

CITY OF RALEIGH

Z-52-08

TD

to

O&I-2 CUD

3.42 acres

Public Hearing
October 21, 2008
(February 18, 2009)

410
Feet



Office Use Only
Petition No. 2-52-08
Amended - 9/22/08

22 PM 3:15
Petition to Amend the Official Zoning Map
Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

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

Please check boxes
where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s)

Larry Castangway

Date:

9-19-08

Please type or print name(s) clearly:

Larry Castangway - Oxford Fmd Select - Raleigh - LLC.

EXHIBIT B. Request for Zoning Change

Office Use Only

Petition No. Z-52-08

Date Filed: _____

Filing Fee: _____

Amended - 9/22/08

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Oxford Fund Select-</u> <u>Raleigh, LLC</u>	<u>301 Grant Street, One</u> <u>Oxford Center,</u> <u>Pittsburgh, PA 15219</u>	<u>412-261-1500</u> <u>plindauer@oxforddevelo</u> <u>pment.com</u>
2) Property Owner(s):	<u>Oxford Fund Select-</u> <u>Raleigh, LLC</u>	<u>301 Grant Street, One</u> <u>Oxford Center,</u> <u>Pittsburgh, PA 15219</u>	<u>Same as above</u>
3) Contact Person(s):	<u>David Camp</u> <u>Benjamin R. Kuhn</u>	<u>111 Thensia Ct, Cary NC</u> <u>27513</u> <u>127 West Hargett Street,</u> <u>Ste 504, Ral, NC 27605</u>	<u>919-469-3041</u> <u>drcamp@att.net</u> <u>919.870.9101</u> <u>bkuhn@kuhnlawfirm.co</u> <u>m</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): _____ <u>0774.96.3627 (Survey Attached)</u>		
	General Street Location (nearest street intersections): _____ <u>4501 Trinity Road</u>		
5) Area of Subject Property (acres):	<u>Approximately 5.7 acres</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>TD (Thoroughfare District)</u>		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>O&I - 2 (Office and Industrial) – Conditional Use District</u>		

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8) Adjacent Property Owners

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

(Important: Include PIN Numbers with names, addresses and zip codes.) Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

Name(s):	Street Address(es):	City/State/Zip:	Wake Co. PIN #'s:
First States Investors	610 Old York Rd. Ste 300	Jenkintown, PA 19046-2865	0774865635
			0774858875
1520 Sunday Associates	600 GREEN VALLEY RD STE 300	GREENSBORO NC 27408-7731	077412964151
RNA Properties	600 GREEN VALLEY RD STE 300	GREENSBORO NC 27408-7731	077412967422
LICHTIN TRINITY II LLC	3110 EDWARDS MILL RD STE 200	RALEIGH NC 27612-5419	0774976032
			0774973391
G&I VI TRINITY PARK LP LTD PTNRP	220 E 42ND ST FL 27	NEW YORK NY 10017-5819	0774973532
BROCK NOWELL ROAD LLC	20607 OBERLIN RD STE 100	RALEIGH NC 27608	0774953717
RIDDICK PROPERTIES LLC	1310 NOWELL RD	RALEIGH NC 27607-5136	
			0774953525

For additional space, photocopy this page.

EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	<u>Z. 52.08</u>
Original Date Filed:	<u>10/29/08</u>
Amended Date:	<u>10/29/08</u>

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

p. 1 of 1

1) Conditional Use Zone Requested: : O & I – 2 – Conditional Use District

2) Narrative of conditions being requested:

1) The use on the property to be rezoned shall be limited to a Hotel with rooms that comply with all criteria of a "lodging unit" or "dwelling unit" as defined in Section 10-2072 of the Zoning Ordinance, provided that the number of "dwelling units" in excess of 600 square feet in area shall not exceed ten (10) such dwelling units;

2) Parking shall be provided as follows:

- Rooms smaller than 600 square feet with no more than 1 bedroom (lodging unit) – 1 parking space; and
- Rooms larger than 600 square feet with no more than 2 bedrooms (dwelling unit) – 2 parking spaces;

3) The Hotel structure to be built on the property to be rezoned shall be limited to no more than four occupied stories or sixty-five feet in height as measured in accordance with the City of Raleigh Zoning Ordinance;

3) Rooms within the Hotel shall only be accessible from interior corridors (no exterior guest room entrances);

4) Building materials for the Hotel structure to be built on the property to be rezoned shall be limited to a combination of Exterior Insulation and Finish Systems ("EIFs"), brick, and metal (excluding doors and windows); and

5) Prior to recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City one (1) transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area, and which shall include a bench and bus shelter to be constructed in the association with said transit easement if required by the City at the time of site plan review. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

