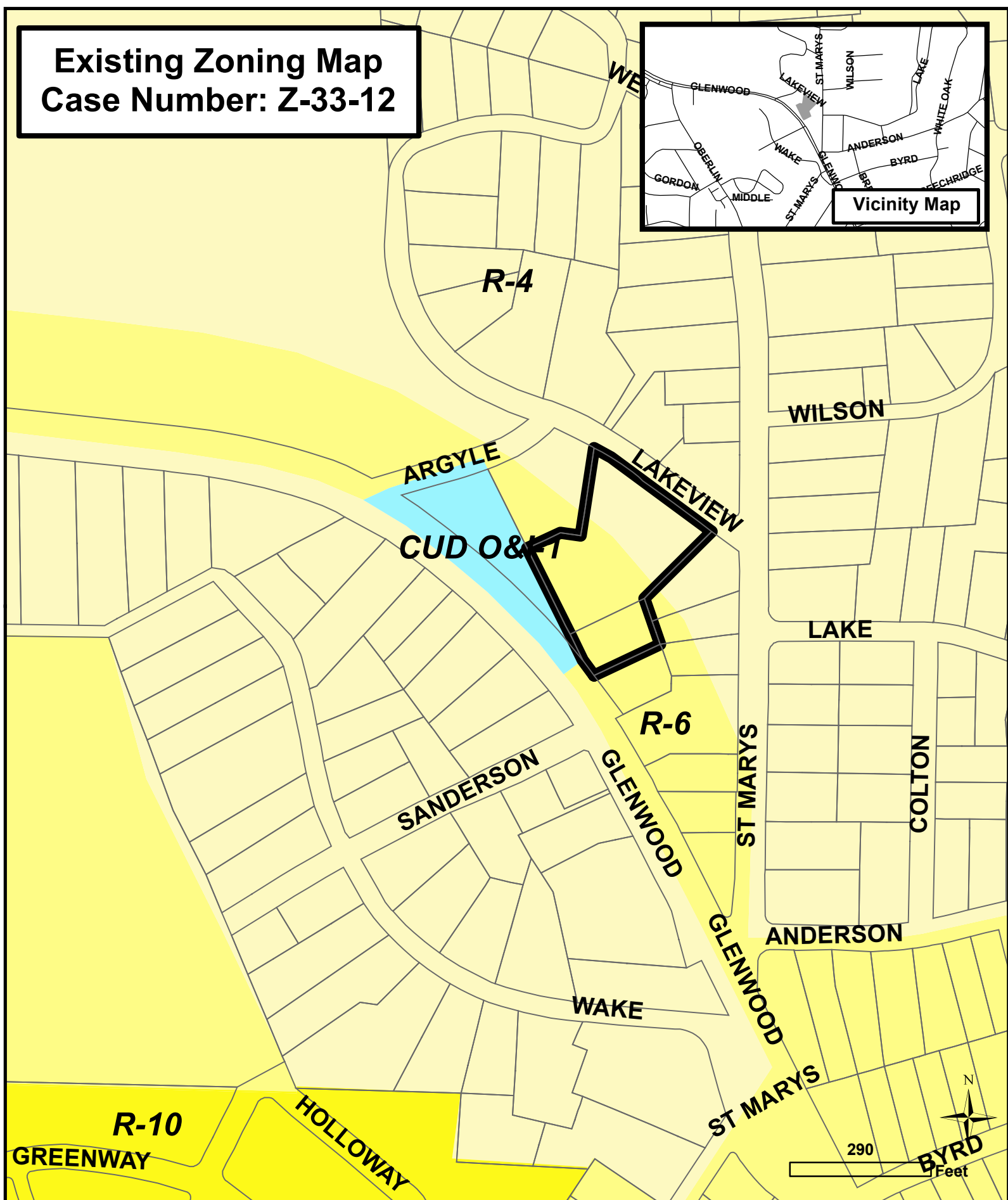
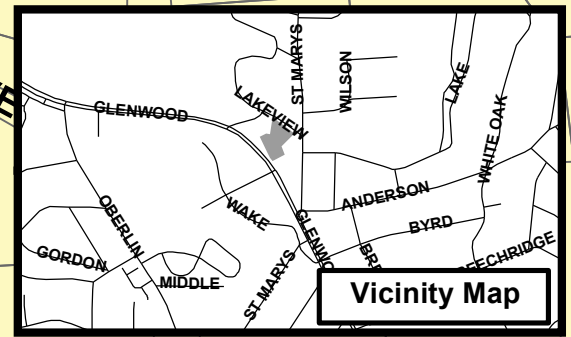


**Existing Zoning Map  
Case Number: Z-33-12**



**Request:**

**1.96 acres from R-4 & R-6 to R-10 CUD**

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



# Certified Recommendation

Raleigh Planning Commission

CR# 11516

## Case Information Z-33-12 Glenwood Ave.

<i>Location</i>	East side of Glenwood Avenue, northwest of St. Mary's Street.
<i>Size</i>	1.96 acres
<i>Request</i>	Rezone property from Residential-4 (R-4) and Residential-6 (R-6) to Residential-10 Conditional Use District (R-10 CUD).

