

CITY OF RALEIGH

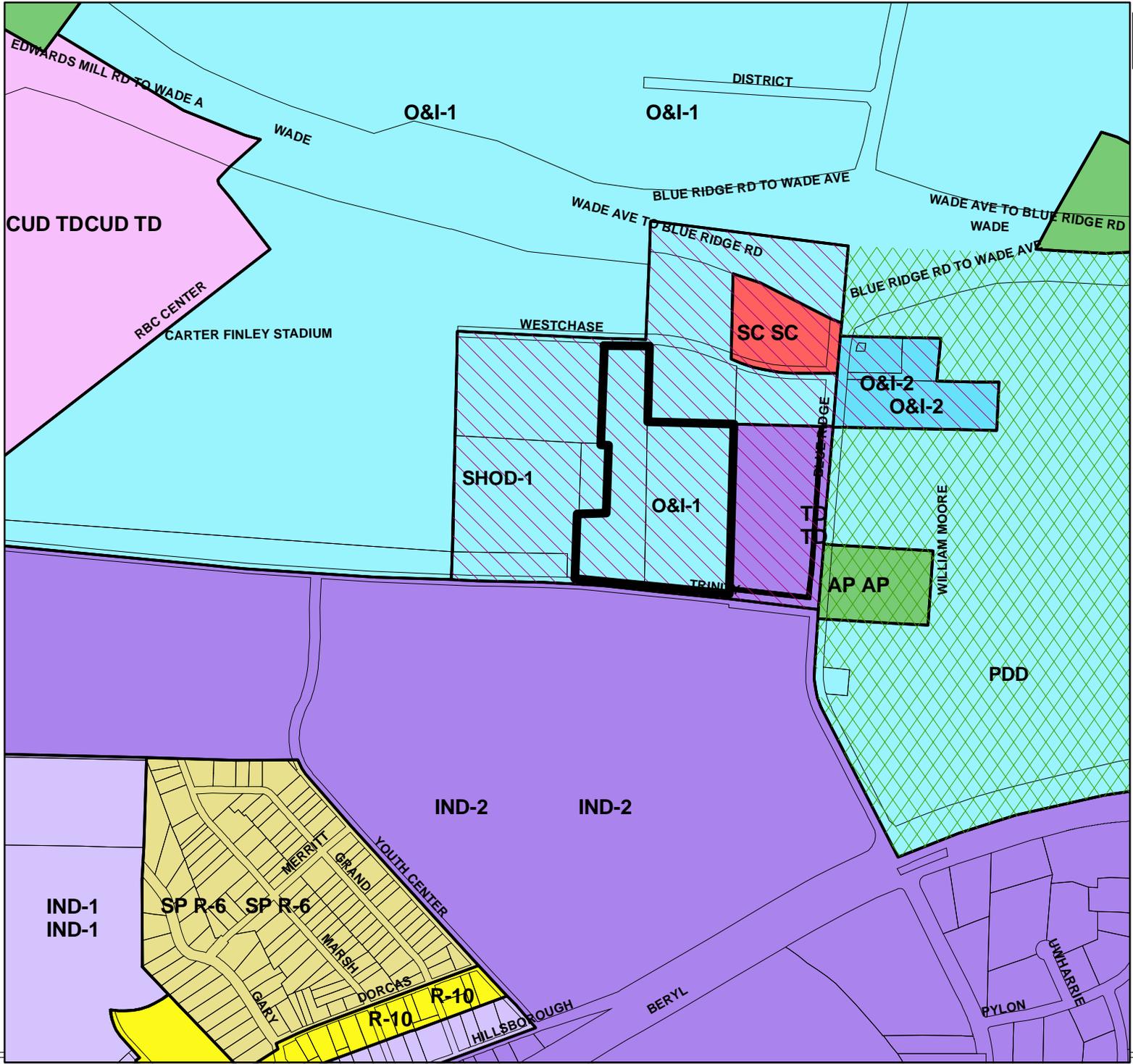
Z-24-09

O&I-1 w/SHOD-1  
to  
O&I-2 CUD

18.4 acres

Public Hearing  
May 5, 2009  
(September 2, 2009)

470  
Feet



CITY OF RALEIGH  
CITY PLANNING DEPT



2009 MAR 31 PM 3: 22

**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.
- 3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.
- 4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
  - 1) to lessen congestion in the streets;
  - 2) to provide adequate light and air;
  - 3) to prevent the overcrowding of land;
  - 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - 5) to regulate in accordance with a comprehensive plan;
  - 6) to avoid spot zoning; and
  - 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

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.