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

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

Printed Name: LAURENCE R CASTONGUARY

Signature: 

Date: 10/29/08

Printed Name: _____

Signature: _____

Date: _____

Office Use Only	
Petition No.	<u>Z-52-08</u>
Date Filed:	<u>10/20/08</u>

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan **(www.raleighnc.gov).**

- A. Please state which District Plan area the subject property is located within and the recommended land use for this property:**

Southwest District and the recommended Land Use from the Arena plan is Employment Area (I-40West)

- B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

Project is located within the Arena Small Area Plan. The proposed extended stay hotel use is consistent with the applicable City of Raleigh land use plans as it will add needed hotel accommodations to the Arena submarket to serve the variety of adjacent and nearby properties, including office, stadium and arena patrons, tourists, and the like.

Z-52-08
6/19/08

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

Yes, it is consistent with published documents such as the Arena Small Area Plan.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

- A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

This area is near the corner of Trinity Road (minor thoroughfare) and Nowell Rd. (collector) and is immediately surrounded by Office uses. An apartment complex, some SF homes and school are also located nearby. The Arena, Stadium and State Fairgrounds are less than a mile east on Trinity Road. The subject area is not adjacent to any residential use.

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

Existing uses/zoning are primarily commercial with multiple story buildings and streetscape plantings.

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

The proposed zoning will enhance the options of amenities the owner can provide at this site while complimenting the amenities provided and uses made by owners of adjacent and nearby properties. At the same time, the proposed zoning and use does not expand/change the proposed use or negatively impact adjacent or nearby properties. For these reasons, the requested zoning map amendment is compatible with the suitability of the property for the particular uses proposed and the character of the surrounding area. The zoning of O&I-2 (CUD) is well suited for this area and the property is not immediately adjacent to a major thoroughfare (existing zoning is TD).

III. Benefits and detriments of the proposed map amendment.

- A. For the landowner(s):

The benefit to the owner will allow for flexibility with room size and amenities that shall be provided within, which amenities are desired by extended stay hotel patrons.

B. For the immediate neighbors:

The changes to rooms and the amenities available therein will not be apparent to anyone other than the Hotel patrons that use the rooms. The proposed additional amenities will benefit patrons of the Hotel, but will not otherwise serve as any detriment to immediate neighbors.

C. For the surrounding community:

The requested zoning map amendment and proposed use is a benefit for the community and its visitors, persons traveling on business, and tourists, as the hotel will have the flexibility to provide a variety of options in room size and amenities provided therein, offering further variety and options to persons seeking hotel accommodations for their particular purpose in this submarket.

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

No, the rezoning will only provide an option for more flexibility within a use that is already allowed under current zoning. This rezoning will not provide a significant benefit which is not also available to surrounding properties.

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

The current zoning of the subject property allows the proposed use (hotel/motel). However, the amenities normally included in hotels of the nature proposed by the developer (extended stay hotel) are not allowed under the current zoning classification. Therefore to provide greater amenities and options to the public, and to provide as a further amenity to surrounding properties and the community in general, we are requesting to rezone the property to allow for the same use but with expanded amenities that are valued by the different hotel patrons that need to be served in this submarket. The additional amenities do not increase traffic, square footage, impervious area or detract from the appearance of the property or its surroundings. For these reasons the characteristics of the subject property support the proposed map amendment and is in the public interest.

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.

Increasing commercial, office, entertainment, destination, and other development in the vicinity of the subject property has significantly increased the demand for lodging and hotel options in this area, and the requested rezoning will permit the developer to provide same in order to meet rapidly increasing demand for hotel accommodations and variety.

- c. The public need for additional land to be zoned to the classification requested. The zoning requirements for an extended stay Hotel/Motel product requires a unit be defined as either a 'lodging' or 'dwelling' unit – the corresponding restrictions on size of rooms and kitchen appliances limit the amenities that can be provided. By rezoning this property it expands the locations where this product can be offered to the Public. Further, with increasing office, commercial and other development in the vicinity, a more varied mix of hotel options is in the public interest.

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

The approval of this rezoning will not affect any of the above due to the proposed use and size of structure(s) being allowed under current zoning.

