

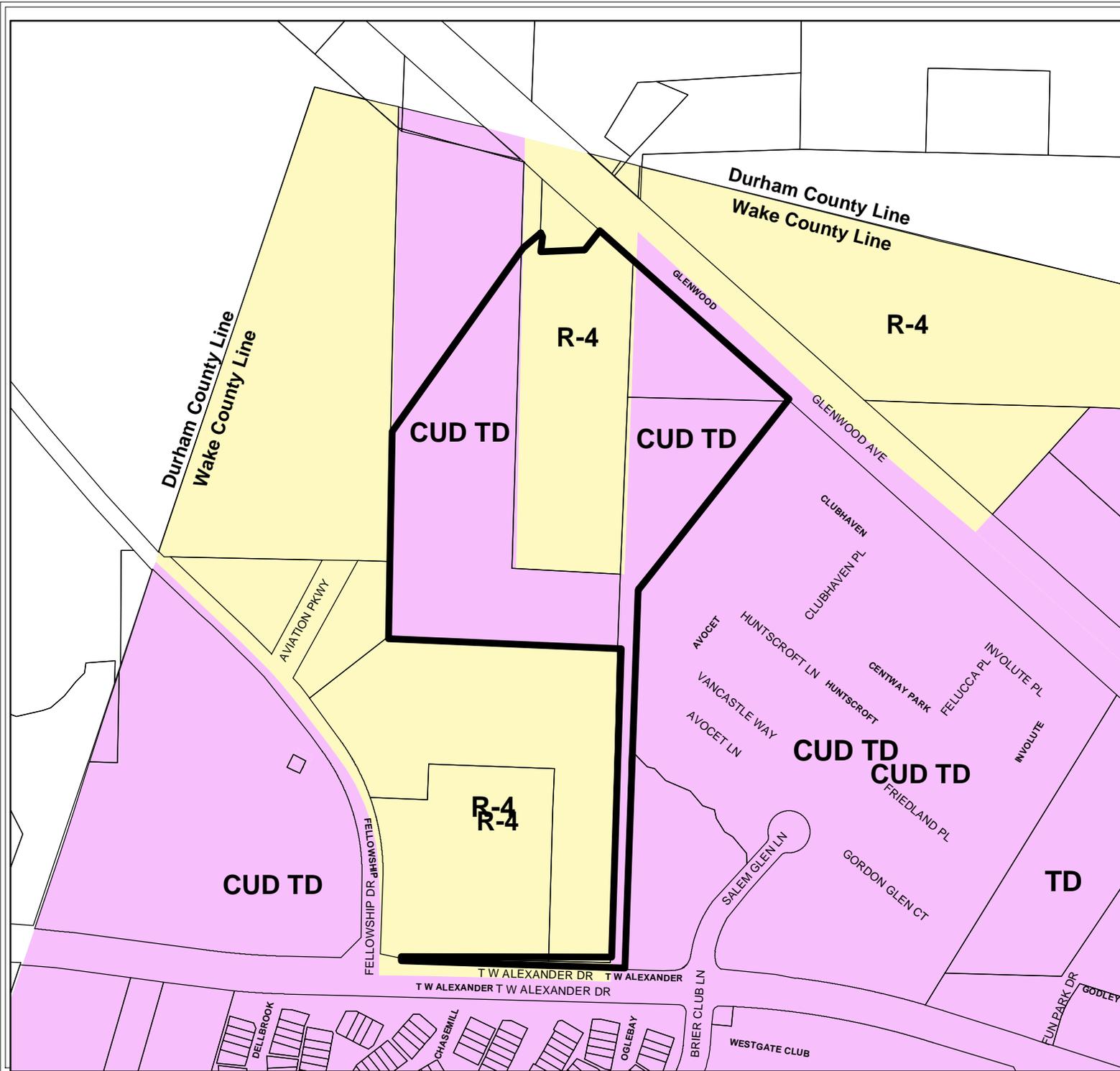
**Z-54-08**

**R-4  
TD CUD  
to  
TD CUD**

**33.5 acres**

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

400  
Feet





# 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:

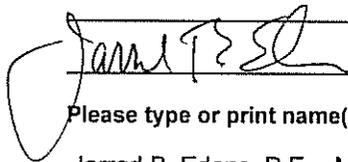
1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding 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)

Date:



8/11/08

Please type or print name(s) clearly:

Jarrod B. Edens, P.E. - Milone and MacBroom, Inc.

