



# December 13, 2016 9:00 AM City of Raleigh Planning Commission

Room 201, City Council Chamber, Avery C. Upchurch Municipal Complex

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## 1. INVOCATION

## 2. PUBLIC COMMENT

Any person may speak for up to three minutes on an item that does not appear on the agenda

## 3. NEW BUSINESS

### A. PUBLIC HEARING (9:00 AM)

1. SP-12-16 – Ridgewood Shopping Center (Glenwood CAC)

### B. REZONING CASES

1. Z-22-16 – Six Forks Road, east side, south of Featherstone Drive (North CAC)
2. Z-34-16 – Glenwood Avenue, west side, south of Edinburgh Road (Glenwood CAC)
3. Z-35-16 – Sumner Boulevard, north side, at its intersection with Triangle Town Boulevard (Northeast CAC)
4. Z-36-16 – North Tarboro Street, at its intersection with East Lane Street (North Central CAC)

## 4. OLD BUSINESS

### A. REZONING CASES

1. Z-24-16 – Litchford Road, west side, at its intersection with Dixie Forest Road (North CAC)
2. Z-32-16 – Hillsborough Street, north side, at its intersection with Bagwell Street (Wade CAC)

## 5. COMMITTEE REPORTS

### A. RULES AND PROCEDURES COMMITTEE

### B. COMMITTEE OF THE WHOLE

1. TC-17-16/Attics and Basements

## 6. APPROVAL OF MINUTES – Approval of November 22, 2016 Planning Commission Meeting Minutes and December 6, 2016 Committee Of The Whole Meeting Minutes

## 7. OTHER BUSINESS

- A. Report from the Chair
- B. Report from the Members
- C. Report from the City Attorney
- D. Report from the Planning Director
  1. Update on previous Planning Commission actions
- E. Committee Agenda Items

## 8. ADJOURNMENT

Planning Commission Next Meeting: January 10, 2017			
Item	Staff Deadline to PC	Last Discussed at PC	PC Deadline to Council
Z-21-14 Brier Creek Parkway (*)	TIA requested		
Z-40-14 Glenwood Avenue (VSPPs)	Incomplete/PD		
Z-40-15 Courtland Drive	Incomplete/PD		
Z-42-15 Lake Wheeler Road	TIA requested		
Z-13-16 Quail Hollow Drive	TIA requested		
Z-15-16 Falls of Neuse Road	Under Review	11/8/16	
Z-23-16 Poole Road	Under Review	11/22/16	3/10/17
Z-28-16 North Hills East PD	TIA Requested		
Z-29-16 5401 PD	Incomplete/PD		
Z-33-16 The Lakes PD	Incomplete/PD		
Z-38-16 Buffaloe Road	TIA requested		
Z-39-16 Green Acres Lane	Under Review		
Z-40-16 Oak Forest Road	1-20-17		
Z-41-16 Everspring Lane	1-19-17		
Z-42-16 Queen Pierrette Street	Under Review		
Design Guidelines for Raleigh Historic Districts			
Cameron Village and Hillsborough Street Small Area Plans			
Southern Gateway Corridor Plan			
Committee of the Whole Next Meeting: January 3, 2017			
Text Change Committee Next Meeting:			
Accessory Dwelling Unit Overlay (?)			
Strategic Planning Committee Next Meeting: January 17, 2017 at 11:00 a.m.			
Development in Brier Creek Area		November 22, 2016	
Transportation Committee Next Meeting: December 13, 2016 at 4:00 p.m.			
Neighborhood Traffic Management			
Parking Reduction Incentives			

Meeting agendas are set approximately one week prior to the meeting. Not all pending items may be scheduled for discussion

- (VSPP) indicates that a valid statutory protest petition has been filed on this request.
- (\*) indicates that a portion or the entire area of this case is located in a flood prone area.
- (#) indicates that a portion of or the entire area is located within the Falls Lake or Swift Creek water supply watershed protection area.
- (+) indicates special conditions for storm water management.

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**Certified Action  
of the City of Raleigh Planning Commission**

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

**Case File / Name:** SP-12-16 / Ridgewood Shopping Center

**General Location:** This site is located on the north side of Wade Avenue, between Faircloth Street and Ridge Road.

**Owner:** Ridgewood Shopping Center, LLC

**Designer:** John A Edwards & Company

**CAC:** Glenwood

**Nature of Case:** An expansion to an existing shopping center to include demolition of a 2,680 square foot building and construction of a new mixed use building consisting of 14 structured parking spaces, 10,037 square feet of retail space, and 11,122 square feet of office space. The site is 9.86 acres and zoned Shopping Center and Shopping Center Conditional Use District. The site is located within 400 feet of a residential use. This plan was submitted prior to February 14, 2016 and is subject to the regulations of the legacy Part 10 code.

**Key Issues:** As presented, staff finds that this plan conforms to Code standards and adopted land use policies. Planning Commission has authority to approve the proposed new building setbacks (35' at closest to the rear property line) per Code Section 10-2041(d)(2).

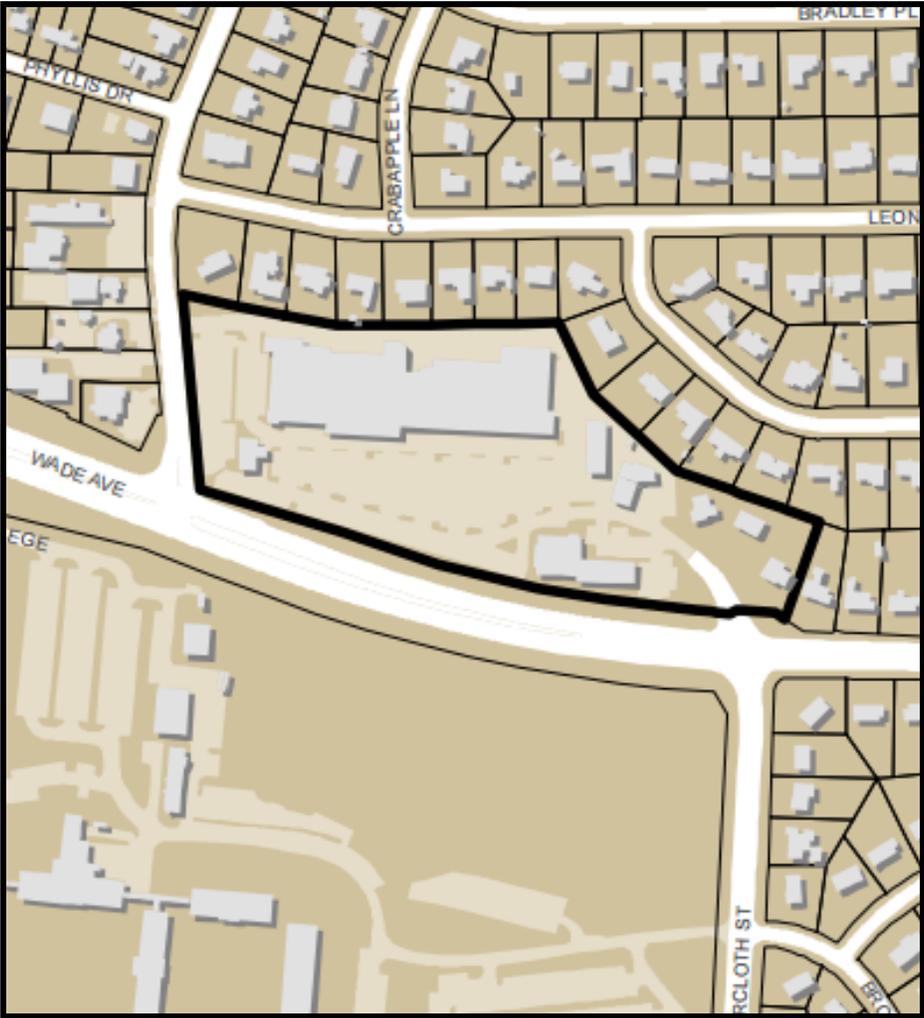
**Contact:** Johnny Edwards

**Design Adjustment:** A Design Adjustment has been approved by the Engineering Services Director for this project for an alternate streetscape along Ridge Road.

**Administrative**

**Alternate:** An Administrative Alternate has been approved by the Planning Director for an alternate streetscape along Wade Avenue.

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SP-12-16 Location Map





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**SUBJECT:** SP-12-16 / Ridgewood Shopping Center

**CROSS-  
REFERENCE:** N/A

**LOCATION:** This site is located on the north side of Wade Avenue, between Faircloth Street and Ridge Road., inside the City Limits.

**PIN:** 0794372031

**REQUEST:** This request is to approve a 21,159 square foot mixed use building with 14 structured parking spaces on a 9.86 acre site, split zoned Shopping Center (SC) and Shopping Center Conditional Use District (SC CUD). This site is located within 400 feet of a residential use or zone.

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**OFFICIAL ACTION:** **Approval with conditions**

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**CONDITIONS OF  
APPROVAL:** **As noted on the Staff Report, attached**

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**FINDINGS:** The Planning Commission finds that with the following conditions of approval this request conforms to Part 10, Chapter 2, Sections 10-2041 and 10-2132.2, Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 11/17/16, owned by Ridgewood Shopping Center, LLC, submitted by John A Edwards & Company.

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**ADDITIONAL  
NOTES:** This application was filed prior to February 14, 2016. The applicant has requested the site plan be reviewed under the legacy Part 10 code.

**VARIANCES /  
ALTERNATES:** A Design Adjustment for streetscape on Ridge Road and Administrative Alternate for streetscape along Wade Avenue have been approved for this project (see attached).

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**To PC:** 12/13/16

**Case History:** xxxxx

**Staff Coordinator:** Justin Rametta

**Motion:** xxxxx

**Second:** xxxxx

**In Favor:** xxxxx

**Opposed:** xxxxx

**Excused:** xxxxx

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: \_\_\_\_\_

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## Staff Report

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**RECOMMENDED  
ACTION:**     **Approval with Conditions**

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**CONDITIONS OF  
APPROVAL:**     **Planning Commission Actions:**

- (1) That the Planning Commission finds that this site plan meets the standards of Code section 10-2132.2(d);
- (2) That the Planning Commission approves the proposed building setbacks for the proposed construction as shown on the preliminary plan in accordance with Code section 10-2041(d)(2);

**Administrative Actions:**

***Prior to issuance of a grading permit for the site:***

- (3) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;

***Prior to issuance of building permits:***

- (4) That ½ of the required right of way for Ridge Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (5) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on Ridge Road, is paid to the Engineering Services Department;
- (6) That a demolition permit be issued for any existing structures to be removed from the site;
- (7) That a tree impact permit is obtained for street tree plantings in the public right-of-way;
- (8) That a fee-in-lieu of construction is paid for 1' of sidewalk along the property's Wade Avenue frontage.

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## ZONING:

### **ZONING DISTRICTS:**

Shopping Center and Shopping Center Conditional Use District. Ordinance 787ZC651 Effective 9/2/10. The following conditions apply to only the eastern most portion of the lot (approximately .9 acres) as shown on the zoning map. The improvements to the site are proposed in the non-CUD areas.

**Z-16-10 Conditional Use – Wade Avenue** - located on the north side, at its intersection with Faircloth Street, being Wake County PIN 0794-36-6962, 0794-36-7848 and 0794-36-8823. Approximately 0.9 acre rezoned to Shopping Center Conditional Use District.

As used herein, the “Property” refers to those certain tracts or parcels of land containing approximately 0.9 acres located on the north side of Wade Avenue at its intersection with Faircloth Street in Raleigh, North Carolina, having Wake County PIN 0794-36-6962 (Bk 1879, Pg 30, Wake County Registry), 0794-36-7848(Bk 10178, Pg 1190) and 0794-36-8823 (Bk 12166, Pg 2138).

(a) Unless otherwise indicated, terms used herein shall have the meaning proscribed for them in City Code Section 10-2002.

(b) Permitted Uses. Only the following uses shall be permitted upon the Property:

- all uses permitted in the Residential-4 district;
- parking facility - principal use - parking lot (not including any parking decks);
- access drives and associated features, including sidewalks, curb and gutter, utility lines, and related improvements

(c) Site Lighting. All outdoor pole-mounted light fixtures shall be “Full Cut-Off” design and directed away from residential properties. Light level at the perimeter property line adjacent to residential-use property shall be no more than four-tenths (4/10’s) of a foot candle.

(d) Trash. No trash or recycling storage facility (dumpster, roll-out carts, etc.) shall be permitted on the Property. Notwithstanding the foregoing, convenience or courtesy trash receptacles with a maximum capacity of 20 gallons shall be allowed.

(e) Sidewalk. Prior to the recordation of a subdivision plat or issuance of certificate of occupancy for any zoning or building permit, whichever event shall first occur, the owner shall construct and install a minimum five feet (5’) wide sidewalk which will connect Ridgewood Shopping Center (Wake County Deed Book 10806, Page 1802, Wake County Registry) to the Wade Avenue right-of-way.

(f) Transitional Protective Yard (TPY) Buffer. As used in this condition, “Adjacent Residential Properties” shall mean and refer to the tracts of land located at 3439 Redbud Lane (having Wake County Parcel Identification Number 0794-37-7004; and described in Deed Book 6465, Page 542 of the Wake County Registry), 3431 Redbud Lane PIN 0794-37-7090; DB 10322, PG 1330) and 3429 Redbud Lane (PIN 0794-36-8997; DB 9232, PG 679). At the common boundary of the Property and the Adjacent Residential Properties, there shall be installed and maintained a Transitional Protective Yard including the following minimum elements:

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1. At least fifty percent (50%) of all City Code required TPY trees shall be increased at time of installation from 2" caliper /8' height (minimum) to 3.5" caliper/14' height. If multi-stem trees are utilized, the minimum caliper shall be waived, and only the 14' height standard provided.
2. At least fifty percent (50%) of all City Code required TPY shrubs shall be increased size at time of installation from 18" height (minimum) to 30" height.
3. The composition of trees located in this Transitional Protective Yard(s) shall be no less than fifty percent (50%) evergreen species.
4. No more than thirty percent (30%) of City Code required TPY trees may be multi-stem trees, and no City Code required TPY trees may be crape myrtles.

(g) Access to Wade Avenue. Upon redevelopment, access to the Property from Wade Avenue shall be limited to a single curb cut.

(h) Building Height. The maximum height for any structures built upon the Property shall be as provided in the Residential-4 district, except if a more restrictive standard is required by the Shopping Center district.

