



# Certified Recommendation

Raleigh Planning Commission

CR# 11384

## Case Information Z-18-10/ Century Drive

<i>Location</i>	Century Drive, south side, south of its intersection with Lead Mine Road
<i>Size</i>	4.5 acres
<i>Request</i>	Rezone property from Residential-4 and Office & Institutional-2 with Special Highway Overlay District-2, to Office & Institutional-2 General Use with Special Highway Overlay District-2

## Comprehensive Plan Consistency

<i>Future Land Use Designations</i>	Office/ Research and Development; Public Parks and Open Space
<i>Applicable Policy Statements</i>	Policy LU 4.5—Connectivity Policy EP 4.2—Floodplain Conservation

Consistent

Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	(Not Applicable)
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## Issues and Impacts

<i>Outstanding Issues</i>	None identified
<i>Impacts Identified</i>	None identified

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
5-24-10	7-20-10	(Date)	(Action)	7-27-10	Recommending approval

**Valid Statutory Protest Petition**

### Attachments

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

## Planning Commission Recommendation

<i>Recommendation</i>	<b>The Commission finds that this case is consistent with the Comprehensive Plan, and recommends that the case be approved.</b>
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. The proposal is consistent with the Future Land Use Map, which designates the majority of the site for Office/ Research and Development uses. The Map designates the site's undeveloped northwest corner for Public Parks &amp; Open Space; that area will remain open space due to the presence of a City greenway easement.</li> <li>2. The proposal is consistent with the applicable policies of the Comprehensive Plan.</li> <li>3. The proposal would correct a mapping error.</li> </ol>
<i>Motion and Vote</i>	<p>Motion: Anderson Second: Fleming</p> <p>In Favor: Anderson, Bartholomew, Batchelor, Butler, Fleming Harris Edmisten, Haq, Mattox, Mullins, Smith, Sterling</p>

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 attached Staff Report.

\_\_\_\_\_ 7/27/10  
 Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Doug Hill [doug.hill@raleighnc.gov](mailto:doug.hill@raleighnc.gov)



# Zoning Staff Report – Case Z-18-10

## General Use District

### Request

<i>Location</i>	Century Drive, south side, south of its intersection with Lead Mine Road
<i>Request</i>	Rezone property from Residential-4 and Office & Institutional-2 with Special Highway Overlay District-2, to Office & Institutional-2 General Use with Special Highway Overlay District-2
<i>Area of Request</i>	4.5 acres
<i>Property Owner</i>	Patrick Investment Corporation, PO Box 6833, Richmond, VA 23230-0833
<i>PC Recommendation Deadline</i>	November 17, 2010

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-4 and O&I-2	O&I-2
<i>Additional Overlay</i>	SHOD-2	SHOD-2
<i>Land Use</i>	Motel	(not provided)
<i>Residential Density</i>	R-4: 4 units per acre (0.33 acre), O&I-2: 15 units per acre; 40 units per acre with Planning Commission approval (4.17 acres). <b>Max. 167 units</b>	40 units per acre with Planning Commission. <b>Max. 180 units</b>

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	O&I-1, O&I-2, R-4, R-10	O&I-2	O&I-2	NB
<i>Future Land Use</i>	Office/Research and Development, Public Parks-Open Space	Office/ Research and Development	Office/Research and Development	Office/Research and Development, Public Parks-Open Space
<i>Current Land Use</i>	Vacant	Interstate highway interchange	Vacant	Highway Retail

## Comprehensive Plan Guidance

<i>Future Land Uses</i>	Office/ Research and Development; Public Parks and Open Space
<i>Area Plan</i>	(None)
<i>Applicable Policies</i>	Policy LU 4.5—Connectivity Policy EP 4.2—Floodplain Conservation

## Contact Information

<i>Staff</i>	Doug Hill <a href="mailto:doug.hill@raleighnc.gov">doug.hill@raleighnc.gov</a>
<i>Applicant</i>	City of Raleigh
<i>Citizens Advisory Council</i>	Glenwood: Linda Watson; <a href="mailto:Linda@lindawatson.com">Linda@lindawatson.com</a>

## Overview

The subject site was zoned R-4 in 1957 (Z-7-57), and rezoned O&I-2 in 1971 (Z-12-71). However, due to a mapping error, the northwest corner has been listed as R-4; the current proposal will correct that error. This request would result in 0.32 acres of land currently shown as R-4 being rezoned to O&I-2 with a Special Highway Overlay District-2.