8-11-08

# EXHIBIT B. Request for Zoning Change

Office Use Only  
 Petition No. Z-54-08  
 Date Filed: 8.13.08  
 Filing Fee: \$\$\$ 102407167  
**REVISED 11/19/08**

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

See instructions, page 6

	Name(s)	Address	Telephone / E-Mail
<b>1) Petitioner(s):</b> Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Hong S. Park and wife, Eun Sun Park	103 Churchview St. Cary, NC 27513	
	Si Young Park and wife, Jung A. Park	103 Churchview St. Cary, NC 27513	
	Brier Creek Associates Limited Partership	3700 Arco Corporate Dr. - Ste 350 Charlotte, NC 28273	
<b>2) Property Owner(s):</b>	Hong S. Park and wife, Eun Sun Park	103 Churchview St. Cary, NC 27513	
	Si Young Park and wife, Jung A. Park	103 Churchview St. Cary, NC 27513	
	Brier Creek Associates Limited Partnership	3700 Arco Corportate Dr. - Ste 350 Charlotte, NC 28273	
<b>3) Contact Person(s):</b>	Jarrold B. Edens, P.E. Milone and MacBroom, Inc.	5511 Capital Center Dr. - Ste 540 Raleigh, NC 27606	919-854-4373 JarrodE@miloneandmacbroom.com

**4) Property Description:** Wake County Property Identification Number(s) (PIN): 0759-81-6591,  
 Please provide surveys if proposed zoning boundary lines do not follow property lines. 0759-81-3420, 0759-91-0693, 0759-80-9897

General Street Location (nearest street intersections): South of the intersection of  
Glenwood Ave and Page Rd Extension, North of the intersection of Glenwood Ave and TW Alexander Dr.

**5) Area of Subject Property (acres):** 33.5 acres

**6) Current Zoning District(s) Classification:** Residential-4 and Thoroughfare District - Conditional Use (TD CUD)  
 Include Overlay District(s), if Applicable

**7) Proposed Zoning District Classification:** Thoroughfare District - Conditional Use (TD CUD)  
 Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.



Office Use Only	
Petition No.	Z-54-08
Original Date Filed:	
Amended Date:	11/2/08

### EXHIBIT C. Request for Zoning Change

Please use this form only - form may be photocopied - please type or print. See instruction, page 6.

p. 1 of 2

1) **Conditional Use Zone Requested:** Thoroughfare District Conditional Use

2) **Narrative of conditions being requested:** "Property" refers to those certain tracts or parcels of land containing in the aggregate approximately 10.4 acres located at 10931 Glenwood Avenue, south of the intersection of Glenwood Avenue and Page Road Extension, and having Wake County PIN 0759-81-6591.

- (a) The following uses shall be prohibited upon the Property:
  - landfill
  - adult establishment
  - airfield, landing strip, or heliport
  - commercial uses of all types
  - office
- (b) Reimbursement for any required right-of-way dedication for the Property shall be at the current Residential-4 rate.
- (c) Residential development on the property will be limited to a maximum of 425 dwelling units and/or equivalent dwelling units.
- (d) The Developer of the property will dedicate 110' of right-of-way for the future Aviation Parkway Extension to the City of Raleigh / NCDOT at time of Site Plan approval or Subdivision of the property, which ever event first occurs. The exact location of this right-of-way to be determined at the time of Site Plan approval or Subdivision of the property, which ever event first occurs.
- (e) Irrigation water will be provided by wells and/or water reuse methods. The public water supply will not be used for irrigation.
- (f) Offers of cross-access will be provided to the adjacent properties along Glenwood Avenue at time of Site Plan approval or Subdivision of the property, which ever event first occurs.
- (g) 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. A bench and bus shelter will be constructed in association with transit easement, if requested by the City at the time of Site Plan review.
- (h) Future development shall be limited to a maximum of three (3) driveway access points external to the zoning boundary.
- (i) Prior to future development, Preliminary Site Plan approval shall be required by the City of Raleigh Planning Commission.

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: Hong S. Park  
 Signature: [Signature] Date: 11-20-08

Printed Name: Eun Sun Park  
 Signature: [Signature] Date: 11-20-08

Printed Name: Si Young Park  
 Signature: [Signature] Date: 11/20/08

Printed Name: Jung A. Park  
 Signature: [Signature] Date: 11/20/08

Office Use Only	
Petition No.	Z-5A-08
Original Date Filed:	
Amended Date:	11/21/08

# EXHIBIT C. Request for Zoning Change

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

P. 2 of 2

1) Conditional Use Zone Requested: Thoroughfare District Conditional Use

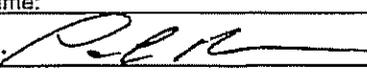
2) Narrative of conditions being requested:

"Property" refers to those certain tracts or parcels of land containing in the aggregate approximately 23.1 acres located at 10931 Glenwood Avenue, south of the intersection of Glenwood Avenue and Page Road Extension, and having Wake County PIN 0759-81-6591.

- (a) The following uses shall be prohibited upon the Property:
  - landfill
  - adult establishment
  - airfield, landing strip, or heliport
  - commercial uses of all types
  - office
- (b) Reimbursement for any required right-of-way dedication for the Property shall be at the current Residential-4 rate.
- (c) Residential development on the property will be limited to a maximum of 416 dwelling units and/or equivalent dwelling units.
- (d) The Developer of the property will dedicate 110' of right-of-way for the future Aviation Parkway Extension to the City of Raleigh / NCDOT at time of Site Plan approval or Subdivision of the property, which ever event first occurs. The exact location of this right-of-way to be determined at the time of Site Plan approval or Subdivision of the property, which ever event first occurs.
- (e) Irrigation water will be provided by wells and/or water reuse methods. The public water supply will not be used for irrigation.
- (f) Offers of cross-access will be provided to the adjacent properties along Glenwood Avenue at time of Site Plan approval or Subdivision of the property, which ever event first occurs.
- (g) 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. A bench and bus shelter will be constructed in association with transit easement, if requested by the City at the time of Site Plan review.
- (h) Future development shall be limited to a maximum of three (3) driveway access points external to the zoning boundary.
- (i) Prior to future development, Preliminary Site Plan approval shall be required by the City of Raleigh Planning Commission.

