Z-27-08

NB, NB CUD, BUS
O&I-1 & IND-2
with
Pedestrian Business Overlay District
to
Same base zoning w/ Amended Pedestrian Business Overlay District

20.2 acres

Public Hearing
July 15, 2008
(Nov 12, 2008)

CITY OF RALEIGH
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 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.

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: 2/20/08

Please type or print name(s) clearly:

Date: 3/20/08
# Exhibit B. Request for Zoning Change

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

See Instructions, page 6

<table>
<thead>
<tr>
<th>Name(s)</th>
<th>Address</th>
<th>Telephone / E-Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Niall Hanley</td>
<td>2212 Everett Avenue</td>
<td><a href="mailto:Nali55@aol.com">Nali55@aol.com</a></td>
</tr>
<tr>
<td></td>
<td>Raleigh, NC 27507</td>
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</tr>
</tbody>
</table>

2) Property Owner(s):

| Niall Hanley       | 2212 Everett Avenue | Nali55@aol.com     |
|                   | Raleigh, NC 27507 |                    |

See attached "Glenwood PBOD owners"

3) Contact Person(s):

| Ted Van Dyk, AIA  | 1304 Hillsborough Street | 919.831.1308 |
|                   | Raleigh, NC 27605         |              |
|                   | Ted@newcitydesign.com     |              |

4) Property Description:

Wake County Property Identification Number(s) (PIN): See Attached

General Street Location (nearest street intersections): Glenwood, Peace, Hillsborough

5) Area of Subject Property (acres):

Glenwood PBOD 20.2 acres

6) Current Zoning District(s)

Classification:
Include Overlay District(s), if Applicable

Glenwood PBOD with Glenwood Streetscape and Parking Plan Overlay

7) Proposed Zoning District Classification:
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.

Glenwood PBOD with Glenwood Streetscape and Parking Plan Overlay

No Change
8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Street Address(es):</th>
<th>City/State/Zip:</th>
<th>Wake Co. PIN #s:</th>
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<tr>
<td>See Attached</td>
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<tr>
<td>For Glenwood South</td>
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<tr>
<td>Property Owners and</td>
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<tr>
<td>Adjacent Properties</td>
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</table>

(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.

For additional space, photocopy this page.
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:

University District
Commercial Mixed Use

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.

Glenwood Small Area Plan, PBOD
Glenwood Streetscape and Parking Plan
C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?

Yes. The proposal requests alignment of the parking requirements for this district with the text change for other PBOD’s approved by Council in Case TC-2(B)-07.

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 district is already designated a PBOD. The amendment seeks to modify the existing parking requirements for the district to bring it into line with TC-2(B)-07.

The District is adjacent to the Boylan PBOD and The DOD.

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

Glenwood south is a well developed mixed use district. The district contains a mix of office, residential, foodservice, and entertainment uses. The district boasts a number of multistory infill projects, as well as a good stock of older existing 1-2 story fabric.

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 Adjustment of the zoning to conform to the new PBOD text will allow increased flexibility for sharing parking resources in the area, and will better accommodate the small scale parcels and buildings that are the dominant fabric of the district.

III. Benefits and detractors of the proposed map amendment.

A. For the landowner(s): Increased ability to adapt older properties to newer uses. Parking for many smaller properties is not readily available, and so properties are either underdeveloped, or left fallow in hopes of purchase in a future large assemblage.

PBOD Parking standards will allow for increased sharing of existing parking resources.

B. For the immediate neighbors: Existing lots, currently largely leased for single users, may be opened up for use by multiple users, possibly as pay parking. This will reduce the amount of overflow parking into neighborhoods.

C. For the surrounding community: Increased access to the district, increased prospect of redevelopment and further inclusion of amenities and richness to the Glenwood South Area.
IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No. the Rezoning will cover the entire district.

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

Glenwood South is a ‘destination district’. It is pedestrian friendly and has a healthy mix of uses. As a result, many drivers park once, and then visit more than one destination. i.e. work, dinner, entertainments, etc. Night time users may park once, and visit several venues, without ever relocating their vehicles. Late night traffic is largely composed of taxis and other alternative transportation.