## 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

Most of the subject property is designated Office/ Research and Development on the Future Land Use Map. The proposed O&I-2 zoning is consistent with this designation. The northwest corner is designated Public Parks and Open Space. The existing greenway easement in that area is consistent with that designation.

#### 1.2 Policy Guidance

The following policy guidance is applicable 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 site is located on Glenwood Avenue. Vehicular cross-access is provided to the gas station to the west. The site is also served by a sidewalk on Century Drive, connecting the parcel to the Crabtree Regional Mixed Use center via Lead Mine Road. Future redevelopment should maintain these connections.

##### **Policy EP 4.2—Floodplain Conservation**

Development should be directed away from the 100-year floodplain.

The majority of the site is located within a FEMA Special Flood Hazard Area subject to inundation by 100-year flood. The northwest corner is located within a floodway area, designated by FEMA as having to be “kept free of encroachment.” Any future redevelopment will need to address these standards.

**1.3 Area Plan Guidance**

This site is not located within a portion of the City subject to an area plan.

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

The site stands relatively isolated near the eastern edge of the Crabtree Valley Regional Mixed Use center, separated from residential development on North Hills Drive by Crabtree Creek, and off Glenwood Avenue by the I-440 right-of-way. The site is the largest parcel to date accessed via Century Drive to have been developed. (The adjacent NB property to the west, which includes a one-story gas station/ convenience store, is primarily accessed via the site’s driveway off Glenwood Avenue.) Future development of the area between the I-440 Exit 7 off-ramp and Crabtree Creek is located within a FEMA floodplain.

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

The proposed rezoning would correct a zoning map error that occurred after the entire property was rezoned to O&I-2 in 1971.

**4. Detriments of the proposed rezoning**

No public detriments are expected from the proposal. Future redevelopment would be subject to regulations enacted since existing site build-out, including those pertaining to construction in floodplains/ floodways, stormwater, tree conservation, and Special Highway Overlay District provisions, among others.

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

**5.1 Transportation**

Century Drive is classified as a commercial street and is constructed to City standards as a 41-foot back-to-back curb and gutter section with sidewalks on both sides within a 60-foot right-of-way. Century Drive currently dead ends at the Holiday Inn property located at 2101 Century Drive. Neither NCDOT nor the City have any projects currently scheduled in the vicinity of this case.

**Impact Identified:** The proposal is not expected to impact the City’s transportation system.

**5.2 Transit**

**Impact Identified:** The proposal is not expected to impact the City’s transit system.

**5.3 Hydrology**

<i>Floodplain</i>	FEMA Floodplain and Floodway
<i>Drainage Basin</i>	Crabtree Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

A Neuse River Buffer is located on site. The portion currently zoned R-4 is completely located within the FEMA regulatory Floodway. The entire parcel is within FEMA Floodplain and subject to Part 10 Chapter 4.

**Impact Identified:** This proposal is not expected to impact the City’s hydrological resources.

**5.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	<b>31,000 gpd</b>	<b>33,750 gpd</b>
<i>Waste Water</i>	<b>31,000 gpd</b>	<b>33,750 gpd</b>

The proposed rezoning would not add to the existing wastewater collection or water distribution systems of the City. There are existing sanitary sewer and water mains which currently serve the property.

**Impact Identified:** This proposal is not expected to impact the City’s public utilities.

**5.5 Parks and Recreation**

This property is located adjacent to Crabtree Creek. A greenway easement on the site has previously been dedicated to the City. This rezoning case will not affect the recreation level of service in the area.

**Impact Identified:** No impacts are expected from this proposal relative to park and recreation facilities and services.

**5.6 Urban Forestry**

There are no tree save or buffer yard requirements as the property is already developed as a hotel use. Any change to the property requiring a site plan would require adherence with any applicable tree save or buffer yard requirements.

**Impact Identified:** The proposal is not expected to have impacts related to urban forestry.

**5.7 Wake County Public Schools**

Under the present zoning, up to 167 dwelling units could be approved as of right, and up to 180 with Planning Commission approval. The proposal, which affects only northwest 1/3 acre of the site could result in up to 4 additional students being added to local school enrollment. The effect of the latter on base schools is as follows:

<b>School name</b>	<b>Current Enrollment</b>	<b>Current Capacity</b>	<b>Future Enrollment</b>	<b>Future Capacity</b>
Brooks	610	114.0%	612	114.4%
Moore Square	490	86.9%	491	87.1%
Sanderson	1,876	98.8%	1,877	98.8%

**Impact Identified:** Base middle and high schools would remain under capacity under the maximum number of residences; Brooks Elementary, however, which is currently over capacity, could be additionally stressed.