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.

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

Printed Name:	_____	Date:	11/21/08
Signature:			
Printed Name:	Paul Herndon		
Signature:	_____	Date:	_____

Office Use Only	
Petition No.	<u>2-54-08</u>
Date Filed:	<u>8-13-08</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](http://www.raleighnc.gov)).**

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

The subject property is located within the Umstead District Plan. According to the plan text and the Recommended Urban Form map, the subject property is located in a regional center. The district plan calls for large scale, high intensity development in order to make efficient use of the area's available land and transportation system. Also, the plan encourages a mix of uses including high density residential uses that have a regional emphasis.

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

The subject property is also located within the Triangle Regional Center Plan. The plan text notes that growth potential in the area is very high and that the majority of the land within the regional center is zoned Thoroughfare District. The plan's map designates the subject property for a mix of employment and residential uses. Also, the subject property is located just north of the Airport City Focus and a regional intensity area.

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

The proposed map amendment is consistent with the Umstead District Plan and the Triangle Center Regional Plan. The two plans encourage higher density, mixed use development. The current zoning classification of the subject property does not permit this type of development. However, the proposed map amendment would allow the parcel to be developed in accordance with the plans' preference for a mix of employment and residential uses at a higher density.

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

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

The subject property is surround mostly by vacant land. The land immediately adjacent to the south, east and west of the subject property is vacant. A single family home is located to the north of the subject property. U.S. 70/Glenwood Avenue, a primary arterial, is located north and east of the subject property. Condominiums are located to the southeast of the subject property. Located to the south, along Fellowship Drive is a church. T.W. Alexander Drive, a secondary arterial is also located to the south. Aviation Parkway, a secondary arterial, is proposed through the area surrounding the subject property.

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

The subject property is surrounded by a mixture of Thoroughfare District and Residential-4 zoned properties. Land immediately to the north, south, and west of the property is currently zoned Residential-4. Land immediately to the east is zoned Thoroughfare District containing a condominium development. The condominium development is a high density residential development of up to three stories in height, with expansive surface parking lots and little tree cover. High density residential development, including apartments and townhomes, are located south of the subject property across T.W. Alexander Drive.

**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**

Given the surrounding zoning patterns and the existing high density development in the area, the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area. The proposed zoning map amendment brings the subject property into conformity with the surrounding zoning pattern of Thoroughfare District conditional use. The proposed map amendment also renders the subject property suitable for the type of development encouraged by the Comprehensive Plan and currently taking place in the surrounding area.

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

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

The proposed map amendment benefits the landowners by permitting them to develop the property in conformance with the Comprehensive Plan and surrounding development patters. Moreover, it allows the landowners to use the subject property to its highest and best use.

**B. For the immediate neighbors:**

The proposed map amendment benefits the immediate neighbors by ensuring that the subject property can be developed in a manner more consistent with the surrounding parcels.

**C. For the surrounding community:**

The proposed map amendment benefits the surrounding community by allowing the subject property to be developed in a manner more consistent with the existing development in the Brier Creek area.

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

No, the rezoning of the subject property does not provide a significant benefit which is not available to the surrounding properties. In fact, a significant portion of the surrounding property is already zoned Thorough District. Also, the few parcels that are still zoned Residential-4 have the same right to petition the City Council for a zoning change consistent with the Comprehensive Plan.

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

The characteristics of the subject property, particularly its location along a primary arterial and proximity to high density development, supports the proposed map amendment as reasonable and in the public interest. The most northern portion of the subject property abuts U.S. 70/Glenwood Avenue, which is designated a primary arterial. Property to the immediate southeast of the subject property and land to the south of the subject property, across T.W. Alexander Drive, is currently zoned Thoroughfare District and is currently developed as high density residential with a mix of retail and office uses. The subject property cannot develop in accordance with its surroundings under the current Residential-4 zoning classification. Because the surrounding area is developing as a high density, mixed use area, and because current zoning classification of the subject property does not allow for development in accordance with this type of development, the proposed map amendment is reasonable and 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.**

This recommended item of discussion is not applicable at this time.

**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.**

The 10.79 acre tract centrally located in the request was last zoned when being brought into Raleigh's planning jurisdiction. The remaining three parcels in this request were rezoned in 1996 as a part of case Z-65-96. In addition to a significant portion of the surrounding properties being zoned Thoroughfare District, the surrounding area is being developed for particular uses and at a higher density than is allowed under the Residential-4 zoning classification.

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

There is a public need for the subject property to be zoned Thoroughfare District in order to ensure more consistent and uniform development patters along U.S. 70 and in the Brier Creek area.

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

The petitioner submits that proposed map amendment will not significantly impact the public services, facilities, infrastructure, fire and safety, parks and recreation, topography, or access to light and air.