(i) Residential Density. No more than four (4) dwelling units per acre shall be permitted upon the Property,

(j) Fence Along Northern Boundary. Prior to the issuance of any certificate of occupancy or zoning compliance for the Property, the owner shall construct and install on the Property a six (6') foot high solid wood or vinyl fence within five (5') feet of the common property lines along those portions of the Property adjacent to and abutting the following parcels: (1) 3429 Redbud Lane; (2) 3431 Redbud Lane and (3) 3439 Redbud Lane.

(k) Site Signage.

1. *Ground high profile signs* (as defined by Section 10-2002 of the City Code) shall be prohibited upon the Property.

2. Subject to the provisions of subsection (k)1. hereof; any sign permitted upon the Property shall only identify the shopping center (with no tenant names, unless the shopping center bears a tenant name). It is not the intent of this condition that only tract identification signs (as described in Section 10- 2083.2) be permitted upon the Property,

(l) Site Plan Approval by Planning Commission. Any site plan for nonresidential use(s) or use(s) accessory to a nonresidential use shall be reviewed by the Planning Commission in accordance with the provisions of Section 10-2132.2(c) of the City Code (unless the City Code requires approval by the City Council, in which case the City Council shall review in accordance with the provisions of Section 10-2132.2 (b)).

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**SETBACKS / HEIGHT:**

The minimum setbacks in the Shopping Center District are determined at the time of Planning Commission site plan approval. The proposed building is 35' from the nearest (eastern) property line. Proposed height of the building is 30'.

**PARKING:**

Off-street parking conforms to minimum requirements: 449 spaces required for the overall shopping center, based on 1 parking space per 250 square feet of gross floor area. 493 vehicular spaces are provided along with 23 bicycle parking spaces.

**LANDSCAPING:**

Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. As this expansion is less than 25% of the floor area on the property, no new transitional protective yards are required for this project. Existing square footage is 93,349 square feet. Proposed net increase is 18,479 square feet, or 19.8%. Existing transitional protective yards on site shall remain.

**TREE CONSERVATION:**

This site is subject to Article 9.1, Tree Conservation; however, no qualifying tree conservation areas exist on the site.

**PHASING:**

Not applicable.

**UNITY OF DEVELOPMENT:**

This development will be subject to the existing Unity of Development guidelines for the shopping center.

**COMPREHENSIVE PLAN:**

**GREENWAY:**

There is no greenway on this site.

**STREET PLAN MAP:**

Dedication of right-of-way for the following streets is required by the Street Plan Map of the Comprehensive Plan.

Street Name	Designation	Existing R/W	Proposed R/W	Existing B to B	Proposed B to B	Slope Easement
Wade Avenue	Avenue 6-Lane, Undivided	Variable	Variable	Variable	Variable	N/A
Ridge Road	Avenue 2-Lane, Undivided	60'	½ 64'	Variable	Variable	N/A

**TRANSIT:**

This site is presently served by the existing transit system. This area is served by GoRaleigh Route 4, Rex Hospital. There is an existing bus stop on Ridge Road.

**COMPREHENSIVE PLAN:**

This site is located in the Glenwood Citizen Advisory Council, in an area designated for Neighborhood Mixed Use development.

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**HISTORIC /  
DISTRICTS:**

The existing building is not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District.

**APPEARANCE  
COMMISSION:**

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

<u>Comment</u>	<u>Response</u>
The Commission applauds the applicant for providing a good addition to the existing shopping center.	We appreciate the guidance that the Appearance Commission provided.
The Commission commends the applicant for integrating vertical mixed use into the design.	We appreciate the guidance that the Appearance Commission provided.
The Commission recommends using a living wall type of green screen for the proposed green screen shown on the south elevation.	The revised plans incorporate green screen in response to the recommendation.
The Commission recommends using a high quality material for the proposed stone type veneer shown on the elevations.	The material selection will reflect the recommendation.

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**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:** This proposal is on an existing 9.86 acre lot. No new lots are proposed with this development.

**PUBLIC UTILITIES:** City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site.

**SOLID WASTE:** Individual lot service by private contractor to be provided.

**BLOCKS / LOTS /  
ACCESS:**

Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. No new streets are proposed with this development.

**STREETSCAPE  
TYPE:**

The applicable streetscape is commercial. A fee in lieu for 1' of sidewalk along Wade Avenue is required to supplement the existing 5' sidewalk. As Wade Avenue is an NCDOT street, a 15' Type C2 street yard would typically be required. The Planning Director has approved an Administrative Alternate to this requirement to allow a combination of existing trees and plantings to meet the

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street tree requirement. Construction of a 6' sidewalk is proposed along Ridge Road. A Design Adjustment has been approved by the Engineering Services Director to allow a reduced planting strip size (4') with understory trees to meet the street tree requirement.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 5' sidewalk currently exists on Wade Avenue. A 6' sidewalk is being constructed along the property's Ridge Road frontage.

**FLOOD HAZARD:** There are no flood hazard areas on this site.

**STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance. This project is proposing a net reduction of impervious surface therefore no additional stormwater or nitrogen reduction controls are required.

**WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

**OTHER REGULATIONS:** Developer shall meet all other applicable City requirements of Code Part 10 and 10A (Unified Development Ordinance).

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## Planning and Development Director Action

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### Administrative Alternate Findings:

#### UDO Sec. 7.2.3. Administrative Alternate Findings (Landscaping and Screening)

The Planning and Development Officer may in accordance with Sec. 10.2.17. may approve an administrative alternate subject to all of the following findings:

1. The approved administrative alternate meets the intent of the landscaping and screening regulations;

*Staff response: The proposed planting plan along Wade Avenue is a meaningful and well-designed alternative that provides screening and buffering and integrates new planting material into the existing context. The proposed alternate planting does not interfere with safe vehicular and pedestrian circulation on the site.*

2. The approved administrative alternate conforms with the Comprehensive Plan and adopted City plans;

*Staff response: The proposed administrative alternate conforms to several Comprehensive Plan policies, including LU 5.6 Buffering Requirements, T 2.9 Curb Cuts, and UD 1.8 Tree Planting and Preservation.*

3. The approved administrative alternate is considered equal or better to the standard;

*Staff response: With the preservation of the existing screening and buffering and the additional proposed planting material, the proposed administrative alternate is considered equal or better to the standards of the Type C2 Street Protective Yard.*

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**Decision** The Planning and Development Director finds that the requested alternate generally meets the findings enumerated in the Unified Development Ordinance

  
\_\_\_\_\_  
Signature

11 - 15 - 2016  
\_\_\_\_\_  
Date

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Planning &  
Development

**Public Works**  
**Transportation Field Services**  
One Exchange Plaza  
Suite 300  
Raleigh, NC 27602  
www.raleighnc.gov

**Public Works Design Adjustment Application**

The purpose of this request is to seek a design adjustment from the Public Works Director for a specific project only and if granted may be given with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 of the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sections 8.3.6 and 8.4.1.E of the UDO.

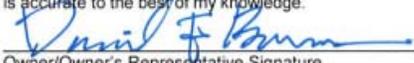
<b>Project</b>	Project Name RIDGWOOD SHOPPING CENTER EXPANSION		
	Case Number SP-12-16	Transaction Number 461992	
<b>Owner</b>	Name RIDGEWOOD SHOPPING CENTER, LLC (attn: ANDREW TECHET)		
	Address P. O. BOX 19726	City RALEIGH	
	State NORTH CAROLINA	Zip Code 27619-9726	Phone 919.787.2599
<b>Applicant</b>	Name DAVID BROWN	Firm WITHERSRAVENEL	
	Address 131 1/2 SOUTH WILMINGTON STREET	City RALEIGH	
	State NORTH CAROLINA	Zip Code 27601	Phone 919.535.5201

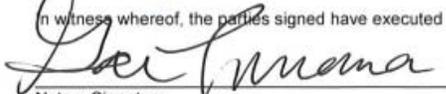
**\*Applicant must be a Licensed Professional (Engineer, Architect, Surveyor, or Contractor)**

<b>Design Adjustment Request</b>	Code Section Referenced ARTICLE 8.5 "EXISTING STREETS"; REQUEST REDUCTION FOR EX. STREET TREE LAWN DIMENSION
	Justification The location of the plantings in the proposed four foot (4') tree lawn allow for the voluntary construction of a sidewalk in the Ridge Road public R/W. Due to the Duke Energy restrictions for tree height/species, a small-scale tree is required for this location. The reduced dimension for the tree lawn is compatible with the size of tree (1.5" Caliper, Minimum) that will be planted under the 3-phase overhead electric.  The reduced tree lawn and proposed plantings proposed for Design Adjustment conform to the Comprehensive Plan and adopted city plans. We believe the adjustment request is compatible with the following policies in the 2030 Comprehensive Plan: <ul style="list-style-type: none"> <li>• Policy EP 5.3 (Canopy Restoration)</li> <li>• Policy EP 5.4 (Tree Selection)</li> <li>• Action 5.4 (Utility Coordination)</li> </ul>

\*Please include any additional supportive documents (Plan sheets, aeriels, etc.) along with this application. It is the applicant's responsibility to provide all pertinent information required for consideration.

By signing this document I hereby acknowledge the information on this application is accurate to the best of my knowledge.

  
Owner/Owner's Representative Signature      2016.11.30  
Date

In witness whereof, the parties signed have executed this document on this date.  
  
Notary Signature      11/30/16  
Date

GINA TIMMERMAN  
NOTARY PUBLIC  
WAKE COUNTY, NC  
My Commission Expires 9-27-2021



November 28, 2016

Mr. Justin Rametta, Planner  
Development Services Department  
City of Raleigh  
P.O. Box 590  
Raleigh, North Carolina 27602

**RE: RIDGEWOOD SHOPPING CENTER – 8 STANDARDS (SP-12-16)**

Justin:

We have prepared the following response to the City of Raleigh's 8 Site Plan Standards for the Planning Commission review of the above referenced project:

## **City of Raleigh 8 Site Plan Standards:**

- (1) The site plan protects the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. The site plan considers, among other things:**
  - a. The physical character of adjacent and surrounding roads;  
There are no changes to perimeter features resulting from the proposed expansion of the shopping center. The proposed plan will improve upon the existing conditions of the site layout.**
  - b. Nearby median openings or intersections and stub streets;  
There are no changes to the location or type of driveway serving the property. The plan proposes to widen the existing Ridge Road driveway to facilitate vehicle stacking and improve the turning movement for vehicles entering and leaving the property.**
  - c. The classification of streets and plans for future improvements;  
The proposed expansion of the shopping center does not involve any changes to street typology or street improvements. The right-of-way dimensions for both adjacent streets is compliant with current City of Raleigh standards.**
  - d. Proximity to pedestrian generators such as schools, transit stops and facilities, parks and greenways;  
The property is immediately adjacent to the House Creek Trail Greenway, along with sidewalks in the Wade Avenue and Ridge Road right-of-way. Transit service is available on both Wade and Ridge. Two public schools are located within one mile of the property.**
  - e. The accident experience near the site;  
The vehicular accident data does not reveal any unusual accident crash data for the types of street adjacent to the property, traffic volumes and posted speed limits.**

- f. **Bicycle, pedestrian and transit access and circulation;**  
The property is immediately adjacent to the House Creek Trail Greenway, along with sidewalks in the Wade Avenue and Ridge Road right-of-way. Transit service is available on both Wade and Ridge.
  - g. **Traffic volumes existing and projected from approved site plans;**  
It is our opinion that the proposed expansion has no significant impact on traffic volumes for both Wade Avenue and Ridge Road. The City of Raleigh did not request a Traffic Impact Analysis.
  - h. **Interference with any other driveway;**  
There are no changes to the location of the two existing driveways serving the property, and it is our opinion that these driveways do not interfere with other driveways.
  - i. **Response time of nearby emergency services such as fire and hospital;**  
There are three nearby City of Raleigh Fire Stations within easy access of the property. Rex Hospital is located approximately two (2) miles from the subject property.
  - j. **The character of the traffic to be generated from the site; and**  
The character of traffic generated by the expansion is similar in nature to the existing land use on the subject property.
  - k. **Opportunities to enhance street, parking lot and sidewalk connectivity.**  
The proposed project will provide a missing segment of sidewalk along the Ridge Road frontage. This leg of sidewalk will complete the sidewalk along the east-side of Ridge Road, and provide a connection to the Wade Avenue sidewalk.
- (2) **The site plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other *City Council* - adopted plans and standards.**  
It is our opinion that the proposed expansion is compliant with the major components of the 2030 Comprehensive Plan. The layout of the expansion is consistent with the City of Raleigh Street Design Manual and the Raleigh Bike Plan Update.
- (3) **The site plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:**
- a. **Stormwater;**  
Active Stormwater Management device is operating on the subject property. The proposed layout provides a net reduction of impervious area compared to existing condition.
  - b. **Air or water pollutant discharges,**  
Active Stormwater Management device is operating on the subject property. The proposed land use is not associated with air or water pollutant discharges.

- c. **Noise, light and odor;**  
The proposed layout accommodates concerns of adjacent neighbors by placing parking under the building to minimize surface parking. The layout of the building places office use on the 2<sup>nd</sup> floor, and incorporates reduced window glazing on the north elevation adjacent to single family dwellings. The existing trash facility located near the Bruegger's Bagel shop will also serve the proposed building expansion.
  - d. **Access to air and light;**  
The proposed building will have generous access to air and light, and will not restrict air and light access for adjacent neighbors.
  - e. **On and off-street parking;**  
No on-street parking is currently allowed along the street frontages adjacent to the property. Off-street parking is in conformance with City of Raleigh standards.
  - f. **Dust, smoke and vibration;**  
The proposed land use does not generate dust, smoke, or vibration.
  - g. **Hours of operation; and**  
The hours of operation for the building expansion match the existing shopping center operation.
  - h. **Site conditions that may foster unsafe or unlawful activities.**  
The layout of the site expansion does not foster unsafe or unlawful activities. The recent parking expansion and modification to the Wade Avenue driveway greatly enhanced pedestrian and vehicle safety through the site.
- 4) **The site plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:**
- a. **Building scale;**  
The proposed building expansion is limited to a small footprint and only two (2) story height.
  - b. **Architectural character;**  
The architectural character of the expansion is compatible to the on-going renovation of the entire shopping center.
  - c. **Landscaping;**  
Landscaping of the expansion is compatible with the master landscape plan developed for the parking area expansion. The Appearance Commission recommended approval of the landscape plan associated with the proposed expansion.
  - d. **Amount and placement of impervious surfaces;**  
The proposed site layout provides a net reduction to impervious surface area. An existing stormwater management facility will continue operation.

