

REV. 6/15/09



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.

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)

Benjamin R. Kuhn, Co-Commissioner Date: 6/15/09
by [Signature], Attorney at Law

Please type or print name(s) clearly:

Benjamin R. Kuhn, Attorney for Mary Holland Trull and
Co-Commissioner for partition sale of 606 Glenwood Avenue and
512 W. Johnson Street

March 20, 2009

CITY OF RALEIGH
CITY PLANNING DEPT

2009 JUN 15 PM 4: 09



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:

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

5. 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.

6. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

5. 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:

- 8) to lessen congestion in the streets;
- 9) to provide adequate light and air;
- 10) to prevent the overcrowding of land;
- 11) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 12) to regulate in accordance with a comprehensive plan;
- 13) to avoid spot zoning; and
- 14) 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)

Paul Stam
By To City

Date:

6/15/09

Please type or print name(s) clearly:

Paul Stam, as Attorney for Randolph H. Trull and Catherine T. Batts
and Co-Commissioner for partition sale of 606 Glenwood Avenue and
512 W. Johnson Street

March 20, 2009



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:

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

8. 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.

9. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

6. 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:

- 15) to lessen congestion in the streets;
- 16) to provide adequate light and air;
- 17) to prevent the overcrowding of land;
- 18) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 19) to regulate in accordance with a comprehensive plan;
- 20) to avoid spot zoning; and
- 21) 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)

Charles S. Yancey, Attorney

Date:

6/15/09

Please type or print name(s) clearly:

Charles S. Yancey, owner of property located at 510 W. Johnson St.
Nellie K. Yancey, owner of property located at 510 W. Johnson St.

March 20, 2009



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:

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

11. 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.

12. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

7. 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:

- 22) to lessen congestion in the streets;
- 23) to provide adequate light and air;
- 24) to prevent the overcrowding of land;
- 25) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 26) to regulate in accordance with a comprehensive plan;
- 27) to avoid spot zoning; and
- 28) 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:

Robert E. Troxler
By Thomas C. Worth, Jr., Attorney

6/15/09

Please type or print name(s) clearly:

Robert E. Troxler, owner of property located at 606 Glenwood Ave.,
By Thomas C. Worth, Jr.

June 15, 2009



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:

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

14. 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.

15. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

8. 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:

- 29) to lessen congestion in the streets;
- 30) to provide adequate light and air;
- 31) to prevent the overcrowding of land;
- 32) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 33) to regulate in accordance with a comprehensive plan;
- 34) to avoid spot zoning; and
- 35) 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)

Edward P. Boatwright
by Thomas C. Worth, Jr., Atty

Date:

6/15/09

Please type or print name(s) clearly:

Edward P. Boatwright, owner of property located at 608 Glenwood

June 15, 2009

Ave. and 512-1/2 W. Johnson St. by Thomas C. Worth, Jr.

EXHIBIT B. Request for Zoning Change

Office Use Only
Petition No. Z-31-09
Date Filed: 3/20/09 (Rev. 6/15/07)
Filing Fee: pd. 514 by CK# 3996

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Benjamin R. Kuhn Co- Commissioner</u>	<u>127 W. Hargett St. Ste 504 Raleigh, NC 27601</u>	<u></u>
	<u>Paul Stam Co-Commissioner</u>	<u>714 Hunter St. Apex, NC 27502</u>	<u></u>
	<u>Charles S. Yancey</u> <u>Nellie K. Yancey</u>	<u>510 W. Johnson St. Raleigh, NC 27603-1226</u>	<u></u>
	<u>Robert E. Troxler</u>	<u>1609 Canterbury Rd. Raleigh, NC 27608-1107</u>	<u></u>
	<u>Edward P. Boatwright</u>	<u>P.O. Box 17062 Raleigh, NC 27619-7062</u>	<u></u>
2) Property Owner(s):	<u>Exhibit B-1 for a list of property owners and addresses</u>		
3) Contact Person(s):	<u>Thomas C. Worth, Jr.</u>	<u>P O Box 1799 Raleigh, NC 27602</u>	<u>919) 831-1125 curmudgtcw@earthlink. net</u>
	<u>Isabel Worthy Mattox</u>	<u>P O Box 946 Raleigh, NC 27602</u>	<u>(919) 828-7171 isabel@mattoxfirm.com</u>

**4) Property
Description:**
Please provide
surveys if proposed
zoning boundary lines
do not follow property
lines.

Wake County Property Identification Number(s) (PIN): 1704417743
1704418744, 1704418795, 1704417843, 1704418855 and 1704417748

General Street Location (nearest street intersections): Northeast quadrant of
Intersection of Glenwood Avenue and W. Johnson St..