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

The petitioner does not have any other arguments on behalf of the map amendment at this time.

Z-54-08

(REVISED BOUNDARY)

11/19/08

EXISTING ZONING

CUD TD

R-4

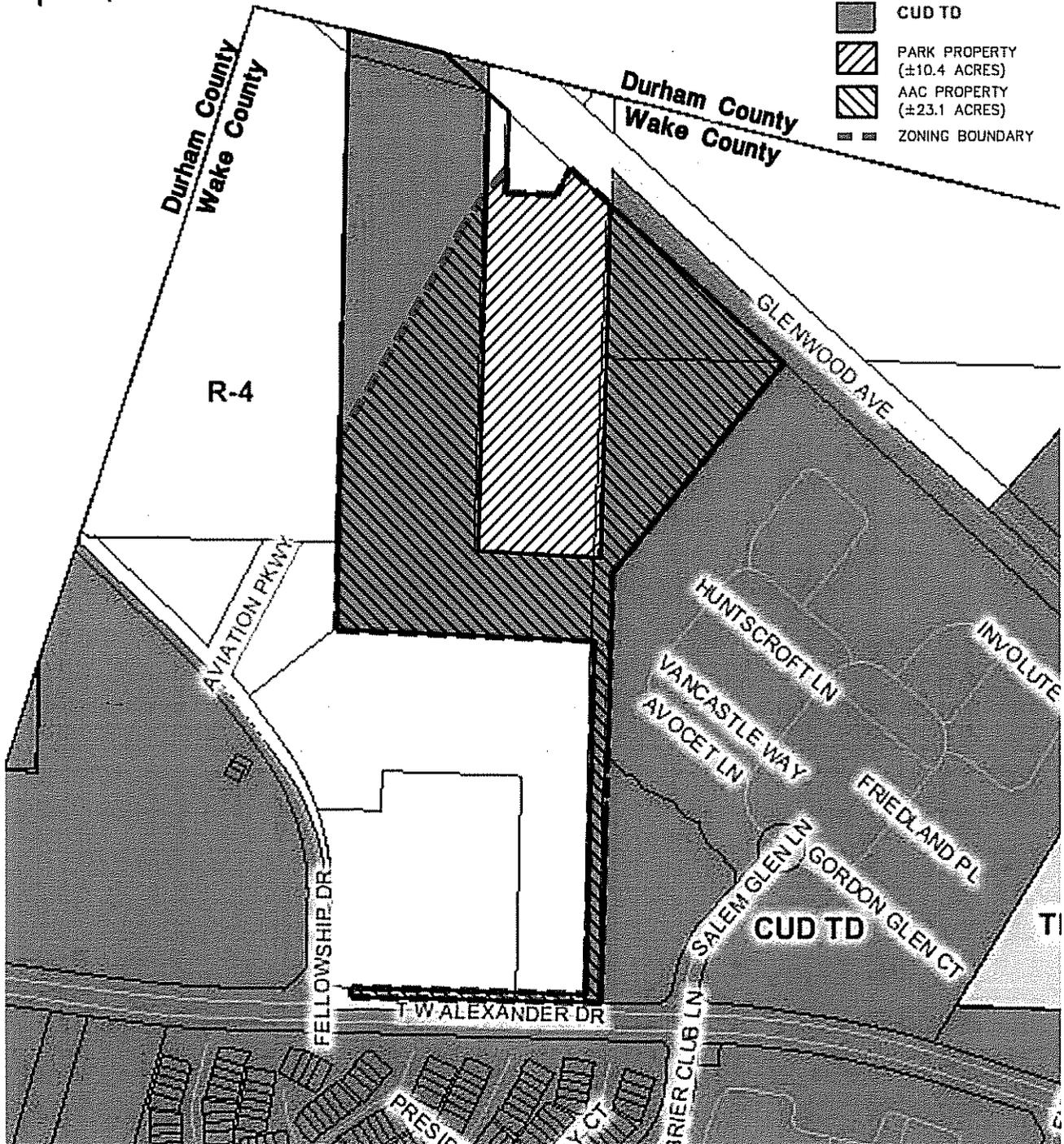
PROPOSED ZONING

CUD TD

PARK PROPERTY  
(±10.4 ACRES)

AAC PROPERTY  
(±23.1 ACRES)

ZONING BOUNDARY



**MILONE & MACBROOM**  
 Engineering,  
 Landscape Architecture  
 and Environmental Science  
 5511 Capital Center Drive - Suite 540  
 Raleigh, North Carolina 27606  
 (919) 854-4373 Fax (919) 854-4393  
 www.miloneandmacbroom.com

**Creekside Residential**

MMI #: 3616-01  
DWG: -  
LSH: ---

**Z-54-08**  
**33.5 acres**

LOCATION: GLENWOOD AVENUE (HIGHWAY 70)  
& T.W. ALEXANDER DRIVE  
RALEIGH, NORTH CAROLINA

DATE: NOV. 19, 2008  
SCALE: N.T.S.

SHEET:  
**Z-54-08**



# Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-54-08 Conditional Use; Glenwood Ave.