## 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 checked="" type="checkbox"/>	Low Density Residential
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 8.5 – Conservation of Single-Family Neighborhoods Policy LU 8.10 – Infill Development Policy LU 8.11 – Development of Vacant Sites Policy EP 8.4 – Noise and Light Impacts Policy UD 1.4 – Maintaining Façade Lines Policy UD 5.1 – Contextual Design Policy UD 5.4 – Neighborhood Character and Identity

## Summary of Conditions

<i>Submitted Conditions</i>	1. Prohibited uses 2. Maximum 10 dwelling units 3. Site lighting requirements 4. Offer of cross access between parcels 5. Restriction of driveway access onto Glenwood Avenue 6. Maximum 4 dwelling units per building for multi-family buildings 7. Two story height limit, 35 foot maximum height 8. Building material restrictions 9. Restrictions on garbage collection and mail delivery on interior street 10. Minimum roof pitch for buildings 11. Building access and entry feature requirements 12. Parking and garage door restrictions 13. Minimum 30 foot front yard setback 14. Installation of sidewalk along Lakeview Drive or fee-in-lieu payment 15. Restrict on-street parking along Lakeview Drive
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## Issues and Impacts

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>1. Building massing and scale not addressed</li> <li>2. Calculation of building height</li> <li>3. Lack of clarity in conditions for entry features and parking screening for buildings adjacent to Lakeview Drive</li> </ol>	<i>Suggested Conditions</i>	<ol style="list-style-type: none"> <li>1. Add condition(s) to further address building massing, scale, and location</li> <li>2. Revise Condition h. to address maximum height to peak of building</li> <li>3. Revise Condition m. to identify street for front setback and clarify language for entry features and parking screening</li> </ol>
<i>Impacts Identified</i>	<ol style="list-style-type: none"> <li>1. Vehicular access onto Glenwood Avenue</li> </ol>	<i>Proposed Mitigation</i>	<ol style="list-style-type: none"> <li>1. Prohibition on vehicular access onto Glenwood Avenue</li> </ol>

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
6/12/12	10/16/12	11/6/12 COW: Deferred 12/4/12 COW: Move to 1/8/13 Planning Commission Meeting	10/23/12: Defer to COW 1/8/13: Recommend 45-Day time extension

☒ **Valid Statutory Protest Petition**

### Attachments

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

## Planning Commission Recommendation

<i>Recommendation</i>	Based on the request of the applicant and property owners, the Planning Commission recommends denial of the rezoning request.
<i>Findings &amp; Reasons</i>	The applicant and property owners request denial.
<i>Motion and Vote</i>	Motion: Haq Second: Mattox In Favor: Butler, Buxton, Harris Edmisten, Haq, Mattox and Schuster

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.

\_\_\_\_\_  
Planning Director                      Date

\_\_\_\_\_  
Planning Commission Chairperson                      2/12/13  
Date

Staff Coordinator:              Carter Pettibone [carter.pettibone@raleighnc.gov](mailto:carter.pettibone@raleighnc.gov)



# Zoning Staff Report – Case Z-33-12

## Conditional Use District

### Request

<i>Location</i>	East side of Glenwood Avenue, northwest of St. Mary's Street.
<i>Request</i>	Rezone property from Residential-4 (R-4) and Residential-6 (R-6) to Residential-10 Conditional Use District (R-10 CUD).
<i>Area of Request</i>	1.96 acres
<i>Property Owner</i>	Sarah Levine Weisman, Trustee and Deborah Levine Rubenstein
<i>PC Recommendation Deadline</i>	January 14, 2013

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4 and Residential-6	Residential-10 Conditional Use District
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Residential and vacant	Residential
<i>Residential Density</i>	4 and 6 units per acre (max. 10 units)	5.1 units per acre (max. 10 units)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Residential-4 (R-4)	Residential-6 (R-6)	R-4 and R-6	Office and Institutional-1 CUD, R-4, and R-6
<i>Future Land Use</i>	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential, Public Facilities
<i>Current Land Use</i>	Single-family residential	Single-family residential	Single-family residential	Single-family residential, Office

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Low Density Residential
<i>Area Plan</i>	None
<i>Applicable Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 5.1 – Reinforcing the Urban Pattern

	Policy LU 8.5 – Conservation of Single-Family Neighborhoods Policy LU 8.10 – Infill Development Policy LU 8.11 – Development of Vacant Sites Policy EP 8.4 – Noise and Light Impacts Policy UD 1.4 – Maintaining Façade Lines Policy UD 5.1 – Contextual Design Policy UD 5.4 – Neighborhood Character and Identity
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## Contact Information

<i>Staff</i>	Carter Pettibone, <a href="mailto:carter.pettibone@raleighnc.gov">carter.pettibone@raleighnc.gov</a>
<i>Applicant</i>	Sarah Levine Weisman, Trustee, and Deborah Levine Rubenstein
<i>Citizens Advisory Council</i>	Glenwood; Linda Watson, <a href="mailto:linda@lindawatson.com">linda@lindawatson.com</a>

## Case Overview

The proposal seeks to rezone two properties totaling 1.96 acres currently zoned R-4 and R-6 to R-10 CUD. The smaller of the two properties is located on the northeast side of Glenwood Avenue at 2420 Glenwood Avenue. It is vacant and zoned R-6 in its entirety. The larger property is located directly north of the Glenwood Avenue parcel and has frontage on the southwest side of Lakeview Drive. It contains an approximately 3,400 square foot single-family home situated in the center of the lot, set back approximately 100 feet from the street. It is split zoned with R-6 on the southern portion of the property and R-4 to the north.

