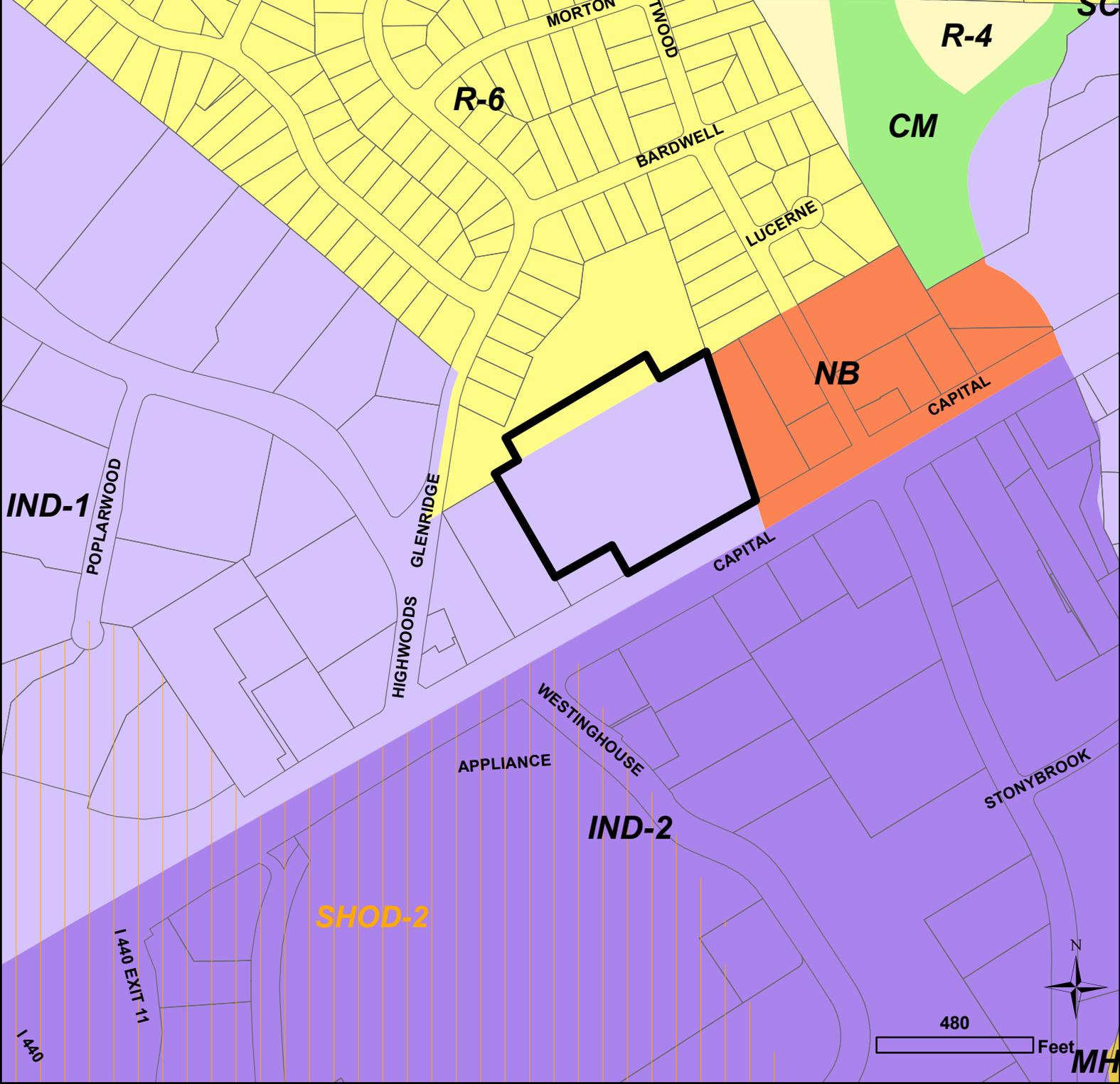
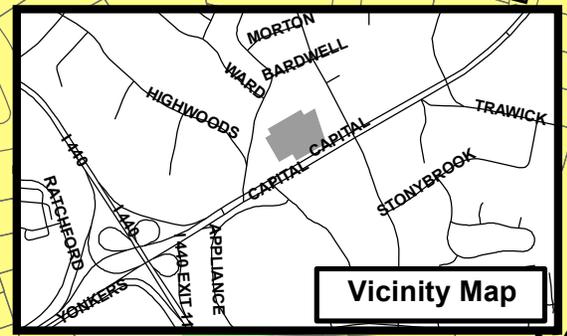