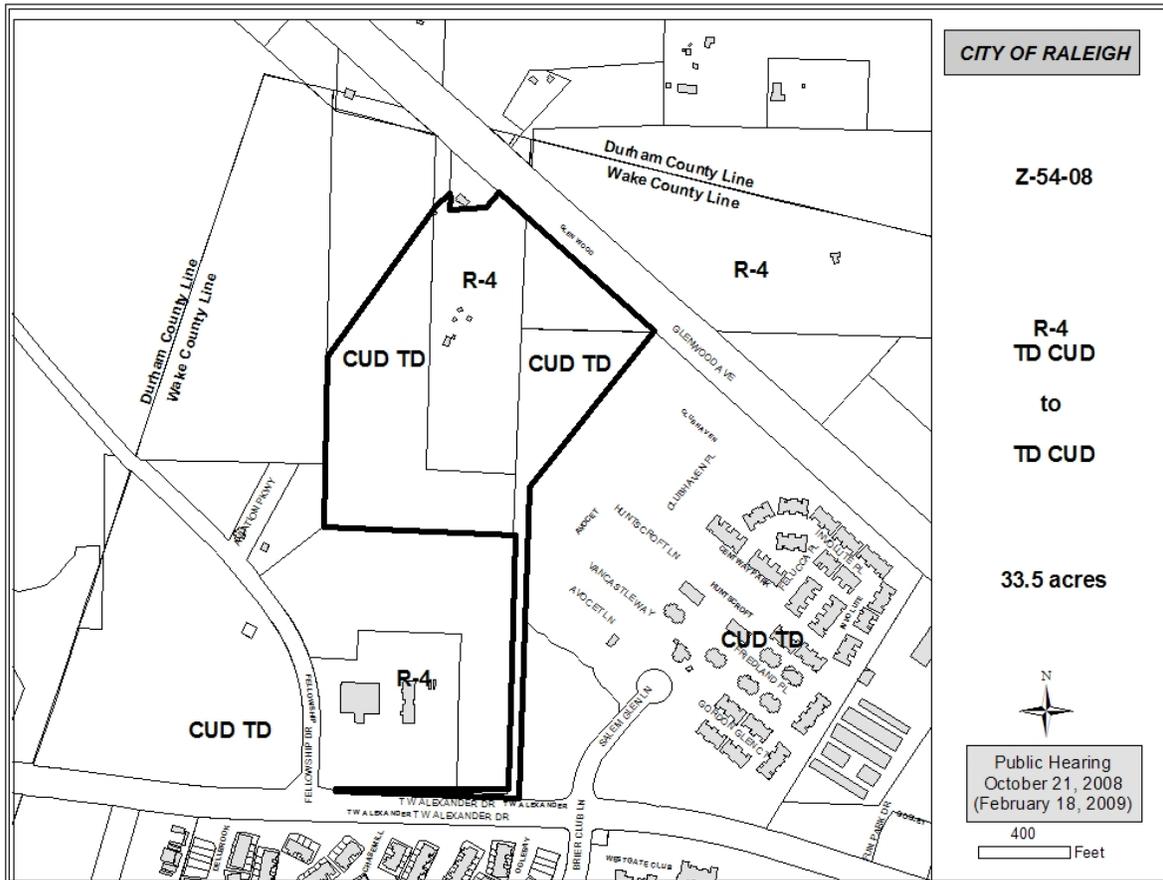
**General Location:** Southside of Glenwood Avenue, extending to TW Alexander Drive

**Request:** Petition for Rezoning from Residential-4 & Thoroughfare District CUD to Thoroughfare District CUD.

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

**Valid Protest Petition (VSP):** NO

**Recommendation:** The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends approval of this request in accordance with zoning conditions dated November 21, 2008.



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**CASE FILE:**     **Z-54-08 Conditional Use**

**LOCATION:**       This site is located on the south side of Glenwood Avenue, extending to TW Alexander Drive.

**REQUEST:**       This request is to rezone approximately 33,5 acres, currently zoned Residential-4 & Thoroughfare District CUD. The proposal is to rezone the property to Thoroughfare District Conditional Use District.

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

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**RECOMMENDATION:**     **The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends approval of this request in accordance with zoning conditions dated November 21, 2008.**

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**FINDINGS  
AND REASONS:**

- (1) This request is consistent with the recommendations of the Comprehensive Plan. The subject properties are located in the Umstead Planning District and within the limits of the Triangle Regional Center where a mix of uses and higher densities are encouraged. The proposed rezoning of the subject would permit a mix of uses including medium density residential and institutional uses. This is consistent with the recommendations of the Triangle Regional Center Plan.
- (2) The proposed zoning, allowing medium density residential and institutional uses, is compatible with the surrounding land uses and zoning. The subject property lies adjacent to TD CUD property to the east developed as medium density residential and lies adjacent to Glenwood Avenue to the north and future Aviation Parkway Extension to the west. Although the undeveloped property to the south is currently zoned R-4, the Comprehensive Plan recommends that this property be developed for higher density residential and/or a mix of nonresidential uses.
- (3) Zoning conditions associated with this request prohibits office and retail development, limits residential density to a maximum of 416 units (ave. density of 12.4 units per acre), offers a dedication of 110' for the future Aviation Parkway Extension w/ reimbursement at an R-4 value, prohibits municipal water service to be utilized for irrigation purposes, limits the number of driveways, provides offers of cross access, and provides for a future transit stop easement with bench/shelter construction.