The properties are mostly surrounded by single-family homes fronting on Argyle Drive, Lakeview Drive, St. Mary's Street, and across Glenwood Avenue. The exception is to the west, where there is an office building located on a triangular property at the intersection of Glenwood Avenue and Argyle Drive. The zoning of this property is Office and Institutional-1 Conditional Use District, the result of rezoning in 1999. The residential properties in the vicinity are zoned R-4, R-6, or are split zoned between the two. The R-6 zoning district is an approximately 200 wide buffer running along the north side of Glenwood Avenue, cutting through several properties in the block where the properties are located.

The applicant has proposed conditions that prohibit certain uses, limit the maximum number of residential units to 10, provide lighting restrictions, specify an offer of cross access between the two parcels, restrict vehicular access to Glenwood Avenue, limit the amount of dwelling units in a single building to a maximum of four, set a maximum height of two stories and 35 feet, provide specifications for building materials, specify location for garbage pickup and mail service, require a minim roof pitch for buildings, provide additional design requirements for building adjacent to Lakeview Drive, provide for sidewalk along Lakeview Drive or a fee in lieu, and restriction of on-street parking on Lakeview Drive.

A valid protest petition has been filed for this case.

## Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

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

### **1.1 Future Land Use**

The proposed rezoning is consistent with the Future Land Use Map, which designates the subject parcels as Low Density Residential. This land use category primarily applies to most of Raleigh's single family detached residential neighborhoods, corresponding roughly to the R-2, R-4, and R-6 zoning districts (but excluding parks within these districts). Clustered housing, duplexes, and other housing types would be consistent with this designation as long as an overall gross density not exceeding 6 units per acre was maintained.

### **1.2 Policy Guidance**

The following policy guidance is applicable with this request:

#### **Policy LU 1.2 - Future Land Use Map and Zoning Consistency**

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The proposal is consistent with this policy. The residential density proposed by this rezoning is consistent with the Low Density Residential future land use category.

#### **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

The proposed rezoning is consistent with this policy. Rezoning conditions provided 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.

The proposed rezoning is consistent with this policy. There are no significant additional impacts anticipated to infrastructure associated with this request.

#### **Policy LU 4.5 - Connectivity**

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

The proposal is consistent with this policy. One condition specifies an offer of cross access between the parcels in this rezoning.

#### **Policy LU 5.1 - Reinforcing the Urban Pattern**

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

#### **Policy UD 1.4 – Maintaining Façade Lines**

Except for buildings in the Downtown and Pedestrian Business Overlays, generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic facade line unless the

streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm.

It is not clear the proposed rezoning is consistent with these policies. While the applicant offers height and building material restrictions as well as a restriction for number of units per building, nothing that speaks to massing, scale or location, or how buildings will maintain the general façade lines of neighboring street has been included. The applicant is encouraged to consider conditions that would address mass and scale to better fit with the surrounding residential character and reinforce the existing development pattern.

**Policy LU 8.5 – Conservation of Single-Family Neighborhoods**

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

**Policy UD 5.1 – Contextual Design**

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

**Policy UD 5.4 – Neighborhood Character and Identity**

Strengthen the defining visual qualities of Raleigh's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

It is not clear the proposed rezoning is consistent with these policies. Conditions have been included specifying a low density residential yield, restrictions on building height and materials, and design requirements for building adjacent to Lakeview Drive. The applicant is encouraged to consider additional conditions that address building massing, scale, and location to help development better fit into the existing single-family neighborhood and its character.

**Policy LU 8.10 – Infill Development**

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

The proposal is not fully consistent with this policy. While it does encourage infill development on a viable site, conditions should be added or revised that help ensure development on the site will complement the existing character of the area.

**Policy LU 8.11 – Development of Vacant Sites**

Facilitate the development of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these.

The proposed rezoning is consistent with this policy. The proposal would help facilitate the development of the currently vacant property on Glenwood Avenue, a major thoroughfare.

**Policy EP 8.4 – Noise and Light Impacts**

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The proposed rezoning is consistent with this policy. Conditions address light levels and design.

**1.3 Area Plan Guidance**

The site is not located in a portion of the City governed by an Area Plan.

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

The area surrounding the subject properties is predominantly single-family residential, with the exception of the office property to the west and the Carolina Country Club further north along Glenwood Avenue.

The applicant states that the proposed rezoning would more readily allow for a more diverse range of housing types while maintaining the low density residential land use recommended by the Comprehensive Plan.

The density proposed by this rezoning is comparable to the density that could be achieved under the current zoning. A rezoning to the R-10 base district would ensure that attached housing could be used as a possible development option in the future.

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

The applicant states that the proposal will more readily allow for reinvestment in the property, allow a blend of housing types encouraged by the Comprehensive Plan, and allow the potential for residents who no longer wish to live in a single-family home the ability to remain in the neighborhood.

The proposal would allow infill development of a larger site, taking better advantage of existing infrastructure in the area. It could also help remove a potentially problematic access on a major thoroughfare.

**4. Detriments of the proposed rezoning**

The proposed rezoning has the potential to impact the character of the area, introducing attached housing to an established neighborhood with a predominantly single-family residential development pattern.

The applicant should consider amending the zoning conditions to achieve better consistency with applicable Comprehensive Plan policies and ensure that development is compatible with neighboring residential properties.