**5.8 Designated Historic Resources**

There are no historic resources identified on the site, or within 100 feet of the site.

**Impact Identified:** The proposal is not expected to impact the City’s historic resources.

**5.9 Impacts Summary**

There are no identified impacts as a result of this request.

**5.10 Mitigation of Impacts**

Not applicable.

**6. Appearance Commission**

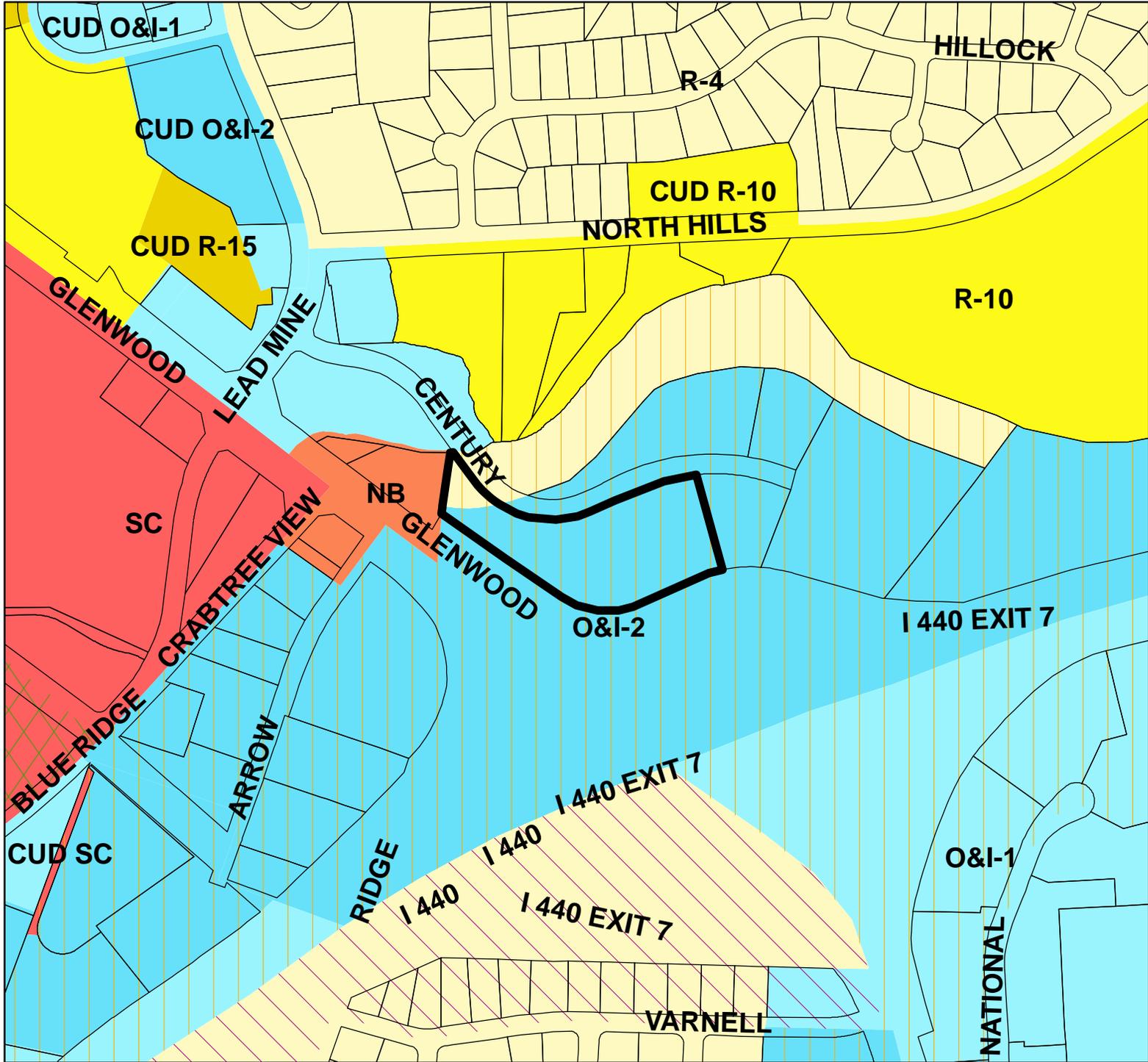
This proposal is not subject to review by the Appearance Commission.