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:

SEE ATTACHED SIGNATURE SHEET

DEC 19 2008

Please type or print name(s) clearly:

C. LaMarr Bunn ASLA  
LANDSCAPE ARCHITECT FOR PETITIONERS

DEC 19 2008

# EXHIBIT B. Request for Zoning Change

Office Use Only  
 Petition No. Z-24-09  
 Date Filed: ~~12-19-09~~ 12-19-08  
 Filing Fee: pd check 1773

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>ELIZABETH JANE MEDLIN HEIRS</u>	<u>3601 PINNACLE DR CARY NC 27518-8923</u>	<u>SEE ATTACHED LISTING</u>
	<u>MARTHA M WARDLAW HEIRS</u>	<u>2008 HILLSBROUGH ST RALEIGH NC 27607-7385</u>	<u>SEE ATTACHED LISTING</u>
<b>2) Property Owner(s):</b>	<u>SAME AS ABOVE</u>	_____	_____
	<u>SEE ATTACHED LISTING</u>	_____	_____
	_____	_____	_____
	_____	_____	_____
<b>3) Contact Person(s):</b>	<u>C. LAMARR BUNN, ASLA</u>	<u>1111-102 NEW WORLD CIR, RALEIGH NC 27615</u>	<u>919-880-8558 LBUNN1069@aol.com</u>
	_____	_____	_____
<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): _____		
	<u>0784569220- 10.0 acers</u>	_____	
	<u>0784565495 8.4 acers</u>	_____	
	General Street Location (nearest street intersections): <u>4110 and 4200 Trinity Rd</u> _____		
	<u>West of Blue Ridge Rd</u> _____		
<b>5) Area of Subject Property (acres):</b>	<u>18.4 acres</u> _____		
<b>6) Current Zoning District(s)</b> <b>Classification:</b> Include Overlay District(s), if Applicable	<u>O &amp; I - 1w/ SHOD-1</u> _____		
	_____		
<b>7) Proposed Zoning District</b> <b>Classification:</b> Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>O &amp; I - 2 CUD</u> _____		
	_____		



Office Use Only	Z - 0 2 4 - 0 9
Petition No.	_____
Date Filed:	_____

## 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 which District Plan area the subject property is located within and the recommended land use for this property:**

**THE PROPERTY IS THE SOUTHWEST DISTRICT WITHIN THE ARENA SMALL AREA PLAN WHICH RECOMMENS OFFICE AND/OR HOTEL USES.**

- 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.**

**IT IS IN THE ARENA SMALL AREA PLAN WITH A STREETSCAPE PROJECT ALONG TRINTY ROAD. THIS PETITION WOULD BE CONSISTENT WITH THE POLICIES AND LAND USE RECOMENDATIONS OF THAT SMALL AREA PLAN.**

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?**

**THIS PETITION IS CONSISTENT WITH THE COMPREHENSIVE PLANS  
RECOMMENDATIONS AND POLICIES**

**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):**

**TO THE SOUTH OF TRINITY ROAD, A 4 LANE WITH TURNING LANE ,IS THE NC STATE FAIRGROUNDS ZONED INDUSTRIAL 2 WITH A LARGE UNPAVED PARKING AREA. TO THE WEST ARE LANDS CONTROLLED BY NCSU OR THE WOLFPACK CLUB,ZONED O & I-1, USED PRIMARILY FOR PARKING FOR SPORTING EVENTS. TO THE NORTH ACROSS WESTCHASE BLVD IS THE WESTCHASE OFFICE COMPLEX ZONED O & I-1 AND TO THE EAST IS A DEVELOPED NCDOT FACILITY ZONED INDUSTRIAL 2**