- e. **Placement of structures and vehicular surface areas; and**  
Existing parking areas and access driveways have been retained; proposed building expansion has been carefully sited in response to those existing site features.
  - f. **Orientation of uses and entranceways.**  
The building facades have been carefully planned, retail entrances and storefronts are in line with the existing shopping center and face Wade Avenue. The proposed building has direct access to the existing sidewalk system.
- (5) The site plan coordinates with existing and planned public facilities such as:
- a. **Stormwater drainage structures;**  
The existing stormwater management system will continue to operate, the proposed expansion provides a direct reduction to impervious surface area – no issues noted.
  - b. **Public utilities;**  
The proposed building expansion will utilize existing public water and sewer services – no issues noted.
  - c. **Streets, sidewalks and on-street parking;**  
As previously mentioned, the proposed project will connect to existing sidewalks and greenway trails adjacent to the property. The proposed project will provide a missing segment of sidewalk in the Ridge Road right-of-way.
  - d. **Parks, greenways and recreational facilities;**  
The property is adjacent to the House Creek Greenway Trail, and Hymettus Woods Park is located approximately one-half (1/2) mile to the east of the subject property.
  - e. **Fire stations and community service facilities;**  
As previously discussed, adequate fire station access is provided by existing City of Raleigh facilities.
  - f. **Schools;**  
Two public schools are located approximately one (1) mile from the subject property.
  - g. **Trash collection; and**  
Trash collection for the proposed expansion is provided by an existing facility located away from adjacent properties.
  - h. **Transit stops and facilities.**  
Transit stops are located adjacent to the subject property on both Ridge Road and Wade Avenue.

- (6) The site plan provides for a unified development within the site and with adjoining properties when such properties are either:
- a. Under similar ownership as the site,  
The proposed expansion of the shopping center is located on the same, single parcel of the overall Ridgewood Shopping Center.
  - b. Are being developed in a coordinated manner with the site, or,  
The proposed expansion is carefully planned to be compatible with the entire Ridgewood Shopping Center complex.
  - c. The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access street connectivity or signage will promote good order, convenience and safety.  
The proposed site layout is oriented toward Wade Avenue, orienting the public face of the buildings toward the major street.

Situations a, b, and c may consist, among other things, of shared driveways, definitive streetscape character or block face, similar topography, both properties are located within a previously approved concept or master plan or within the same conditional use zoning ordinance.

- (7) The site plan complies with all street, sidewalk, open space, drainage, greenway, transit, utility and other public facility dedication and improvement requirements of Part 10, chapter 3 and applicable conditional use zoning ordinances.

It is our opinion that the proposed development is compliant with all City of Raleigh development standards.

- (8) The site plan conforms to previously approved subdivision plans for the site. The site plan meets all applicable Code requirements, and if there are conflicts between Code provisions the more restrictive shall be met.

It is our opinion that the proposed development is consistent with the approved subdivision for the subject property.

Sincerely,  
WithersRavenel



David F. Brown, PLA, LEED AP  
Director of Planning

Cc: Andrew Techet; Ted Van Dyke; Johnny Edwards





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: Z-22-16 – Six Forks Road

<i>Location</i>	Six Forks Road, east side, north of Farrington Drive Address: 7930 Six Forks Road PIN: 1707485597
<i>Request</i>	Rezone property from Residential-4 (R-4) to Commercial Mixed Use-3 stories-Conditional Use-Parking Limited (CX-3-CU-PL)
<i>Area of Request</i>	2.6 acres
<i>Property Owner</i>	Caplan Investments LLC 404 Seasons Drive Raleigh, NC 27614
<i>Applicant</i>	Michael Birch, Morningstar Law Group: (919) 590-0388, <a href="mailto:mbirch@morningstarlawgroup.com">mbirch@morningstarlawgroup.com</a>
<i>Citizens Advisory Council (CAC)</i>	North: Michael O'Sullivan, Chairperson; (919) 302-7557, <a href="mailto:mjo78@nc.rr.com">mjo78@nc.rr.com</a>
<i>PC Recommendation Deadline</i>	March 13, 2017

### Comprehensive Plan Consistency

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

### Future Land Use Map Consistency

The rezoning case is  Consistent  Inconsistent with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Office & Residential Mixed Use
<b><i>URBAN FORM</i></b>	Center: (n/a) Corridor: Transit Emphasis (Six Forks Road) Within ½-Mile Transit Buffer: (n/a)
<b><i>CONSISTENT Policies</i></b>	Policy LU 2.6 - Zoning and Infrastructure Impacts Policy LU 6.4 - Bus Stop Dedication Policy T 4.15 - Enhanced Rider Amenities
<b><i>INCONSISTENT Policies</i></b>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU - 4.9 Corridor Development

### Summary of Proposed Conditions

1. Uses limited to R-4 plus Self-Service Storage.
2. Pole-mounted light fixtures will be full cutoff.
3. For self-storage units, no electrical power or plumbing permitted.
4. Transit easement, pad, and shelter provided.
5. Setbacks from adjoining lots will be 20' unless UDO requires an additional setback.

## Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
6/23/16	8/16/16 9/20/16 (Y-28, N-4)	12/13/16		

### Attachments

1. Staff report
2. Traffic Study Worksheet
3. Proposed zoning conditions

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

Jason Hardin: (919) 996-2657; [Jason.Hardin@raleighnc.gov](mailto:Jason.Hardin@raleighnc.gov)



# Zoning Staff Report – Z-22-16

## Conditional Use District

### Case Summary

#### Overview

The proposal seeks to rezone a 2.6-acre site on Six Forks Road to allow nonresidential development, specifically Self-Service Storage. The request is for Commercial Mixed Use-3 stories-Conditional Use-Parking Limited (CX-3-CU-PL). Conditions would restrict uses to those in the current zoning category of Residential-4 plus Self-Service Storage. The parcel currently is undeveloped and fully wooded.

Surrounding properties are also zoned and used for residential use, but represent a variety of building forms, site designs, and zoning districts. To the north is the 266-unit Bainbridge apartment complex, a grouping of three- and four-story buildings and associated surface parking on 10.65 acres. Zoning is RX-4-CU. To the east and south are the 174-unit Sterling Forest apartments, consisting of thirty two-story buildings on 17.4 acres, mainly zoned R-10 but with a 1-acre wedge of R-4 between that tract and the Bainbridge parcel. To the west, across Six Forks Road from the site, are townhouses in an R-6 zone.

In terms of the Future Land Use Map, the eastern side of Six Forks Road (including the subject property and adjacent properties to the north and south) is designated for Office and Residential Mixed Use. The western side of this portion of Six Forks Road is designated as Moderate Density Residential.

The property is adjacent to a Transit Emphasis Corridor (Six Forks Road) designated on the Urban Form Map; there are no other Urban Form Map designations relevant to the request. The requested zoning includes Parking Limited frontage, which is consistent with that designation.

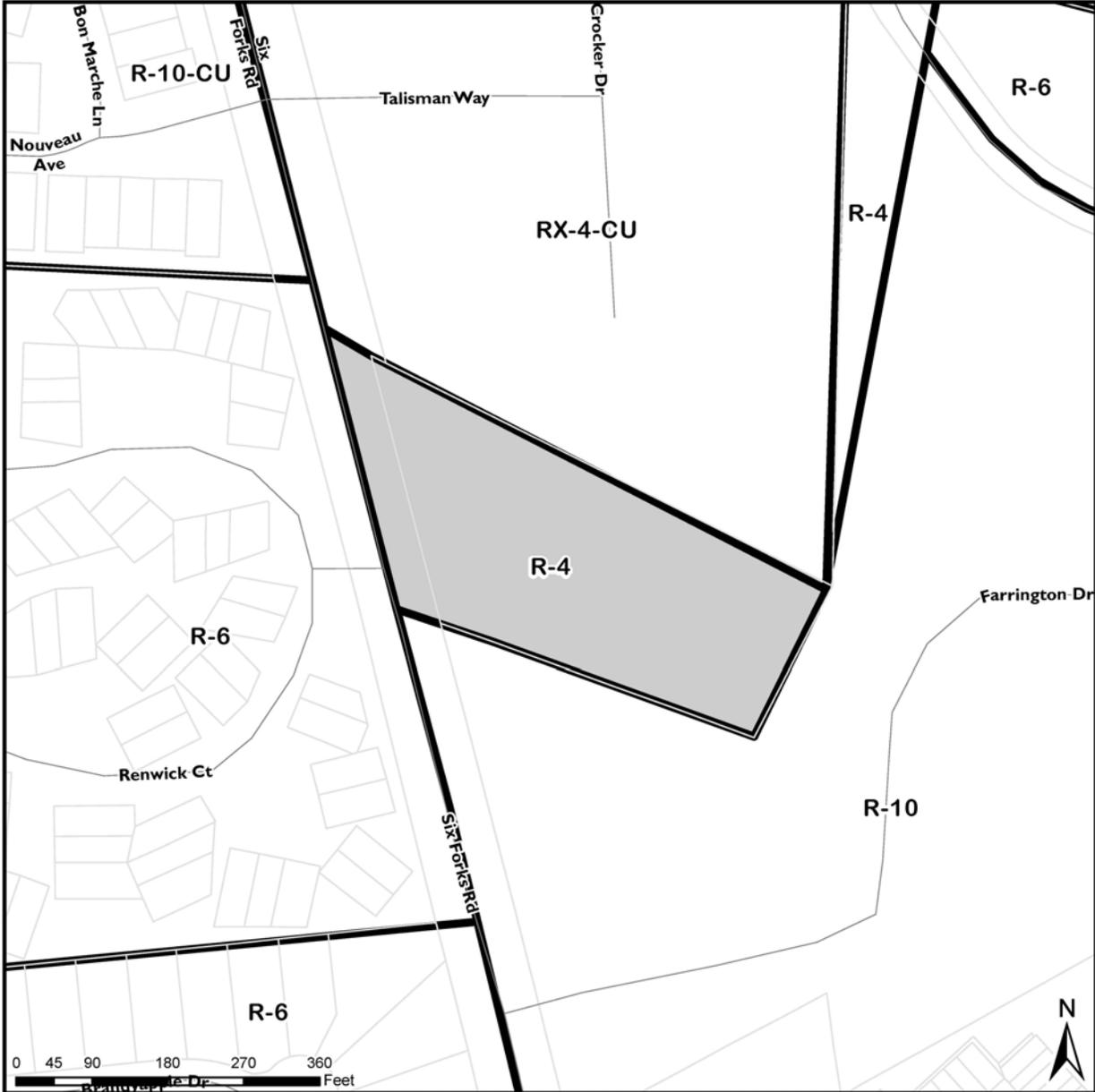
In addition to limiting uses, conditions would: require pole-mounted light fixtures to be full cutoff and no more than 25' high; provide a transit easement, pad, and shelter; and provide 20' setbacks from adjoining properties.

#### Outstanding Issues

<i>Outstanding Issues</i>	1. The request is inconsistent with the Future Land Use Map.	<i>Suggested Mitigation</i>	1. Revise the request to prohibit the Self-Service Storage use and include uses consistent with the FLUM.
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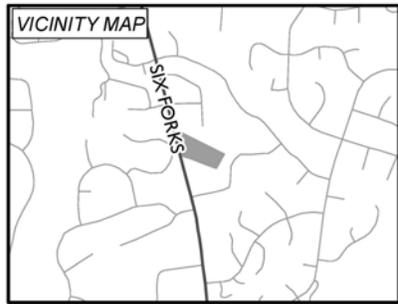
# Existing Zoning Map

# Z-22-16



**Submittal Date**  
7/1/2016

**Request:**  
2.6 acres from  
R-4  
to CX-3-PL-CU



Map Date: 7/5/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	Residential-4	Residential Mixed Use-4 stories- Conditional Use	Residential-10	Residential-10	Residential-6
<i>Additional Overlay</i>	(n/a)	(n/a)	(n/a)	(n/a)	(n/a)
<i>Future Land Use</i>	Office & Residential Mixed Use	Office & Residential Mixed Use	Office & Residential Mixed Use	Office & Residential Mixed Use	Moderate Density Residential
<i>Current Land Use</i>	Vacant (wooded)	Multi-Unit Living	Multi-Unit Living	Multi-Unit Living	Townhouses
<i>Urban Form (if applicable)</i>	Center: (n/a) Corridor: Transit Emphasis	Center: (n/a) Corridor: Transit Emphasis	Center: (n/a) Corridor: Transit Emphasis	Center: (n/a) Corridor: (n/a)	Center: (n/a) Corridor: Transit Emphasis

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density:</i>	4 DUs/ acre (max. 10)	4 DUs/ acre (max. 10)
<i>Setbacks:</i>		<i>Parking Limited frontage:</i> 50% of bldg. w/n 0' to 100'
<i>Front:</i>	20	<i>General Building build-to:</i> 20'
<i>Side:</i>	10'	20'
<i>Rear:</i>	30'	20'
<i>Retail Intensity Permitted:</i>	(not permitted)	(not permitted)
<i>Office Intensity Permitted:</i>	(not permitted)	(not permitted)

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	2.6	2.6
<i>Zoning</i>	R-4	CX-3-CU-PL
<i>Max. Gross Building SF</i>	(n/a)	198,866
<i>Max. # of Residential Units</i>	10	10
<i>Max. Gross Office SF</i>	(not permitted)	(not permitted)
<i>Max. Gross Retail SF</i>	(not permitted)	(not permitted)

<i>Max. Gross Industrial SF</i>	<i>(not permitted)</i>	198,866**
<i>Potential F.A.R.</i>	<i>(n/a)</i>	1.76

*\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

*\*\*Self-storage uses only.*

The proposed rezoning is:

**Compatible** with the property and surrounding area.

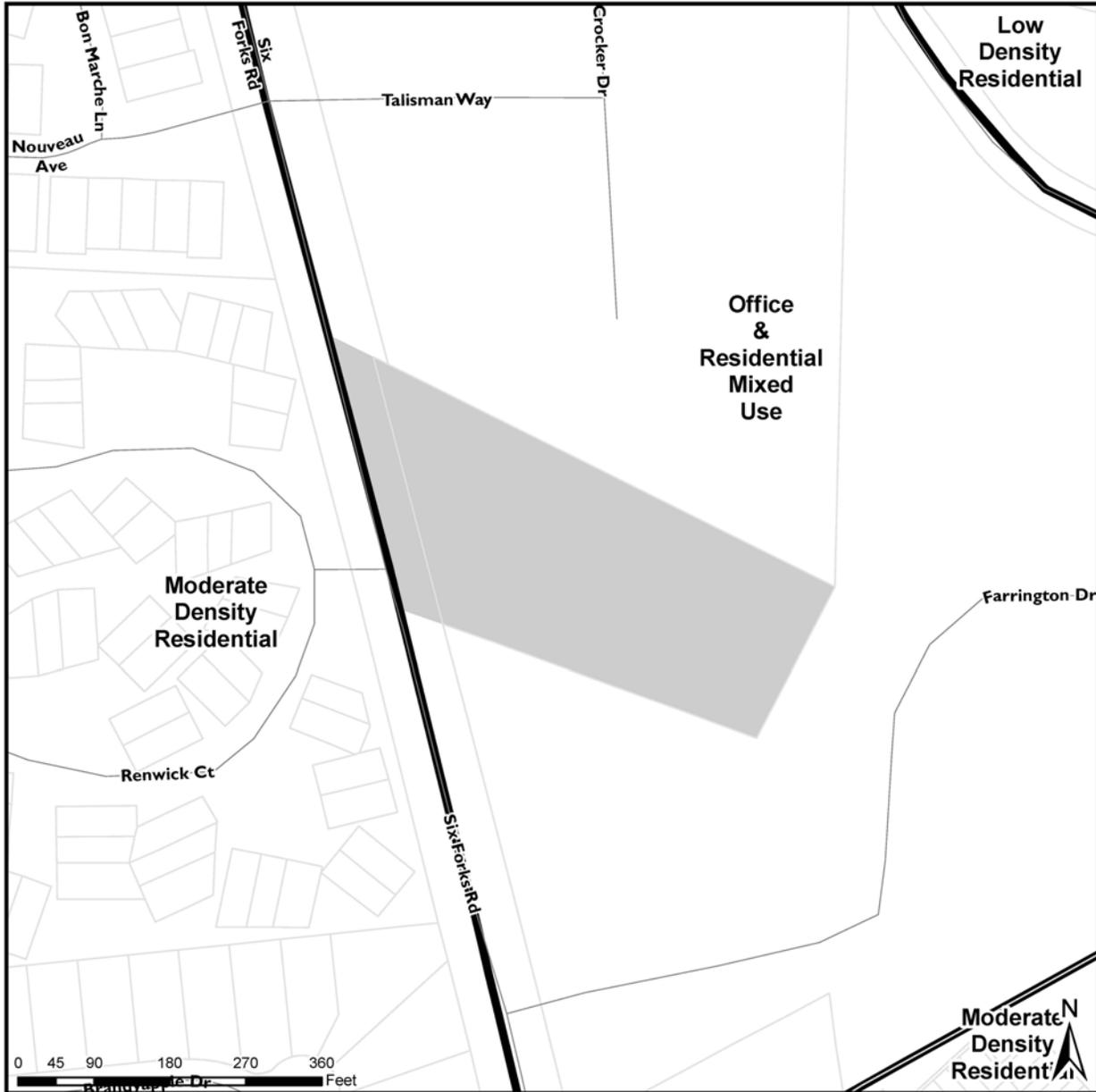
**Incompatible.**

Analysis of Incompatibility:

The proposal would limit allowed uses to those in R-4, plus Self-Service Storage. The surrounding area is entirely residential. Self-Service Storage is allowed in only a handful of zoning districts (CX, DX, IX, IH) due to its impact on adjoining areas. While some proposed conditions address impact on adjacent residential areas, they do not fully address all potential impacts of this use, including lighting, noise, and other impacts.

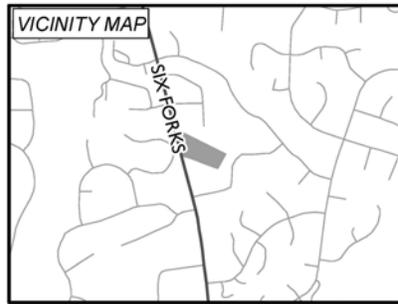
# Future Land Use Map

# Z-22-16



  
**Submittal Date**  
7/1/2016

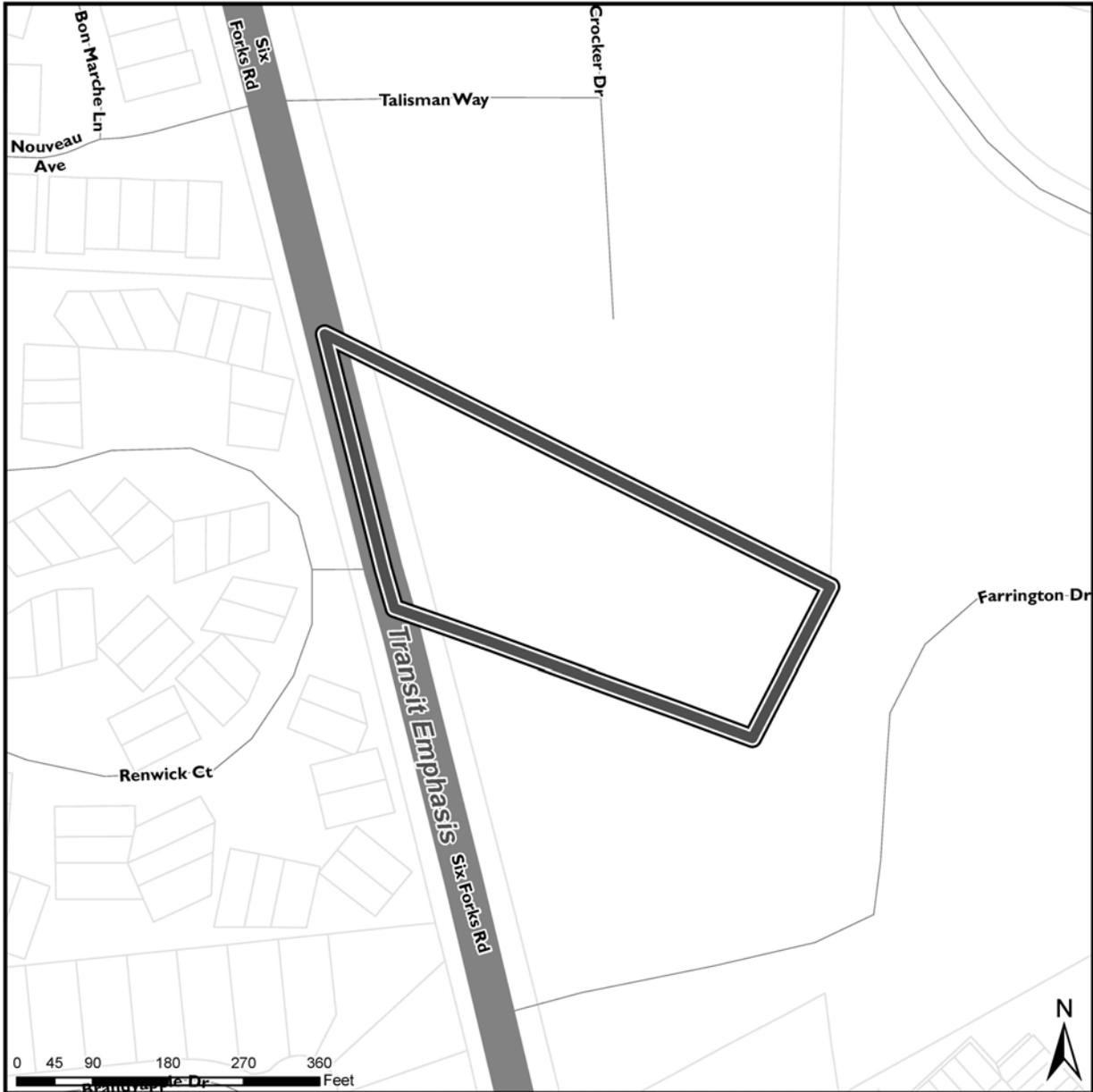
**Request:**  
2.6 acres from  
R-4  
to CX-3-PL-CU



Map Date: 7/5/2016

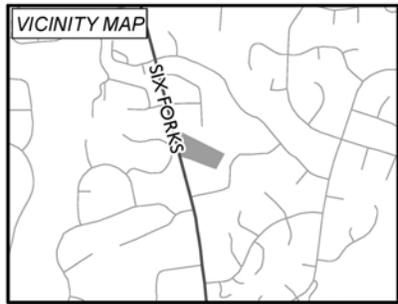
# Urban Form Map

# Z-22-16



**Submittal Date**  
7/1/2016

**Request:**  
2.6 acres from  
R-4  
to CX-3-PL-CU



Map Date: 7/5/2016

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. Overall the proposal is inconsistent with the Comprehensive Plan. The proposed Self-Service Storage use is not envisioned on the Future Land Use Map. The establishment of a low-activity use along a Transit Emphasis Corridor is counter to the theme of Coordinating Land Use and Transportation. However, the Parking Limited frontage is consistent with the Transit Emphasis Corridor designation of Six Forks Road.
- B. The proposed zoning of CX, even with conditions, would allow a use, Self-Service Storage, not envisioned by the Future Land Use Map in this area. The FLUM designates the area as Office and Residential Mixed Use, while Self-Service Storage is not permitted in the equivalent zoning district.
- C. Self-Service Storage could service residential and office uses, but it need not be located in a residential or office area to do so. It is not clear that self-service storage could be established without adversely altering recommended land use for the area. To the extent the property is developed with Self-Service Storage, the opportunity to add residences or office uses along a Transit Emphasis Corridor is removed.
- D. As Self-Service Storage creates minimal impact on infrastructure, existing facilities and streets are sufficient.

### 2.2 Future Land Use

**Future Land Use designation:** Office & Residential Mixed Use

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Analysis of Inconsistency:

The site is in an area designated as Office and Residential Mixed Use, with Office Mixed Use (OX) being the closest zoning category. The proposed Commercial Mixed Use (CX) zoning, even with conditions, would allow a use (Self-Service Storage) not contemplated in that category.

## **2.3 Urban Form**

**Urban Form designation:** Center: (none)  
Corridor: Transit Emphasis

**Not applicable** (no Urban Form designation)

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**  
Analysis of Inconsistency:

(N/A)

## **2.4 Policy Guidance**

The rezoning request is **consistent** with the following policies:

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

The rezoning would not create burdens on transportation or other infrastructure.

Policy LU 6.4 – Bus Stop Dedication. The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

Policy T 4.15 – Enhanced Rider Amenities Promote the use of transit facilities and services through enhanced pedestrian access and provisions for seating, shelter, and amenities.

A transit easement and shelter are offered among the proposed conditions.

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2 – Future Land Use Map and Zoning Consistency. The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The request is not consistent with the Comprehensive Plan’s Future Land Use Map, which envisions the area as Moderate Density Residential.

Policy LU 4.9 Corridor Development. Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

Six Forks Road is designated as a multi-modal corridor on the Growth Framework Map. By allowing an Industrial use, Self-Service Storage, that generates relatively low activity, though it has impacts in other ways, and restricting development otherwise to R-4, the request does not promote a transit-supportive development pattern along a multi-modal corridor.

## **2.5 Area Plan Policy Guidance**

The rezoning request is **inconsistent** with the following Area Plan policies:

N/A. No Area Plan exists in this area.
--

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- The rezoning could provide additional storage space for residents and business owners.

### **3.2 Detriments of the Proposed Rezoning**

- The proposed rezoning includes uses not envisioned by the Future Land Use Map. These uses may shape future development in a way not envisioned by the Map and Plan.

## **4. Impact Analysis**

### **4.1 Transportation**

The site is located on the east side of Six Forks Road, approximately 1/2 mile north of Sawmill Road. Six Forks Road (SR 1005) is maintained by the NCDOT. Six Forks Road is classified as a major street in the UDO Street Plan Map (Avenue, 6-Lane, Divided). This segment of Six Forks Road currently has a five-lane cross section with curbs and sidewalks on both sides.

There are no City of Raleigh CIP projects or state STIP projects planned for Six Forks Road in the vicinity of the Z-22-2016 site. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the northern, eastern or southern boundaries of the Z-22-2016 parcel.

Site access will be limited to Six Forks Road. The number and arrangement of driveways shall be in accordance with "Policy on Street and Driveway Access to North Carolina Highways," as adopted and amended by NCDOT.

In accordance with UDO section 8.3.2, the maximum block perimeter for CX-3 zoning is 3,000 feet. The block perimeter for Z-22-2016, as defined by public rights-of-way for Six Forks, Featherstone Drive, Mourning Dove Road and Crown Oaks Drive is 7,125 feet.

The existing parcel is vacant and generates no traffic. Conditions have been submitted that effectively limit the potential land uses to residential apartments or a self-storage facility. Approval of case Z-22-2016 would increase average peak hour trip volumes by approximately 40 veh/hr in the PM peak; daily trip volume will increase by less than 400

veh/day. The nearby intersections of Six Forks/Featherstone and Six Forks/Nouveau both have a severity index equal to exactly 8.40. There were three (3) recorded crashes at Six Forks/Featherstone between July 1, 2011 and June 30, 2016. There was one (1) recorded crash at Six Forks/Nouveau during this same period. There were no fatal crashes. Given the crash volume and the relatively small change in daily and peak hour trips, Transportation Planning staff waives the required traffic study for case Z-22-2016.

Z-22-2016 Existing Land Use (Vacant)	Daily	AM	PM
	0	0	0
Z-22-2016 Current Zoning Entitlements (Residential SF Detached)	Daily	AM	PM
	126	17	13
Z-22-2016 Proposed Zoning Maximums (Mini-Warehouse/ Self Storage)	Daily	AM	PM
	497	28	52
Z-22-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>371</b>	<b>11</b>	<b>39</b>

**Impact Identified:** Block perimeter exceeds maximum allowed for CX-3 zoning.

#### 4.2 Transit

This property is located along Six Forks Road, which is a Transit Emphasis Corridor. Currently, this area is served by GoRaleigh Route 8 Six Forks. Both the City of Raleigh Short Range Transit Plan and the Wake County Transit Plan anticipate increased service in this corridor.

The offer of a transit easement and shelter installation is acceptable and supports several transit-related Comprehensive Plan policies.

**Impact Identified:** Slightly greater demand for transit. This is addressed by the provision of a transit easement and shelter.

#### 4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Mine
<i>Stormwater Management</i>	Article 9.2 UDO
<i>Overlay District</i>	None

**Impact Identified:** No impacts identified. No floodplain or buffers on site.

#### 4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0 gpd	5,200 gpd	36,875 gpd
<i>Waste Water</i>	0 gpd	5,200 gpd	36,875 gpd

The proposed rezoning would add approximately 36,875 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

**Impact Identified:** At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

#### **4.5 Parks and Recreation**

There are no existing or proposed greenway corridors, trails, or connectors on or adjacent to this site. Nearest trail access is Mine Creek Trail, 0.8 miles. Recreation services are provided by Baileywick Park, 2.5 miles.

**Impact Identified:** None.

#### **4.6 Urban Forestry**

This property is 2.6 acres in size, is completely wooded, and is therefore subject to the City of Raleigh's tree conservation laws found in UDO Article 9.1. The proposed Parking Limited frontage would prevent the designation of a primary tree conservation area along Six Forks Road.