**7. Conclusions**

The proposal corrects a mapping error. No impacts are expected due to the rezoning.







**CITY OF RALEIGH**

**Z-18-10**

**R-4 and O&I-2  
w/ SHOD-2**

to

**O&I-2  
w/ SHOD-2**

**4.5 acres**

Public Hearing  
July 20, 2010  
(November 17, 2010)

270  
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.
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:
  - 1) to lessen congestion in the streets;
  - 2) to provide adequate light and air;
  - 3) to prevent the overcrowding of land;
  - 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - 5) to regulate in accordance with a comprehensive plan;
  - 6) to avoid spot zoning; and
  - 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

**Signature(s)**

**Date:**

\_\_\_\_\_  
\_\_\_\_\_

**Please type or print name(s) clearly:**

Mitchell Silver (Director, Department of City Planning) \_\_\_\_\_  
\_\_\_\_\_

# EXHIBIT B. Request for Zoning Change

<i>Office Use Only</i>	
Petition No. Z-18-10	_____
Date Filed:	_____
Filing Fee:	_____

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

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	City of Raleigh	PO Box 590	919-516-2626
	_____	Raleigh, NC 27602	_____
	_____	_____	_____
<b>2) Property            Owner(s):</b>	Patrick Investments Corp	PO Box 6833	_____
	_____	Richmond, VA 23230	_____
	_____	_____	_____
<b>3) Contact Person(s):</b>	Travis Crane	PO Box 590	919-516-2626
	Senior Planner, Dept of City Planning	Raleigh, NC 27602	_____
	_____	_____	_____
<b>4) Property            Description:</b> Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): 0795797800_____		
	_____		
	_____		
General Street Location (nearest street intersections): South side of Century Drive, East of Leadmine Road_____			
_____			
<b>5) Area of Subject            Property (acres):</b>	4.5 acres		
	_____		
<b>6) Current Zoning            District(s)            Classification:</b> Include Overlay District(s), if Applicable	Residential-4 and Office and Institution -2 with Special Highway Overlay District-2		
	_____		
<b>7) Proposed Zoning            District            Classification:</b> Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	Office and Institution-2 with Special Highway Overlay District-2		
	_____		



PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
0795789496	RIORDAN, JAMES CARL FLICK, ELIZABETH MARIE	1814 VARNELL AVE	RALEIGH NC 27612-4617	
0795784476	GOAD, SALLIE J	2004 VARNELL AVE	RALEIGH NC 27612-4621	
0795781425	EVANS, MICHAEL W	2100 VARNELL AVE	RALEIGH NC 27612-4623	
0795783486	PADGETT, PEGGY T	2008 VARNELL AVE	RALEIGH NC 27612-4621	
0795780432	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE	116 W JONES ST	RALEIGH NC 27603-1300
0795786408	MOHR, FREDERICK M JR & BETSY C	2000 VARNELL AVE	RALEIGH NC 27612-4621	
0795887136	W & L PROPERTIES LLC	C/O YORK PROPERTIES INC	PO BOX 10007	RALEIGH NC 27605-0007
0795887501	GLENWOOD PLACE PORTFOLIO II LLC	3700 GLENWOOD AVE STE 510	RALEIGH NC 27612-5538	
0795782414	EASTER, GRETEL ZWEIGART	2016 VARNELL AVE	RALEIGH NC 27612-4621	
0795882475	FUND BECKANNA LLC	C/O FELLERS,SCHEWE,SCOTT & ROBER	PO BOX 450233	ATLANTA GA 31145-0233
0795698107	ITAC 266 LLC	121 N COLUMBIA ST	CHAPEL HILL NC 27514-3502	
0795873928	FUND BECKANNA LLC	C/O FELLERS,SCHEWE,SCOTT & ROBER	PO BOX 450233	ATLANTA GA 31145-0233
0795686963	CRABTREE SUMMIT ASSOCIATES LIMITED PARTNERSHIP	PO BOX 31747	RALEIGH NC 27622-1747	
0795686813	RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590	
0795786497	NAYLOR, JOHN THOMAS & JOANNA M	903 WALKING STICK TRL	CLINTON NC 28328-2150	
0795782498	SAFRIT, ROBERT W TRUSTEE	PO BOX 18465	RALEIGH NC 27619-8465	
0795881406	PENDLETON, DORSE F & FLEETA LEE	1810 VARNELL AVE	RALEIGH NC 27612-4617	
0795689443	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE	116 W JONES ST	RALEIGH NC 27603-1300
0795990214	GLENWOOD PLACE PORTFOLIO I LLC	3700 GLENWOOD AVE STE 510	RALEIGH NC 27612-5538	
0795899856	JOYNER, WILLIAM T JR	PO BOX 640	PLEASANT GARDEN NC 27313-0640	
0795788496	WORLEY, BENJAMIN L & AMY R	1900 VARNELL AVE	RALEIGH NC 27612-4619	
0795887960	GLENWOOD PLACE PORTFOLIO II LLC	3700 GLENWOOD AVE STE 510	RALEIGH NC 27612-5538	
0795689208	HUGER, BENJAMIN III & LAURIE K	3016 RIDGE RD	RALEIGH NC 27612-4612	
0795787496	KOHM, JENNIFER L	1904 VARNELL AVE	RALEIGH NC 27612-4619	
0795993108	GLENWOOD PLACE PORTFOLIO I LLC	3700 GLENWOOD AVE STE 510	RALEIGH NC 27612-5538	