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

**THE EXISTING ZONING IN THE SURROUNDING AREA IS MOSTLY OFFICE AND INSTITUTION ONE USES AND PUBLIC USES CONTROLLED BY THE STATE OR THE UNIVERSITY. THE ONLY VACANT PRIVATELY OWNED PROPERTY IN THE AREA ARE THESE TRACTS AND THE TRACT DIRECTLY TO THE WEST WHICH WE BELIEVE IS CONTROLLED BY THE WOLFPACK CLUB. MOST OF THE DEVELOPED STATE PROPERTY HAS BEEN BUILT WITH LITTLE OR NO BUFFERING, SETBACKS, OR TRANSITIONAL PLANTINGS AND IS ZONED INDUSTRIAL ONE TO THE EAST AND THE FAIR GROUNDS TO THE SOUTH.**

- 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 ZONING WOULD BE COMPATIBLE WITH THE SURROUNDING USES SUCH AS SPORTING EVENTS, THE FAIRS USES, AND NCDOT USES FOR**

**TRANSPORTATION SERVICES. THE ONLY CHANGE IN USE BETWEEN THE EXISTING ALLOWED USES AND THE PROPOSED USES WOULD BE A HOTEL FACILITY AND THIS WOULD BENEFIT THE CHARACTER OF THE AREA AS WELL AS SUPPORTING THE OTHER EXISTING USES AND PROPOSED USES IN THE AREA.**

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

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

**THE PROPOSED ZONING BENEFITS THE LANDOWNER BY ALLOWING FOR THE DEVELOPMENT OF THE PROPERTY WITH A USE THAT IS GREATLY NEEDED IN THE AREA WHICH OTHERWISE WOULD NOT BE PERMITTED UNDER THE CURRENT ZONING.**

**B. For the immediate neighbors:**

**THE IMMEDIATE NEIGHBORS WILL BENEFIT BY HAVING USES THAT ARE COMPATIBLE WITH THEIR DEVELOPMENTS AND COMPLIMENT THEIR EXISTING AND FUTURE USES.**

**C. For the surrounding community:**

**THE COMMUNITY BENEFITS BY HAVING NEW USES THAT COMPLIMENT THE EXISTING AND FUTURE USES AND SUPPORT THOSE EXISTING USES.**

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

**YES, WITH THIS REZONING THIS PROPERTY WILL ALLOW A HOTEL USE, BUT SURROUNDING PROPERTIES CAN PETITION FOR A SIMILAR USE FOR THEIR O&I-1 PROPERTIES OTHER THAN THAT THE PROPOSED USES ARE ALMOST IDENTICAL WITH THE EXISTING ALLOWABLE USES OF THE O&I-1 DISTRICT.**

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

**THIS PROPERTY IS CURRENTLY ZONED O&I-1. THE PROPOSED CHANGE WOULD ONLY EFFECT THE PROPERTY BY ALLOWING A HOTEL USE AND ADDING CERTAIN CONDITIONS TO THE NEW O&I-2 USES .THE PROPERTY IS CLEARED OF TREES EXCEPT IN THE REAR ALONG A RIPARIAN STREAM, IS GENERALLY FLAT SLOPING TOWARDS TRINITY ROAD AND THE STREAM, AND IS CURRENTLY BEING USED FOR FAIR AND FOOTBALL PARKING. THIS WOULD BENEFIT THE PUBLIC BY TAKING A VACANT TRACT OFF THE TAX ROLLS AND PROVIDING USES THAT ARE GREATLY NEEDED IN THIS AREA. AT A GREATER TAX BASE.**