**Impact Identified:** The proposed Parking Limited frontage would eliminate the potential of a Tree Conservation area along Six Forks Road. Required Tree Conservation areas will need to be met elsewhere on site.

#### **4.7 Designated Historic Resources**

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Impacts Summary**

Located on a corridor with growing demand for transit.

A Tree Conservation area may be unable to be met along Six Forks Road due to the inclusion of the Parking Limited frontage.

#### **4.10 Mitigation of Impacts**

A transit easement and shelter are offered.

Meet Tree Conservation requirements elsewhere on site if necessary

## 5. Conclusions

The request is consistent with the Urban Form Map and policies that encourage the provision of transit amenities.

However, the request is inconsistent with the Future Land Use Map, which envisions the area as Moderate Density Residential; the request would allow a use, Self-Service Storage, that is allowed only in CX, DX, IX, and IH districts. Additionally, the request, by restricting development only to Self-Service Storage and R-4 uses, does not promote a transit-supportive development pattern along a multi-modal corridor.

462264

Z-22-16

Manoochehr Ahmadi Moosavi  
Caplan Investments, LLC  
404 Seasons Drive  
Raleigh, NC 27614

June 23, 2016

Doug Hill  
Department of City Planning  
One Exchange Plaza, 3rd Floor  
Raleigh, NC 27602

RE: Withdrawal of Z-20-15 (7930 Six Forks Road)

Doug,

On behalf of Caplan Investments, LLC, the owner of that 2.6-acre parcel of land with an address of 7930 Six Forks Road, I am writing to notify the City that Caplan Investments, LLC hereby withdraws zoning case Z-20-15.

Please let me know if there is anything more you need to effectuate withdrawal.

Sincerely,



Manoochehr Ahmadi Moosavi  
Managing Member of Caplan Investments, LLC

462264  
7-22-16

REZONING OF PROPERTY CONSISTING OF +/- 2.6 ACRES  
LOCATED ON THE EAST SIDE OF SIX FORKS ROAD, SOUTH OF THE INTERSECTION  
WITH FEATHERSTONE WAY, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON JUNE 23, 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 Thursday, June 23, 2016, at 6:30 p.m. The property considered for this potential rezoning totals approximately 2.6 acres, located on the east side of Six Forks Road, south of the intersection with Featherstone Way, in the City of Raleigh, having Wake County Parcel Identification Number 1707-48-5597. This meeting was held at the Anne Gordon Center for Active Adults at Millbrook Exchange Park, which is located at 1901 Spring Forest Road, Raleigh, NC 27615. 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**



Michael Birch | Partner  
1330 St. Mary's Street, Suite 460  
Raleigh, NC 27605

919-590-0388  
mbirch@morningstarlawgroup.com  
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: June 13, 2016

Re: Notice of meeting to discuss potential rezoning of parcel located on the east side of Six Forks Road, south of the intersection with Featherstone Way, containing approximately 2.6 acres, with the address of 7930 Six Forks Road and having Wake County PIN 1707-48-5597 (the "Property").

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Residential-4, and the proposed rezoning is for Commercial Mixed Use with a three-story building height limit (CX-3).

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, June 23, 2016 at 6:30 p.m. This meeting will be held at the Anne Gordon Center for Active Adults, which is located at 1901 Spring Forest Road, Raleigh, NC 27615, near the Millbrook Exchange park.

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 applicant 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) 590-0388 or [mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com).

## EXHIBIT B

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

CHADWICK TOWNHOMES  
ASSOCIATION INC  
PO BOX 97427  
RALEIGH NC 27624-7427

DODD RENTAL PROPERTIES LLC  
8811 CYPRESS LAKES DR # B310  
RALEIGH NC 27615-2127

CAPLAN INVESTMENTS LLC  
404 SEASONS DR  
RALEIGH NC 27614-9507

NP SIX FORKS LLC  
MARVIN F POER & COMP  
3520 PIEDMONT RD NE STE 410  
ATLANTA GA 30305-1512

STERLING FOREST ASSOCIATES LLC  
LINCOLN PROPERTY COMPANY  
200 FAIRBROOK DR STE 101  
HERNDON VA 20170-5283

MCMILLAN, NANCY  
51 RENWICK CT  
RALEIGH NC 27615-2990

ANDERSON, DORIS W  
49 RENWICK CT  
RALEIGH NC 27615-2990

LYNCH, PHOEBE P  
105 RENWICK CT  
RALEIGH NC 27615-2946

STELL, BARBARA ANN  
103 RENWICK CT  
RALEIGH NC 27615-2946

EPPS, BARBARA E  
101 RENWICK CT  
RALEIGH NC 27615-2946

THE PEARSON TRUST  
PHILLIP & ELIZABETH PEARSON  
100 RENWICK CT  
RALEIGH NC 27615-2978

RICH, LISA J  
110 RENWICK CT  
RALEIGH NC 27615-2978

BAKER, WELDON LEE II  
BAKER, IRMA H  
2013 BOYCE BRIDGE RD  
CREEDMOOR NC 27522-8023

MILTON, MARY N  
106 RENWICK CT  
RALEIGH NC 27615-2978

CONNELL, MURIEL  
66 RENWICK CT  
RALEIGH NC 27615-2989

SMITH, MICHAEL PAUL  
SMITH, KIM STUART  
68 RENWICK CT  
RALEIGH NC 27615-2989

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Thursday, June 23, 2016, at 6:30 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. No one attended the meeting, so no items were discussed.

**EXHIBIT D**

**NEIGHBORHOOD MEETING ATTENDEES**

No one attended the meeting.

E-22-16

# 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 # <u>462264</u>  <b>JUL 1 2016 PM 3:45</b>
Existing Zoning Classification: <u>Residential-4</u>			
Proposed Zoning Classification Base District: <u>CX</u> Height: <u>-3</u> Frontage: <u>-PL</u>			
If the property has been previously rezoned, provide the rezoning case number: <u>Not Applicable</u>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
462264			

GENERAL INFORMATION			
Property Address: 7930 Six Forks Road			Date: <u>June 28, 2016</u>
Property PIN: 1707-48-5597		Deed Reference (book/page): DB 6750, PG 813	
Nearest Intersection: Six Forks Road, between Crown Oaks Dr. and Featherstone Dr.			Property Size (acres): 2.6 acres
Property Owner/Address: Caplan Investments LLC 404 Seasons Drive Raleigh, NC 27614	Phone	Fax	
	Email		
Project Contact Person/Address: Michael Birch, Morningstar Law Group 1330 St. Mary's Street, Suite 460 Raleigh, NC 27605	Phone: 919.590.0388	Fax	
	Email: <u>mbirch@morningstarlawgroup.com</u>		
Owner/Agent Signature <u>M. W. [Signature]</u>	Email		

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

<b>REZONING APPLICATION ADDENDUM</b>	
<b>Comprehensive Plan Analysis</b>	<b>OFFICE USE ONLY</b>
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.	<b>Transaction #</b> 462264 <b>Rezoning Case #</b>
<b>STATEMENT OF CONSISTENCY</b>	
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 designated "Office & Residential Mixed Use" on the Future Land Use Map (FLUM). Although the FLUM notes the general recommended future use for a property, the Comprehensive Plan emphasizes that other types of uses may be compatible with the FLUM guidance even though such use is not expressly listed in the FLUM category description. Additionally, the Comprehensive Plan notes that the FLUM categories should not be interpreted to preclude a use without consideration of the policies and intent of the Comprehensive Plan. The rezoning request for CX, subject to the proposed conditions, would allow uses permitted in the OX district and a self storage use. The self storage use functions similar to an office use but with substantially less impact on surrounding properties and the transportation infrastructure. Based on the foregoing, and the rezoning request's consistency with key Comprehensive Plan policies noted below, the rezoning request is consistent with the FLUM.	
2. The property fronts along Six Forks Road, which is designated a Transit Emphasis Corridor on the Urban Form Map. Based on the FLUM designation and the designation of Six Forks Road, the property is within a Core/Transit area for purposes of determining the appropriate height. Table LU-2 "Recommended Height Designations" provides that a maximum building height of seven stories is appropriate on the property. The rezoning request is consistent with the Comprehensive Plan height guidance.	
3. The rezoning request is consistent with the following policies: LU 3.2, LU 5.2, LU 5.4, LU 5.5, LU 5.6, LU 7.3 and LU 7.4. First, the rezoning will facilitate development of a vacant lot within the City limits, consistent with LU 3.2. Second, the rezoning request would facilitate development of a lot along a major street that is not appropriate for single-family use, consistent with the FLUM guidance and policy LU 7.3. Third, the rezoning request parameters provide for an appropriate use and height transition to adjoining properties, consistent with policies LU 5.2, 5.4, 5.5, 5.6 and 7.4.	
4. The property fronts along Six Forks Road, which is designated a Transit Emphasis Corridor on the Urban Form Map. This guidance encourages the application of a hybrid frontage type. The rezoning request proposes to apply the Parking Limited frontage standard, consistent with this guidance.	
<b>PUBLIC BENEFITS</b>	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1. The rezoning request benefits the public by facilitating development of a property for a use that is consistent with the Future Land Use Map, adjacent to properties similarly designated on the Future Land Use Map.	
2. The rezoning request benefits the public by permitting uses that serve the needs and demands of nearby residents, thereby reducing the potential for vehicle-miles-traveled to access such uses permitted by the rezoning.	

## 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.	<p><i>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.</i></p> <p><b>Response:</b> The rezoning request permits residential and office uses, consistent with this guideline.</p>
2.	<p><i>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.</i></p> <p><b>Response:</b> The property is not adjacent to lower density neighborhoods.</p>
3.	<p><i>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.</i></p> <p><b>Response:</b> There are no public streets other than Six Forks Road with which the property can connect.</p>
4.	<p><i>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.</i></p> <p><b>Response:</b> Redevelopment of the property will be subject to the UDO block perimeter and connectivity standards, which are consistent with this guideline.</p>
5.	<p><i>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.</i></p> <p><b>Response:</b> Redevelopment of the property will be subject to the UDO block perimeter standards, which are consistent with this guideline.</p>
6.	<p><i>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.</i></p> <p><b>Response:</b> The rezoning applies the Parking Limited frontage standards, which are consistent with this guideline.</p>
7.	<p><i>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.</i></p> <p><b>Response:</b> The rezoning applies the Parking Limited frontage standards, which are consistent with this guideline.</p>
8.	<p><i>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.</i></p> <p><b>Response:</b> The property is not located at a street intersection.</p>
9.	<p><i>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.</i></p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>
10.	<p><i>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.</i></p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>
11.	<p><i>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.</i></p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b> The rezoning applies the Parking Limited frontage standards, which are consistent with this guideline.</p>

15.	<p><i>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.</i></p> <p><b>Response: The rezoning applies the Parking Limited frontage standards.</b></p>
16.	<p><i>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.</i></p> <p><b>Response: No parking structures are contemplated as part of this development.</b></p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response: The property is within walking distance to the transit stops at Six Forks Road and Renwick Court (southbound) and Six Forks Road and Farrington Drive (northbound), which are part of the Six Forks (Route 8) line, consistent with this guideline.</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response: The rezoning applies the Parking Limited frontage standards, which are 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 landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response: There are no known sensitive environmental areas on the property.</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 streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response: Streets and sidewalks will be provided in accordance with the UDO.</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 and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response: Streets and sidewalks will be provided in accordance with the UDO.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response: Street trees and streetscape elements will be provided in accordance with the UDO.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response: The rezoning applies the Parking Limited frontage standards, which imposes a coverage within the build-to standard that 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 public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response: The rezoning applies the Parking Limited frontage standards, which requires primary building entrances facing the public street with pedestrian connections between the building entrances and public sidewalk, all 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, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response: The future buildings will comply with the applicable building and frontage standards, 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 complementary to that function.</i></p> <p><b>Response: Sidewalks will be provided in accordance with the UDO.</b></p>



Z-22-2016 Existing Land Use (Vacant)		Daily	AM	PM
		0	0	0
Z-22-2016 Current Zoning Entitlements (Residential SF Detached)		Daily	AM	PM
		126	17	13
Z-22-2016 Proposed Zoning Maximums (Mini-Warehouse/ Self Storage)		Daily	AM	PM
		497	28	52
Z-22-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily	AM	PM
		371	11	39
<b>Z-22-2016 Traffic Study Worksheet</b>				
<b>6.23.4 Trip Generation</b>		<b>Meets TIA Conditions? (Y/N)</b>		
A	Peak Hour Trips $\geq$ 150 veh/hr	No, the change in average peak hour trip volume is 39 veh/hr		
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane road	No		
C	More than 100 veh/hr trips in the peak direction	No		
D	Daily Trips $\geq$ 3,000 veh/day	No, the change in average daily trip volume is 371 veh/day		
E	Enrollment increases at public or private schools	Not Applicable		
<b>6.23.5 Site Context</b>		<b>Meets TIA Conditions? (Y/N)</b>		
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	Yes, the intersections of Six Forks/Featherstone and Six Forks/Nouveau both have a severity index equal to exactly 8.40. There were three (3) recorded crashes at Six Forks/Featherstone between July 1, 2011 and June 30, 2016. There was one (1) recorded crash at Six Forks/Nouveau during this same period. Given the relatively small change in daily and peak hour trips, Transportation Planning staff waives the required traffic study for case Z-22-2016.		
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No		
C	Creates a fourth leg at an existing signalized intersection	No		
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No		
E	Access is to/from a Major Street as defined by the City's Street Plan Map	Yes, Six Forks Road is a major street (Avenue, 6-Lane, Divided)		
F	Proposed access is within 1,000 feet of an interchange	No		
G	Involves an existing or proposed median crossover	No		
H	Involves an active roadway construction project	No		
I	Involves a break in controlled access along a corridor	No		
<b>6.23.6 Miscellaneous Applications</b>		<b>Meets TIA Conditions? (Y/N)</b>		
A	Planned Development Districts	No		
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of December 8, 2016		



# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: Z-34-16 Glenwood Avenue

<i>Location</i>	Glenwood Avenue, west side, south of Edenburgh Road Address: 0 and 2717 Glenwood Avenue PIN: 0795928870 and 0795928809
<i>Request</i>	Rezone property from Residential-6 (R-6) to Office Mixed Use-3 Stories-Parking Limited-Conditional Use (OX-3-PL-CU)
<i>Area of Request</i>	.62 acres
<i>Property Owner</i>	Emory Campbell, LLC 8601 Six Forks Road Suite 400 Raleigh, NC 27615
<i>Applicant</i>	Mack Paul Morningstar Law Group 630 Davis Drive Morrisville, NC 27560
<i>Citizens Advisory Council (CAC)</i>	Glenwood CAC
<i>PC Recommendation Deadline</i>	March 13, 2017

## Comprehensive Plan Consistency

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

## Future Land Use Map Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

## Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Low Density Residential
<b><i>URBAN FORM</i></b>	Center: None Corridor: Transit Emphasis Corridor
<b><i>CONSISTENT Policies</i></b>	LU 2.6—Zoning and Infrastructure Impacts LU 4.9—Corridor Development LU 5.6—Buffering Requirements LU 6.4—Bus Stop Dedication LU 7.3—Single Family Lots on Major Streets UD 7.3—Design Guidelines
<b><i>INCONSISTENT Policies</i></b>	LU 1.2—Future Land Use Map and Zoning Consistency LU 5.4—Density Transitions

## Summary of Proposed Conditions

1. Height limited to two stories/35'
2. Prohibited uses include: Emergency Shelters, Retail Sales, Eating Establishment





# Zoning Staff Report – Z-34-16

## Conditional Use District

### Case Summary

The proposal seeks to rezone a .62-acre site on Glenwood Avenue to allow office development. The current R-6 zoning does not permit office uses; the proposed OX-3-PL-CU zoning would allow office and other uses not currently permitted, although retail sales, restaurants and several other uses would be prohibited by conditions.