The healthy mix of uses also encourages opportunities for cross parking, i.e. parking for office uses by day can be made available for dining and entertainment clientele at night.

The PBOD standards will allow relaxation of need for leasing of parking by single users, allowing parking resources to be more efficiently shared. This, in turn will allow smaller properties to redevelop and contribute to the health of the district.

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 Current Streetscape and parking plan has been in effect for several years and has been an effective guide for the revitalization of the district. The district now enjoys an even more dense, rich mix of uses, including residential, retail, and entertainment projects not in place when the plan was adopted.

Adoption of the PBOD Standards enacted in TC-2(B)-07 will better serve the current and future density an dynamic of the district.

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

This request merely brings the Glenwood PBOD into line with other PBOD's.
c. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

Positive impact should be a more healthy environment for re-use and repositioning of smaller buildings and parcels, and increased sharing and cross use of parking resources. Parking resources will become more 'fungible'.

The area will continue to offer increased density, mix of uses, and ever increasing pedestrian friendliness by de-emphasizing the need for additional parking facilities.

Public services, infrastructure, and other components of an urbane fabric are already in place in the district, and so minimal additional resources will be required to support the additional density in this area.

VI. **Other arguments on behalf of the map amendment requested.**
Certified Recommendation
of the City of Raleigh Planning Commission

Case File: Z-27-08 (SSP-2-08) General Use; Glenwood Ave.

General Location: This site is located between Hillsborough Street and Peace Street, along the general corridor of Glenwood Avenue.

Planning District / CAC: Hillsborough / University


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

Valid Protest Petition (VSPP): NO

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends that this request be approved.
CASE FILE: Z-27-08 (SSP-2-08) General Use

LOCATION: This site is located between Hillsborough Street and Peace Street, along the general corridor of Glenwood Avenue.

REQUEST: This request is to rezone approximately 20.2 acres, currently zoned Neighborhood Business, Business, Office and Institution-1 and Industrial-2 with a Pedestrian Business Overlay District (PBOD). The proposal will retain the base zoning while amending the PBOD Streetscape and Parking Plan.

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

RECOMMENDATION: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends that this request be approved.

FINDINGS AND REASONS: (1) The request is consistent with the Comprehensive Plan. The Glenwood South Small Area Plan lists key objectives which include encouraging the adaptive reuse of older buildings and discouraging large surface parking lots. The request to amend the Parking Strategy for Glenwood South will help encourage the fulfillment of these objectives.

(2) Due to the large variety and mix of land uses, increased opportunities for shared parking are appropriate and in the public interest. Many of the businesses and office tenants in this area function with varying hours of operation which would further increase the potential for, and effectiveness of, shared parking.

(3) The Glenwood South Pedestrian Business Overlay District is located directly adjacent to the Downtown Overlay District. The requested amendment to the Parking Strategy for this area would allow commercial property owners to receive similar parking exemptions. As Glenwood South is one of the city’s primary destination districts for dining and entertainment, the request would be beneficial and compatible.

To PC: 8/12/08
Case History:

To CC: 9/2/08 City Council Status: ________________

Staff Coordinator: Stan Wingo

Motion: Mullins
Second: Haq
In Favor: Anderson, Bartholomew, Butler, Chambliss, 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: 8/15/08
Zoning Staff Report: Z-27-08 (SSP-2-08) General Use

LOCATION: This site is located between Hillsborough Street and Peace Street, along the general corridor of Glenwood Avenue.