**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.**

**SINCE THIS PROPERTY WAS LAST ZONED, THE AREA HAS BEEN DEVELOPED EXTENSIVELY, ROAD IMPROVEMENTS COMPLETED, A SMALL AREA PLAN DONE, AND THE CURRENT ZONING WOULD NOT ALLOW FOR A HOTEL RECOMMENDED BY THE SMALL AREA PLAN**

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

**THERE IS A GREAT PUBLIC NEED FOR A ZONING OF THIS CLASSIFICATION IS THIS AREA TO SERVE THE NC STATE FAIR, THE FOOTBALL STADIUM, THE RBC CENTER, AND THE NCSU VET SCHOOL CAMPUS AS THERE IS LITTLE SUCH ZONED VACANT LAND IN THIS AREA IN PRIVATE OWNERSHIP THAT SUCH NEEDED USES COULD BE DEVELOPED.**

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

**ALL NECESSARY PUBLIC UTILITIES ARE IN PLACE AND TO THE SITE. THERE IS A TRANSIT SITE JUST TO THE SOUTH WITH A TRANSIT PLAN THAT ALLOWS FOR ADDITIONAL ACCESS TO CIRCLE THE PROPERTY. RECREATION USES ARE ADJACENT AS WELL AS A GREENWAY TO THE WEST. THE TOPOGRAPHY IS GENTLE AND UNWOODED.**

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



# Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-24-09 Conditional Use; Trinity Rd.

**General Location:** This site is located on the North side of Trinity Road, NW of its intersection with Blue Ridge Road.

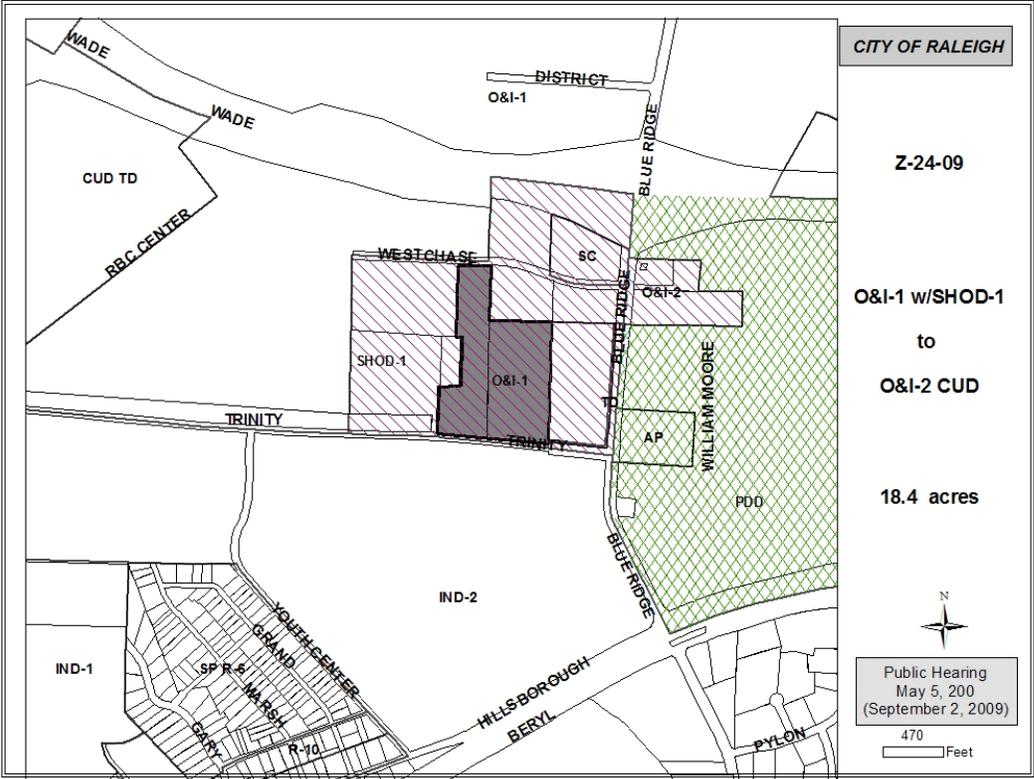
**Planning District / CAC:** Southwest / West

**Request:** Petition for Rezoning from Office and Institution-1 with Special Highway Overlay District-1 to Office and Institution-2 Conditional Use.