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

THE PROPOSED REZONING WILL ALLOW A WIDER RANGE OF ROOM OPTIONS FOR THE PUBLIC. AN EXTENDED STAY HOTEL IS ONLY ALLOWED (WITH MORE FLEXIBLE ROOM OPTIONS TO INCREASE SQUARE FOOTAGE AND WITH AMENITIES SUCH AS LARGER REFRIDGERATORS) IF THE ROOMS ARE CONSIDERED DWELLING UNITS BY THE ZONING CODE DEFINITIONS. THE PROPOSED ZONING

DISTRICT (O&I-2-CUD) WILL ALLOW THE SUBJECT PROPERTY TO BE DEVELOPED IN A MANNER THAT CAN PROVIDE "DWELLING UNITS" AND NOT BE RESTRICTED TO ONLY "LODGING UNITS" (THAT HAVE ADDITIONAL RESTRICTIONS THAT WOULD PREVENT AN EXTENDED STAY HOTEL CONCEPT), WHICH WOULD BE THE RESULT UNDER THE EXISTING ZONING. THIS REZONING SPECIFICALLY ENABLES SOME OF THE ROOMS TO BE LARGER THAN 600 SQ. FT. AND FOR LARGER KITCHEN APPLIANCES SUCH AS STOVE, REFRIGERATOR AND MICROWAVE THAN IS CURRENTLY ALLOWED UNDER EXISTING ZONING.

THIS PROPOSED CONDITIONAL USE REZONING IS CONSISTENT WITH THE LAND USE PLAN AND THE PUBLICIZED DESIRES FOR MORE COMMERCIAL AMENITIES IN THE RBC ARENA VICINITY. THE ADJACENT AREAS ARE USED PRIMARILY FOR OFFICE USE AND ALL ADJACENT PROPERTY IS COMMERCIAL ZONED. THE OWNER DESIRES TO MEET A PUBLIC NEED FOR MORE ROOM AMENITIES SUCH AS AN EXTRA BEDROOM, LARGER REFRIGERATOR, STOVE AND/OR MICROWAVE. FREQUENT EVENTS TAKING PLACE IN THE VICINITY OF THE SUBJECT PROPERTY SUCH AS RBC ARENA EVENTS, CARTER STADIUM EVENTS, DORTON ARENA, AND FAIRGROUNDS AND HORSE COMPLEX EVENTS, CALL FOR MORE VARIETY AND SELECTION IN HOTEL ROOM OPTIONS THAT WILL CATER TO TOURISTS, SPORTS FANS, CONVENTION GOERS, LOCAL BUSINESSES IN THE VICINITY, AS WELL AS CITIZENS OF RALEIGH AND THEIR FAMILIES WHO VISIT THE AREA.

See attached room types (KQA and KK) which provide more room area and amenities as "dwelling units" which would not be permitted on this property without the proposed rezoning.

INSTRUCTIONS for filing a petition to amend the Official Zoning Map of the City of Raleigh, North Carolina