The site currently consists of two lots. One is occupied by a detached house, while the other is vacant. The property immediately to the south along Glenwood Avenue is an office, while detached houses border the site to the west and north. Office buildings and a golf course border the site to the east, across Glenwood Avenue

Adjacent properties are zoned for Office Mixed Use and Residential uses. The property to the south of the subject property is zoned OX-3-CU. Properties across Glenwood Avenue to the east are zoned either OX-5-GR (the office buildings to the south) or R-6 (the golf course north of the office buildings). Properties to the west and north of the subject property are zoned R-6.

Future Land Use Map designations are similar to the zoning, with Office and Residential Mixed Use immediately south of the site; Private Open Space and Office and Residential Mixed Use to the west; and Low Density Residential on the site and to the west and north.

In terms of urban form, the site is adjacent to a Transit Emphasis Corridor (Glenwood Avenue). The requested zoning includes a frontage, Parking Limited, which is consistent with that designation.

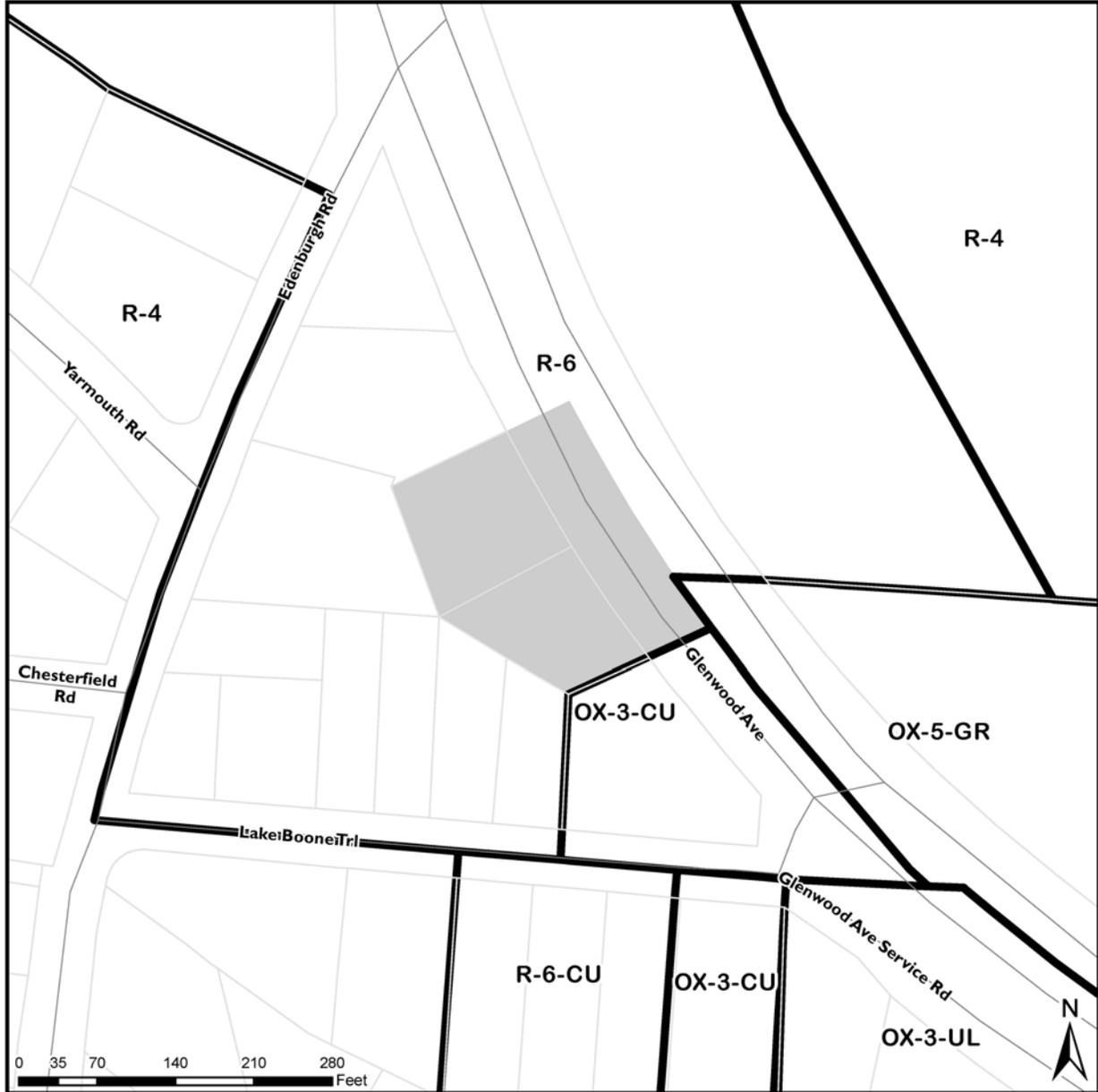
Conditions on the request would limit height to two stories and 35'; prohibit several uses and drive-through facilities; prohibit parking between any new building and Glenwood Avenue; and construct a masonry wall along the shared property line with several adjacent properties.

### Outstanding Issues

<i>Outstanding Issues</i>	1. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address sewer and fire flow capacities at the site plan stage.
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# Existing Zoning Map

# Z-34-2016



**Submittal Date**  
10/12/2016

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



Map Date: 10/12/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	R-6	R-6	OX-3-CU	R-6/OX-5-GR	R-6
<i>Additional Overlay</i>	-	-	-	-	-
<i>Future Land Use</i>	Low Density Residential	Low Density Residential	Office and Residential Mixed Use	Private Open Space/Office and Residential Mixed Use	Low Density Residential
<i>Current Land Use</i>	Single-unit living; vacant	Single-unit living	Orthodontics office	Golf course/Office	Single-unit living
<i>Urban Form (if applicable)</i>	Transit Emphasis Corridor	Transit Emphasis Corridor	Transit Emphasis Corridor	Transit Emphasis Corridor	-

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density (max.):</i>	4.8 units/acre	30.7 units/acre
<i>Setbacks (min.):</i>		
<i>Front:</i>	10'	0'-100' build-to
<i>Side:</i>	5'	50' adjacent to R-6; 0'-6' adjacent to OX*
<i>Rear:</i>	20'	50'
<i>Retail Intensity Permitted:</i>	-	-
<i>Office Intensity Permitted:</i>	-	19,110 sf

\* For portion of site bordering property to the south zoned OX, side setback is 0' to 6'. Neighborhood transitions apply to the north and west.

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	.62	.62
<i>Zoning</i>	R-6	OX-3-PL-CU
<i>Max. Gross Building SF (if applicable)</i>		27,040
<i>Max. # of Residential Units</i>	3	19
<i>Max. Gross Office SF</i>	-	19,110
<i>Max. Gross Retail SF</i>	-	-

<i>Max. Gross Industrial SF</i>	-	-
<i>Potential F.A.R.</i>	-	1

*\*These development intensities were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

The proposed rezoning is:

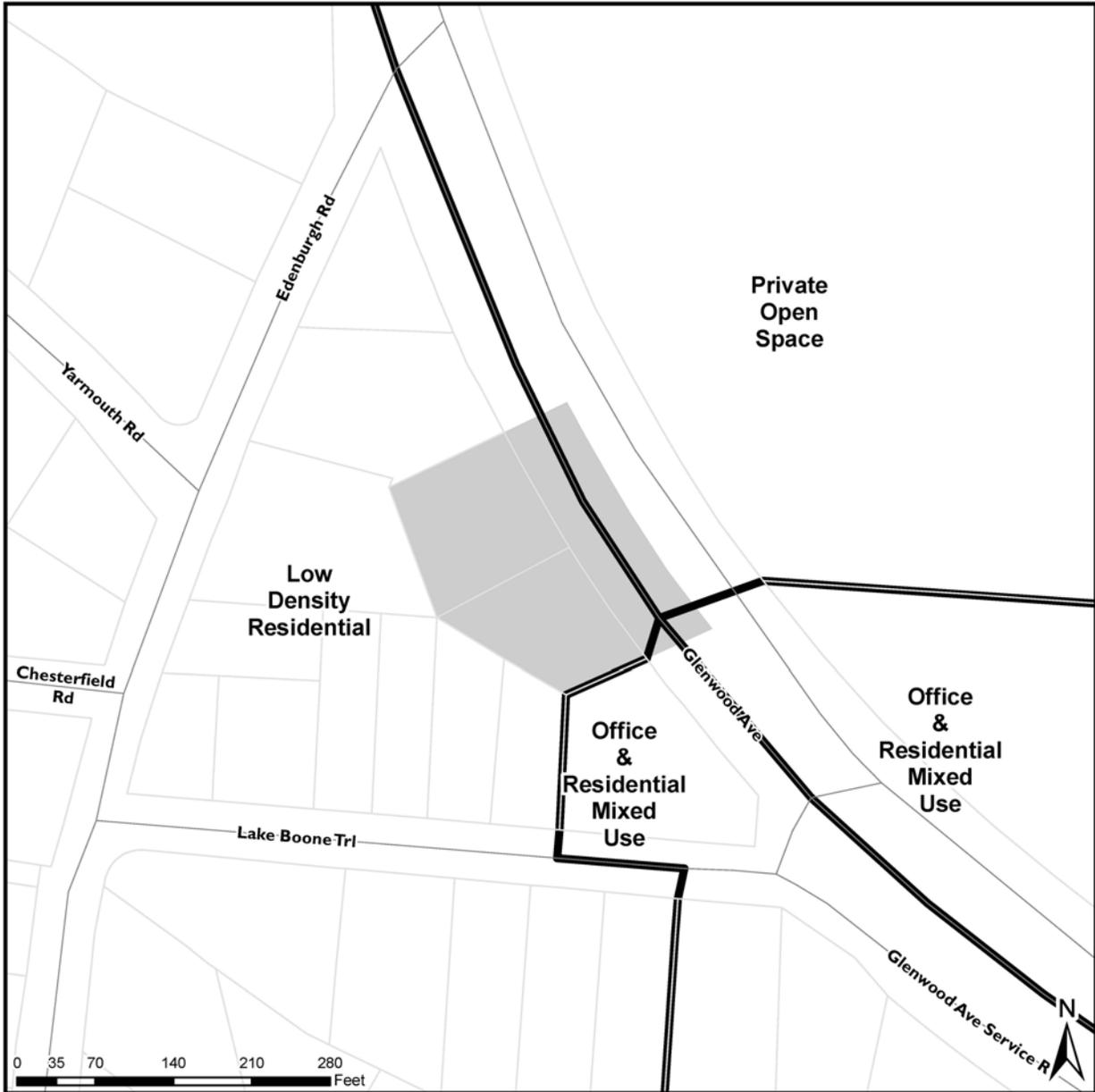
**Compatible** with the property and surrounding area.

**Incompatible.**

Analysis of Incompatibility:

# Future Land Use Map

# Z-34-2016



**Submittal Date**  
10/12/2016

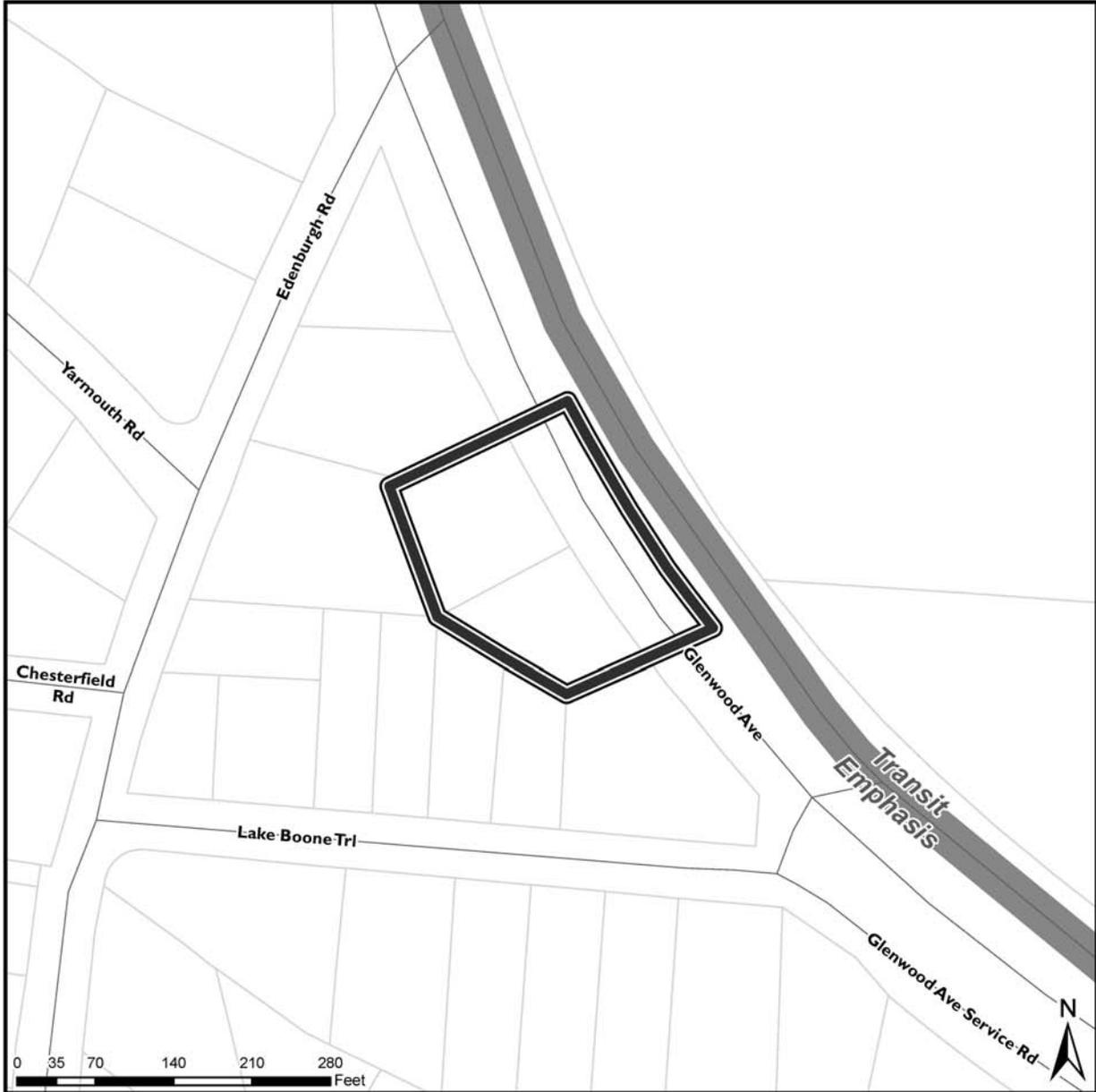
**Request:**  
0.62 acres from  
R-6  
to OX-3-PL-CU