**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>			
Glenwood Avenue	Major Thoroughfare	26,000	37,600			
Lakeview Drive	Residential Street	N/A	N/A			
<b>Street Conditions</b>						
<u>Glenwood Avenue</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	5	65'	Back-to-back curb and gutter section	90'	5' sidewalks on both sides	Striped bicycle lanes on both sides
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
<b>Meets City Standard?</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<u>Lakeview Drive</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	2	26'	Back-to-back curb and gutter section	50'	None	None
City Standard	2	31'	Back-to-back curb and gutter section	50'	minimum 5' sidewalks on one side	N/A
<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	N/A	N/A	N/A			
PM PEAK	N/A	N/A	N/A			
<b>Suggested Conditions/ Impact Mitigation:</b>		Traffic Study Determination: Based on the limitation of ten dwelling units being developed on the subject property, a traffic impact analysis is not recommended for Z-33-12. You may wish to revise condition “g” to state that upon development of the subject property no vehicular driveway access shall be allowed onto Glenwood Avenue.				
<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:** Vehicular access onto Glenwood Avenue restricted.

### 5.2 Transit

Route 6 Crabtree and Route 16 Oberlin operate along Glenwood Ave. There is a current stop on Glenwood/St Mary's. No further amenities are requested.

**Impact Identified:** This should have little to no impact on transit demand in this area.

### 5.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	SW Beaver Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

**Impact Identified:** None.

#### **5.4 Public Utilities**

	<b>Maximum Demand (current)</b>	<b>Maximum Demand (proposed)</b>
<i>Water</i>	5,420 gpd	2,500 gpd
<i>Waste Water</i>	5,420 gpd	2,500 gpd

**Impact Identified:** The proposed rezoning will not impact the wastewater collection or water distribution systems of the City. There is presently an existing eight (8") inch sanitary sewer main within an easement along the rear of the property and an existing eight (8") inch water main in Lakeview Drive 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.

#### **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 combined parcels are less than two acres and proposed re-zoning is residential. Tree conservation is therefore not required.

**Impact Identified:** The proposed rezoning will have no impacts on tree conservation.

#### **5.7 Designated Historic Resources**

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District

**Impact Identified:** None

#### **5.8 Community Development**

The site is not located within a redevelopment plan area.

**Impact Identified:** None

#### **5.9 Impacts Summary**

- Vehicular access onto Glenwood Avenue

#### **5.10 Mitigation of Impacts**

- Prohibit vehicular access onto Glenwood Avenue

## **6. Appearance Commission**

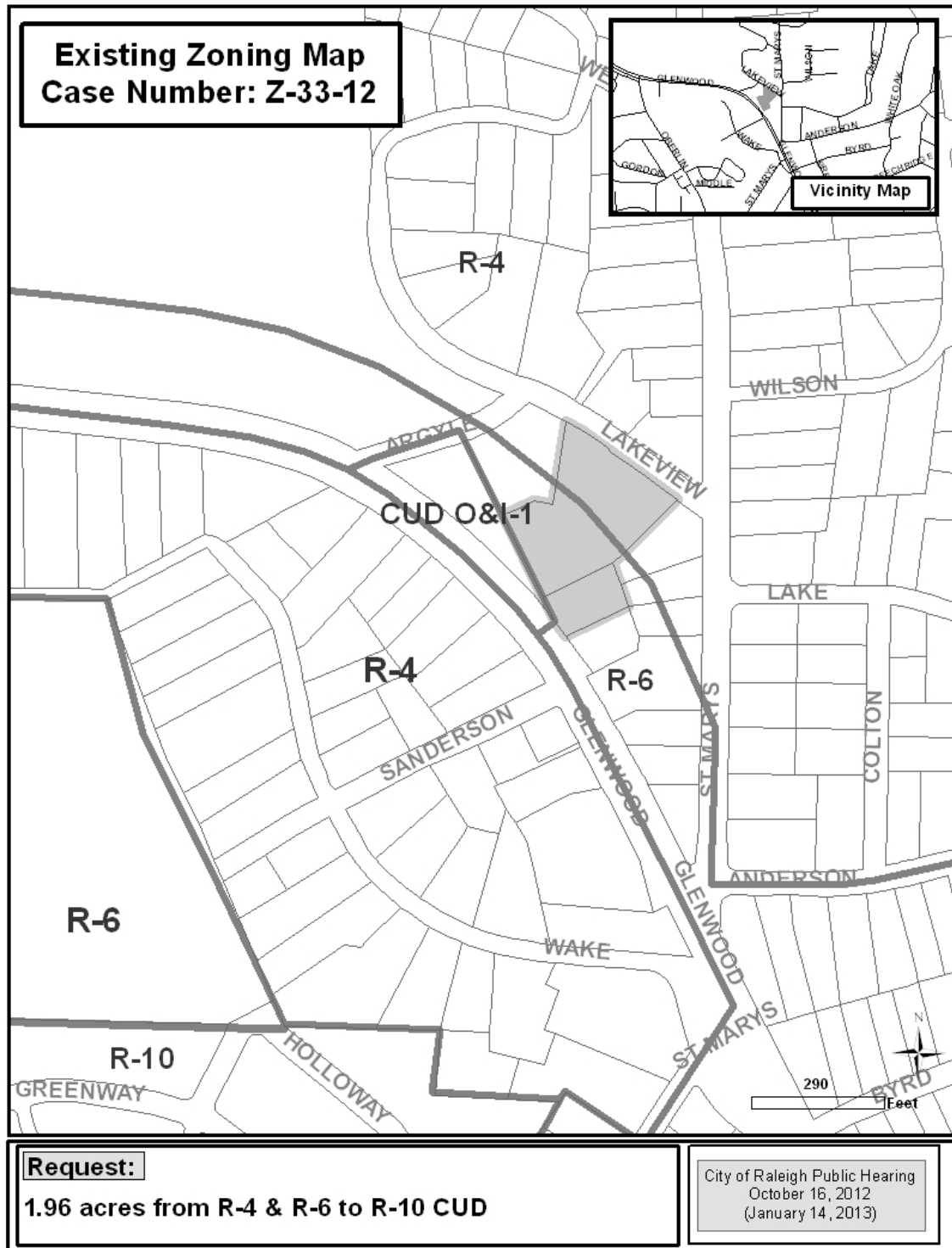
The proposal is not subject to Appearance Commission review.