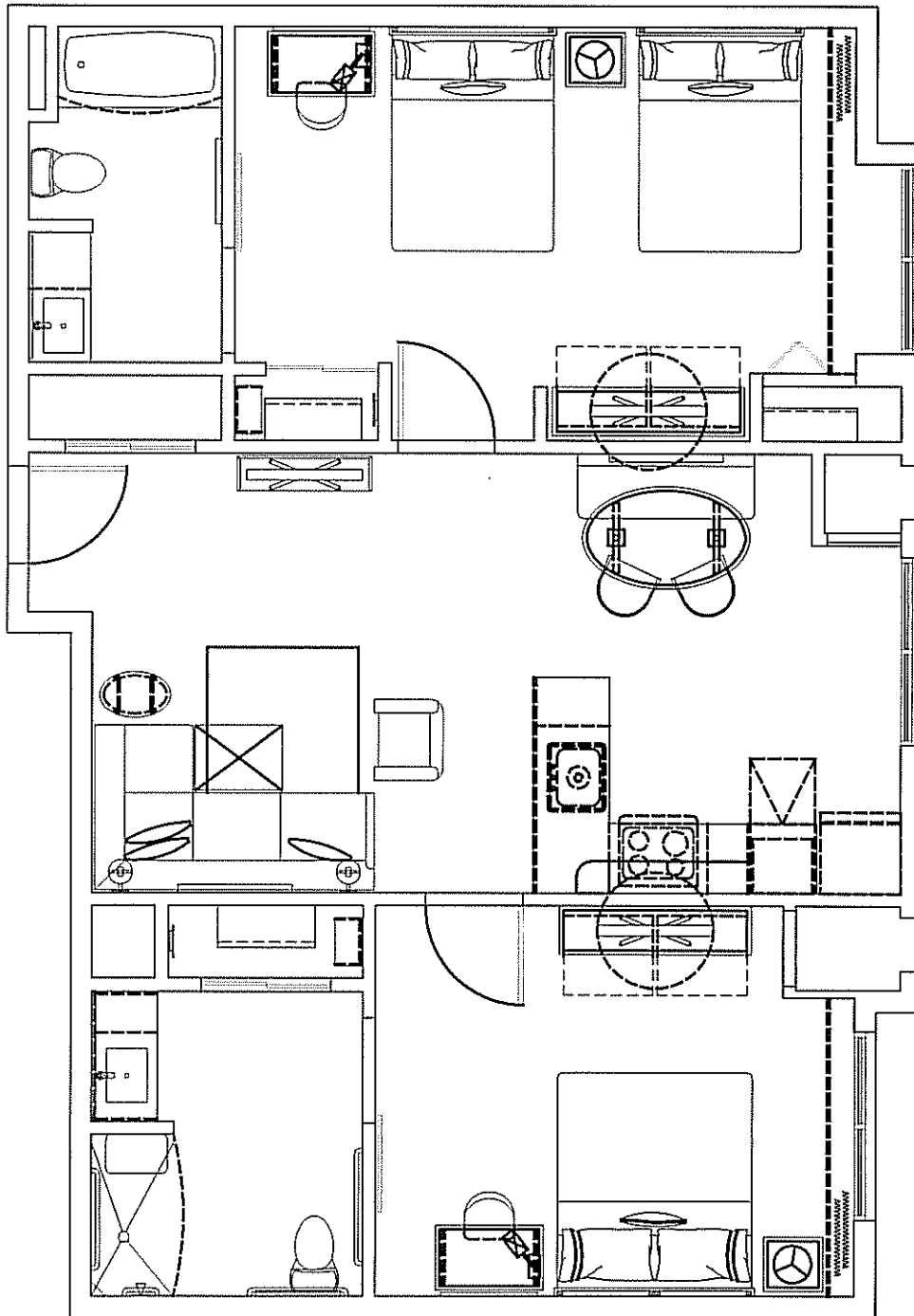
Explanation of the Zoning Process

The City Council of the City of Raleigh permits applicants to file zoning petitions as either General use, Conditional Use or Overlay Zoning Districts.

General Use and Overlay Districts zoning requests involve consideration by City Council and Planning Commission of all uses that could occur on the subject property, if rezoned. It is not permissible to indicate on this application or at the Public Hearing specific development plans (specific use, size and scale of development, prospective tenants, buffering, etc.) concerning this request. Discussion of specific plans or limitations could jeopardize the legality of the zoning. Conditional Use District zoning

requests allow the petitioner to voluntarily impose specific uses and/or design criteria on the subject property throughout the zoning process as long as they are part of the conditions and are more restrictive than the general use or overlay zoning regulations that apply to the property. All conditions adopted as part of the zoning become part of the ordinance and are enforceable by the City. Specific information on Conditional Use District zoning is addressed in Exhibit C. of this petition. If the applicant so chooses to file a Conditional Use District request, Exhibit C. must be completed in addition to Exhibits B. and D.

Z-52-08



ROOM TYPE - KQA (992 SF)

3/16" = 1'-0"