**5) Area of Subject
Property (acres):** 1.00 acres

**6) Current Zoning
District(s)** IND – 2 w/ PBOD

Classification:
Include Overlay District(s), if
Applicable

**7) Proposed Zoning
District**

Classification: IND – 2 w/ PBOD (with Amended Streetscape Plan)

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

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.

(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]

For additional space, photocopy this page.

EXHIBIT B- 1

Charles S. Yancey & Nellie K. Yancey
(PIN # 1704 41 8795)
510 W. Johnson St.
Raleigh, NC 27603-1226

Robert E. Troxler
(PIN # 1704 41 7748)
1609 Canterbury Rd.
Raleigh, NC 27608-1107

Catherine T. Batts
PIN NOS. 1704 41 7743
1704 41 8744
c/o Paul Stam, Attorney
714 Hunter St.
Apex, NC 27502

Mary Holland Trull
PIN NOS. 1704 41 7743
1704 41 8744
c/o Ben Kuhn, Attorney
127 W. Hargett St., Suite 504
Raleigh, NC 27601

Randolph H. Trull
PIN NOS. 1704 41 7743
1704 41 8744
c/o Paul Stam, Attorney
714 Hunter St.
Apex, NC 27502

Edward P. Boatwright
PIN NOS. 1704 41 7843
1704 41 8855
P. O. Box 17062
Raleigh, NC 27619-7062
4495 304 Roosevelt Blvd. # 172
Jacksonville, FL 32210

EXHIBIT B-2

Housing Authority City of Raleigh (PIN #1704 41 3596) 900 Haynes St. Raleigh, NC 27604-1462	John Carlton Long (PIN # 1704 41 4990) 1823 Glenwood Ave. Raleigh, NC 27608-2323	Glenwood South Associates, LLC (PIN # 1704 41 5739) c/o Blue Ridge Realty Inc. 2501 Blue Ridge Rd. Ste 280 Raleigh, NC 27607-6367
Thomas H. Luter (PIN # 1704 41 5742) 1705 Hunting Ridge Rd. Raleigh, NC 27615-7030	Glenwood South Associates, LLC (PIN # 1704 41 5804) 2501 Blue Ridge Rd. Ste 280 Raleigh, NC 27607-6367	W E Trull (PIN # 1704 41 7743) 600 Glenwood Ave. Raleigh, NC 27603-1224
Robert E. Troxler (PIN # 1704 41 7748) 1609 Canterbury Rd. Raleigh, NC 27608-1107	Edward P. Boatwright (PIN # 1704 41 7843) P O Box 17062 Raleigh, NC 27619-7062	Owen David Wade (PIN # 1704 41 7858) 612 Glenwood Ave. Raleigh, NC 27603-1224
Harry David Tuetung & Martha H. (PIN # 1704 41 7979) 3336 Ocotea St. Raleigh, NC 27607	Claremount Real Estate, LLC (PIN # 1704 41 7983) 191 Chamberlain St. Raleigh, NC 27607-7307	Walter E. Trull (PIN # 1704 41 8744) 600 Glenwood Ave. Raleigh, NC 27603-1224
Charles S. Yancey & Nellie K. (PIN # 1704 41 8795) 510 W. Johnson St. Raleigh, NC 27603-1226	Edward P. Boatwright (PIN # 1704 41 8855) 4495 304 Roosevelt Blvd. # 172 Jacksonville, FL 32210	Claremount Real Estate, LLC (PIN # 1704 41 9906) 191 Chamberlain St. Raleigh, NC 27607-7307
Hinsdale Enterprises (PIN # 1704 42 5020) P O Box 71549 Durham, NC 27722-1549	ACO Enterprises, Inc. (PIN # 1704 51 0532) 2411 Buffaloe Rd. Garner, NC 27529-5141	Norfolk & Southern Railroad Co. (PIN # 1704 51 0865) 110 Franklin Rd. SE Roanoke, VA. 24042-0002
520 PTNR, LLC (PIN # 1704 51 1469) 1304 Hillsborough St. Raleigh, NC 27605-1827	520 PTNR, LLC (PIN # 1704 51 1562) 1304 Hillsborough St. Raleigh, NC 27605-1827	Hendrickson Properties V, LLC (PIN # 1704 51 2404) P O Box 1166 Zebulon, NC 27597-1166
BWB WEST, LLC (PIN # 1704 51 2665) 3605 Glenwood Ave. Ste 301 Raleigh, NC 27612-5059	The Crossland Company (PIN # 1704 51 2991) c/o John C. Williams 3111 Glenwood Ave. Raleigh, NC 27612-5006	Phillip S. Horwitz PIN # 1704 42 7023 P.O. Box 6 Raleigh, NC 27602-0006
Lowery & Webster Properties LLC PIN # 1704 42 7088 5204 Rembert Dr. Raleigh, NC 27612-6244	Raleigh Properties & Realty INC PIN # 1704 42 8055 P.O. Box 6494 Raleigh, NC 27628-6494	Beacon Investment Properties LLC PIN # 1704 42 9037 507 W. Peace St. Raleigh, NC 27603-1101
Richard Gardner PIN # 1704 52 2047 1112 Country Ridge Dr Raleigh, NC 27609-5423		