# Existing Zoning Map Case Number: Z-32-12



## Request:

**8.02 acres IND-1 & R-6 to O&I-2 CUD**

City of Raleigh Public Hearing  
October 16, 2012  
(January 14, 2013)



# Certified Recommendation

Raleigh Planning Commission

CR# 11500

## Case Information Z-32-12 Capital Blvd.

<i>Location</i>	North side of Capital Blvd, southwest of its intersection with Brentwood Road.
<i>Size</i>	8.02 acres
<i>Request</i>	Rezone property from Industrial-1 and Residential-6 to Office and Institution-2 Conditional Use

## Comprehensive Plan Consistency

The rezoning case is  Consistent  Inconsistent with the 2030 Comprehensive Plan.

*A checked box signifies consistency with the applicable 2030 Comprehensive Plan policy:*

### Consistent

<i>Future Land Use Designation</i>	<input type="checkbox"/>	Office/Research Development
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 4.9 – Corridor Development Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 7.6 – Pedestrian-Friendly Development Policy LU 11.4 – Rezoning/Development of Industrial Areas Policy T 1.6 – Transportation Impacts Policy T 2.9 – Curb Cuts Policy EP 8.4 – Noise and Light Impacts

## Summary of Conditions

<i>Submitted Conditions</i>	<ul style="list-style-type: none"> <li>Prohibited uses</li> <li>Lighting restrictions</li> <li>Offers of cross access</li> <li>Construction of sidewalks</li> </ul>
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## Issues and Impacts

<i>Outstanding Issues</i>	1. Inconsistent with Future Land Use Map.	<i>Suggested Conditions</i>	1. N/A
<i>Impacts Identified</i>	1. None	<i>Proposed Mitigation</i>	1. N/A

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
6/14/12	10/16/12	Date: Action	Date: 11/13/12

**Valid Statutory Protest Petition**

### Attachments

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

## Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is inconsistent with the Comprehensive Plan, however based on the finding and reasons below, should be approved in accordance with conditions dated November 13 <sup>th</sup> , 2012.
<i>Findings &amp; Reasons</i>	<ul style="list-style-type: none"> <li>• That while the proposed rezoning request is inconsistent with the Future Land Use Map, it is consistent with all applicable Comprehensive Plan Policies.</li> <li>• The request is reasonable and in the public interest. The Applicant has provided several zoning conditions that mitigate impacts associated with the proposal. Therefore rezoning to Office and Institution-2 Conditional Use as conditioned will have no additional impact on surrounding infrastructure, and will provide the applicant a broader range of uses for redevelopment.</li> <li>• The proposal is consistent and compatible with the surrounding area.. While the property is adjacent to residential, the applicant has provided conditions to help ensure an appropriate transition with adequate buffering</li> </ul>
<i>Motion and Vote</i>	Motion: Terando  Second: Haq  In Favor: Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Terando

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

\_\_\_\_\_ Date \_\_\_\_\_ November 13, 2012  
 Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Stan Wingo [stan.wingo@raleighnc.gov](mailto:stan.wingo@raleighnc.gov)



# Zoning Staff Report – Case Z-32-12

## Conditional Use District

### Request

<i>Location</i>	North side of Capital Blvd, southwest of its intersection with Brentwood Road.
<i>Request</i>	Rezone property from Industrial-1 and Residential-6 to Office and Institution-2 Conditional Use
<i>Area of Request</i>	8.02 acres
<i>Property Owner</i>	CB Hotel, LLC
<i>PC Recommendation Deadline</i>	January 14, 2013

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	IND-1, R-6	O&I-1 CUD
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Vacant Hotel	Office, Hotel, Residential
<i>Residential Density</i>	5 dwelling units	320 dwelling units

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-6	IND-1, IND-2	NB	IND-1, R-6
<i>Future Land Use</i>	Office/Research Development	Business & Commercial Services	Office/Research Development	Office/Research Development
<i>Current Land Use</i>	Residential	Retail, Highway Commercial	Retail, Highway Commercial	Retail, Highway Commercial

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Office/Research Development
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 4.9 – Corridor Development Policy LU 5.3 – Institutional Uses Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 7.6 – Pedestrian-Friendly Development Policy LU 11.4 – Rezoning/Development of Industrial Areas

	Policy T 1.6 – Transportation Impacts Policy T 2.9 – Curb Cuts Policy EP 8.4 – Noise and Light Impacts
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## Contact Information

<i>Staff</i>	Stan Wingo, (919)516-2663
<i>Applicant</i>	Jarroed Edens, (919)706-0550, <a href="mailto:jarrod.edens@edensland.com">jarrod.edens@edensland.com</a>
<i>Citizens Advisory Council</i>	Atlantic CAC

## Case Overview

The subject property is located along Capital Boulevard north of Highwoods Boulevard and south of Brentwood Road. The property is bordered on the south and west by Industrial zoning, with Neighborhood Business adjacent to the east and Residential behind the site to the north. The majority of the surrounding area is developed as highway retail, with a residential neighborhood located to the north. Surrounding Future Land Use includes Office/Research and Development to the north, east and west, with Business & Commercial Services located across Capital Boulevard to the south.