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**To PC:**           10/28/08

**Case History:**   10/28/08, deferred for review of new conditions. 11/6/08, deferred to allow the applicant to reduce the area of the request to remove that portion of the property located within the future Durham Urban Growth Area. 11/20/08, PC recommends approval.

**To CC:**           12/2/08

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:**   Dhanya Sandeep

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

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

**Signatures:** (Planning Dir.) (PC Chair)

\_\_\_\_\_  
date: \_\_\_\_\_

\_\_\_\_\_  
date: 11/21/08



## Zoning Staff Report: Z-54-08 Conditional Use

**LOCATION:** This site is located on the south side of Glenwood Avenue, extending to TW Alexander Drive.

**AREA OF REQUEST:** 33.5 acres

**PROPERTY OWNER:** Hong & Eun Sun Park, Si Young & Jung Park, Brier Creek Associates

**CONTACT PERSON:** Jarrod Edens, 854-4373

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

<b>ZONING:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	Residential-4 (10.4 acres) Thoroughfare CUD (23.1 acres)	Thoroughfare CUD
	<b><u>Current Overlay District</u></b>	<b><u>Proposed Overlay District</u></b>
	None	None
<b>ALLOWABLE DWELLING UNITS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	R-4: 41 Dwelling Units TD CUD (Z-65-96): 0 Units (Area A capped at max. allowable density)	416 Dwelling Units
<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	R-4: Not permitted TD CUD(Z-65-96): Area A capped at total 50 acres. Office acreage still available for development.	Not permitted per zoning conditions
<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	R-4: Not permitted TD CUD(Z-65-96): Area A capped at total 100 acres. Retail acreage still available for development.	Not permitted per zoning conditions
<b>ALLOWABLE GROUND SIGNS:</b>	<b><u>Current Zoning</u></b>	<b><u>Proposed Zoning</u></b>
	R-4: Tract ID	High Profile (Height = 15 feet; Area =

TD CUD: High Profile 100 sq/.ft.)

**ZONING HISTORY:** The R-4 portion of this request has been zoned R-4 since being brought into the City's jurisdiction in 1986. The TD CUD tract has been zoned Thoroughfare District CUD since 1986 (Z-65-96 CUD), as part of the airport assemblage. Conditions organize 2,200+ acres into four (4) sections and allocate maximum acreage which may be devoted to land use types within the individual sections. Other conditions designate open space areas, stormwater provisions, access limitations to US Hwy 70, and street and utility construction.

The subject property is located within Tract A, with the following land use designations in Acres (adopted in 1996):

Land Use	Acreage
Total	148
Max. Residential	40
Max. Dwelling Units	1500
Max. Office	50
Max. Commercial	100
Max. Industrial	40
Min. Open Space	5

In 2003, an amendment to this table was approved administratively that accommodated land use transfers between various tracts. The Tract A designations approved in 2003 is as follows:

Land Use	Acreage
Total	148
Max. Residential	37
Max. Dwelling Units	1,362
Max. Office	62.5
Max. Commercial	100
Max. Industrial	40
Min. Open Space	5

It should be noted that Tract A has been developed at the maximum specified residential use acreage. Therefore, under the existing zoning conditions, the subject property could not be developed for additional residential uses, unless a transfer of uses is granted through the specified procedure. The subject rezoning request will replace the previous conditions that existed on this property.

**SURROUNDING ZONING:**

NORTH: Durham County Rural Residential, Residential-4  
SOUTH: TD CUD, Residential-4  
EAST: TD CUD  
WEST: TD CUD, Residential-4

**LAND USE:**

Undeveloped, wooded lot

**SURROUNDING LAND USE:**

NORTH: Single Family residential  
SOUTH: vacant  
EAST: vacant  
WEST: vacant

**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.

<b>Element</b>	<b>Application to case</b>
Planning District	Umstead
Urban Form	Regional Center
Specific Area Plan	Triangle Regional Center
Guidelines	NA

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

The subject properties are located in the Umstead Planning District, near the Wake/Durham County line. It is also within the limits of the Triangle Regional Center where a mix of uses and higher densities are encouraged in general. The proposed rezoning of the subject properties from R-4 and Thoroughfare CUD to a revised Thoroughfare District CUD would permit a mix of uses including medium density residential and institutional uses on the site. This is consistent with the recommendations of the Triangle Regional Center Plan, which encourages higher densities and mix of uses for this site. The existing conditions on the site (Z-65-96) as part of the previous rezoning limits additional residential density on the site because the larger Tract A, of which the subject properties are a part of, has achieved the maximum permitted residential use acreage. Additional residential densities can be achieved either through rezoning or through transfer of densities defined through the conditions stimulated by the rezoning case – Z-65-96. The subject rezoning request will replace the previous conditions that existed on this property.