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

**Valid Protest Petition (VSPP):** Application Deadline Date: April 30, 2009

**Recommendation:** The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated May 22<sup>nd</sup>, 2009.



**CASE FILE:** **Z-24-09 Conditional Use; Trinity Rd.**  
**LOCATION:** This site is located on the North side of Trinity Road, NW of its intersection with Blue Ridge Road.

**REQUEST:** This request is to rezone approximately 18.4 acres, currently zoned Office and Institution-1 with Special Highway Overlay District-1. The proposal is to rezone the property to Office and Institution-2 Conditional Use.

**COMPREHENSIVE PLAN CONSISTENCY:** **This request is inconsistent with the Comprehensive Plan.**

**RECOMMENDATION:** **The Planning Commission finds that the proposed rezoning is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated May 22<sup>nd</sup>, 2009.**

- FINDINGS AND REASONS:**
- (1) The request is inconsistent with the Comprehensive Plan in part. The site is designated as being appropriate for Office/Hotel uses; therefore the ability to develop the site for residential uses would be inconsistent. However, the applicant has offered zoning conditions that would prohibit an increase in residential development above the current zoning. Therefore the proposal will not increase the current inconsistency with the Comprehensive Plan.
  - (2) The Planning Commission also finds that this request is reasonable and in the public interest. The ability to develop a hotel on this site, as well as the possibility of office/residential mixed use is appropriate and in the public interest.
  - (3) The request is consistent and compatible with surrounding land uses and development patterns. The site is in close proximity to the RBC Center, NCSU athletic facilities, and the North Carolina State Fairgrounds. A hotel and conference center would help serve the needs of the surrounding area.

**To PC:** 5/12/09  
**Case History:**

**To CC:** 6/2/09  
**Staff Coordinator:** Stan Wingo

**City Council Status:** \_\_\_\_\_

**Motion:** Holt  
**Second:** Gaylord  
**In Favor:** Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith, Vance  
**Opposed:**  
**Excused:**

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

**Signatures:** (Planning Dir.) \_\_\_\_\_ (PC Chair) \_\_\_\_\_

\_\_\_\_\_  
date: \_\_\_\_\_ date: 5/27/09



## Zoning Staff Report: Z-24-09 Conditional Use

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**LOCATION:** This site is located on the North side of Trinity Road, NW of its intersection with Blue Ridge Road.

**AREA OF REQUEST:** 18.4 acres

**PROPERTY OWNER:** Elizabeth Jane Medlin Heirs

**CONTACT PERSON:** Lamarr Bunn 880-8558

**PLANNING COMMISSION RECOMMENDATION DEADLINE:** *November 18, 2009*

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**ZONING:** Current Zoning

Office and Institution-1

Current Overlay District

Special Highway Overlay District-1

Proposed Zoning

Office and Institution-2  
Conditional Use

Proposed Overlay District

None

**ALLOWABLE DWELLING UNITS:**

Current Zoning

w / Staff approval: 276 units  
w / PC approval: 460 units

Proposed Zoning

w / Staff approval: 276 units  
w / PC approval: 460 units

**ALLOWABLE OFFICE SQUARE FOOTAGE:**

Current Zoning

601,128 sq. ft. (0.75 FAR)

Proposed Zoning

801,504 sq. ft. (1.0 FAR)

**ALLOWABLE RETAIL SQUARE FOOTAGE:**

Current Zoning

Limited Retail Uses (maximum of 10%) permitted in association with an office building exceeding 30,000 square feet.

Proposed Zoning

Limited Retail Uses (maximum of 10%) permitted in association with an office building exceeding 30,000 square feet.

**ALLOWABLE GROUND SIGNS:**

Current Zoning

Low Profile Sign

Proposed Zoning

Low Profile Sign

**ZONING HISTORY:** This property has been zoned Office and Institution-1 since being brought into the city's jurisdiction. The Special Highway Overlay District-1 was applied in 1987.