The rezoning request proposes amending the current zoning from Industrial-1 and Residential-6 to Office and Institution-2 Conditional Use.

## Exhibit C & D Analysis

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

#### 1.1 Future Land Use

The subject property is designated as being appropriate for Office/Research Development on the Future Land Use Map. Areas designated as Office/Research Development typically include major employment centers where housing is not considered an appropriate future land use. The request to rezone the subject property to Office and Institution-2 Conditional Use is inconsistent with this classification as currently proposed due to the allowance of residential in the proposed district.

#### 1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3 Conditional Use District Consistency All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan
---

Proposal is consistent with this policy. Conditions offered by the applicant are consistent with the Comprehensive Plan.

Policy LU 2.6 – Zoning and Infrastructure Impacts Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.
---

Proposal is consistent with this policy. There are no substantial impacts to surrounding infrastructure associated with this rezoning request.

**Policy LU 4.5 - Connectivity**

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Proposal is consistent with this policy. Applicant has included a zoning condition that provides an offer of pedestrian and vehicular cross access to adjacent commercial properties.

**Policy LU 4.9 – Corridor Development**

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

Proposal is consistent with this policy. Rezoning to Office and Institution-2 will increase the redevelopment opportunities for this property.

**Policy LU 5.4 – Density Transitions**

Low to medium density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

Proposal is consistent with this policy. While adjacent to residential zoning, rezoning from the current Industrial zoning will lessen potential impacts to surrounding residential.

**Policy LU 5.6 – Buffering Requirements**

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that void potential conflicts.

Proposal is currently consistent with this policy. . While adjacent to residential zoning, rezoning from the current Industrial zoning will lessen potential impacts to surrounding residential.

**Policy LU 7.6 – Pedestrian Friendly Development**

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Proposal is currently consistent with this policy. Applicant has included a zoning condition that provides an offer of pedestrian and vehicular cross access to adjacent commercial properties, as well as the construction of sidewalks along Capital Boulevard.

**Policy LU 11.4 – Rezoning/Development of Industrial Areas**  
Allow the rezoning and/or redevelopment of industrial land for non-industrial purposes when the land can no longer viably support industrial activities or is located such that industry is not consistent with the Future Land Use Map. Examples include land in the immediate vicinity of planned transit stations.

Proposal is consistent with this policy. With residential zoning in close proximity, the proposed zoning classification of Office and Institution-2 is compatible with the surrounding area and will allow for more development opportunities.

**Policy T 1.6 – Transportation Impacts**  
Identify and address transportation impacts before a development is implemented.

Proposal is consistent with this policy. Transportation Division has not identified an additional impact to infrastructure in this area.

**Policy T 2.9 – Curb Cuts**  
The development of curb cuts along public streets – particularly on thoroughfares and arterials – should be minimized to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity.

Proposal is consistent with this policy. There are already curb cuts existing onto Capital Boulevard from the subject property.

**Policy EP 8.4 – Noise and Light Impacts**  
Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

Proposal is consistent with this policy. Applicant has included a zoning condition that limits lighting to full cut-off shielded design, and directs lighting away from adjacent residential uses.

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

This site is located on the north side of Capital Boulevard between Highwoods Boulevard and Brentwood Road. The property is bordered on the south and west by Industrial zoning, with Neighborhood Business adjacent to the east and Residential behind the site to the north. Surrounding land uses include gas stations, highway retail, office buildings and numerous hotels. An established residential neighborhood is located to the north of the subject property. Future Land Use designations include Office/Research & Development to the north, east and west with Business & Commercial Services to the south. Low Density Residential is designated further to the north encompassing the single family residential neighborhood.

Rezoning to Office and Institution-2 Conditional Use would be consistent and compatible with the surrounding area.