In addition, it should be noted that the northwest portion of the proposed boundary lies adjacent to the Durham Service area defined by the inter-local agreement approved between the City of Durham and City of Raleigh (See attached Annexation Agreement Map).

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

The surrounding properties are mostly vacant land and have Thoroughfare District and residential zoning. The land immediately to the south, east and west is vacant. A single family home is located to the north of the subject property. Condominiums are located to the southeast of the subject property on TD zoning. Condominium development is a high density residential development of up to three stories in height, with expansive surface parking lots and little tree cover. High density residential development, including apartments and townhomes, are located south of the subject property across T.W. Alexander Drive. Located to the south, along Fellowship Drive is a church.

The applicant notes that given the surrounding zoning patterns and the existing high density development in the area, the proposed zoning map amendment would be compatible with its surrounding use and character. The proposed Thoroughfare District CUD would permit a mix of uses

including residential, office, institutional, commercial & industrial uses on the site. The map amendment would bring the subject property into conformity with the surrounding zoning pattern of TD CUD, within City of Raleigh ETJ limits. Given the location of the subject properties within a Regional Center and along a corridor that serves as a Gateway connecting two jurisdictions and providing easy access to the airport, this area is appropriate for higher density and is noted for high growth potential. Therefore, the proposed request appears to be compatible with the surrounding uses and zoning. If the proposed arterial connection of Aviation Parkway to Glenwood is materialized; the connectivity and usability of the subject properties for higher intensities would be further enhanced.

### 3. Public benefits of the proposed rezoning

The applicant notes that the proposed map amendment benefits the landowners by permitting them to use the properties to its highest and best use and in developing them in conformance with the Comprehensive Plan and the surrounding development patterns. Given the location of the subject properties within a Regional Center and along a corridor that serves as a Gateway connecting two jurisdictions and providing easy access to the airport, this area is appropriate for higher density and is noted for high growth potential.

### 4. Detriments of the proposed rezoning

There are no major negative impacts perceived with this rezoning request.

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

**TRANSPORTATION:** Glenwood Avenue is classified as a principle arterial thoroughfare (2007 ADT-28,000 vpd) and exists as a four lane median roadway with 83 feet between edges of pavement within a 176-foot right-of-way. City standards call for Glenwood Avenue to be constructed as a minimum six lane facility with a back-to-back curb and gutter cross section with sidewalks on both sides within the existing right-of-way. The Wake-Durham Comprehensive Street System Plan calls for Glenwood Avenue to be converted to a limited access expressway in the vicinity of this case. This plan calls for a grade separated interchange on Glenwood Avenue with a future extension of Aviation Parkway. The current proposed alignment of Aviation Pkwy extension runs along the northwest corner of the subject property and the footprint of the planned interchange will directly impact the property as well. Given these constraints the petitioner may wish to explain how the site will be accessed. The petitioner may wish to consider adding a condition stating that offers of cross-access will be provided to the adjacent properties along Glenwood Avenue. Due to the proposed change in land use intensity and the size of the subject property, a traffic impact analysis is recommended for this case.

**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: Little Brier Crk.  
STORMWATER MANAGEMENT: Pt 10 Ch. 9 compliance.

**PUBLIC UTILITIES:**

	<b>Maximum Demand on Current Zoning</b>	<b>Maximum Demand on Proposed Zoning</b>
<b>Water</b>	<b>Approx. <u>310,250</u> gpd</b>	<b>Approx. <u>520,250</u> gpd</b>
<b>Waste Water</b>	<b>Approx. <u>310,250</u> gpd</b>	<b>Approx. <u>520,250</u> gpd</b>

The proposed rezoning would add approximately 210,000 gpd to the wastewater and water treatment systems of the City. The petitioner would be required to extend sanitary sewer and water mains to serve the property. (NOTE: With the revised conditions reducing the number of dwelling units from 1,664 units to a maximum of 416 units, this would significantly decrease demand if the property is developed for residential purposes; reducing demand to 215,259 gpd, a reduction of 94,991 gpd from the expected demand of the current TD CUD zoning.)

**PARKS AND  
RECREATION:**

This property is adjacent to the Little Brier Creek Greenway Corridor. The property is also served by the Brier Creek Park and Community Center.

**WAKE COUNTY  
PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under the proposed zoning would be 416, while the current R-4 zoning permits 41 (0 units permitted within the current TC CUD because the existing zoning conditions limiting acreage of residential uses on larger Tract A, has been capped. Additional density can be achieved through transfer of acreage within the Tract, and through the process specified by the conditions). This would result in the following increase in school enrollment: 44 elementary, 31 middle and 20 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

**Impacts on School Capacity**

<b>School name</b>	<b>Current enrollment</b>	<b>Current Capacity</b>	<b>Future Enrollment</b>	<b>Future Capacity</b>
Brier Creek	636	91.9%	680	98.3%
Daniels	1,162	101.5%	1,193	104.2%
Panther Creek	1,496	90.0%	1,516	91.2%

**IMPACTS SUMMARY:**

The rezoning could increase school enrollment by 95 students. The future capacity at Brier Creek Elementary could increase from 91.9% to 98.3%, the capacity of Daniels Middle School could increase from 101.5% to 104.2%, and the capacity of Panther Creek High could increase from 90.0% to 91.2%.