cubellis

Architects
Interior Designers
Engineers

325 N. La Salle Drive., Ste. 700
Chicago, IL 60610
Tel: (312) 424-2400
Fax: (312) 424-2424
www.cubellis.com

PROJECT 080507hohtch
HYATT
SUMMERFIELD SUITES
Raleigh, North Carolina

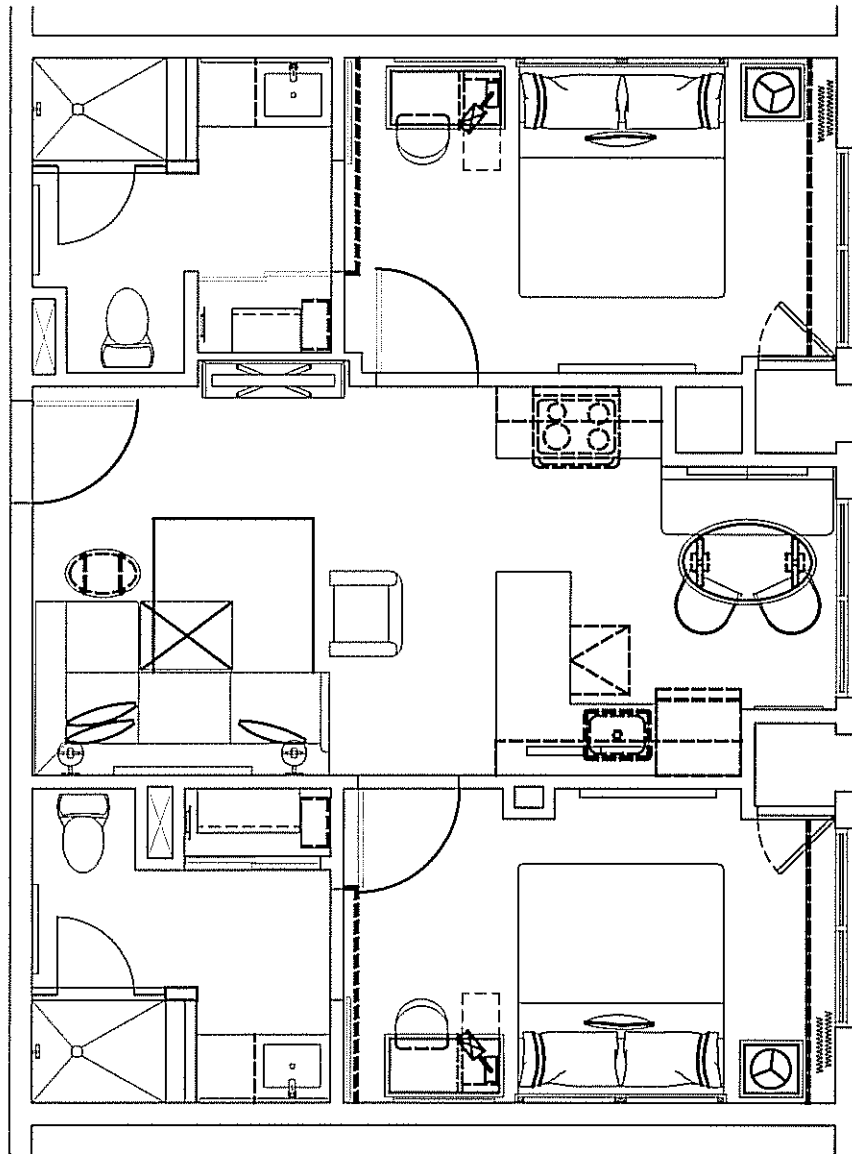
REVISIONS / SUBMITTALS		
#	Date	Issue
1	06/13/08	ASK No. 08

ROOM TYPE

KQA

06/13/08

Z-52-08



ROOM TYPE - KK (718 SF)

3/16" = 1'-0"

cubellis

325 N. La Salle Drive., Ste. 700
Chicago, IL 60610
Tel: (312) 424-2400
Fax: (312) 424-2424
www.cubellis.com

Architects
Interior Designers
Engineers

PROJECT 080507hahtch

HYATT
SUMMERFIELD SUITES
Raleigh, North Carolina

REVISIONS / SUBMITTALS

#	Date	Issue
1	06/13/08	ASK No. 05

ROOM TYPE

KK

06/13/08



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-52-08 Conditional Use; Nowell Rd.**

General Location: West side of Nowell Drive, southwest of its intersection with Trinity Drive

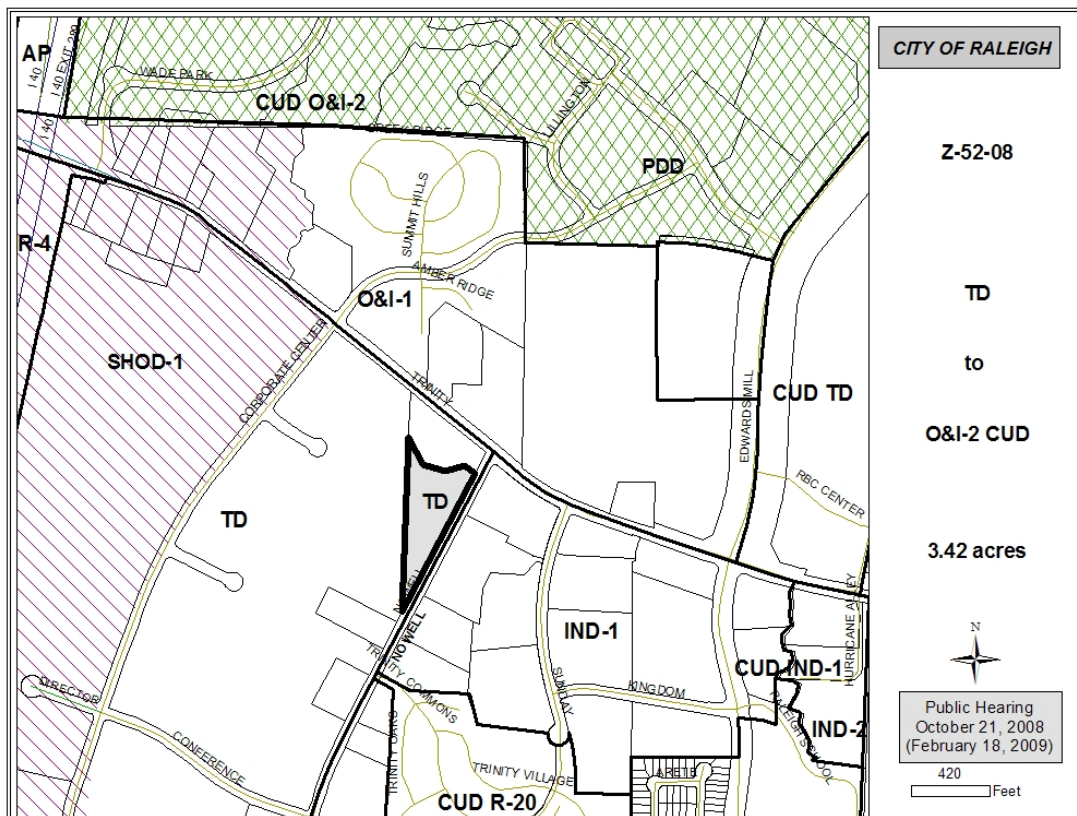
**Planning District
/ CAC:** Southwest / West