EXHIBIT B -3

510 Glenwood Condominium
(PIN # 1704 41 8502)
221 Glenwood Ave.
Raleigh, NC 27603-1404

Bone Properties, LLC
(PIN # 1704 41 8502)
640 Donald Ross Dr.
Pinehurst, NC 28374-8921

Joseph Lee Levinson
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 501
Raleigh, NC 27603-1290

Richard Jones
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 601
Raleigh, NC 27603-1263

Edward Bardin Simmons, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 402
Raleigh, NC 27603-1262

Douglas B. Kinney
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt. 502
Raleigh, NC 27603-1290

Daniel Vogel
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt. 602
Raleigh, NC 27603-1263

Nancy L. Burns
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 403
Raleigh, NC 27603-1262

William Wood Biggs, II
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 503
Raleigh, NC 27603-1290

Thomas L. Odom, Sr. & Carmen H.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt. 603
Raleigh, NC 27603-1263

Raul Esquivel
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 404
Raleigh, NC 27603-1262

William Robert Flederbach
(PIN # 1704 41 8502)
5252 Lake Edge Dr.
Holly Springs, NC 27540-918

Sea Crest Properties, LLC
(PIN # 1704 41 8502)
P O. Box 1113
Wallace, NC 28466-1113

Christopher J. Basher
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 405
Raleigh, NC 27603-1262

Malcolm K. Turner
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 505
Raleigh, NC 27603-1290

Patrick Sean Ratliff
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 605
Raleigh, NC 27603-1263

Paul Edgerton Cranfill
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 406
Raleigh, NC 27603-1262

Mary Price Taylor Harrison
(PIN # 1704 41 8502)
P O Box 9339
Greensboro, NC 27429-0339

Charles W. Broadwell
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 606
Raleigh, NC 27603-1263

James A. Whitley, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 407
Raleigh, NC 27603-1262

Mary Price Taylor Harrison
(PIN # 1704 41 8502)
P O. Box 9339
Greensboro, NC 27429-0339

Franklin B. Lovin
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt. 607
Raleigh, NC 27603-1263

James D. Belt & Donna N.
(PIN # 1704 41 8502)
17 River Dr.
Lancaster, PA 17603-4716

William E. Graham, Jr.
(PIN # 1704 41 8502)
Villa 508
8601 Cypress Lakes Dr.
Raleigh, NC 27615-2122

Robert E. Nussear, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 608
Raleigh, NC 27603-1263

Henry M. Harris, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 409
Raleigh, NC 27603-1262

Lyston C. Peebles
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 509
Raleigh, NC 27603-1263

Timothy E. Sartin
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 609
Raleigh, NC 27603-1263

CABA Properties, LLC
(PIN # 1704 41 8502)
700 W. Jones St.
Raleigh, NC 27603-1427

Helen Cerena Washington
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 510
Raleigh, NC 27603-1263

John A. Robinson
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt. 610
Raleigh, NC 27603-1263

Patrick J. Norton, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 411
Raleigh, NC 27603-1262

G Todd Turner
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 511
Raleigh, NC 27603-1263

Dana Paul Boyette
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 611
Raleigh, NC 27603-1263

Thomas Lawrence Gullely, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 412
Raleigh, NC 27603-1262

Bates Battaglia
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 512
Raleigh, NC 27603-1263

Seabury D. Thorp, Jr.
(PIN # 1704 41 8502)
510 Glenwood Ave. Apt 612
Raleigh, NC 27603-1263

Burcam Capital II, LLC
(PIN # 1704 41 8502)
4521 Touchstone Forest Rd.
Raleigh, NC 27612

Burcam Capital II, LLC
(PIN # 1704 41 8502)
4521 Touchstone Forest Rd.
Raleigh, NC 27612-4134

Burcam Capital II, LLC
(PIN # 1704 41 8502)
4521 Touchstone Forest Rd.
Raleigh, NC 27612

Burcam Capital II, LLC
(PIN # 1704 41 8502)
4521 Touchstone Forest Rd.
Raleigh, NC 27612

Burcam Capital II, LLC
(PIN # 1704 41 8502)
4521 Touchstone Forest Rd.
Raleigh, NC 27612

Burcam Capital II, LLC
(PIN # 1704 41 8502)
4521 Touchstone Forest Rd.
Raleigh, NC 27612

EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	<u>7-31-09</u>
Original Date Filed:	<u>3/20/09</u>
Amended Date:	<u>6/15/09</u>

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) Conditional Use Zone Requested: _____

2) Narrative of conditions being requested:

This is a General Use case. We request revisions to the Glenwood South Streetscape & Parking Plan dated January 31, 2000 as set forth on attached Exhibit C-1.

