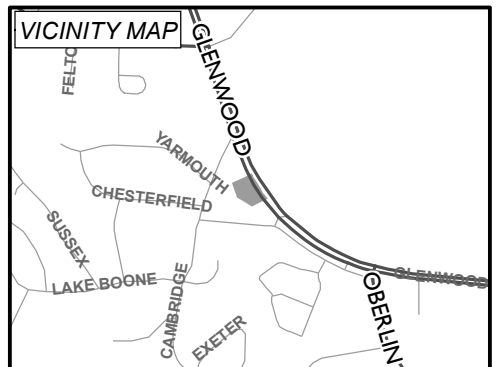


**Submittal  
Date**

10/12/2016

**Request:**

**0.62 acres from  
R-6  
to OX-3-PL-CU**



# Rezoning Application




RALEIGH  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Transaction #
Existing Zoning Classification: Residential-6 (R-6)			
Proposed Zoning Classification Base District: OX Height: 3 Frontage: PL			
If the property has been previously rezoned, provide the rezoning case number:			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
474187			

GENERAL INFORMATION			
Property Address: 0 & 2717 Glenwood Avenue			Date:
Property PIN: 0795-92-8809 & 0795-92-8870		Deed Reference (book/page): DB 16543 Pg 554	
Nearest Intersection: Glenwood Avenue at Edinburgh Road			Property Size (acres): .62
Property Owner/Address:  Emory Campbell, LLC 8601 Six Forks Rd Ste 400 Raleigh, NC 27615		Phone	Fax
		Email: jeremiah@jacksonlawnc.com	
Project Contact Person/Address:  Mack Paul, Attorney for Applicant		Phone: 919-590-0377	Fax: 919-882-8890
		Email: mpaul@morningstarlawgroup.com	
Owner/Agent Signature 		Email jeremiah@jacksonlawnc.com	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

## REZONING APPLICATION ADDENDUM

### Comprehensive Plan Analysis

The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.

### OFFICE USE ONLY

Transaction #

Rezoning Case #

### STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

1. The property is comprised of two parcels that front onto Glenwood Avenue. These parcels are zoned for single-family residential uses. It is important to note that the only access to these properties is from Glenwood Avenue. The 2030 Comprehensive Plan Policy LU 7.3 – Single-Family Lots on Major Streets – suggests that no new single-family residential lots should have direct vehicular access from major streets. This policy is aimed at reducing potential traffic conflicts that could create an unsafe condition for single-family homes with driveways onto major thoroughfares. The proposed rezoning is consistent with this policy because it will change the potential use from three (3) single-family homes with driveways onto Glenwood Avenue to a single office.
2. Moreover, the proposed rezoning also is consistent with Policy 8.11 – Development of Vacant Sites. As previously mentioned, vehicular access to the parcels that make up the subject property can only be obtained via Glenwood Avenue. The proposed rezoning will work to coordinate the development of two parcels that have a challenging access issue. The development of these parcels for a low-intensity office use will complement the established character of the area and will not sharply contrast with the physical development pattern.
3. The proposed zoning conditions ensure that the development of the subject property will be compatible with the surrounding area. For example, the two story height limitation mimics adjacent development. More intense and incompatible uses have been prohibited on the subject property. Additional measures have been offered to better screen the subject property from abutting lands. Thus, the proposed rezoning allows for an appropriate arrangement of uses, consistent with several policies of the 2030 Comprehensive Plan.

### PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning request will benefit the public by coordinating the development of two parcels fronting Glenwood Avenue in a manner that will result in a better overall traffic pattern along this portion of Glenwood.
2. The proposed rezoning will benefit the public by facilitating the development of the last vacant single-family lot on Glenwood Avenue from the subject property to I-440 in a manner that is consistent with the trend of single-family homes along Glenwood Avenue converting into office uses.

## URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1. All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.  
**The subject property is adjacent to a residential area, so development consistent with the proposed rezoning will result in a mix of uses in proximity to one another.**
2. Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.  
**Though the subject property is not in a Mixed-Use Center, the proposed rezoning conditions height in a manner consistent with the adjacent residential neighborhood.**
3. A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.  
**No new streets are contemplated as part of this development. The existing street network complies with this guideline.**
4. Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.  
**No new streets are contemplated as part of this development. The existing street network complies with this guideline.**
5. New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.  
**No new streets are contemplated as part of this development. The existing street network complies with this guideline.**
6. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.  
**The proposed rezoning will meet all of the standards of the UDO, including those established for the requested Parking Limited Frontage.**
7. Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.  
**The proposed rezoning will meet all of the standards of the UDO, including those established for the requested Parking Limited Frontage.**
8. If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.  
**The property is not at a street intersection.**
9. To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.  
**Outdoor amenity areas will be provided consistent with the UDO.**
10. New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.  
**Outdoor amenity areas will be provided consistent with the UDO.**
11. The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.  
**Outdoor amenity areas will be provided consistent with the UDO.**
12. A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.  
**Outdoor amenity areas will be provided consistent with the UDO.**
13. New public spaces should provide seating opportunities.  
**Outdoor amenity areas will be provided consistent with the UDO.**
14. Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.  
**The proposed rezoning will meet all of the standards of the UDO, including those established for the requested Parking Limited Frontage.**
15. Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.  
**Matters of building and/or parking placement will be considered at the site plan phase. The rezoning does not prevent compliance with this guideline.**
16. Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.  
**No parking structure is anticipated as part of the proposed rezoning.**