Request: Petition for Rezoning from **Thoroughfare District** to **Office & Institution-2 CUD**.

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

**Valid Protest
Petition (VSPP):** NO.

Recommendation: The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated October 29, 2008.



CASE FILE: **Z-52-08 Conditional Use**

LOCATION: This site is located on the west side of Nowell drive, southwest of its intersection with Trinity Drive.

REQUEST: This request is to rezone approximately 3.42 acres, currently zoned Thoroughfare District. The proposal is to rezone a portion of the property to Office & Institution-2 CUD.

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

RECOMMENDATION: **The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated October 29, 2008.**

**FINDINGS
AND REASONS:**

- (1) That the subject request is consistent with the Comprehensive Plan in that, it is located in the Southwest Planning District and within an employment area designated by the Arena Small Area Plan where hotel uses are permitted. Additionally, new hotels are encouraged in this area by the Comprehensive Plan due to its proximity to the entertainment district and supporting events.
- (2) That the proposed zoning category is compatible with the existing zoning and use in the area, which is predominantly a mix of office, institutional and industrial uses.
- (3) That the site plan for the proposed use- a hotel building has been approved and the rezoning will allow for flexibility in room size and amenities that will be provided within the hotel to extended-stay hotel patrons. The changes to rooms and amenities will not impact the exterior design.
- (4) That the proposed conditions adequately negate any adverse impacts on the surrounding properties by addressing height, building materials, parking provisions, and access.
- (5) That the proposed use would benefit the community so that visitors, persons on business, and tourists will have a variety of options in room size and amenities provided and
- (6) That for the above mentioned reasons, the subject request appears to be reasonable and in the public interest.

To PC: 10/28/08

Case History:

To CC: 11/4/08

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Mullins
Second: Harris Edmisten
In Favor: Anderson, Bartholomew, Butler, Chambliss, Harris Edmisten, Holt, Mullins, Smith
Opposed:
Excused:

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

Signatures: (Planning Dir.) (PC Chair)

date: _____ date: 10/29/08



Zoning Staff Report: Z-52-08 Conditional Use

LOCATION: This site is located on the west side of Nowell Drive, southwest of its intersection with Trinity Drive.

AREA OF REQUEST: 3.42 acres

PROPERTY OWNER: Oxford Fund Select-Raleigh, LLC

CONTACT PERSON: David Camp, 469-3041
Benjamin R. Kuhn, 870-9101

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

ZONING: Current Zoning

Thoroughfare

Current Overlay District

None

Proposed Zoning

Office & Institution-2 CUD

Proposed Overlay District

None

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

Not permitted

Proposed Zoning

Conditions limit use of property to Hotel use that may include extended stay dwelling units.

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

No max. specified

Proposed Zoning

None (per zoning conditions)

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

No max. specified

Proposed Zoning

None (per zoning conditions prohibiting office uses and incidental retail)

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

High Profile (Height = 15 feet; Area = 100 sq.ft.)

Proposed Zoning

Low Profile (Height = 3.5 feet; Area = 70 sq.ft.)

ZONING HISTORY:

11/4/08 Z-52-08/Nowell Drive

This property has been zoned Thoroughfare District for several years.

SURROUNDING

ZONING: NORTH: TD, O&I-1
SOUTH: TD, IND-1
EAST: IND-1
WEST: TD

LAND USE: vacant, undeveloped

SURROUNDING

LAND USE: NORTH: office
SOUTH: vacant & industrial
EAST: office
WEST: vacant & industrial

DESIGNATED HISTORIC RESOURCES: NONE

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE: In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City's adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	Southwest
Urban Form	Employment Area
Specific Area Plan	Arena Small Area Plan
Guidelines	NA

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

The subject site is located in the Southwest Planning District and within a designated employment area. The property is also within the I-40 West employment area designated by the Arena Small Area Plan. The request to rezone the property to O&I-2 CUD is consistent with the Comprehensive Plan in that, the property is recommended for employment uses. As currently conditioned, the rezoning would limit the allowed uses to one use: extended stay hotel. Hotel uses are permitted within employment areas. Additionally, new hotels and restaurants are encouraged in this area by the Comp Plan due to its proximity to the entertainment district, to support the various special events held at the Arena, Carter-Finley Stadium and the State Fairgrounds.