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 7 through 9 of the Zoning Application Instructions.

Printed Name: Thomas C. Heath, Jr.

Signature: [Signature]

Date: 6/15/09

Printed Name: _____

Signature: _____

Date: _____

EXHIBIT C-1**AMENDMENT TO GLENWOOD SOUTH STREETSCAPE & PARKING PLAN**

THAT GLENWOOD SOUTH STREETSCAPE & PARKING PLAN, dated as of January 31, 2000 is hereby amended as follows:

1. The paragraph entitled "Building Height" on page 8 is hereby amended to read in its entirety as follows:

Building Height

Along the west side of Glenwood Avenue from Willard to North Street and along Peace Street to a depth of 100 feet from the right-of-way, a maximum building height of 40 feet is allowed. Buildings may exceed 40 feet as allowed in 10-2076(a) for Neighborhood Business zoning.

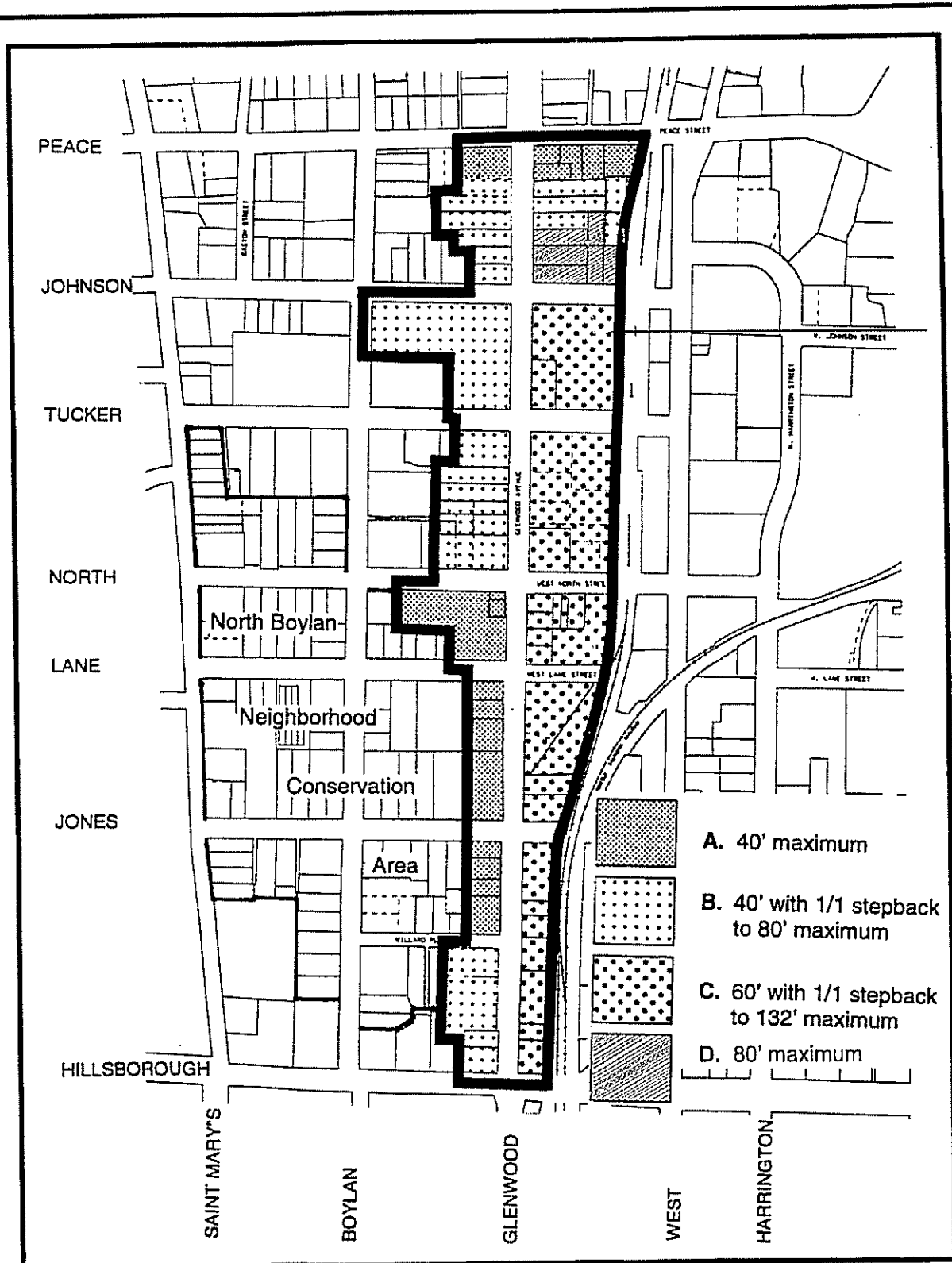
For the Boatwright, (PINS 1704417843 and 1704418855), Troxler (PIN 1704417748), Trull (PINs 1704417743 and 1704418744) and Yancey (PIN 1704418795) properties located generally on the corner of Glenwood and West Johnson, a maximum building height of 80 feet is allowed.