## **7. Conclusions**

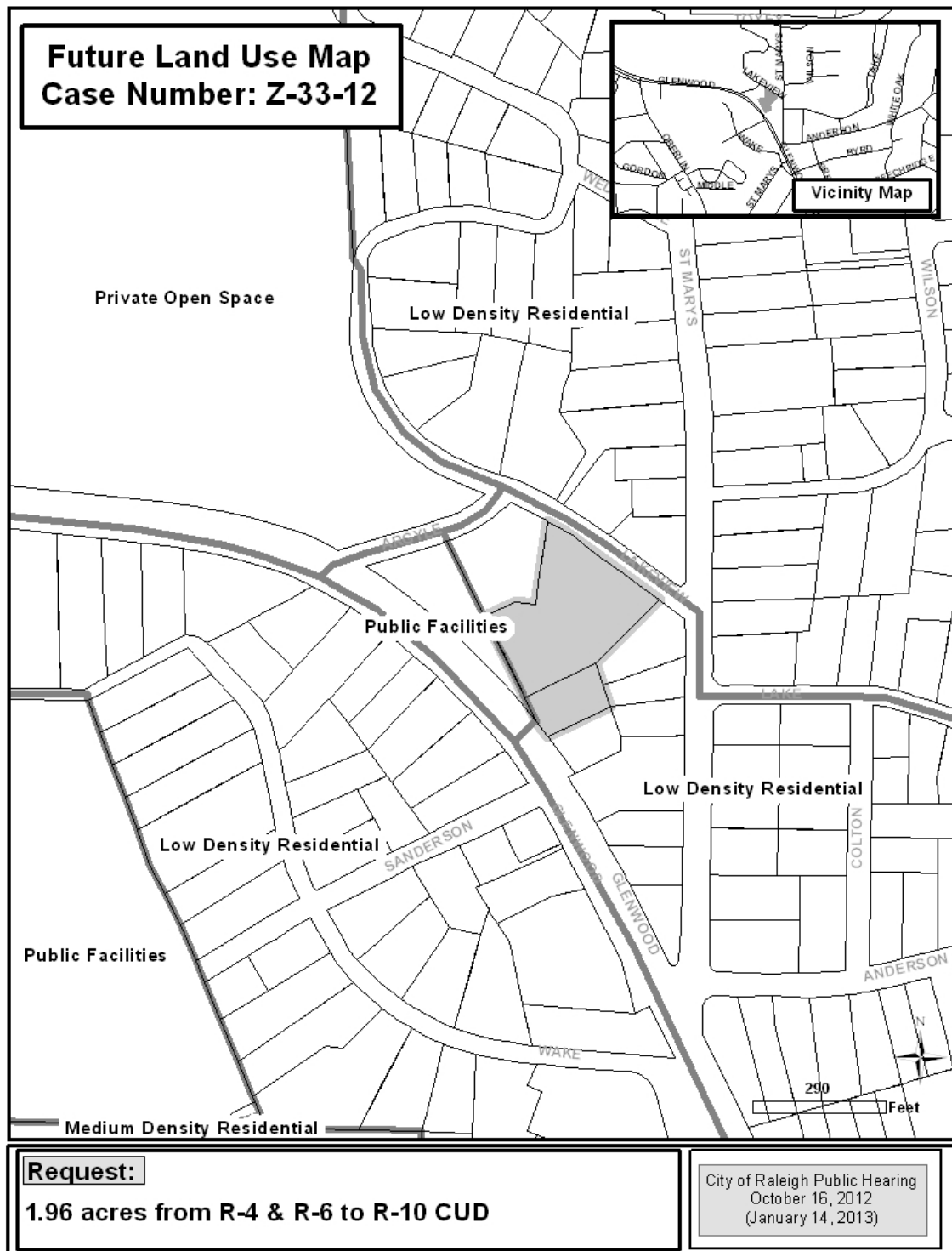
The proposed rezoning is consistent with the Future Land Use Map and several policies of the Comprehensive Plan. It would permit the applicant to develop the infill site at a density comparable to what is allowed by existing zoning while allowing the applicant a wider of variety of housing types in the future.

The applicant should consider adding conditions that address building massing and scale, as well as revisions to existing conditions, to ensure that potential development on the site fits in with the surrounding area and character.