17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting a viable alternative to the automobile.</i></p> <p><b>The proposed rezoning is intended to result in a low-intensity, low-density office use.</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as pedestrian network.</i></p> <p><b>Pedestrian access to transit stops will be provided in accordance with the UDO, consistent with this guideline.</b></p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development should minimize intervention and maintain the natural condition except under extreme circumstances. Where practices are conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>There are no known sensitive features on the property, so this guideline is inapplicable.</b></p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the norm in the City and should be scaled for pedestrians.</i></p> <p><b>No new streets are contemplated as part of this development.</b></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas, Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchant seating.</i></p> <p><b>Sidewalks will be provided and maintained considering the context of the site and existing conditions.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate amount of shade both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of a tree strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provide buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and irrigation requirements.</i></p> <p><b>No new streets are contemplated as part of this development.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural features (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of building to street.</i></p> <p><b>The proposed rezoning is consistent with this guideline.</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary street. Entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>It is contemplated that the proposed development will be consistent with this guideline.</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows, entrances, signage, awnings, and ornamentation are encouraged.</i></p> <p><b>It is contemplated that the proposed development will be consistent with this guideline.</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be consistent with that function.</i></p> <p><b>Sidewalks will be provided and maintained considering the context of the site and existing conditions.</b></p>

Conditional Use District Zoning Conditions		
Zoning Case Number		OFFICE USE ONLY  Transaction #
Date Submitted		
Existing Zoning:	Proposed Zoning:	
NARRATIVE OF ZONING CONDITIONS OFFERED		
1. No building shall be taller than two (2) stories and thirty-five feet (35').		
2. The following uses are prohibited on the subject property: Dormitory, fraternity, sorority; Emergency shelter type A; Emergency shelter type B; Cemetery; College, community college, university; School, public or private (K-12); Telecommunication tower (<250 ft); Telecommunication tower (≥250 ft); Sports academy; Outdoor sports or entertainment facility (≤ 250 seats); Outdoor sports or entertainment facility (> 250 seats); Heliport, serving hospitals; Heliport, all others; Retail Sales; Eating establishment; and Detention center, jail, prison.		
3. Any site plan submitted for new development on the subject property shall include a wall to be constructed of masonry materials, of a height no less than six and one-half feet (6.5') and no more than nine feet (9'), and located no more than ten feet (10') from the property line abutting those parcels conveyed in the Wake County Register of Deeds Book 5345, Page 347; Book 13281, Page 1676; Book 14020, Page 1043; and Book 15039, Page 1946; except if a more stringent transitional protective yard is required.		
4. Any site plan submitted for new development on the subject property shall incorporate full cutoff lighting for all exterior and outdoor lighting and lighting fixtures.		
5. Prior to the issuance of a building permit for new development or recording of a subdivision plat, whichever occurs first, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Glenwood Avenue shall be approved by the Transportation Department and the easement deed approved by the City Attorney's Office.		
6. No drive-through facility shall be permitted on the subject property.		
7. No site plan for new development on the subject property shall be approved with parking between the public right-of-way and any building façade.		
8.		
9.		
10.		

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature \_\_\_\_\_ Print Name \_\_\_\_\_

REZONING OF PROPERTY CONSISTING OF +/- .62 ACRES  
LOCATED ON GLENWOOD AVENUE, EAST OF ITS INTERSECTION WITH EDENBURGH ROAD, IN  
THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON JUNE 20, 2016

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Monday, June 20, 2016, at 6:00 p.m. The property considered for this potential rezoning is approximately .62 acres, located on Glenwood Avenue east of its intersection with Edenburgh Road, in the City of Raleigh, having Wake County Parcel Identification Numbers 0795-92-8809 and 0795-92-8870. This meeting was held at the offices of Trademark Properties, which is located at 1001 Wade Ave Suite 300 in Raleigh, NC 27605. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

## EXHIBIT A

### NEIGHBORHOOD MEETING NOTICE



Mack Paul | Partner  
630 Davis Drive, Suite 200  
Morrisville, NC 27560  
919-590-0377  
mpaul@morningstarlawgroup.com  
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Mack Paul

Date:

June 10, 2016

Re: Notice of meeting to discuss potential rezoning of property located on the west side of Glenwood Avenue, near its intersection with Edinburgh Road, containing approximately .62 acres, with the address of 2717 Glenwood Avenue, and having Wake County Parcel Identification Numbers 0795-92-8809 and 0795-92-8870 (the "Property"), which Property is outlined on the map on the back side of this notice.