For the remaining lots on the west side of Glenwood Avenue and along the east side of Glenwood Avenue north and west of the Boatwright (PINs 1704417843 and 1704418855), a maximum building height of 40 feet is allowed with additional height to a maximum of 80 feet achieved with a one to one stepback ratio above 40 feet.

Along the east side of Glenwood from Hillsborough to Johnson Street, a maximum building height of 60 feet is allowed with additional height to a maximum of 132 feet achieved with a one to one stepback ratio above 60 feet.

Buildings may be constructed to a height greater than 80 feet with the approval of City Council in conformance with the guidelines recommended in Appendix A of the Downtown Design Guide and procedures in 10-2132.

2. The graphic entitled "Glenwood South Building Heights" on page 10 is hereby amended by substituting the attached drawing for such graphic.



Information obtained herein is for reference purposes only, and is not intended to be used as a basis for any legal action. The City of Raleigh assumes no responsibility for errors or omissions from the source of the data.

Glenwood South Building Heights



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 University Planning District. The recommended land uses for the subject property are commercial mixed 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.

The subject property is located within the Glenwood South Small Area Plan and the Glenwood South Streetscape & Parking Plan. The Streetscape and Parking Plan contains recommendations and requirements regarding open space, sidewalks, building heights, off-street parking, building facades and bicycle parking.

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

The proposed map amendment seeks to modify the current Comprehensive Plan by modifying the Glenwood South Streetscape & Parking Plan. The proposed map amendment is consistent with the draft 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):

South: Mixed use project, including residential condominiums, retail and office space and parking deck.

East: Railroad right-of-way

North: Commercial uses

West: Commercial retail and office uses

Southwest: Raleigh Housing Authority Glenwood Towers senior living apartments

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

South: IND - 2 w/ PBOD

East: IND - 2 w/ DOD

North: IND - 2 w/PBOD

West: NB w/ PBOD

Southwest: BUS w/ PBOD

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 map amendment is compatible with the surrounding area as it would permit mixed use multi-story buildings, directly across W. Johnson Street from an approximately 82 foot tall mixed use building and catty-corner from the approximately 131 foot tall Glenwood Towers apartment building. Development permitted under the zoning amendment would also be compatible with the mix of office, retail and residential uses in the area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The landowners would be permitted to redevelop their small individual tracts in the heart of Glenwood South with vibrant mixed use projects which are not now practical, given the small lot sizes and applicable height limits.

B. For the immediate neighbors:

The immediate neighbors would have the benefit of more goods and services in close proximity, better utilization of a parking deck in close proximity and a more aesthetically appealing projects.

C. For the surrounding community:

The surrounding community would have the benefit of more dense and efficient development which could provide more pedestrian opportunities to work, live and play in the same walkable area. Such development will reduce fuel consumption and combat urban sprawl.

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

This rezoning would allow similar building heights as exist to the west, south and southwest, would allow greater heights than permitted without 1/1 setbacks to the north, west and east.

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

The subject property is comprised of 6 small tracts located at the base of a rather steep hill. Such small and shallow tracts cannot accommodate the setbacks required for buildings taller than forty feet (40'). Given the topography of the area, taller buildings will not feel or look as tall compared to other buildings in the area because of the subject property's location at the base of a hill. Finally the subject property is located adjacent to the 510 Glenwood Building, an approximately 82-foot tall building and catty-corner from Glenwood Towers, an approximately 131 foot tall building. Therefore, taller buildings on the subject properties are quite appropriate with this topography and in this context. The proposed map amendment would allow building heights up to 80 feet without additional setbacks or setbacks.