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

The subject site is surrounded predominantly by office, institutional and industrial uses. To the north and east of the subject property are existing office uses. To the south is a mixture of vacant land and industrial uses with a few scattered single family homes. To the further east of Trinity Road are the Arena, Stadium and State Fairgrounds. The applicant notes that the proposed extended stay hotel use will add needed hotel accommodations to the Arena submarket to serve the variety of adjacent and nearby properties, including office, stadium and arena patrons and tourists. Since the subject site is located in a designated employment area which permits hotel uses, the proposed request is

consistent with the land use recommendations of the Comprehensive Plan and is compatible to the surrounding uses. In addition, the Arena SAP recommends that all development in the area should respect the surrounding context of built and natural environments. The site plan for the hotel use (SP-38-08) has been approved and appears to be compatible with the surrounding context. The subject rezoning is triggered by the need to allow for flexibility in room size and amenities that will be provided within the hotel to extended stay hotel patrons. The changes to rooms and the amenities available therein will not be apparent to anyone other than the Hotel patrons that use the rooms.

3. Public benefits of the proposed rezoning

The site plan for the hotel building proposed on this site has already been approved by the City Council (SP-38-08). The subject rezoning is triggered by the need to allow for flexibility in room size and amenities that will be provided within the hotel to extended stay hotel patrons. The changes to rooms and the amenities available therein will not be apparent to anyone other than the Hotel patrons that use the rooms. The rezoning will provide for more flexibility within a use that is already permitted under the current zoning. The rezoning would permit the provision and design of rooms and amenities slightly larger in size than the typical lodging units defined by City Code, geared towards the needs of extended stay patrons. The proposed use would benefit the community so that visitors, persons traveling on business, and tourists, will have a variety of options in room size and amenities provided. Additionally, this sub-market is fairly under-served in Raleigh and given its location adjacent to the entertainment district can be considered reasonable and in serving the larger public interest.

4. Detriments of the proposed rezoning

The proposed rezoning will not increase traffic, square footage, and impervious area or detract from the appearance of the property nor the site plan that was approved for the site. Therefore, no negative impacts are perceived for this request.

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

TRANSPORTATION: Nowell Road is classified as a collector street and is constructed as two lane 31-foot curb to edge of pavement cross-section with sidewalk on one side within a 60-foot right-of-way. City standards call for Nowell Road to be constructed as a 41-foot back-to-back curb and gutter section with sidewalk on a minimum of one side within the existing right-of-way. Trinity Road is classified as a minor thoroughfare and exists as a 3-lane, 45-foot curb to edge of pavement cross-section with sidewalk on one side within a 70-foot right-of-way. City standards call for Trinity Road to be constructed as a multi-lane 53-foot back-to-back curb and gutter cross-section with sidewalks on both sides within an 80-foot right-of-way. The City has future plans to widen Trinity Road between Nowell Road and Edwards Mill Road to a five lane curb and gutter section with sidewalks on both sides within an 80-foot right-of-way.

TRANSIT: Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

HYDROLOGY: FLOODPLAIN: None
DRAINAGE BASIN: Richland
STORMWATER MANAGEMENT: Compliance with Pt. 10 Ch.9.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>42,750</u> gpd	Approx. <u>25,650</u> gpd
Waste Water	Approx. <u>42,750</u> gpd	Approx. <u>25,650</u> gpd

The proposed rezoning would not impact the wastewater collection or water distribution systems of the City's utilities. There are existing sanitary sewer and water mains in the streets rights-of-way which would serve the proposed rezoning area.

**PARKS AND
RECREATION:**

This property is not adjacent to any greenway corridors. The comprehensive plan notes the need for an additional neighborhood park in this area.

**WAKE COUNTY
PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under the proposed zoning would be 10, while the current zoning permits none. This would result in the following increase in school enrollment: 1 elementary, 1 middle and 1 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

Impacts on School Capacity

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Reedy Creek	682	83.6%	683	83.7%
Reedy Creek	778	87.9%	779	88.0%
Athens Drive	1,909	109.3%	1,910	109.3%

IMPACTS SUMMARY: The rezoning could increase school enrollment by 3 students.

OPTIONAL ITEMS OF DISCUSSION

1. An error by the City Council in establishing the current zoning classification of the property.

NA

2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be properly applied to it now were it being zoned for the first time.