Adjacent Property Owners

## 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](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 Future Land Use Map designates this portion of property as being appropriate for Office/Research Development and Public Parks and Open Space. The southern half of this portion is recommended for Office/Research Development, and therefore would be consistent with the Future Land Use designation. The northern half is recommended as Public Parks and Open Space.

##### **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.**

This site does not fall within any Area Plans in the 2030 Comprehensive 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”).**

The proposed rezoning will correct a mapping error. The request, a rezoning from Residential-4 to Office and Institution-2, would be consistent in part with the Comprehensive Plan. One factor in the designation on the future land use map is existing zoning. For this property, a swath of R-4 zoning indicated the existence of greenway. The public parks and open space designation mirrors the existing R-4 zoning. It has since been learned that the existing zoning for a portion of this parcel was mapped incorrectly. This proposal would not introduce any additional inconsistencies with the Comprehensive Plan.

## **II. Compatibility of the proposed map amendment with the property and the surrounding area.**

### **A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

The surrounding area is primarily commercial. A large retail center, Crabtree Valley Mall, is located across Glenwood Avenue. The subject property is currently developed as a large scale hotel. To the north and west of the site are office buildings. A swath of dedicated greenway exists on the northern edge of the subject property. Medium Density residential is located further to the north.

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

The property is currently zoned Office and Institution-2 and Residential-4 with Special Highway Overlay District-2. The R-4 zoning predates conservation management zoning, as it was intended to preserve a greenway dedicated when the property was originally rezoned in 1971. The subject property is primarily surrounded by Office and Institution-2 and Office and Institution-1 zoning, as well as Neighborhood Business and Special Highway Overlay District-2. Residential-4 and Residential-10 zoning is located to the north.

### **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:**

This property is currently developed as a large scale hotel use. The small portion subject to this proposal (0.33 acres) was mapped in error. The surrounding area is predominantly commercial, with some medium density residential to the north.

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

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

Correction of a mapping error, this portion of property was initially approved as being zoned Office and Institution-2. The current R-4 zoning was never intended for this portion of the property, and restricts the usage of the property.

**B. For the immediate neighbors:**

N/A

**C. For the surrounding community:**

N/A

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

No, the proposal will correct a mapping error, there will be very little benefit added that is not available to surrounding properties.

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

The public interest at large is being advanced by correcting a mistake on the official zoning map.

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

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

This property was zoned Residential-4 in error. The property was rezoned in 1971 from R-4 to O&I-2 with the retention of 6.5 acres of R-4 property to serve as a greenway buffer. A graphical exhibit was included in the 1971 zoning file. After examination of this exhibit, in concert with the minutes of approval, staff realized the mapping error. When the map was amended with the approval of this case, this portion of the request remained Residential-4 in error.

**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.**

N/A

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

N/A

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

N/A

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

N/A

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

The proposal is requested as a City Initiated rezoning due to this portion of property being mapped in error. The original rezoning map amendment included this portion of property to be rezoned to Office and Institution-2, and it was mistakenly recorded as Residential-4.