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 the Glenwood South Streetscape & Parking Plan was adopted in 2000, planning trends have called for more dense development in central business areas. In fact, the draft Comprehensive Plan recently published by the City's Planning Department calls for more density and taller building heights in this area designated as the Central Business District on the Future Land Use Map in such draft plan.

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

The City has a great need for more properties in urban locations to be zoned in a way that permits more height without requiring stepbacks in locations which, because of small lots and expensive land prices, will not be viable without significant building height but cannot accommodate such stepbacks.

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

The subject property can be served by existing public utilities, streets, an existing parking deck and other infrastructure. It is located in close proximity to fire and public safety stations, parks and recreational facilities. Given the subject property's location at the base of a steep hill and adjacency to two buildings of significant height, it is less likely than prospective development upon other locations in the general area to have a significant adverse effect on air and light.

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

In evaluating this rezoning request, which consists solely of an amendment to the Glenwood South Streetscape & Parking Plan, it is important to note several factors:

a) The City's need and desire for more density in this central business area of Raleigh. The proposed Comprehensive Plan designates this area as part of the Central Business District which does not specify height limits. The City's planners seem to recognize that the desired density can be best realized with taller buildings. Such density facilitates pedestrian oriented developments and combats urban sprawl.

b) The topography of the site. The subject property is located at the base of a steep hill which mitigates impacts from taller buildings.

c) Small lots. Small lots such as these cannot be developed in an economically viable manner without more generous height allowances.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-31-09 (SSP-2-09) General Use; Glenwood Avenue and W. Johnson Street**

General Location: Glenwood Avenue, east side, north of West Johnson Street

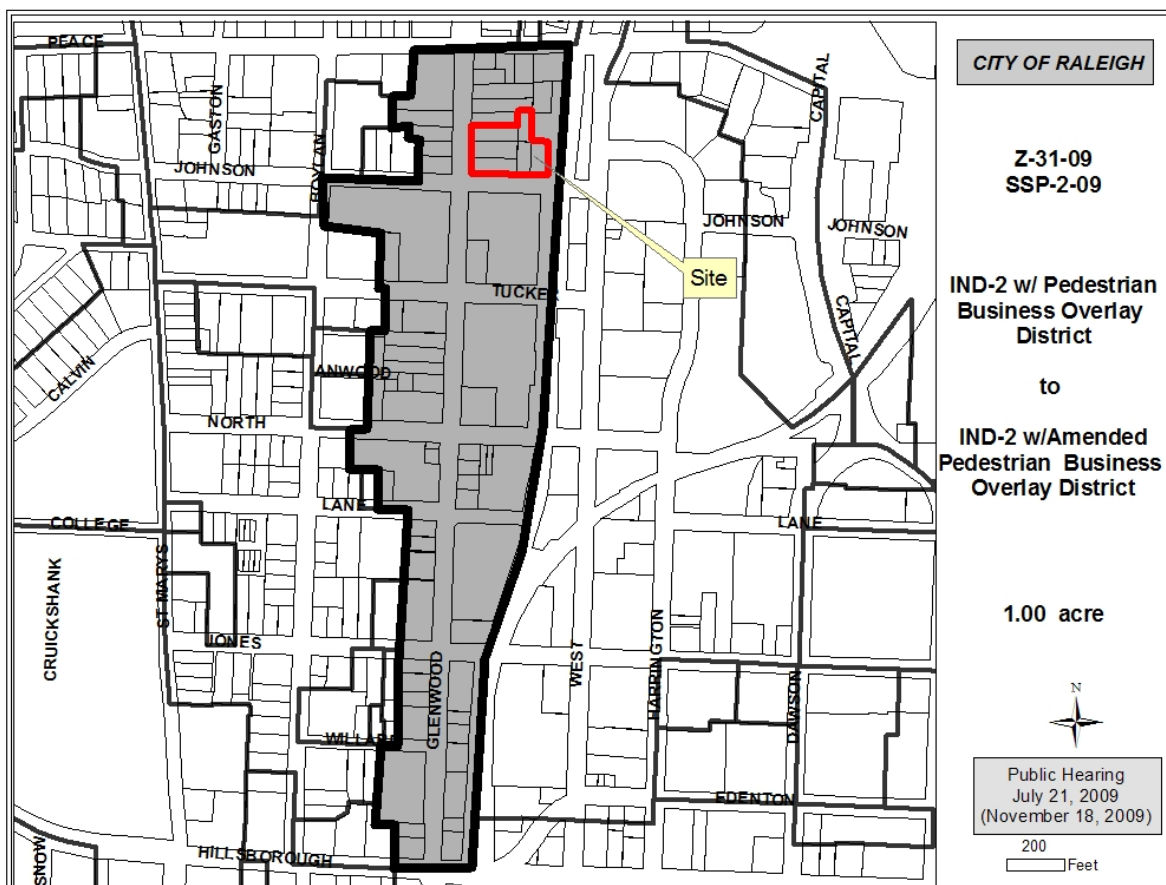
Planning District / CAC: University / Hillsborough

Request: Petition to amend the Streetscape and Parking Plan to modify maximum allowed height for property zoned **Industrial-2 w/ Pedestrian Business Overlay District**.