AREA OF REQUEST: 20.2 acres

PROPERTY OWNER: Several Property Owners

CONTACT PERSON: Ted Van Dyk 831-1308

PLANNING COMMISSION RECOMMENDATION DEADLINE: November 15, 2008

ZONING: Current Zoning Proposed Zoning

Neighborhood Business, Business, Office and Institution-1 and Industrial-2 Neighborhood Business, Business, Office and Institution-1 and Industrial-2

Current Overlay District Proposed Overlay District

Pedestrian Business Overlay Pedestrian Business Overlay

ALLOWABLE DWELLING UNITS: Current Zoning Proposed Zoning

No Change No Change

ALLOWABLE OFFICE SQUARE FOOTAGE: Current Zoning Proposed Zoning

No Change No Change

ALLOWABLE RETAIL SQUARE FOOTAGE: Current Zoning Proposed Zoning

No Change No Change

ALLOWABLE GROUND SIGNS: Current Zoning Proposed Zoning

O&I-1 portion – Low Profile O&I-1 portion – Low Profile

Other districts – High Profile Other districts – High Profile

ZONING HISTORY: The base zoning age ranges on the properties vary. The current Pedestrian Business Overlay District was implemented in 2000 as the Glenwood South Streetscape and Parking Plan.
SURROUNDING ZONING:  
NORTH: NB, IND-2, R-30 CUD  
SOUTH: BUS, DOD  
EAST: IND-2, BUS, DOD  
WEST: O&I-1, O&I-1 CUD, BUS, BUS CUD, RB, NCOD, DOD, PDD

LAND USE:  
A mix of retail, mixed use, office and residential uses.

SURROUNDING LAND USE:  
NORTH: Retail and Residential Uses  
SOUTH: Retail Uses  
EAST: Retail and Industrial Uses  
WEST: Mix of Retail, Office, and Residential Uses.

DESIGNATED HISTORIC RESOURCES:  
The site includes the Pine State Creamery building which is a locally designated historic structure.

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.

<table>
<thead>
<tr>
<th>Element</th>
<th>Application to case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning District</td>
<td>University</td>
</tr>
<tr>
<td>Urban Form</td>
<td>Regional Center, Residential Retail, TOD Fringe</td>
</tr>
<tr>
<td>Specific Area Plan</td>
<td>Glenwood South SAP</td>
</tr>
<tr>
<td>Guidelines</td>
<td>n/a</td>
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</tbody>
</table>

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

This site is located in the University Planning District within the Glenwood South Small Area Plan. The Small Area Plan designates the majority of the area as commercial mixed use, with the portion on the eastern side of Glenwood Avenue between Tucker and Willard being designated for Housing/Mixed Use. The proposal seeks to amend the existing Glenwood South Streetscape and Parking Plan to encourage adaptive reuse of older buildings in order to contribute to the character of the district and to encourage multi-use shared parking facilities. As the base zoning would remain the same, this proposal is consistent with the guidelines of the Comprehensive Plan.

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

Applicant states that the adjustment to the PBOD text will allow for increased flexibility for sharing parking resources and will better accommodate the small parcels and buildings that are the dominant fabric of the district.

Staff concurs with the applicant in their assessment of compatibility. The base zoning would remain the same, therefore there would be no change in use or increased densities associated with this proposal. The applicant's request to amend the current Streetscape Plan's parking standard is consistent and compatible with surrounding land uses and zoning in this area. The amended parking standards include a parking exemption for the first 10,000 square feet of retail uses other than for...
nightlife uses located within 100 feet of a residential district with operating hours after 11:00 pm. The reduction of surface parking and opportunities for shared parking are encouraged. Due to the large variety and mix of land uses, increased opportunities for shared parking are appropriate. Many of the businesses and office tenants in this area function with varying hours of operation which would further increase the potential for, and effectiveness of, shared parking.

3. Public benefits of the proposed rezoning

Applicant states that Glenwood South is a "destination district". It is pedestrian friendly and has a healthy mix of uses. As a result, many drivers park once, and then visit several destinations. A significant share of late night traffic in this area is reportedly composed of taxis and other alternative transportation. The applicant also states that the healthy mix of uses encourages opportunities for shared parking. Parking for office uses by day can be made available for dining and entertainment at night. The PBOD standards will allow relaxation of need for leasing of parking by single users, allowing parking resources to be more efficiently shared. This, in turn will allow smaller parcels to redevelop and contribute to the health of the district.

