square feet in area and no more than 4 feet above the sidewalk at its lowest point.

Building Materials

Except as to the unit on the corner of N. Boylan and Hinsdale as discussed below, the building facades facing all public streets will be primarily brick. Vinyl siding shall not be used on any building surfaces. In order to enhance the residential scale of buildings, materials will vary in composition and color, especially as they relate to each other horizontally between units. The following materials are not permitted to be used on building facades in externally visible locations: EIFS, DAEFS, concrete masonry blocks such as split face block, or concrete bricks. Precast or cast stone masonry products are permitted.

Building Entrances

Each ground floor dwelling along Hinsdale Street will have a private entrance facing the public street. All units on Hinsdale Street will have an open or covered porch or entryway, a minimum of 25 square feet in size. All porches will have roofs.

Building Roofs

All buildings along Hinsdale Street and Glenwood Avenue will have pitched roofs with a minimum pitch of 6:12. Roof ridges will not span more than 2 dwellings without varying either the depth or height of the roof to establish break in the front facing roof surface or its ridgeline.

Building Eaves

The primary roof eaves of all units will have a minimum depth of 16". Dormer eaves will be less deep. Eave treatments will vary, but will include at least two examples of exposed rafter tails.

Balconies

All balconies facing Hinsdale will have a minimum depth of 3'

Front Steps

All steps on the Hinsdale façade will be perpendicular to the street

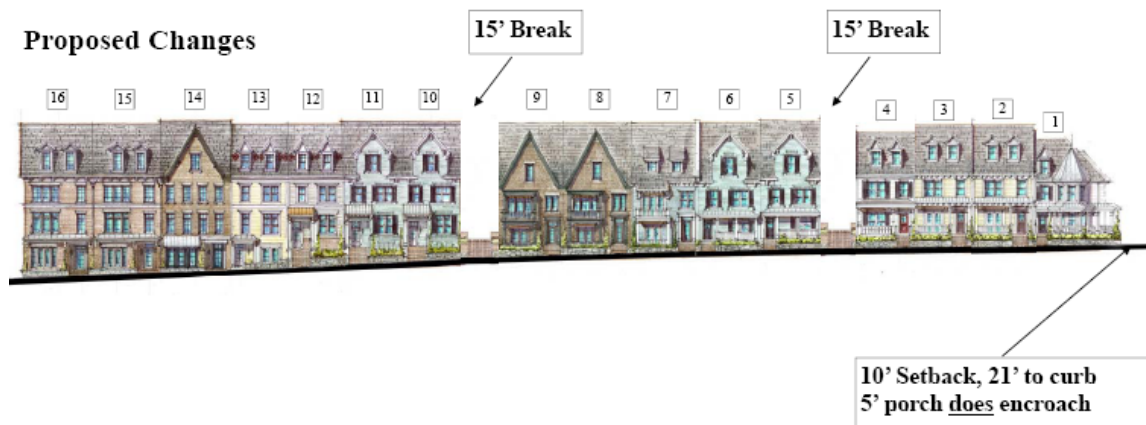
Rooftop Terraces

Rooftop terraces will be permitted on the rear of the buildings facing Hinsdale, but will not be permitted on the Hinsdale Street side of the buildings. No building constructed on the corner of Hinsdale and North Boylan will have a terrace on the North Boylan Avenue side of the building.

Variation of Building Facades

To create architectural streetscape diversity, multiple unit buildings shall have not more than 2 units of identical architectural detail. Architectural diversity will be accomplished through changes in materials, color, and detailing. Examples are the design and massing of porches, windows and door sizes and detailing, trim and body colors and building façade materials.

Breaks in Building Facades



The Hinsdale Street façade will be broken by two linear separations of a minimum 15' each in width.. These breaks can be connected with first story spaces of less than 400sqft in order to comply with the requirements of mixed use codes. The breaks will be provided between units 9 and 10, and between units 4 and 5 as shown above.