**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 subject properties were last zoned when brought into Raleigh's planning jurisdiction as part of Z-65-96, airport assemblage. The surrounding properties are zoned Thoroughfare District and remain mostly vacant or have been developed for high density residential uses. Rezoning of the subject property would bring it in conformance with the surrounding land uses and zoning and ensure more consistent and uniform development patterns along U.S. 70 and in the Brier Creek area.

**APPEARANCE**

**COMMISSION:** This request is not subject to Appearance Commission review.

**CITIZEN'S**

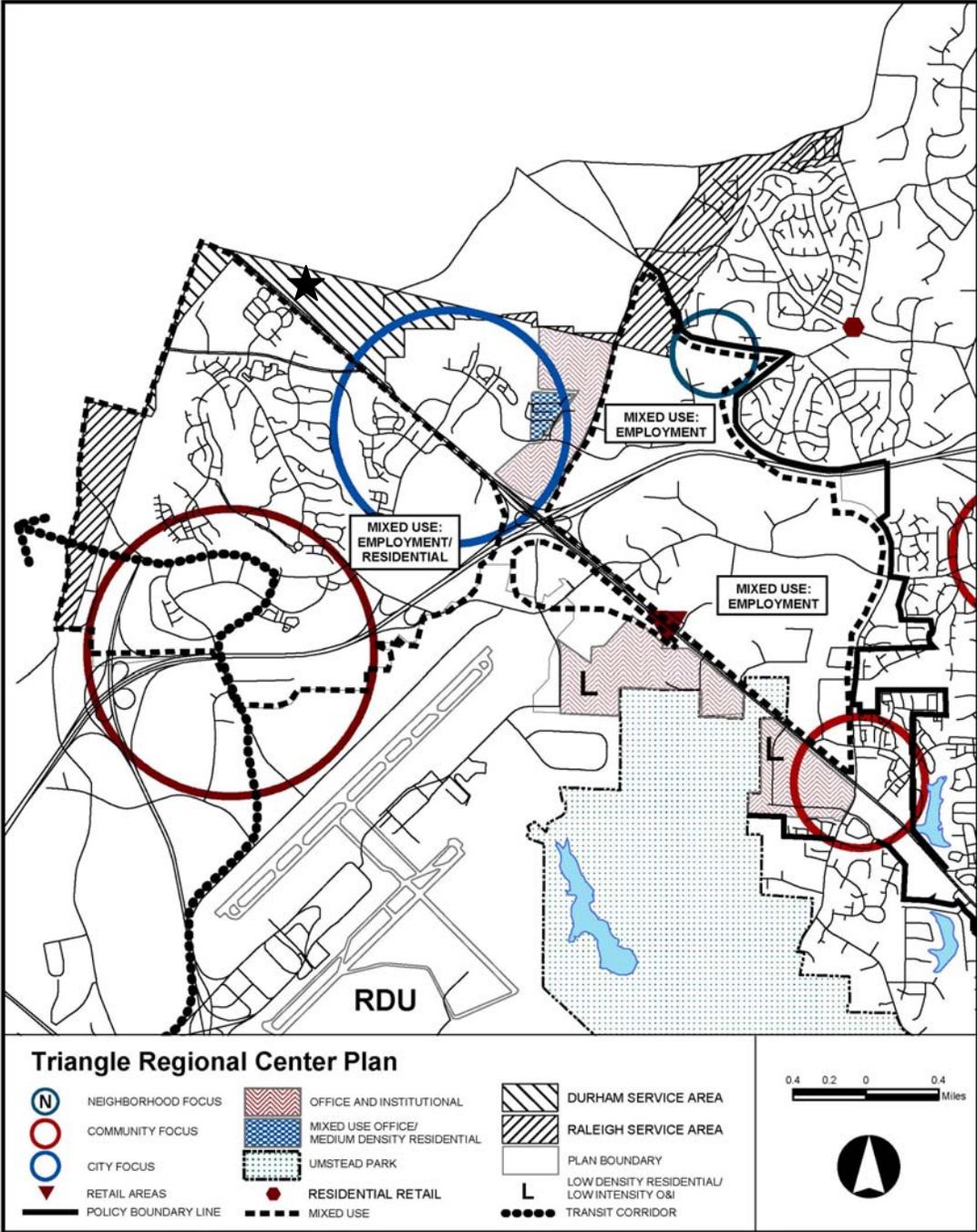
**ADVISORY COUNCIL:** DISTRICT: Northwest-Umstead  
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884; Nancy Murray, 845-8845

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**SUMMARY OF ISSUES:**

**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

- This request is consistent with the Comprehensive Plan.
- The rezoning could increase school enrollment by 95 students. The future capacity at Brier Creek Elementary could increase from 91.9% to 98.3%, the capacity of Daniels Middle School could increase from 101.5% to 104.2%, and the capacity of Panther Creek High could increase from 90.0% to 91.2%.



08/06 Raleigh Comprehensive Plan

Triangle Regional Center Plan 6-2.3