Map Date: 10/12/2016

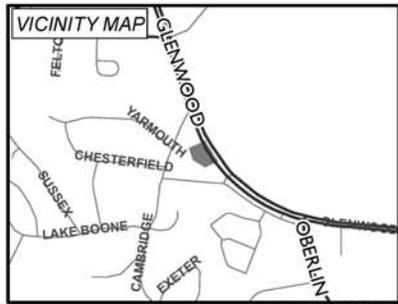
# Urban Form Map

# Z-34-2016



**Submittal Date**  
10/12/2016

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



Map Date: 10/12/2016

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the Plan's vision, themes, and policies. Specifically, it is consistent with the theme of Coordinating Land Use and Transportation, in that it would allow slightly more intensive development along a transit corridor, while also remaining consistent with the theme of Growing Successful Neighborhoods and Communities, in that the requested zoning district and conditions allow for growth while ensuring that any development respects the general context.
- B. The use is not specifically designated on the FLUM at this location. The Map designates the area in which the site is located as Low Density Residential.
- C. While the subject property is designated as Low Density Residential on the FLUM, it is adjacent to property designated as Office and Residential Mixed Use, a category that envisions the requested zoning. Both the property immediately to the south on the same block of Glenwood Avenue and property across Glenwood Avenue to the east are designated as Office and Residential Mixed Use. Given that, as well as the fact that conditions are designed to minimize impact on adjacent residential properties, the use could be established without adversely affecting the recommended land use and character of the area.
- D. As noted in the impacts section below, existing infrastructure is sufficient.

### 2.2 Future Land Use

**Future Land Use designation: Low Density Residential**

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Analysis of Inconsistency:

The rezoning request would allow office uses, which are not envisioned in the Low Density Residential category, as well as higher densities of residential development than envisioned in that category.

### **2.3 Urban Form**

#### **Urban Form designation: Transit Emphasis Corridor**

##### **The rezoning request is:**

**Consistent** with the Urban Form Map.

The Parking Limited frontage included in the request is consistent with other nearby frontage on Glenwood Avenue and is recommended by the Transit Emphasis Corridor designation.

### **2.4 Policy Guidance**

The rezoning request is **consistent** with the following policies:

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

Existing infrastructure is sufficient to meet additional demand.

Policy LU 4.9 Corridor Development. Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

Glenwood Avenue is designated as a multi-modal corridor on the Growth Framework Map and a Transit Emphasis Corridor on the Urban Form Map. The subject property is served by two bus routes (6 and 16). By allowing for slightly more intensive development, the proposal helps provide transit-supportive development along the corridor.

Policy LU 5.6—Buffering Requirements. New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density drop downs, and other architectural and site planning measures that avoid potential conflicts.

The proposal addresses any adverse effects by including conditions that all lighting fixtures are full cutoff and that no drive through facilities would be permitted. Neighborhood transition requirements of code when mixed use developments are adjacent to residential areas assist in creating consistency with this policy as well.

Policy LU 6.4 Bus Stop Dedication. The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

The proposal includes the dedication of a transit easement along Glenwood Avenue.

Policy LU 7.3—Single Family Lots on Major Streets. No new single-family residential lots should have direct vehicular access from major streets, in an effort to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to major streets.

The proposal, by allowing uses other than single-unit living, avoids the concern expressed in this policy regarding the long-term viability of single-unit living when located along major streets such as Glenwood Avenue.

Policy UD 7.3—Design Guidelines

By including a frontage and specifying that parking would not be placed between any new building and Glenwood Avenue, the proposal is consistent with the guidelines.

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2—Future Land Use Map and Zoning Consistency. The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The rezoning request would allow office uses, which are not envisioned in the Low Density Residential category, and higher densities of residential development than envisioned in that category.

Policy LU 5.4—Density Transitions. Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The request is partly consistent with this policy in that it would allow office uses to serve as transitional densities to the lower-density neighborhood to the north and west. However, it is partly inconsistent. While the transition would occur at a point where the Future Land Use Map shows a transition from Office and Residential Mixed use to Low Density Residential, the policy indicates the transition should occur on the site with higher intensity, which is not the case here.

## **2.5 Area Plan Policy Guidance**

No area plan exists.

### 3. Public Benefit and Reasonableness Analysis

#### 3.1 Public Benefits of the Proposed Rezoning

- The proposal would allow slightly more intensive development along a corridor well-served by transit.
- The proposal would facilitate the use of property where uses allowed under existing zoning may be less likely to be pursued.

#### 3.2 Detriments of the Proposed Rezoning

- None

### 4. Impact Analysis

#### **4.1 Transportation**

The site is located on the west side of Glenwood Avenue between Edinburgh Road and Lake Boone Trail. Glenwood Avenue (US-70) is maintained by the NCDOT. This segment of Glenwood Avenue currently has a four lane, median-divided cross section without curbs or sidewalks. Glenwood Avenue is classified as a major street in the UDO Street Plan Map (Avenue, 6-Lane, Divided).

There are no City of Raleigh CIP projects or state STIP projects planned for Glenwood Avenue in the vicinity of the Z-34-2016 site. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the boundaries of the Z-34-2016 parcels. Site access will be provided via a right-in, right-out driveway on Glenwood Avenue.

In accordance with UDO section 8.3.2, the maximum block perimeter for OX-3 zoning is 3,000 feet. The block perimeter for Z-34-2016, as defined by public rights-of-way for Glenwood Avenue, Edinburgh Road and Lake Boone Trail is 1,910 feet.

The existing land use is a single-family dwelling which generates virtually no traffic. Approval of case Z-34-2016 would increase average peak hour trip volumes by 66 vehicles/hour in the PM peak; daily trip volume will increase by 821 vehicles/day, compared to current zoning R-6. A traffic impact analysis report is technically needed for Z-34-2016 because the site can only be accessed from a major street, Glenwood Avenue, and a fatal crash occurred at Glenwood/Edinburgh within the past three years. Given the relatively low increase in traffic volumes expected from rezoning the subject parcels, Transportation Planning staff waives the required traffic study for case Z-34-2016.

**Impact Identified: None**

#### **4.2 Transit**

The offer of a transit easement is acceptable and supports policies LU 6.4 and T 4.4.

**Impact Identified:** Greater demand for transit. This is addressed by the provision of a transit easement.

**4.3 Hydrology**

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Beaverdam
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

**Impact Identified:** No major impacts identified.

**4.4 Public Utilities**

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	250	250	900
<i>Waste Water</i>	250	250	900

1. The proposed rezoning would add approximately 900gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of a Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by this analysis to meet fire flow requirements will also be required of the Developer.

**Impact Identified:** Sewer capacity and fire flow study needed at time of development plan submittal.

**4.5 Parks and Recreation**

1. There are no existing or proposed greenway trails, corridors, or connectors within the site. Closest trail access is 1.0 miles, Beaverdam Trail.
2. Recreation services are provided by Jaycee Park, 1.5 miles distant.

**Impact Identified:** None

**4.6 Urban Forestry**

**Impact Identified:** None.

**4.7 Designated Historic Resources**

The Raleigh Historic Landmark Small House (310 Lake Boone Trail) is approximately 550 feet from the site.

**Impact Identified:** None.

**4.8 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon development.  
Demand for transit services will increase.

#### **4.10 Mitigation of Impacts**

Address sewer and fire flow capacities at the site plan stage.  
The proposed conditions address the transit impact by providing an easement.

## **5. Conclusions**

The proposal is inconsistent with the Future Land Use Map and two related Comprehensive Plan policies. However, it is consistent with the Urban Form Map and several policies and themes that pertain to development along transit corridors and reducing conflicts with adjacent land uses.

The proposal also, by allowing uses other than single-unit living, avoids the concern expressed in this policy regarding the long-term viability of these uses when located along major streets such as Glenwood Avenue.

While the subject property is designated as Low Density Residential on the FLUM, it is adjacent to property designated as Office and Residential Mixed Use, a category that envisions the requested zoning. Both the property immediately to the south on the same block of Glenwood Avenue and property across Glenwood Avenue to the east are designated as Office and Residential Mixed Use. Given that, as well as the fact that conditions are designed to minimize impact on adjacent residential properties, the use could be established without adversely affecting the recommended land use and character of the area and is therefore consistent with the Comprehensive Plan.

<b>Conditional Use District Zoning Conditions</b>	
Zoning Case Number	<b>OFFICE USE ONLY</b>  Transaction #
Date Submitted	
Existing Zoning: _____ Proposed Zoning: _____	
<b>NARRATIVE OF ZONING CONDITIONS OFFERED</b>	
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 Edenburgh 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 Edenburgh Road)

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

Stephen Fountain, 11 Edenburgh Road, Raleigh, 27608

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

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

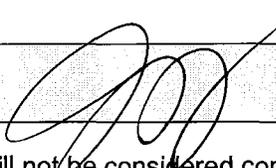
Jim Harris, 1001 Wade Avenue, Suite 300, Raleigh, NC 27605

# Rezoning Application



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 Edenburgh 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**

**OFFICE USE ONLY**

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.

**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 polices 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.	<p>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.</p> <p><b>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.</b></p>
2.	<p>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.</p> <p><b>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.</b></p>
3.	<p>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.</p> <p><b>No new streets are contemplated as part of this development. The existing street network complies with this guideline.</b></p>
4.	<p>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.</p> <p><b>No new streets are contemplated as part of this development. The existing street network complies with this guideline.</b></p>
5.	<p>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.</p> <p><b>No new streets are contemplated as part of this development. The existing street network complies with this guideline.</b></p>
6.	<p>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.</p> <p><b>The proposed rezoning will meet all of the standards of the UDO, including those established for the requested Parking Limited Frontage.</b></p>
7.	<p>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.</p> <p><b>The proposed rezoning will meet all of the standards of the UDO, including those established for the requested Parking Limited Frontage.</b></p>
8.	<p>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.</p> <p><b>The property is not at a street intersection.</b></p>
9.	<p>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.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
10.	<p>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.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
11.	<p>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.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
13.	<p>New public spaces should provide seating opportunities.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p><b>The proposed rezoning will meet all of the standards of the UDO, including those established for the requested Parking Limited Frontage.</b></p>
15.	<p>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.</p> <p><b>Matters of building and/or parking placement will be considered at the site plan phase. The rezoning does not prevent compliance with this guideline.</b></p>
16.	<p>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.</p> <p><b>No parking structure is anticipated as part of the proposed rezoning.</b></p>

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 resources, 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 appropriate, they should be 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 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 provides adequate buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and maintenance 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 scale.</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 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>

Z-34-2016 Existing Land Use	Daily 10	AM 1	PM 2
Z-34-2016 Current Zoning Entitlements	Daily 28	AM 3	PM 4
Z-34-2016 Proposed Zoning Maximums	Daily 849	AM 50	PM 70
Z-34-2016 Trip Gen Change (Proposed minus Existing)	Daily 821	AM 47	PM 66
<b>Z-34-2016 Traffic Study Worksheet</b>			
<b>6.23.4 Trip Generation</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Peak Hour Trips $\geq$ 150 veh/hr	No, the change in average peak hour trip volume is 66 veh/hr	
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane road	No	
C	More than 100 veh/hr trips in the peak direction	No	
D	Daily Trips $\geq$ 3,000 veh/day	No, the change in average daily trip volume is 821 veh/day	
E	Enrollment increases at public or private schools	Not Applicable	
<b>6.23.5 Site Context</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	A fatal crash occurred at the intersection of Glenwood Avenue and Edenburgh Road in June, 2014. At the time of the crash, it was daylight, the pavement was dry, and the weather was clear. Circumstances surrounding the crash could not be attributed to any roadway or traffic control deficiencies; there was no evidence of speeding or driver intoxication.	
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No	
C	Creates a fourth leg at an existing signalized intersection	No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	Glenwood Avenue is a major street. The site has no other public street frontage.	
F	Proposed access is within 1,000 feet of an interchange	No	
G	Involves an existing or proposed median crossover	No	
H	Involves an active roadway construction project	No	
I	Involves a break in controlled access along a corridor	No	
<b>6.23.6 Miscellaneous Applications</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Planned Development Districts	No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of October 20, 2016	





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information Z-35-16 Sumner Boulevard

<i>Location</i>	Sumner Boulevard, North side at the intersection with Triangle Town Blvd. Address: 3951 Sumner Blvd. PIN: 1726696549
<i>Request</i>	Rezone property from Commercial Mixed Use –3 Stories- Urban Limited (CX-3-UL) to Commercial Mixed Use –5 Stories- Conditional, (CX-5-CU).
<i>Area of Request</i>	2.64 acres
<i>Property Owner</i>	Phil McNeely G&I VII CBL TTC, LLC 220 E 42nd Street, Floor 27 New York, NY 10017-5819
<i>Applicant</i>	Rick Baker Timmons Group 5410 Trinity Road, Suite 102 Raleigh, NC 27606
<i>Citizens Advisory Council (CAC)</i>	Northeast – Lillian Thompson, Chairperson <a href="mailto:lillianonline@icloud.com">lillianonline@icloud.com</a>
<i>PC Recommendation Deadline</i>	March 3, 2017

## Comprehensive Plan Consistency

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

## Future Land Use Map Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

## Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Regional Mixed Use Parks and Open Space
<b><i>URBAN FORM</i></b>	Center: City Growth Center Corridor: Sumner Blvd; Urban Thoroughfare Corridor: Triangle Town Blvd: Main Street
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy UD 1.10 – Frontage Policy UD 2.5 – Greenway Access Policy AP-TTC 10 – Triangle Town Center SW Land Uses Policy AP-TTC 13 – Sumner-Spring Forest Park Greenway Extension
<b><i>INCONSISTENT Policies</i></b>	Policy LU 6.4 – Bus Stop Dedication

## Summary of Proposed Conditions

- |   |
|---|
| <ol style="list-style-type: none"> <li>Principal Buildings other than those containing Hotel, Motel, or Inn uses shall be limited to 4 stories and 62 feet in height.</li> <li>Pedestrian connection shall be made to the existing Greenway Easement and Maintenance Agreement or adjacent property (PIN 1727506318)</li> </ol> |
|---|

## Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
August 24, 2016	Northeast December 8, 2016 <i>Vote not held as of writing this staff report (12/5/2016)</i>	December 13, 2016	

### Attachments

- Staff report

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

Sophie Huemer: (919) 996-2652; [Sophie.Huemer@raleighnc.gov](mailto:Sophie.Huemer@raleighnc.gov)



# Zoning Staff Report – Z-35-16

## Conditional Use District

### Case Summary

#### Overview

The subject site is a 2.64 acre parcel located at the northwest quadrant of the intersection of Sumner Boulevard and Triangle Town Boulevard. The site is currently unimproved. There is a recorded Tree Conservation Area on the Sumner Boulevard frontage as well as a five-foot sidewalk. Existing along the Triangle Town Boulevard frontage is the Spring Forest Trail and associated dedicated easement.