Consistency with Comprehensive Plan and Other Adopted Plans: This request is consistent with the Comprehensive Plan

Valid Protest Petition (VSPP): Application deadline date: July 16, 2009

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



CASE FILE: **Z-31-09 (SSP-2-09) General Use**

LOCATION: This site is located on the east side of Glenwood Avenue, north of its intersection with West Johnson Street.

REQUEST: This request is to amend the *Glenwood South* Streetscape and Parking Plan for approximately 1.00 acre, currently zoned Industrial-2 w/ Pedestrian Business Overlay District. The amendment would modify the maximum building height allowed for the subject property.

**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 that this request be approved.

**FINDINGS
AND REASONS:**

- (1) The rezoning request is consistent with the land use recommendations of the Comprehensive Plan. The subject property is part of a Regional Center, which supports high intensity mixed-use development.
- (2) The request is considered reasonable and in the public interest based on the fact that this area has been designated as an area where development intensity is appropriate, and allowing for additional building height will permit the property to develop in a more efficient manor.

To PC: 8/11/09
Case History: Committee of the Whole; 8/4/09

To CC: xxxxx **City Council Status:** _____

Staff Coordinator: Alysia Bailey Taylor

Motion: Bartholomew

Second: Chambliss

In Favor: Chambliss, Anderson, Bartholomew, Butler, Fleming, Gaylord, Haq, Harris
Edmisten, Smith, Vance

Opposed:
Excused: Mullins, Holt

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: 8/11/2009



Zoning Staff Report: Z-31-09 (SSP-2-09) General Use

LOCATION: This site is located on the east side of Glenwood Avenue, north of its intersection with West Johnson Street.

AREA OF REQUEST: 1.00 acre

PROPERTY OWNER: Multiple Owners

CONTACT PERSON: Thomas C. Worth, Jr., 919-831-1125
Isabel Worthy Mattox, 919-828-7171

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

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Industrial-2	Industrial-2
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	Pedestrian Business	Pedestrian Business

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No Change	No Change

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No Change	No Change

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No Change	No Change

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	No Change	No Change

ZONING HISTORY: The underlying zoning for these properties has been in place for many years. The current Pedestrian Business Overlay District was implemented in 2000 as part of the Glenwood South Streetscape and Parking Plan. There was an amendment approved (SSP-2-08) in October 2008 to encourage adaptive reuse of older buildings, and encourage shared parking by reducing the parking requirements for retail uses.

SURROUNDING

ZONING: NORTH: Industrial-2 w/ PBOD
SOUTH: Industrial-2 w/ PBOD
EAST: Industrial-2
WEST: Neighborhood Business w/ PBOD

LAND USE: Commercial, Warehouse, and Office uses

SURROUNDING

LAND USE: NORTH: Commercial and Office
SOUTH: Retail, Office, Residential Mixed-Use
EAST: Manufacturing
WEST: Retail, Office, and Residential

DESIGNATED HISTORIC RESOURCES: N/A

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	Regional Center, TOD
Specific Area Plan	Glenwood South SAP
Guidelines	N/A

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

This proposal is consistent with the Comprehensive Plan. The subject property is part of the University District Plan with more specific recommendations in the Glenwood South Small Area Plan, and the Glenwood South Streetscape and Parking Plan. The District Plan shows the property as part of a Regional Center and within close proximity of the State Government transit station, which is an indication that mixed-use development would be appropriate for this area. The Glenwood South SAP also supports mixed-use development in this area. The requested Streetscape and Parking Plan (SSP) amendment would modify the existing maximum building height for the subject properties from a maximum building height of 40 feet with a 1/1 stepback to a maximum height of 80 feet. This amendment would permit the maximum building height of eighty (80) feet with no required stepbacks. Both the current and proposed zoning allow for the recommended mixed-use development to occur, therefore, the proposal is consistent with the Comprehensive Plan.

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

The subject property is surrounded by a mix of uses. Railroad right-of-way and a manufacturing warehouse are located east of the property. There are small scale (one story) office and retail uses to the north and west of the subject property, and multi-story mixed-use and residential development to the south and southwest of the subject property. The applicant has indicated that the request to increase the maximum building height to 80 feet with no required stepback is compatible with the

surrounding area because the building to the immediate south (510 Glenwood) is in excess of 80 feet, and the building to the southwest (Glenwood Towers) is in excess of 100 feet. Staff agrees that the requested increase in maximum building height is compatible with the development to the south and southwest.