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

While the request as proposed is inconsistent with the Future Land Use Map it should be noted that it is consistent with most applicable Comprehensive Plan Policies. Rezoning the subject property from Industrial to Office and Institution will provide more redevelopment opportunities, as well as lessen the potential for adverse impacts to surrounding residential uses.

#### 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.

##### 5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Capital Blvd	Principal Arterial	61,000	97,250			
<u>Street Conditions</u>						
<u>Capital Blvd</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	8	136'	Back-to-back curb and gutter section	186'	5' sidewalks on both sides	None
City Standard	8	112'	Back-to-back curb and gutter section	130'	minimum 5' sidewalks on both sides	Wide Outside Lane
<b>Meets City Standard?</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	476	510	<b>34</b>			
PM PEAK	432	470	<b>38</b>			
<b>Suggested Conditions/ Impact Mitigation:</b>		Traffic Study Determination: Staff has reviewed a revised trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-32-12.				
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

##### 5.2 Transit

Impact Identified: Increased density may increase the demand for transit. However, there are current stops at the intersection on either side of this property. Staff considers that a mid-block stop without pedestrian amenities in this environment is unwise.

**5.3 Hydrology**

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Marsh Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Subject to Part 10, Chapter 9 Stormwater Regulations.  
 Impact Identified: No impacts identified.

**5.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	91,250 gpd	UNKNOWN
<i>Waste Water</i>	01,250 gpd	UNKNOWN

There is presently an existing eight (8") inch sanitary sewer main within an easement along the rear of the property and an existing sixteen (16") inch water main in Capital Boulevard right-of way. The subsequent development of the property would use these mains for connection to the City's wastewater collection and water distribution systems. Down stream sanitary sewer improvements may be required, by the City, of the developer depending upon the actual use.

Impact Identified: The proposed rezoning impact cannot be determined at this time with the application information supplied.

**5.5 Parks and Recreation**

The subject tract is not located adjacent to a greenway corridor. The proposed rezoning will not impact the recreation level of service

Impact Identified: None.

**5.6 Urban Forestry**

The proposed rezoning will not have an effect on the application of the tree conservation ordinance (code section 10-2082.14).

Impact Identified: None.

**5.7 Designated Historic Resources**

There are no historic districts or designated landmarks on this property.

Impact Identified: None

**5.8 Community Development**

The subject property is not within a designated redevelopment area.

Impact Identified: None

### **5.9 Impacts Summary**

- No additional impacts as proposed.

### **5.10 Mitigation of Impacts**

- N/A

## **6. Appearance Commission**

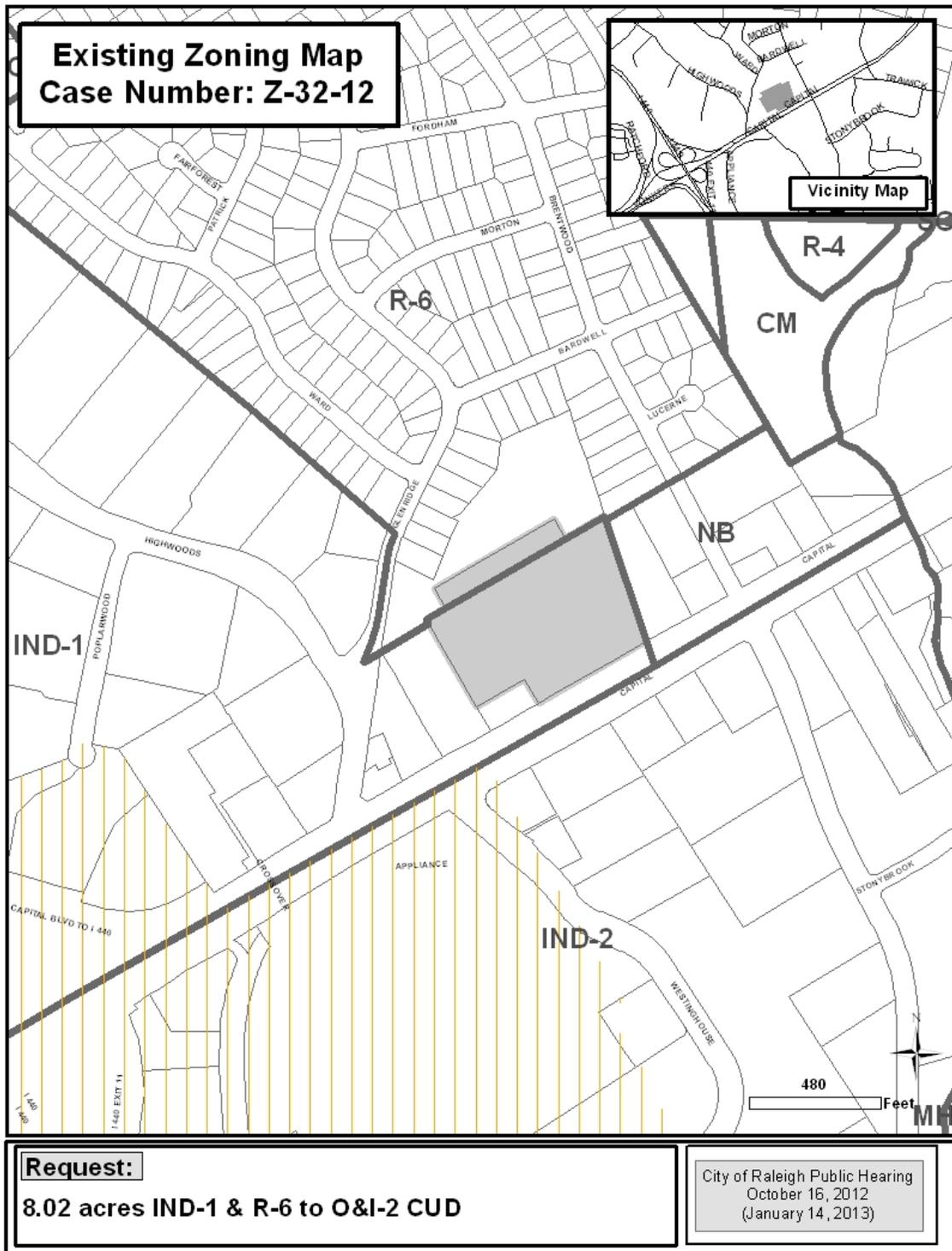
This request is not subject to review by the Appearance Commission.