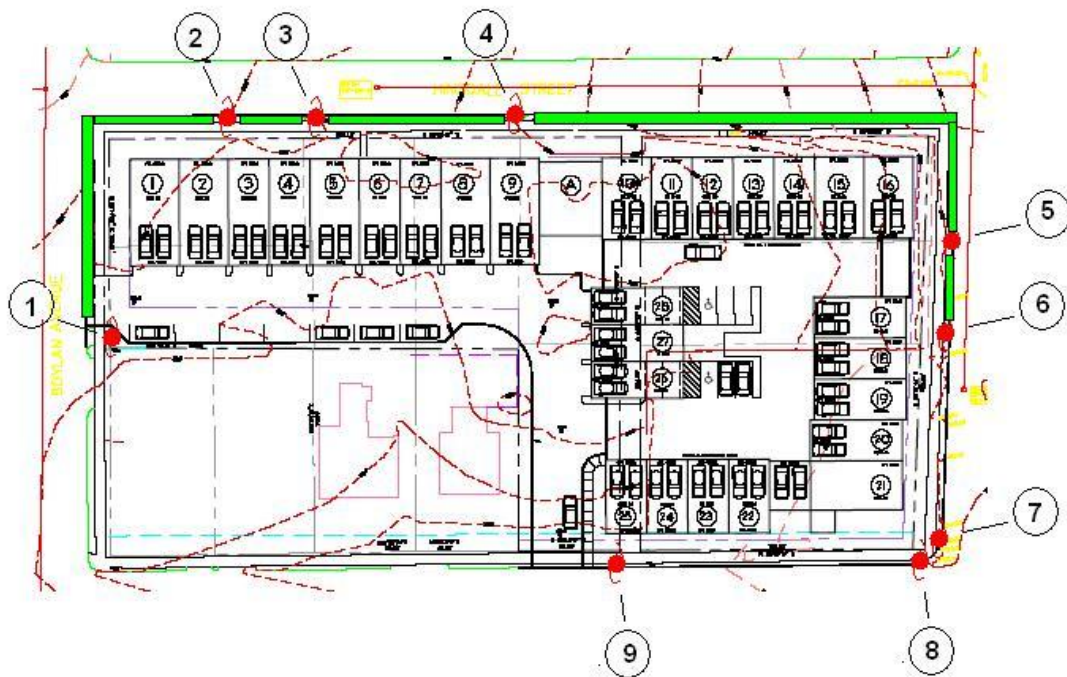
Building Setback

The building setback from the Glenwood Avenue right-of-way shall be five (5) feet. Along Hinsdale and North Boylan within the Hinsdale Plan Area, a minimum ten foot (10') setback is required in keeping with the Peace Plan.

Vehicular Parking Areas

Parking lots along the frontage of an urban street create gaps in the streetscape and separate residences from the walking public. Vehicular parking areas shall be located to the rear of buildings away from the public right-of-way. New vehicular parking areas, including additions to parking areas existing prior to the application of a PBOD, shall not be located in any portion of the site parallel to and adjoining a thoroughfare. Parking areas may be located behind the front wall of the principal building when a closed decorative wall is built to screen the parking from the sidewalk. The wall shall be at least five (5) feet high, be constructed of an opaque material that complements the primary structure, and include visual articulation with architectural segmentation at least every nine (9) feet.

Overhead Utilities



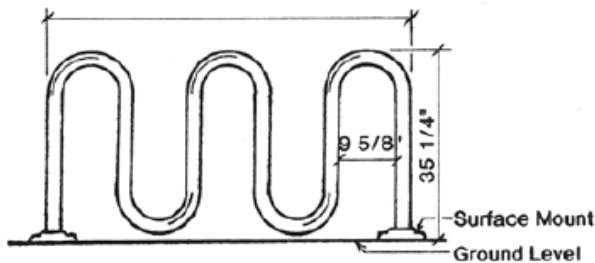
All utility lines internal to a site shall be buried and all utilities servicing the site shall be buried from their connection points in public rights-of-way to the site. On the portion of the site that borders Hinsdale Avenue, all existing overhead utilities will be removed and no new overhead utilities will be permitted. Using the graphic above as a reference, existing poles 2, 3, 4 & 5 will be removed. There will be no utility lines over the sidewalks in areas highlighted in green and spanning from pole no.1 to pole no. 6, which is nearly the entire street perimeter of the Hinsdale PBOD.