Staff concurs with the applicant’s statement. The amendment to the current Streetscape Plan is appropriate and will provide public benefit. The allowance of shared parking should alleviate an existing, congested parking situation. There are numerous structures in the Glenwood South area that were constructed prior to WWII and were done so with very little associated parking. Amending the parking strategy for this area will help encourage the adaptive reuse of such structures and help to preserve the character of this district.

4. Detriments of the proposed rezoning

The amended parking strategy for this area could increase overflow parking into adjacent neighborhoods. During peak parking demand times, surrounding areas could see an increase in on-street parking utilization.

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

TRANSPORTATION: Glenwood Avenue (2005 ADT - 12,000 vpd) is classified as a major thoroughfare and exists as a four lane undivided street with on street parking. This segment of Glenwood Avenue has a 45-foot back-to-back curb and gutter cross section with sidewalk on both sides within a 66-foot right-of-way. This portion of Glenwood Avenue is within the Glenwood South pedestrian business overlay district. Hillsborough Street is also classified as major thoroughfare and exists as 5 lane street with a 52-foot back-to-back curb and gutter section with sidewalk on both sides within a 70-foot right of way. Peace Street is classified as major thoroughfare and exists as a three lane street with a 39-foot back to curb and gutter section with sidewalks on both sides within a 60-foot right of way. Neither NCDOT nor the City have any projects scheduled on any of these roadways in the vicinity of this case.

TRANSIT: None

HYDROLOGY: Floodplain: Possible flood-prone soils. FEMA floodplain not on site but just downstream.
DRAINAGE BASIN: Pigeon House
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9 – Stormwater Regulations. Neuse Riparian Buffer regulations may apply. No WSPOD.

PUBLIC UTILITIES:

<table>
<thead>
<tr>
<th></th>
<th>Maximum Demand on Current Zoning</th>
<th>Maximum Demand on Proposed Zoning</th>
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8/26/08 Z-27-08 Glenwood Ave., DOC
The proposed rezoning would not change the amount of wastewater or water to the wastewater collection or water distribution systems of the City’s utilities. There are existing sanitary sewer and water mains in the streets rights-of-way which would serve the proposed rezoning area.

**PARKS AND RECREATION:** This property is not adjacent to any greenway corridors. This proposed change in zoning will not create any adverse impacts upon the delivery of park services.

**WAKE COUNTY PUBLIC SCHOOLS:** This rezoning proposal would not change the base zoning or increase residential density for these properties. There would be no impact on the Wake County Public School system.

**IMPACTS SUMMARY:** Surrounding neighborhoods could see an increase in on-street parking due to the proposed reduction associated with the amended parking strategy.

**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 the current Streetscape and Parking Plan has been in effect for several years and has been an effective guide for the revitalization of the district. The district now enjoys a more dense development pattern and a rich mix of uses, including residential, retail, and entertainment projects not in place when the plan was adopted. Adoption of the PBOD Standards enacted in TC-2(B)-07 will better serve the current and future density and dynamic of the district.

   Staff concurs with this statement and maintains that the reduction of surface parking and opportunities for shared parking are encouraged by the Comprehensive Plan. Due to the large variety and mix of land uses, increased opportunities for shared parking are appropriate. Amending the parking strategy for this area will help encourage the adaptive reuse of older structures and help to preserve the character of this district.

**APPEARANCE COMMISSION:** This request is subject to Appearance Commission review. The commission reviewed the proposal on June 17th and noted the request as being a positive step toward achieving greater density and intensity of use in the subject area. The commission also recommended the city follow up with an expanded commitment to alternative means of transportation, especially transit.

**CITIZEN’S ADVISORY COUNCIL:**

DISTRICT: Hillsborough
CAC CONTACT PERSON: Ana Pardo 818-5933
SUMMARY OF ISSUES:

DESIGNATED HISTORIC RESOURCES:

The site includes the Pine State Creamery building which is a locally designated historic structure. The proposal to amend the Glenwood South Parking Strategy should help encourage adaptive reuse of older, historically significant structures within the district,