**SURROUNDING ZONING:** NORTH: Office and Institution-1, Office and Institution w/SHOD-1  
SOUTH: Industrial-2  
EAST: Industrial-2, Office and Institution-1  
WEST: Office and Institution-1 w/SHOD-1

**LAND USE:** Single family home, vacant land

**SURROUNDING LAND USE:** NORTH: Office Complex  
SOUTH: Fairground Parking  
EAST: Maintenance garage  
WEST: Vacant land

**DESIGNATED HISTORIC RESOURCES:** The structure currently located on the property, The Medlin House, is designated as a Wake County historic property.

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**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	Southwest
Urban Form	Employment Area
Specific Area Plan	Arena SAP
Guidelines	N/A

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

This site is located in the Southwest Planning District within an area designated as being appropriate for an employment area. The site is also within the Arena Small Area Plan which recommends office and hotel uses for this site. The proposal to rezone the property to Office and Institution-2 Conditional Use is inconsistent with the Comprehensive Plan due to the ability to develop as residential. It should be noted that residential density will not be increased above current zoning based on conditions offered by the applicant.

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

Applicant states that the proposed zoning would be compatible with the surrounding uses such as sporting events, fair uses, and NCDOT uses for transportation services. The only change in use between the existing allowable uses and the proposed uses would be a hotel. This would benefit the character of the area as well as supporting the other existing uses and proposed uses in the area.

Staff agrees with the applicant's assessment in terms of compatibility. Rezoning to allow a hotel use would be compatible and consistent with surrounding zoning and land uses. Office square footage could be increased from ~600,000 sq. ft. to ~800,000 sq. ft.

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

Applicant states that the proposed change would only affect the property by allowing a hotel use and adding zoning conditions to the O&I-2 uses. Also that this would benefit the public by taking a vacant tract off the tax roles and providing uses that are greatly needed in this area at a greater tax base.

Staff agrees with the assessment provided by the applicant. As noted previously, rezoning to Office and Institutional-2 will allow for a significant increase in allowable office square footage as well as the introduction of the hotel use. If developed as a hotel use, the proposal would provide needed services which could be considered beneficial.

**4. Detriments of the proposed rezoning**

There are no known detriments associated with this request.

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

**TRANSPORTATION:** Trinity Road is classified as a minor thoroughfare (2007 ADT - 5,800 vpd) and is constructed to City standards as a 5-lane curb and gutter section with sidewalk on one side within an 80-foot right-of-way. Westchase Blvd is classified as a collector street and exists as a 3-lane road with a ribbon paved cross-section on 60 feet of right-of-way. City standards call for Westchase Blvd to be constructed as a 41-foot back-to-back curb and gutter section with sidewalk on a minimum of one side within the existing right-of-way.

**TRANSIT:** No Comment

**HYDROLOGY:** FLOODPLAIN: Yes  
DRAINAGE BASIN: Richland creek  
STORMWATER MANAGEMENT: Compliance with Pt. 10 Ch. 9 required and Neuse Buffers.

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>59,800</u> gpd	Approx. <u>138,000</u> gpd
Waste Water	Approx. <u>59,800</u> gpd	Approx. <u>138,000</u> gpd

The proposed rezoning would add approximately 78,200 gpd to the wastewater and water treatment systems of the City. There are existing water mains in place which could serve the rezoning site. Sanitary sewer extensions may be required to be installed by the petitioner to serve the rezoning site.

**PARKS AND RECREATION:**

This property is not adjacent to any greenway corridors. There is a neighborhood park search area identified for the area. The rezoning case potentially could increase the number of residents by 470 individuals.

**WAKE COUNTY**

**PUBLIC SCHOOLS:** There would be no increase in residential density associated with this request, therefore no additional impact to Wake County Public Schools.

**IMPACTS SUMMARY:** There would be very little additional impact to surrounding infrastructure associated with this request.