Bicycle Parking

Bicycle parking spaces shall be provided for all new buildings and for existing buildings undergoing renovation, as required in 10-2055(3)(2), at a rate of at least one bicycle space for every 20 required spaces. Bike parking areas shall be located to the rear and sides of buildings

away from the public right-of-way and shall not be visible from Hinsdale Street.

Bike Rack:
 Model No. RB 07
 Brandir International, Inc.
 200 Park Avenue, Suite 303E
 New York, NY 10166 (212) 505-6500



Streetscape Implementation

Upon rezoning to Pedestrian Business Overlay District, this action will adopt as code the recommended standards relating to building placement and design, streetscape design and implementation, and parking standards.

Parking Strategy

Off-street parking is available for all properties in driveways or rear yard parking areas. For new residential development, a minimum of 2 parking space per unit shall be provided. Note: no non-residential uses are proposed for this area

By eliminating curb cuts on Boylan and Hinsdale Streets, an opportunity for additional on-street parking will be provided.

Interior Areas within Hinsdale Streetscape Plan

Additional architectural guidelines shall apply to the western areas of the Hinsdale Plan Area (the "Western Hinsdale Area") to provide a transition into the Glenwood-Brooklyn neighborhood.

Eastern Hinsdale Additional Specifications

The following additional specifications apply only to the Eastern Hinsdale area and are in addition to all the guidelines for the entire Hinsdale Plan area.

Eastern Hinsdale Boundary

The Eastern Hinsdale Area consists of the six (6) easternmost units fronting on Hinsdale, starting at the corner of Hinsdale Street and Glenwood Avenue, as shown in the drawing below.



Eastern Hinsdale Porch Elements

Each unit will have front a horizontal element such as a solid canopy or overhang to extend 1-2 feet horizontally from the front façade and span at least 4' in width. The overhangs will vary in style and size, but will retain elements of the architectural style of the neighborhood.

Western Hinsdale Additional Specifications

The following additional specifications apply only to the Western Hinsdale area and are in addition to all the guidelines for the entire Hinsdale Plan area.

Western Hinsdale Boundary

The Western Hinsdale Area consists of the nine (9) westernmost units on the site, starting at the corner of Hinsdale Street and Boylan Avenue, as shown in the drawing below.



Articulation Of Façade

The primary front façade wall of units 1,2,3 & 4 will step back a minimum of two feet (2') from the primary front façade wall of units 5-9. The front porches of units 4 and 5 will be staggered at least 1 foot perpendicularly from the front façade in relation to each other.

Roof Pitches

The roof pitches on all primary, secondary and dormer roofs shall not exceed a slope of 12:12, except that a maximum of three (3) forward-facing gable roofs may have slopes of up to a 14:12 slope

Retaining Walls

The front yards may include retaining walls of no greater than two feet (2') in height.