## 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 ("Lakeview"):

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
	Sarah Levine Weisman, Trustee	6/13/12
	Deborah Levine Rubenstein	



# Petition to Amend the Official Zoning Map

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  - ☒ 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.
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  - 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
	Sarah Levine Weisman, Trustee	
	Deborah Levine Rubenstein	6/13/2012

# EXHIBIT <sup>LB</sup> C. 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
<b>Petitioner(s)</b>	Sarah Levine Weisman, Trustee	4217 Oakmore Road Oakland, CA 94602-1811	
(for conditional use requests, petitioners must own petitioned property)	Deborah Levine Rubenstein	c/o: 4217 Oakmore Road Oakland, CA 94602-1811	
<b>Property Owner(s)</b>	Sarah Levine Weisman, Trustee	4217 Oakmore Road Oakland, CA 94602-1811	
	Deborah Levine Rubenstein	c/o: 4217 Oakmore Road Oakland, CA 94602-1811	
<b>Contact Person(s)</b>	Roland Gammon White Oak Properties	21 Glenwood Avenue, #203 Raleigh, NC 27603	<a href="mailto:roland@whiteoakinc.com">roland@whiteoakinc.com</a> 919-821-4665
	David Brown/JDAVIS Archts.	510 Glenwood Ave/#201 Raleigh, NC 27603	<a href="mailto:davidb@jdavisarchitects.com">davidb@jdavisarchitects.com</a> 919-835-1500; 245

## Property information

<b>Property Description</b> (Wake County PIN)	<b>1705311980 &amp; 170531167</b>
<b>Nearest Major Intersection</b>	Sanderson Drive and Glenwood Avenue
<b>Area of Subject Property</b> (in acres)	+/- 1.96 Acres
<b>Current Zoning Districts</b> (include all overlay districts)	R-4; R-6
<b>Requested Zoning Districts</b> (include all overlay districts)	R-10; CUD

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.

[illegible]