**OPTIONAL ITEMS OF DISCUSSION**

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 since this property was last zoned, the area has been developed extensively, road improvements completed, a small area plan done, and the current zoning would not allow for a hotel as recommended by the small area plan.

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

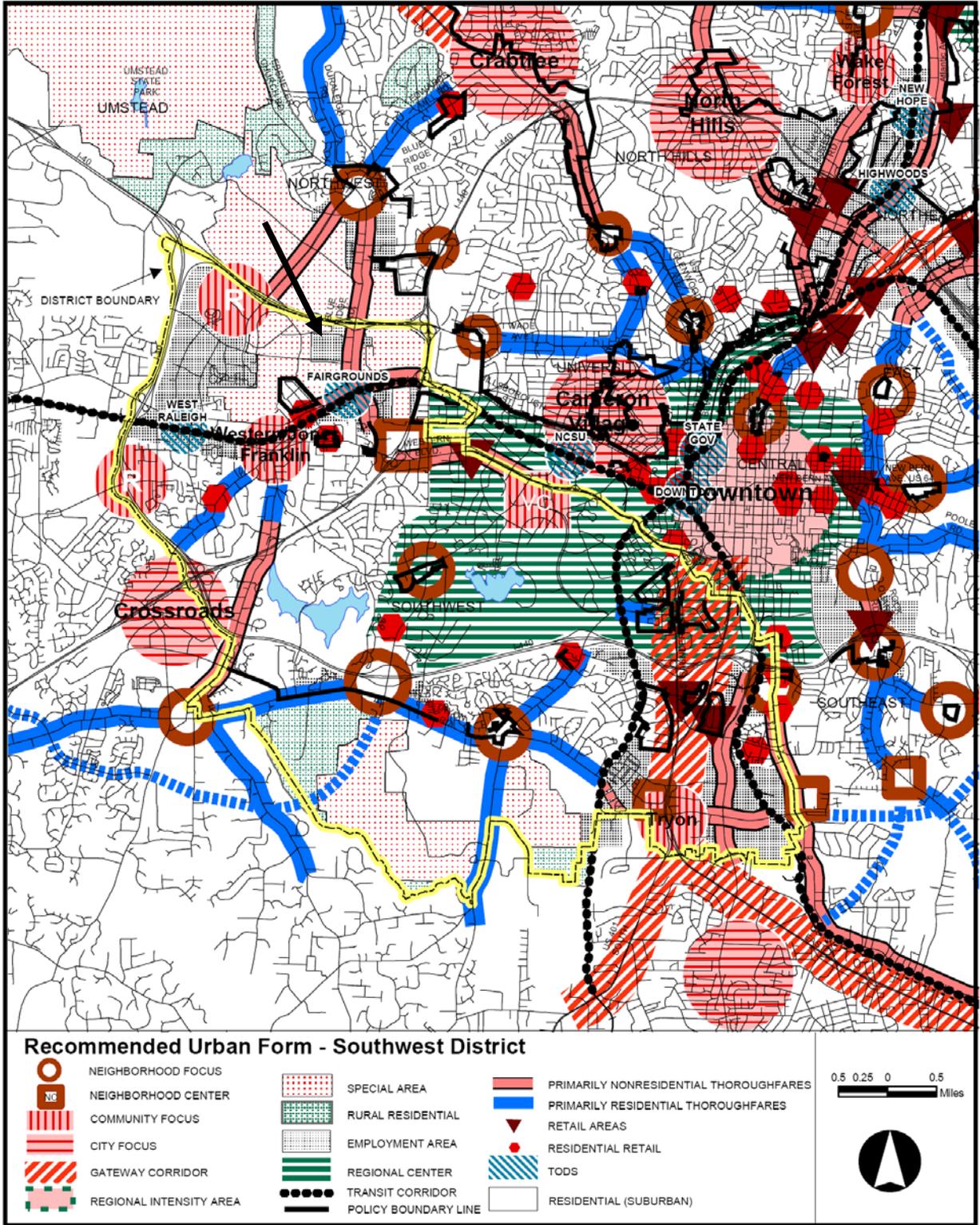
**CITIZENS' ADVISORY COUNCIL:** DISTRICT: West  
CAC CONTACT PERSON: Mark Vander Borgh 357-2454