Encroachments Into Western Hinsdale Setbacks

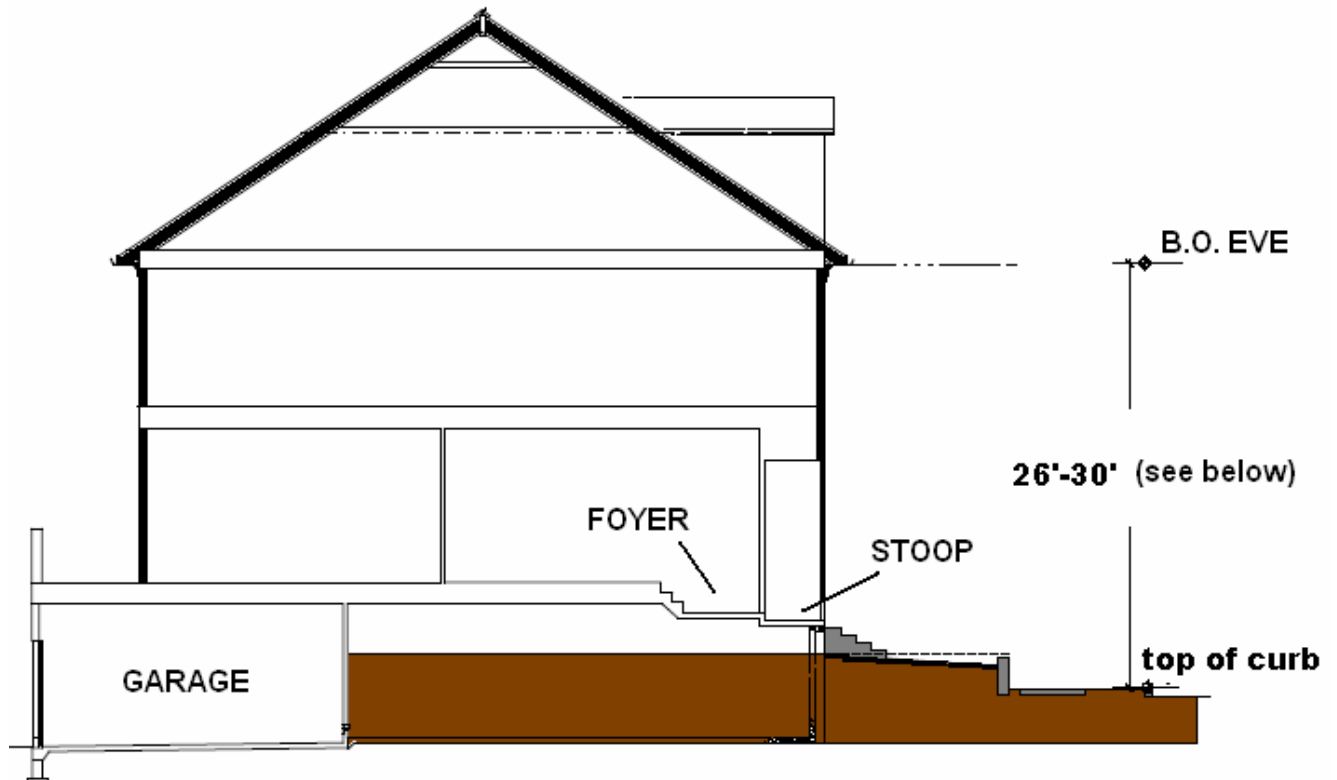
Except for the encroachment into the North Boylan setback as provided below, no architectural spaces, either heated or unheated, shall be permitted to encroach into the front or side yard setbacks in the Western Hinsdale Area.

Definition of 2 ½ story building

For the purposes of this Plan, a 2 ½ story building will be defined as follows: a building with a front façade no more than 30' tall as measured from the curb at the front of the building to the

underside of the primary roof eave. No vertical siding surfaces are permitted above 30' except dormers and gables

Example of permissible 2 ½ story building



Porches

All dwelling units in the Western Hinsdale Area shall have front porches of at least twenty-five (25) square feet in area. The porches will be of a similar design, style and configuration of at least one other original or reconstructed porch in the Brooklyn area of the surrounding neighborhood. All porches will have roofs.

Unit 1: (Corner unit) The front façade as measured from curb to the bottom of the primary roof eave will be no more than twenty-six and one-half feet (26.5'). The highest point of the roof shall not exceed thirty-six (36') above the highest point on the. This unit will have at least two (2) front facing dormers.

Roof Slope

No roofs on Unit 1 may be steeper than a pitch of 9:12. The primary roof of the corner unit will slope back from both Hinsdale Street and Boylan Street.

Articulation of Western Facade

The western side of Unit 1 shall be articulated with a one-story covered porch or other architectural feature extending at least five feet (5') outward from the primary western façade. An unheated space of up to 100 square feet may encroach up to five feet into the North Boylan Avenue setback.