## **7. Conclusions**

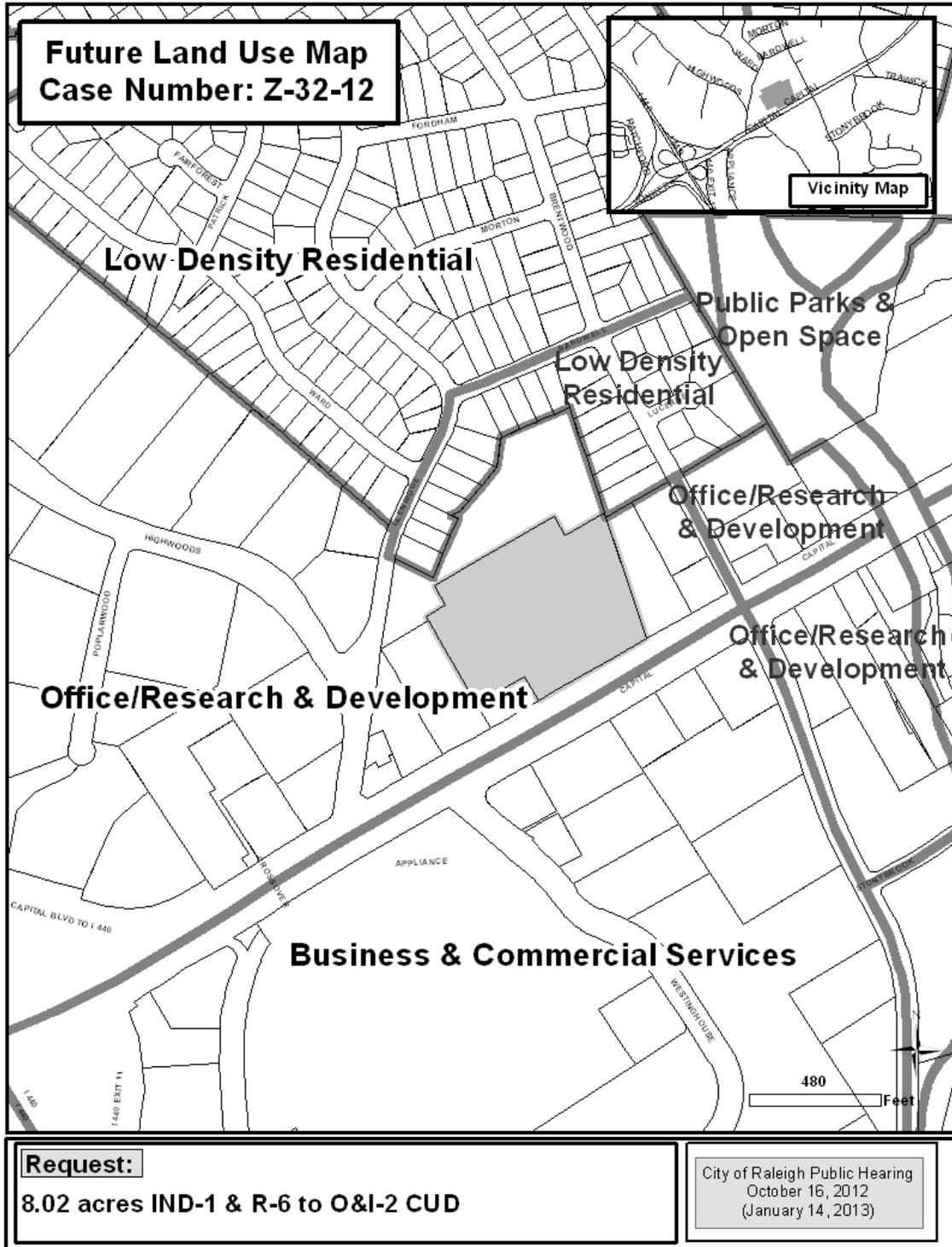
The proposed rezoning request is inconsistent with the Future Land Use Map. The Future Land Use designation in this location is Office/Research Development. The request to rezone to Office and Institution-2 would be inconsistent with this designation due to the allowable high density residential land use. While the proposal is inconsistent with the Future Land Use, it should be noted that it is consistent with all applicable Comprehensive Plan policies.