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Residential-6. The developer would like to construct a professional office facility at the Property. The proposed zoning district is Office Mixed Use conditional use (OX-3-CU).

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Monday, June 20, 2016, at 6:00 p.m. This meeting will be held at 1001 Wade Ave Suite 300 in Raleigh, NC 27605.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0377 or mpaul@morningstarlawgroup.com.





## **EXHIBIT B**

### **LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT**

POOLE, TAMARA H  
115 EDENBURGH RD  
RALEIGH NC 27608-1017

PRABHAKAR, JOSHUA T  
PRABHAKAR, JOSIE D  
116 LAKE BOONE TRL  
RALEIGH NC 27608-1020

FOUNTAIN, SHEPHERD M  
111 EDENBURGH RD  
RALEIGH NC 27608-1017

GUNTER, DANIEL C III GUNTER,  
LINDSAY ELIZABETH  
114 LAKE BOONE TRL  
RALEIGH NC 27608-1020

WEST, MARK B WEST, IVY BUNN  
110 LAKE BOONE TRL  
RALEIGH NC 27608-1020

MICKLE, WILLIAM K MICKLE,  
LINDSAY C  
112 LAKE BOONE TRL  
RALEIGH NC 27608-1020

JOHNSON, ELIZABETH K JOHNSON,  
NANCY  
2717 GLENWOOD AVE  
RALEIGH NC 27608-1005

WILLIAMS, KENNETH STRONG  
1433 DOGWOOD LN  
RALEIGH NC 27607-6854

BUCKTHAL FAMILY LLC  
310 MARLOWE RD  
RALEIGH NC 27609-7064

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

Matters raised by people in attendance:

- Sound

Attendees mentioned concerns over noise emanating on Glenwood Avenue. Currently, there is nothing to block the sound. The applicant stated a willingness to construct a wall along the rear property line of 2717 Glenwood Avenue to help reduce sound traveling from Glenwood Avenue to the adjacent residential properties to the south.

- Lights

Attendees expressed concern that any lights for parking associated with the new development not interfere with the peace and enjoyment of their property. The applicant discussed using “full cut-off” lights to ensure lights are not visible from adjacent properties.

- Trees

Attendees mentioned a desire to maintain existing trees and other vegetation at the rear of the applicant’s property. The applicant discussed maintaining existing trees to the extent possible. It will be important to situate any wall so that it minimizes disruption to the existing trees and vegetation while providing a strong buffer to the adjacent residential properties.

- Streetscape/sidewalk

There were questions about the streetscape along Glenwood Avenue. The applicant said the City will likely require both a sidewalk as well as streetscape, including street trees, along Glenwood Avenue. More information on this issue can be provided once obtained from the City.

- Height

Attendees expressed a desire that any new buildings be in context and scale with surrounding residential and commercial buildings. The applicant discussed plans to construct an office for his law practice. The building will be limited to two stories in height.

- Design

Some attendees asked about the design of the office building. They pointed to the adjacent orthodontist office as an example of good design. The applicant stated that he has several steps to undertake prior to designing the building. Since it will be used for the applicant’s law office, he is committed to a high level of design.

- Drainage/Stormwater

Some attendees raised a concern about drainage. There have been some stormwater issues experienced by nearby neighbors. The applicant pointed out that 2717 Glenwood Avenue is lower than adjacent properties so any stormwater will flow from the residential properties onto his property. He will provide new stormwater facilities on the property to detain stormwater.

## **EXHIBIT D**

### **NEIGHBORHOOD MEETING ATTENDEES**

Bill Mickle, 112 Lake Boone Trail, Raleigh, NC 27608

Ken Williams, 1433 Dogwood Lane, Raleigh, NC 27607 (105 and 107 Edinburgh Road)

Mark West, 110 Lake Boone Trail, Raleigh, NC 27608

Stephen Fountain, 11 Edinburgh Road, Raleigh, 27608

Mack Paul, 630 Davis Drive, Suite 200, Morrisville, NC 27560

Jeremiah Jackson, 8601 Six Forks Road, Suite 400, Raleigh, NC 27615

Jim Harris, 1001 Wade Avenue, Suite 300, Raleigh, NC 27605