# LAKEVIEW: EXHIBIT "A" ADDENDUM 2012-06-14<sup>2-33-12</sup>

1705219506  
WHICHARD, CHAD R  
2415 GLENWOOD AVE  
RALEIGH NC 27608-1331

1705312610  
STEWART, MARY O  
2408 GLENWOOD AVE  
RALEIGH NC 27608-1332

1705313521  
BARWICK, P COLLINS III & LAURIE  
2515 SAINT MARYS ST  
RALEIGH NC 27609-7647

1705323152  
WILLIAMS, ELIZA H  
2615 SAINT MARYS ST  
RALEIGH NC 27609-7670

1705315877  
ASHTON, THOMAS  
2604 SAINT MARYS ST  
RALEIGH NC 27609-7646

1705315768  
LAWRNECE, LEWIS BRENT  
2301 LAKE DR  
RALEIGH NC 27609-7667

1705320020  
VAUGHAN, ROSS L & BETTY R MCKAIG  
2425 ARGYLE DR  
RALEIGH NC 27609-7663

1705142018  
CAROLINA COUNTRY CLUB CO  
C/O THOMAS WORTH JR  
PO BOX 1799  
RALEIGH NC 27602-1799

1705313729  
SANDFORD, GEORGE R & RENEE G  
2527 SAINT MARYS ST  
RALEIGH NC 27609-7647

1705229382  
MAYNARD, JAMES H & CONNIE  
PO BOX 29552  
RALEIGH NC 27626-055

1705320298  
MAYNARD, JAMES H & CONNIE M  
2610 LAKEVIEW DR  
RALEIGH NC 27609-7633

1705217678  
PURVIS, WILLIAM B & JENNY C MCNEIL  
2818 HYDEANGEA PL  
WILMINGTON NC 28403-4014

1705218631  
BARBEE, WILLARD HAROLD & CHRISTIE B  
2419 GLENWOOD AVE  
RALEIGH NC 27608-1331

1705218983  
GLENCO OF NC LLC  
2424 GLENWOOD AVE  
RALEIGH NC 27608-1368

1705311678  
WEISMAN, SARAH L TRUSTEE  
RUBENSTEIN, DEBORAH LEVINE  
4217 OAKMORE RD  
OAKLAND CA 94602-1811

1705322132  
NEWSOM, LINDSAY SMITH NEWSOM,  
MAJOR CHARLES III  
2604 LAKEVIEW DR  
RALEIGH NC 27609-7633

1705323230  
CORBAN PROPERTIES LLC  
4504 LAUREL HILLS RD  
RALEIGH NC 27612-5421

1705326009  
VANNOY, BRANDY & MARK  
2612 SAINT MARYS ST  
RALEIGH NC 27609-7646

1705217734  
HARRELL, GEORGE RONNIE & CHRISTINE  
2423 GLENWOOD AVE  
RALEIGH NC 27608-1331

1705311980  
WEISMAN, SARAH L TRUSTEE  
RUBENSTEIN, DEBORAH LEVINE  
4217 OAKMORE RD  
OAKLAND CA 94602-1811

1705313645  
COOKE, MATTHEW W & ELIZABETH L  
2519 SAINT MARYS ST  
RALEIGH NC 27609-7647

1705325092  
LUCAS, WILLIAM H MARRS, CAROLE L  
302 CAMDEN DR  
FREDERICKSBURG VA 22405-2431

1705219449  
GILLESPIE, MARGARET C  
2413 GLENWOOD AVE  
RALEIGH NC 27608-1331

1705313732  
GARRETT, EDWARD P & PATRICIA T  
2521 SAINT MARYS ST  
RALEIGH NC 27609-7647

1705323053  
COKER, JANICE B & DAVID LAWRENCE  
2607 SAINT MARYS ST  
RALEIGH NC 27609-7670

1705322278  
GANT, ALLEN F & BEVERLY J  
2619 SAINT MARYS ST  
RALEIGH NC 27609-7670

1705315984  
BROWN, JO S  
2608 SAINT MARYS ST  
RALEIGH NC 27609-7646

1705310389  
ALDRIDGE, BETTY L BRADL & JOHN  
2501 SANDERSON DR  
RALEIGH NC 27608-1322

JDAVIS ARCHITECTS  
ATTN: DAVID BROWN  
510 GLENWOOD AVE, SUITE 201  
RALEIGH, NC 27603

CITY OF RALEIGH  
PLANNING DEPARTMENT  
ATTN: TRAVIS CRANE  
22 W. HARGET ST  
RALEIGH, NC 27601

Z-33-12  
9/10/12

Pg. 1 of 1

**EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change**

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

**Z-33-12 (Lakeview Drive)**

Conditional Use District requested: **Residential-10, Conditional Use District (R-10; CUD)**

Narrative of conditions being requested: **(Public Hearing Submittal/For Signature: 2012-09-05)**

- a. The following uses permitted under the Residential-10 zoning district shall be prohibited:
  1. Schools
  2. Daycare
  3. Emergency Shelter
  4. Rest Home, Congregate Care
  5. Rooming, Boarding, Lodging, Tourist House
  6. Special Care Facility
  7. Police or Fire Station
- b. Residential density shall be limited to no more than ten (10) dwelling units for the subject properties.
- c. All outdoor pole-mounted lighting fixtures shall be cut-off design and the light source directed away from any adjacent residential use properties.
- d. Light Level at the perimeter property line adjacent to a residential use property shall be no more than four-tenths (4/10's) of a foot candle. This condition shall not apply to property lines adjoining public rights-of-way, including Lakeview Drive and Glenwood Avenue.
- e. Prior to either recordation of a subdivision or issuance of building permit for a new principal building, a cross access easement shall be recorded between the two subject properties:  
DB:14011/Page 841 (2409 Lakeview Drive) and  
DB: 0841/Page 841 (2420 Glenwood Ave).
- f. Any future subdivision or site plan on the subject properties shall prohibit vehicular access to Glenwood Avenue, with exception made for emergency vehicle access, and the existing SF lot on Glenwood retains right to access Glenwood Avenue until a site plan or subdivision is developed.
- g. For Group Housing (multi-family) use, dwelling count shall be limited to no more than four (4) dwellings in a building.
- h. Buildings shall be limited to no greater than two stories in height, with allowance/exception for basement condition in addition to the two story requirement. Basement shall be defined in accord with NC Building Code.
- i. No less than fifty percent (50%) of building siding materials, exclusive of fenestration (doors, windows, grills, vents, etc), shall be a masonry product; including but not limited to brick, stone, pre-cast, or cementitious stucco. No vinyl, "T-111", or "Masonite" siding shall be allowed.
- j. Conditions "a" thru "j" stated above, shall only apply upon redevelopment of the property that is initiated by a site plan or subdivision request. The current use of the properties shall be allowed to remain in place/operation until redevelopment of the properties commences.

**END OF CONDITIONS.**

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

Sarah Levine Weisman

Sarah Levine Weisman (Trustee)

9/6/2012

Deborah Levine Rubenstein

## EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

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

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

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

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

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

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

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

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

The Future Land Use Map designates this property as "Low Density Residential", and the proffered condition (Condition "b") limiting dwelling count to no more than ten (10) dwellings is consistent with the Future Land Use Map recommendation.

##### **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 subject property is not located within the boundary of an Area Plan or Corridor Plan

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

Yes, the proposed amendment is consistent with the Comprehensive Plan, the following items are applicable to the proposed rezoning:

1. **Policy LU4.5 Connectivity:** Provide vehicular cross access (Condition "g").
2. **Policy LU5.1 Reinforcing the Urban Pattern:** Limit land use (Condition "a").
3. **Policy LU5.3 Institutional Uses:** Limit land use (Condition "a").
4. **Policy LU5.4 Density Transition:** Limit residential density (Condition "b").
5. **Policy LU7.3 Single-Family Lots on Thoroughfares:** No additional thoroughfare driveways (Condition "g").

## EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

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

6. **Policy LU8.1 Housing Variety** – allows for additional types of dwellings in the area
7. **Policy LU8.3 Conserving...Neighborhoods**: Refer to the proffered conditions
8. **Policy LU8.5 Conservation of Single-Family Neighborhoods**: As a property that fronts on both a residential street and an arterial; and has a diverse mix of adjacent land uses (single-family, office, and institutional), the property must respond to the context and provide needed transition while striving for highest and best use. The provision for a different housing type within the neighborhood, while adhering to density recommendation of the FLUM makes the project a good fit in context with adjacent properties.
9. **Policy LU8.10 Infill Development**: Both of the subject properties have been on the market for several years, with little interest from potential buyers for use as a single-family home. One of the two parcels is vacant, and both the frontage and access to Glenwood Avenue has been cited as an issue for infill as a single family home.
10. **Policy LU8.11 Development of Vacant Sites**: Encourage development of existing "doughnut holes" already served by public infrastructure.
11. **Policy LU8.12 Infill Compatibility**: New development blending well with existing – see proposed zoning conditions.
12. **Policy T2.9 Cub Cuts**: Limit driveway access from thoroughfares see condition "g".