The applicant notes that the increasing commercial, office, entertainment, destination, and other development in the vicinity of the subject property has significantly increased the demand for lodging and hotel options in this area, and the requested zoning will permit the developer to provide the same in order to meet rapidly increasing demand for hotel accommodations and variety. Given its location in an employment area, adjacent to the entertainment district and for a use that is already permitted in the existing zoning district, with no perceived detriments, the subject request is considered reasonable and in the larger public interest.

**APPEARANCE
COMMISSION:
CITIZEN'S**

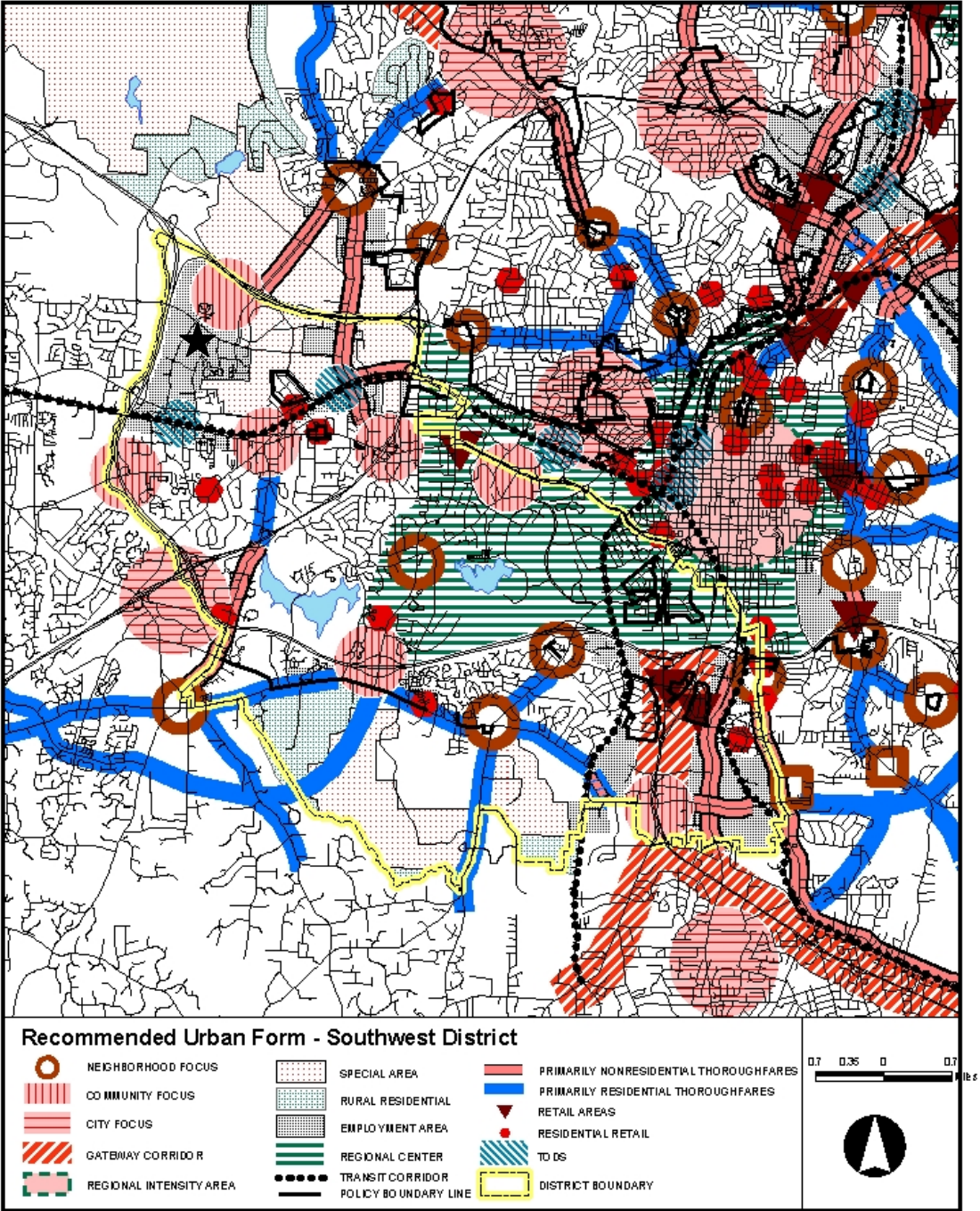
This request is not subject to Appearance Commission review.

ADVISORY COUNCIL: DISTRICT: West
CAC CONTACT PERSON: Elizabeth Byrd, 233-8531
Mark Vander Borgh, 357-2454

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

The request is consistent with the Comprehensive Plan.



8/05 Raleigh Comprehensive Plan

Southwest District 5-8.F