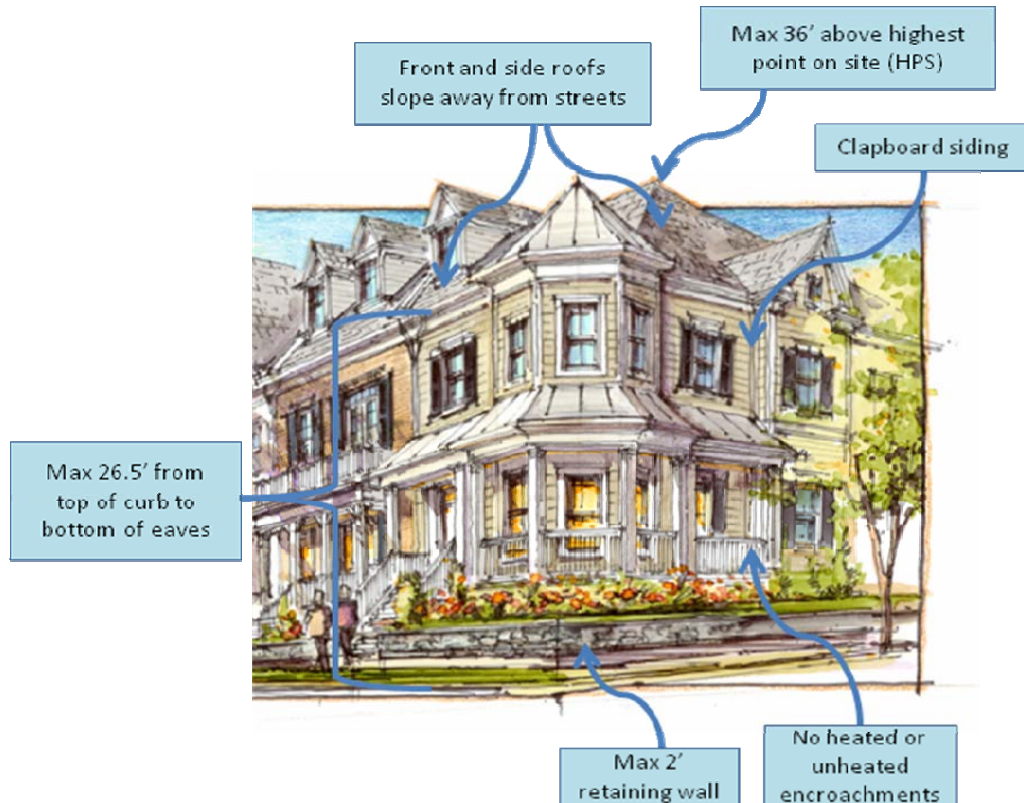
Siding

Unit 1 shall include clapboard siding as its primary veneer material. This clapboard siding shall consist of a hardplank siding or equivalent cement strand material siding. The clapboard will have a smooth surface and will be free of wood grain or other embossments.

Fenestration

The façade of Unit 1 facing North Boylan will include at least six (6) windows facing N. Boylan. Such windows will be within twenty percent (20%) of the size of the windows facing Hinsdale.

EXAMPLE OF CORNER UNIT



Unit 2: The front façade as measured from the curb to the bottom of the primary roof eave will be no more than twenty-seven feet (27'). The highest point of the roof shall not exceed thirty-eight (38') above the highest point on the site. This unit will have at least two (2) front facing dormers.

Unit 3: The front façade as measured from the curb to the bottom of the primary roof eave will be no more than twenty-eight feet (28'). The highest point of the roof shall not exceed

forty feet (40') above the highest point on the site. This unit will have at least two (2) front facing dormers.

Unit 4: The highest point of the roof shall not exceed forty-three feet (43') above the highest point on the site. This unit will have at least two (2) front facing dormers.

Unit 5: Front facing dormers on this unit shall not be wider than sixty percent (60%) of the width of the dwelling unit.

Unit 6: Front facing dormers on this unit shall not be wider than sixty percent (60%) of the width of the dwelling unit.

| Unit Number | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 |
|--|-----|-----|-----|-----|-----|------|------|------|-------|
| Max Height From Bottom of Eave to Curb | | | | | | | 28' | 27' | 26.5' |
| Max Height at Roof Midpoint for HPS | 36' | 36' | 36' | 36' | 36' | 36' | 36' | 36' | 36' |
| Max Height Ridge of roof HPS | | | | | | 38'* | 40'* | 40'* | 36'* |

* The table above summarizes the height limitations specified in this document. It can be seen that while the 36' height limitation applies to all the units in the table, units 1-4 must also comply with the maximum roof ridge height which is more restrictive.

Interpretation

Interpretation of the foregoing plan shall be made by the Planning Department, provided that any aggrieved property owner subject to this Plan may file an appeal of an adverse decision or interpretation of the Planning Department for review by the Planning Commission or interpretation by the Board of Adjustment.