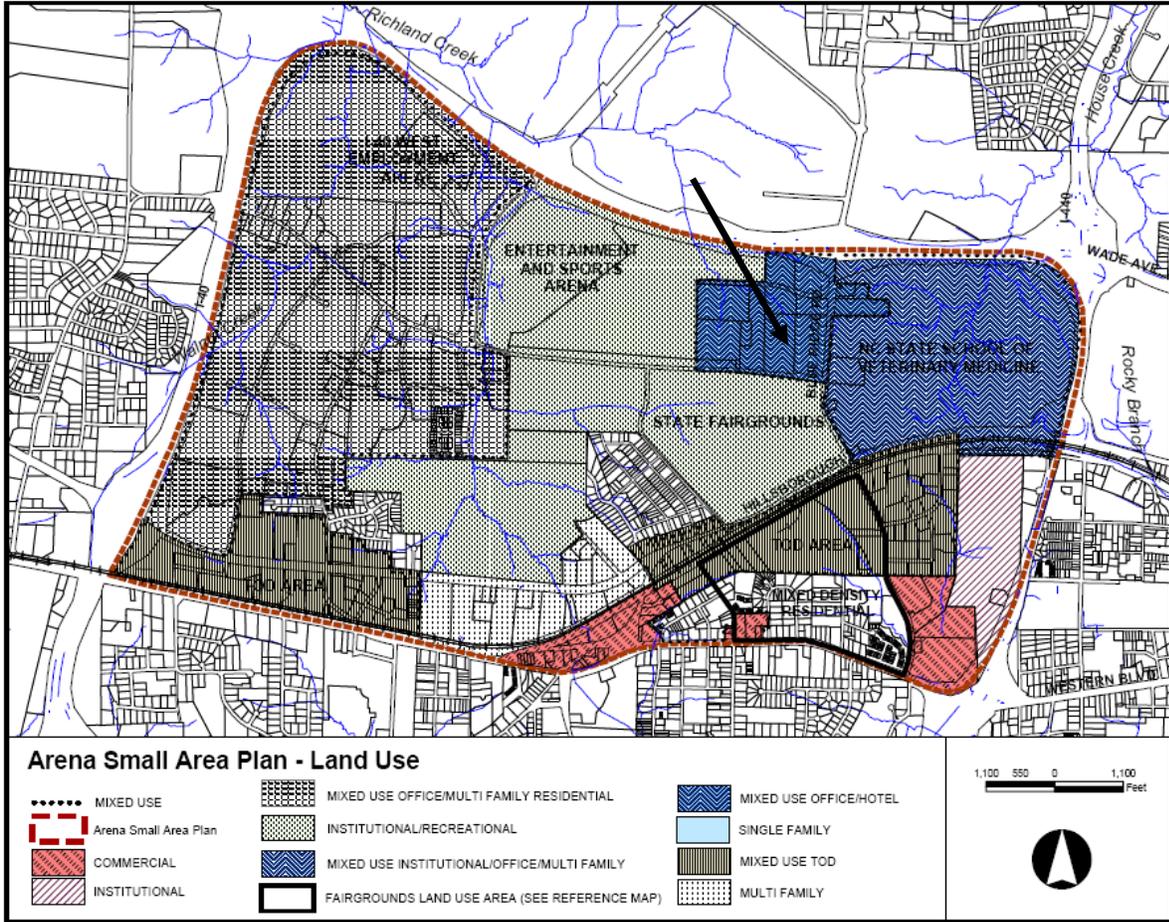
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**SUMMARY OF ISSUES:**

**DESIGNATED HISTORIC RESOURCES:**

The structure currently located on the property, The Medlin House, is designated as a Wake County historic property.





Raleigh Comprehensive Plan 07/07

Arena Small Area Plan 11-27-10