3. Public benefits of the proposed rezoning

The applicant states that the requested rezoning would allow the owners of the subject property the opportunity to redevelop with mixed-use projects that are currently not practical given the existing small, narrow lot sizes, and the current applicable setback for buildings in excess of forty feet (40') in height. The applicant further elaborates that the immediate neighbors and surrounding community would benefit from more dense efficient development, and additional goods, services, parking, and opportunities to work, live, and play in a walkable area. Additionally, the topography of the area could lessen the feel and look of taller buildings.

Staff concurs with the applicant's statements. The subject property is within close proximity of a future transit stop and is along the edge of the area that has been identified as a part of the Transit Oriented Development area of influence. It is therefore, appropriate to allow opportunities to increase the density of development in this area so that future development may contribute to the use of alternative modes of transportation, reducing the number of single occupant vehicle trips in an area that is not currently scheduled for any major road improvements.

4. Detriments of the proposed rezoning

An increase in building height without setbacks may hinder a balanced mix of small scale residential, office and commercial uses that could complement what currently remains part of the neighborhood character. At present, there are only three buildings with a maximum building height between 60 and 135 feet at the property line along the Glenwood South corridor within the Streetscape Plan boundary (510 Glenwood, Glenwood Towers, and 222 Glenwood). All of which are located south of the proposed amendment. This amendment would allow a maximum building height of 80 feet in an area of the Streetscape Plan boundary area that begins to introduce transitional development requirements. A number of small scale residential buildings that have been adapted for office and commercial uses providing character to this area and a transition from the more densely developed portions of South Glenwood up to Peace Street where buildings have been designated for a maximum building height of forty feet (40').

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

TRANSPORTATION: Glenwood Avenue (2007 ADT - 7,800) is classified as a major thoroughfare and exists as a 4-lane undivided street with a curb and gutter cross-section and on-street parking within 66 feet of right-of-way. City standards call for Glenwood Avenue to be constructed as a multi-lane roadway within a 90-foot right-of-way. This portion of Glenwood Avenue is within the Glenwood South pedestrian business overlay district, which calls for enhanced streetscapes and wider sidewalks to improve pedestrian mobility. Johnson Street is classified as a commercial street and exists as a 2-lane street with a 32-foot back-to-back curb and gutter section within a 60-foot right-of-way. City standards call for Johnson Street to be constructed with a 41-foot back-to-back curb and gutter cross-section within the existing right-of-way. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case.

TRANSIT: No comment.

HYDROLOGY: FLOODPLAIN: None
DRAINAGE BASIN: Pigeon House
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9
Stormwater Regulations.
No Buffer. No WSPD.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>7,500</u> gpd	Approx. <u>7,500</u> gpd
Waste Water	Approx. <u>7,500</u> gpd	Approx. <u>7,500</u> gpd

The proposed rezoning would not impact the wastewater or water treatment systems of the City of Raleigh. There are existing sanitary sewer and water mains that the rezoning site could utilize for connection to the City's utilities.

**PARKS AND
RECREATION:**

This property is not adjacent to any greenway corridors and will not affect the level of service in this area.

WAKE COUNTY

PUBLIC SCHOOLS:

The requested rezoning would not change the base zoning or increase residential density for these properties. There would be no additional impact on the Wake County Public School System.

IMPACTS SUMMARY: N/A

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 properly be applied to it now were it being zoned for the first time.**

The applicant has stated that the need for more dense development for areas in close proximity to downtown has facilitated the need for an increase in building height without the requirement of a stepback to accommodate economically viable development on small lots.

Staff agrees that increased density both within and in close proximity to the downtown area would be a more economically viable form of development. It also has the potential to contribute to a more walkable, transit friendly environment. Additionally, the Board of Adjustment (BOA) recently granted a variance [A-55-09] allowing two of the properties named in this rezoning request to be permitted to have a maximum building height of eighty feet (80'), which is an indication that they found the request to be reasonable. *(At the time that this report was generated the minutes for the June 8, 2009 BOA meeting had not been approved and were therefore unavailable for reference regarding the findings associated with this approval.)*

APPEARANCE

COMMISSION:

This request is subject to Appearance Commission review.

CITIZENS'

ADVISORY COUNCIL:

DISTRICT: Hillsborough

CAC CONTACT PERSON: Ana Pardo, 919-818-5933

SUMMARY OF ISSUES:

N/A