### 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):**

Several different land uses adjoin or are in close proximity to the subject properties, and they reflect the diverse character of the Cameron Village district:

East: Single-Family Use

North: Single-Family Use

West: Single-Family; Across Argyle Drive: Institutional – Carolina Country Club

South: Office; Across Glenwood Avenue: Single-Family Use

The property is in close proximity to residential services at Glenwood Village Shopping Center.

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

There is also a diversity of zoning categories adjoin and nearby the subject property, which also reflects the built character of the area, and the following categories are identified:

East: R-4 and R-6

South: O&I-1; Across Glenwood Avenue: R-4

West: R-4 and R-6

North: R-4

#### 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 rezoning more readily allows for a more diverse range of housing types, while maintaining the recommended low density.

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

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

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

The proposed rezoning will more readily allow for positive re-investment in the property, with long-term and sustainable uses.

### **B. For the immediate neighbors:**

The proposed rezoning will allow for a blend of housing types – a major goal of the 2030 Comprehensive Plan, allowing residents who no longer wish to live in a single-family home to stay in the neighborhood.

### **C. For the surrounding community:**

Refer to III B above; in addition, the proposed rezoning encourages re-investment in the local economy by the creation of jobs and sales tax revenue, while providing long-term benefit to property tax revenue.

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

No, land uses are restricted and density is capped at “Low Density” rate – please refer to the zoning conditions.

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

The subject property is strategically located along Glenwood Avenue, an arterial street, and must provide transition to a minor residential street. Rezoning is needed to allow for the creation of the needed transition. See response to first question in section IV, above.

## **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 subject property was last zoned, Raleigh has grown substantially in both population and land area. Raleigh is also at the forefront of emerging household demographics where there is need for more diverse housing choices.

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

We believe there is need for both more diversity in types of dwellings for existing neighborhoods inside the beltline.

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

We do not perceive there to be any significant detriment or impact to infrastructure associated with the proposed plan amendment, but existing infrastructure will be evaluated in connection with the proposed redevelopment of these properties.

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

The fundamental purpose of zoning as set forth in North Carolina’s enabling legislation is the general welfare of the community. The applicant believes that upon approval of their

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

petition and the subsequent redevelopment of their properties, the general welfare of the community is not only protected, but enhanced. Meaningful redevelopment of these properties will support the continued success of the neighborhood without compromising such quality of life elements as adequate light and air. The more compact development form allowed by the rezoning will be more sustainable with regard to infrastructure and services provided by the City of Raleigh.

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

The requested amendment will provide new opportunity for the redevelopment of the subject properties in accord with the emerging needs of the 21<sup>st</sup> century.



510 Glenwood Avenue, Suite 201 | Raleigh, NC 27603 | tel 919-835-1500 | fax 919-835-1510

June 14, 2012

Mr. Travis Crane, Senior Planner  
Department of City Planning Department and Economic Development  
City of Raleigh  
P. O. Box 590  
Raleigh, North Carolina 27602

**Re: LAKEVIEW; Neighbor Notice Meeting (Z- 33 -12)**

Travis:

This letter serves as a summary of the Neighbor Notice Meeting conducted June 12, 2012 for the above-referenced rezoning petition to be filed later this week.

The meeting commenced at 6:00 PM, per the invitation letter (attached) that was prepared by our office and mailed by the City Planning Department. A sign-in sheet was offered to the attendees, and a copy is attached for your file.

We discussed the scope of the rezoning and reviewed map exhibits for Existing Conditions, Current Zoning, and Future Land Use Map,. After reviewing the maps, a question/answer session followed where we discussed the zoning process and proposed schedule, and the following items specific to the case:

1. Product type – townhomes
2. Buffer to adjacent residential properties
3. Maximum density and height of the proposed development
4. Traffic, specifically queuing at intersection of Lakeview and St. Mary's Street.
5. Number and location of access drives, including Glenwood access.
6. Tree preservation
7. Expected price point for new development

The meeting was adjourned about 7:00 PM.

Please call me if you have any questions, or require additional information.

Sincerely,

David F. Brown, RLA, LEED AP  
Associate, JDAVIS ARCHITECTS, PLLC

Cc: Danny Kadis, Roland Gammon  
attachments: Sign-In Sheet; Meeting Invitation

# LAKEVIEW: NEIGHBOR NOTICE Mtz.

## SIGN-IN SHEET

2012-06-12

IF YOU WOULD LIKE US TO SEND YOU UPDATES, PLEASE PROVIDE AN ADDRESS FOR REGU

NAME

STREET ADDRESS AND/OR EMAIL ADDRESS

DAVID BROWN	
Daniel Kadis	2812 Manning Pl.
Polina Bama	Raleigh, NC 27608
	21 Glenwood Ave
Renee Shafey	— 2527 St. Mary's <sup>27603</sup> St 27609
Will Barber	2419 Glenwood Ave
Mary O. Stewart	2408 Glenwood Ave.
Ed Barrett	2521 St. Mary's
Brent Lawrence	2301 Lake Drive
Matthew Cooke	2519 St. Mary's