Being located on a heavily traveled thoroughfare in Capital Boulevard, the property is surrounded with land uses ranging from highway oriented retail, gas stations, fast food businesses and office complexes. While the majority of development in close proximity is commercial, the property is also bordered to the north by single family residential zoning, with an established single family neighborhood further to the north. The applicant has included zoning conditions that would prohibit certain land uses and reduce lighting on site to full-cutoff shielded design. It should also be noted that the request to rezone the subject property from Industrial to Office and Institutional will reduce the potential for development of high intensity land uses in close proximity to single family residential. The proposal is consistent and compatible with the surrounding area, and is consistent with all applicable Comprehensive Plan policies.

# Existing Zoning Map



# Future Land Use Map





# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
  - a. to lessen congestion in the streets;
  - b. to provide adequate light and air;
  - c. to prevent the overcrowding of land;
  - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. to regulate in accordance with a comprehensive plan;
  - f. to avoid spot zoning; and
  - g. 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. All property owners must sign below for conditional use requests.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
<i>Balbir S. Brar</i>	BALBIR S BRAR	6/15/2012
<u>MANAGING MEMBER</u>	CB Hotel, LLC	

# EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

## Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	CB Hotel, LLC	1965 Cedar Creek Road Fayetteville, N.C. 28312	Ph.- (910) 323-8282 E-mail- billbrar36@gmail.com
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	CB Hotel, LLC	1965 Cedar Creek Road Fayetteville, N.C. 28312	Ph.- (910) 323-8282 E-mail- billbrar36@gmail.com
Contact Person(s)	Jarrod Edens, PE Edens Land Corp	2144 Page Road Suite 204 Durham, N.C. 27703	Ph.- (919) 706-0550 E-mail- jarrod.edens@edenland.com

## Property information

Property De	1715930251
Nearest Ma	Highwoods Blvd./Capital Blvd.
Area of Sub	8.02 acres
Current Zon	IND-1 → R-6
Requested	CUD O&I-2

**EXHIBIT B. Request for Zoning Change**Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs 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. If you need additional space, please copy this form.

<b>Name</b>	<b>Street Address</b>	<b>City/State/Zip</b>	<b>Wake Co. PIN</b>
AVILA-OLVERA, CARLOS E & NERY R	2927 BRENTWOOD RD	RALEIGH, NC 27604- 2465	1715933762
YORK FAMILY PROPERTIES	PO BOX 10007	RALEIGH, NC 27605- 0007	1715925972 1715924757
CB HOTEL LLC	1965 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-9543	1715930251
LUIHN FOUR INC	2950 GATEWAY CENTRE BLVD	MORRISVILLE, NC 27560-9615	1715922635
DAVIS, R EARL	PO BOX 464	RALEIGH, NC 27602- 0464	1715935439
SAMPSON BLADEN OIL CO INC	PO BOX 469	CLINTON, NC 28329- 0469	1715829585
G & M CAPITAL LLC	3400 QUEENSFERRY DR NW	WILSON, NC 27896- 1492	1715934353 1715933695
JOHNSON, M RAY	PO BOX 28025	RALEIGH, NC 27611- 8025	1715826982
M M FOWLER INC	4220 NEAL RD	DURHAM, NC 27705- 2322	1715829847
PNC OF NORTH CAROLINA LLC	PO BOX 99104	RALEIGH, NC 27624- 9104	1715839651
PORAN, JOE J	2922B GLENRIDGE DR	RALEIGH, NC 27604- 1512	1715836411

# EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

SIMPSON, CHARLIE W & DOROTHY C	2926 GLENRIDGE DR	RALEIGH, NC 27604- 1512	1715836448
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STONYBROOK SHOPPING CENTER YORK FAMILY PROPERTIES LTD PT	PO BOX 10007	RALEIGH, NC 27605- 0007	1715927974
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# EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: CUD O&I-2

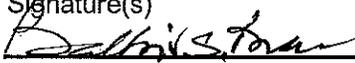
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Narrative of conditions being requested:

1. Emergency shelters Type 'B' uses not permitted.
2. Telecommunication towers uses not permitted.
3. Airfield or Landing strip uses not permitted.
4. Cemetery use not permitted.
5. Proposed lighting within the site parking areas shall incorporate full cut-off shielded design to limit impacts on surrounding residential uses.
6. Upon the establishment of any new use (existing use is a hotel) on the subject property, vehicular and pedestrian cross access easements and temporary construction easements to the following properties shall be recorded in the Wake County Register of Deeds Office: M.M. Fowler (DB 2458, PG 93), PNC of North Carolina, LLC (DB 9341, PG 2397) and M. Ray Johnson (DB 12344, PG 1271). The City Attorney or his/her deputy shall approve the document prior to recordation.
7. Upon the establishment of any new use (existing use is a hotel) on the subject property, a public sidewalk shall be installed abutting Capital Boulevard, and private pedestrian walkways shall be installed from the building entrance to Capital Boulevard.
8. Group housing or multi-family development will conform to the requirements of Raleigh City Code Section 10-2102.
9. If the 24 room, two-story existing building located in the westernmost portion of the site is used for residential living, it will be restricted for usage as living quarters for hotel and congregate care employees only. A separate address for this building will be provided in conjunction with development on the site.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
	CB Hotel, LLC	12/04/12
_____	_____	_____
_____	_____	_____

# EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

This section is reserved for the applicant to state factual information in support of the rezoning request.

### **Required items of discussion:**

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

### **Recommended items of discussion (where applicable):**

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

### **PETITIONER'S STATEMENT:**

#### **I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](http://www.raleighnc.gov)).**

- A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

*The recommended Land use shown on the FLUM is Office/Research & Development. With conditions set forth in Exhibit C, the proposed amendment is consistent with the FLUM.*

- B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

*The property is not subject to any Area Plans or other City Council adopted plans and policies.*

- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

**LU 1.2 Conditional Use District Consistency.** *The map amendment and its conditions as part of a Conditional Use District (CUD) will be consistent with the Comprehensive Plan.*

**LU 5.5 Transitional and Buffer Zone Districts.** *The map amendment will provide transitional zoning between the Commercial use zoning classifications and the Residential zoning classifications.*

## EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

**LU 5.6 Buffering Requirements.** *New development adjacent to areas of lower intensity will provide an effective physical buffer to avoid adverse effects. This can include building height step downs, tree preservation, screening and Landscape strips.*

**PH 5.4 Discharge Control Methods.** *New development will apply stormwater control methods which regulate discharge and are environmentally and aesthetically acceptable.*

**UD 4.10 Improving Pedestrian Safety.** *New development will improve pedestrian safety through site landscaping and streetscape improvements.*

# EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

## 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 adjacent tract to the north is currently undeveloped. The adjacent tracts to the east & west are Single Family residential lots and developed commercial uses. The land area across U.S. 1 (Capital Blvd.) are Commercial uses.*

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

*The surrounding properties include the following zoning and uses:*

*North-R-6, vacant.*

*East- NB & R-6, Commercial uses and Residential.*

*South- Ind-2, Commercial uses.*

*West- Ind-1, Commercial uses.*

- C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

*The proposed map amendment providing for uses allowed within the O&I-2 CUD zoning classification is compatible with the surrounding property future uses and character of the surrounding area. The property will provide a transition between the lower intensity residential to the north and the higher intensity commercial land uses along U.S. 1 south, east and west of this site.*

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

- A. For the landowner(s):

*The proposed map amendment is beneficial to the landowner in that it will allow flexibility of uses in the O&I-2 CUD zoning classification in order to fit the character and shape of the land. The current zoning does not any type of residential uses.*

- B. For the immediate neighbors:

*The proposed map amendment is beneficial to the immediate neighbors in that it will provide a land use more compatible to the residential uses to the north of the site and proximity to retail, office and employment areas.*

# EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

## C. For the surrounding community:

*The proposed map amendment is beneficial to the surrounding community in that it will allow the property to be zoned in accordance with the Comprehensive Plan.*

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

*The rezoning would permit higher density residential uses which are currently not allowed. This would be beneficial to the compatibility of land uses north, east, south and west of this property.*

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

*The proposed map amendment is reasonable and in the public interest as it will allow for a better opportunity for site redevelopment to wide range of uses allowed in the O&I-2 CUD zoning classification should that occur.*

## 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.

*When the property was last rezoned many years ago, the area surrounding the site was assumed to continue an Industrial land use intensity which the current zoning would be compatible. Since that time, the area has become more employment base with Office Parks and Commercial uses including Hotel development. The properties to the north of this site are developed at much lower levels of land use intensities, therefore the proposed map amendment would be a good transition between the two areas of land uses.*

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

*N/A*

**FILING ADDENDUM:** Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

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

*The impact on public services, facilities, infrastructure, etc. will be minimal since there is an existing commercial use on the site and water and sewer services are in place. The proposed map amendment will allow for possible re-use of the land without any further burden on public services such as fire safety, infrastructure, etc.*

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

*The proposed map amendment advances the fundamental purposes of the N.C. enabling legislation by allowing office uses or residential density that facilitate the more efficient use of mass transit and other public services and will encourage the most appropriate use of the property.*

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

*None.*

MEMORANDUM

TO: Neighborhood Meeting Attendees

FROM: Jarrod B. Edens, P.E.  
Edens Land Corp



DATE: June 15, 2012

RE: Neighborhood Meeting Summary

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On June 14, 2012 a neighborhood meeting was held to discuss a rezoning request to be filed with the City of Raleigh for the following parcel on Capital Boulevard:

2815 Capital Boulevard (PIN 1715-93-0251) – 8.02 acres

The meeting began at 7pm with 4 individuals from neighboring parcels attending. The following is a summary of our discussion:

- Jarrod Edens of Edens Land Corp, Tom Murphy of Olive Design Build and Bill Brar of CB Hotel LLC gave a brief presentation summarizing the planned development. Specific items mentioned during the presentation were:
  - Location of the project
  - Planned development (senior housing facility)
  - Planned improvements to the existing building
  - Planned improvements to the existing parking lot and landscaping
  - Approval processes necessary
  - Approximate development schedule
  
- Following the presentation, there were a few questions asked from the individuals in the audience:
  - Will there be security for the development?
    - a. Yes, the owners are planning for on-site 24 hour security personnel.
  - What will happen to the adjoining 4.96 acre parcel adjacent to the site (owned by PNC of North Carolina LLC)?
    - a. Mr. Brar has had discussions with this property owner in the past regarding either acquiring the entire parcel or just an easement for access to Glenridge Drive, but those discussions have not advanced and are currently inactive.





- One neighbor stated that there has been a history of individuals camping in the back of the property as well as dumping trash. Will these issues be taken care of with the redevelopment?
  - a. Yes, the area will be cleaned up and these individuals will be asked to relocate elsewhere.
  - b. Mr. Brar followed up by stating that he is planning on installing security fencing around the entire property for protection of the residents.
- Will there be any Building sprinkler system?
  - a. Yes, the building code requires it for this type of building and use.
- Any medical services on the site?
  - a. Although this is not planned to be a full-service retirement facility, individuals will be on staff who are capable of responding to emergency medical issues that may arise.

The meeting ended at approximately 7:25 pm.

Thank you again for your interest and please feel free to contact me at (919) 706-0550 or by email at [jarrod.edens@edensland.com](mailto:jarrod.edens@edensland.com) if you have any questions.

Capital Senior Housing- Neighborhood Meeting  
 2815 Capital Boulevard  
 Sign-In Sheet  
 June 14, 2012

Name	Address	Phone Number	E-mail Address
Joe Poran	2922B Glenridge Rd Raleigh, NC 27604	(919) 395-8153	jporan@yahoo.com
Jerry Martin Linda Martin	3009 Buxwood Rd 2930 Glenridge Dr. Raleigh, NC 27604	812-5321	jmartin278@nc.rr.com
Serge Leiva		919-539-8006	freddy88@hotmail.com