The site is in an area characterized by predominantly commercial and retail uses. The area is included in the Triangle Town Center area plan. The Urban Form Map designates the area as a City Growth Center, Sumner Boulevard as an Urban Thoroughfare, and Triangle Town Boulevard as a Main Street. The site and the surrounding area are envisioned to become an efficient mixed-use development with strong pedestrian corridors and coordination between the use of the land and the transportation systems that serve those areas.

The site is within the Triangle Town Center area plan's Southwest Quadrant. Policies in the small area plan for this quadrant and applicable to the site are focused on pedestrian paths along Sumner Boulevard and the Sumner-Spring Forest Park Greenway extension. The area plan land use map calls for "commercial uses with the Triangle Town Center mall being the primary development feature."

The property north and west of the site is the Triangle Town Center Mall, zoned Commercial Mixed Use – 3 Stories-Urban Limited. South of the property across Sumner Boulevard is an undeveloped site zoned Commercial Mixed Use – 5 Stories – Urban Limited – Conditional Use. East of the site across Triangle Town Center Boulevard is developed with commercial uses and zoned Commercial Mixed Use-4 Stories-Conditional Use.

The proposal seeks to rezone the property to allow for additional height within the Commercial Mixed Use zoning district and remove the Urban Limited Frontage in order to satisfy the recorded Tree Conservation Area requirement along Sumner Boulevard. Conditions have been provided to include a pedestrian connection to the adjacent Spring Forest trail greenway.

#### Outstanding Issues

<i>Outstanding Issues</i>	1. Transit easement requested.	<i>Suggested Mitigation</i>	1. Offer of Transit easement on Triangle Town Boulevard.
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**Existing Zoning Map** **Z-35-2016**



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Zoning</b>	Commercial Mixed Use-3-Urban Limited	Commercial Mixed Use-3-Urban Limited	Commercial Mixed Use-5-Urban Limited-CU	Commercial Mixed Use-4-Urban Limited	Commercial Mixed Use-3-Urban Limited
<b>Additional Overlay</b>	n/a	n/a	n/a	n/a	n/a
<b>Future Land Use</b>	Regional Mixed Use & Public Parks and Open Space	Regional Mixed Use & Public Parks and Open Space	Community Mixed Use	Community Mixed Use	Regional Mixed Use & Public Parks and Open Space
<b>Current Land Use</b>	Undeveloped	Commercial	Undeveloped	Commercial	Commercial
<b>Urban Form (if applicable)</b>	City Growth Center; Main Street Corridor; Urban Thoroughfare Corridor	City Growth Center; Main Street Corridor; Urban Thoroughfare Corridor	City Growth Center; Main Street Corridor; Urban Thoroughfare Corridor	City Growth Center; Main Street Corridor; Urban Thoroughfare Corridor	City Growth Center; Main Street Corridor; Urban Thoroughfare Corridor

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<b>Residential Density:</b>	24 units/acre (64 units)	27 units/acre (71 units)
<b>Setbacks:</b>		
<b>Front:</b>	10'	10'
<b>Side:</b>	10' from street; 5' from lot line	10' from street; 5' from lot line
<b>Rear:</b>	20'	20'
<b>Retail Intensity Permitted:</b>	15,860 sf	17,457 sf
<b>Office Intensity Permitted:</b>	59,513 sf	65,101 sf

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<b>Total Acreage</b>	2.64	2.64
<b>Zoning</b>	CX-3-UL	CX-5-CU
<b>Max. Gross Building SF (if applicable)</b>	<b>70,447</b>	<b>78,414</b>
<b>Max. # of Residential Units</b>	64 140 Hotel Units	71 165 Hotel Units

<i>Max. Gross Office SF</i>	59,513	65,101
<i>Max. Gross Retail SF</i>	15,860	17,457
<i>Max. Gross Industrial SF</i>	Not Permitted	Not Permitted
<i>Potential F.A.R</i>	.61	.68

\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

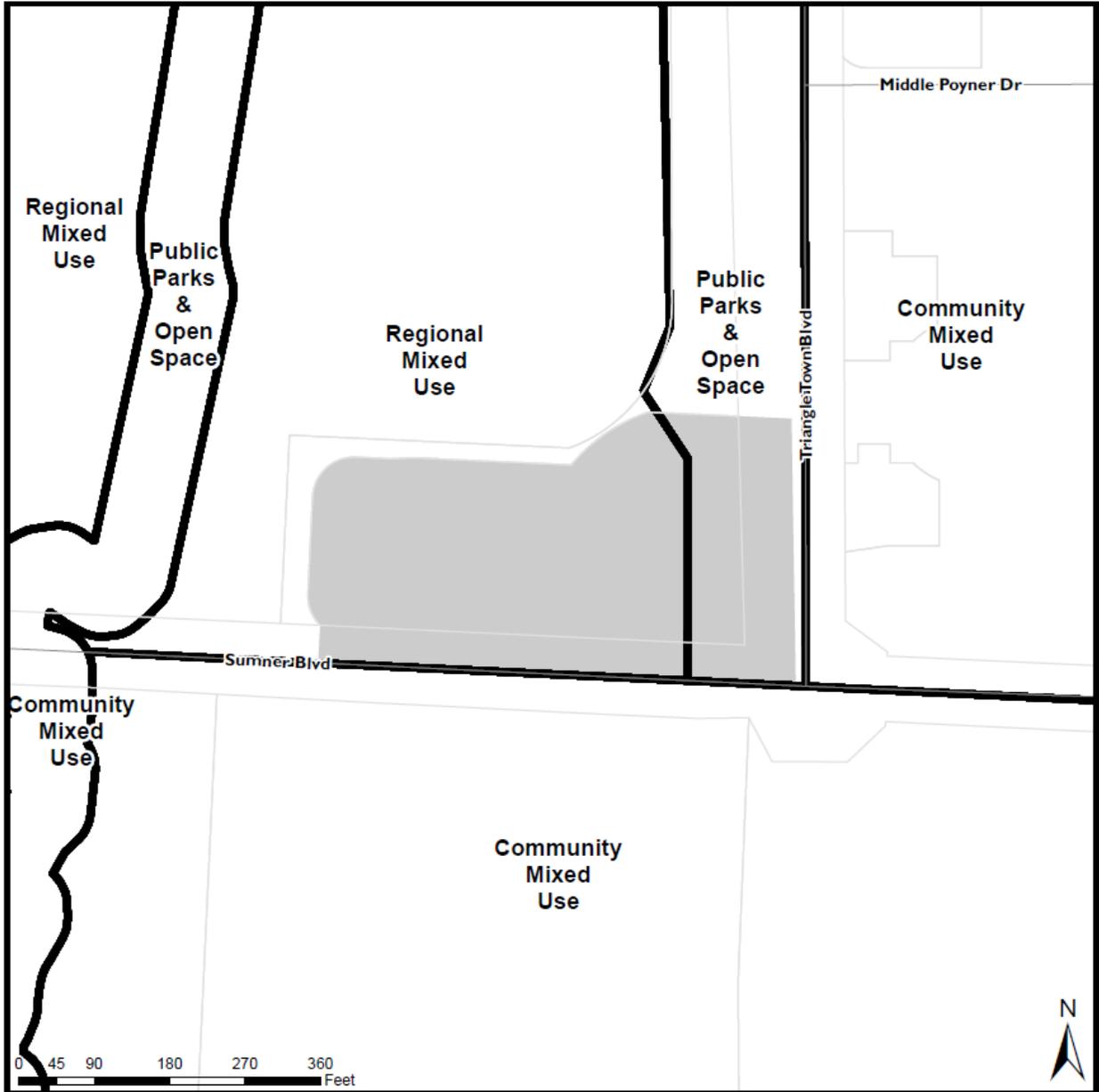
**Compatible** with the property and surrounding area.

**Incompatible.**

The site is in an area characterized by predominantly commercial and retail uses and is located adjacent to the established Triangle Town Center Mall. Uses in this area do not exceed three stories and are zoned for a height up to five stories.

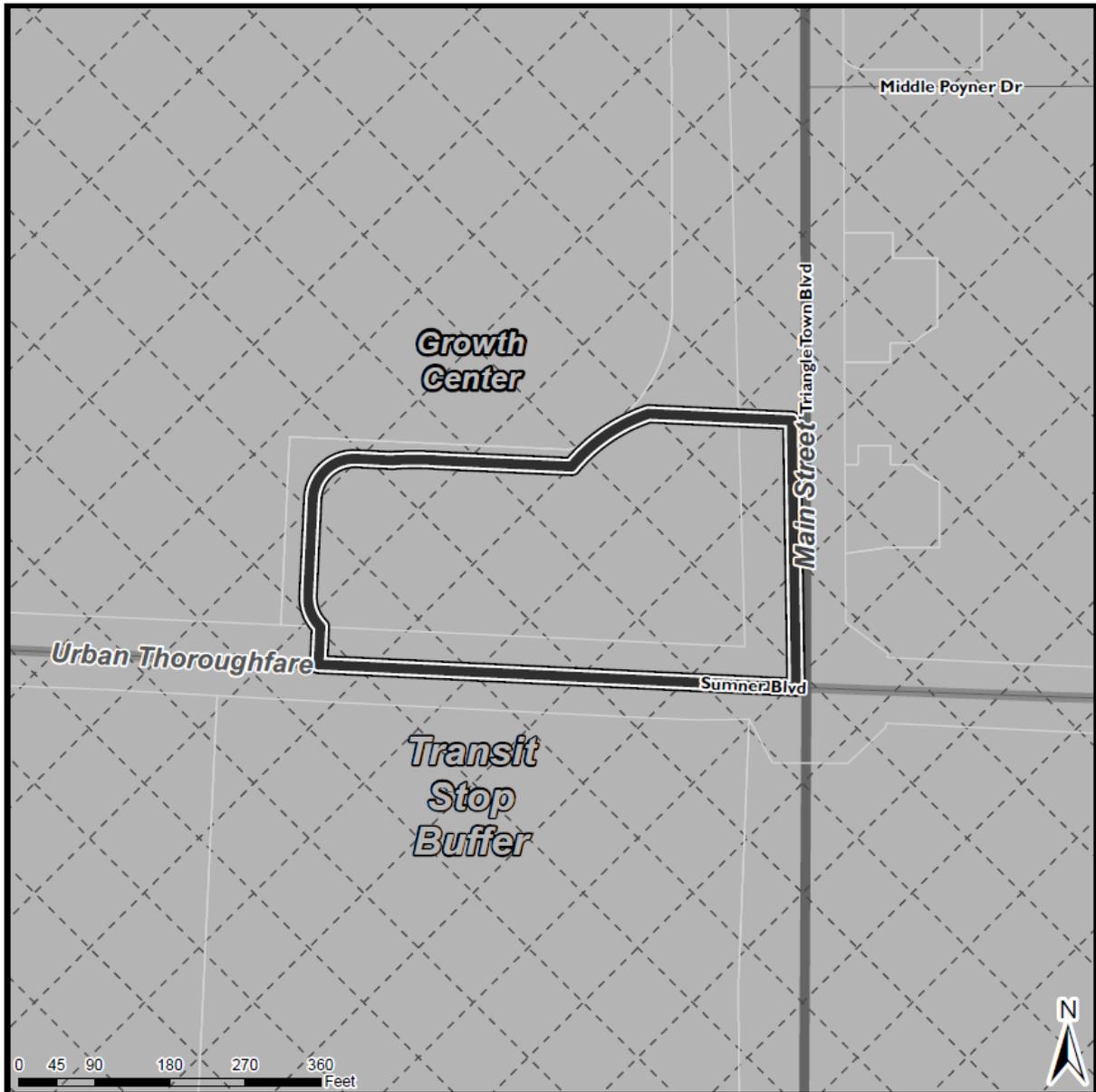
# Future Land Use Map

# Z-35-2016



# Urban Form Map

# Z-35-2016



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the vision, themes, and policies of the Comprehensive Plan. Specifically, the proposed district is consistent with the Managing Our Growth and the Growing successful Neighborhoods themes as the Commercial Mixed Use district provides a range of uses and access to the established Greenway Network.
- B. The Future Land Use Map designates Regional Mixed Use Future in this location. Commercial Mixed Use is consistent with this designation. Additionally, the proposed 5 story height is consistent with recommended height designation (Min. 2 Stories, Max. 20 Stories) for Core/Transit areas (Table LU-2).
- C. n/a
- D. City Infrastructure and services appear sufficient to accommodate the development possible under the proposed zoning. Sanitary Sewer Capacity Study and verification of fire flow is required at time of site plan.

### 2.2 Future Land Use

**Future Land Use designation: Regional Mixed Use**

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Commercial Mixed Use is consistent with the Regional Mixed Use Future Land Use designation. It allows a wide range of uses to serve the Triangle Town Center area.

### 2.3 Urban Form

**Urban Form designation:**

**Not applicable** (no Urban Form designation)

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**

Analysis of Inconsistency:

The removal of the Urban Limited Frontage is inconsistent with other properties west of Triangle Town Center Boulevard along Sumner Boulevard as well as the designations suggested by the Urban Form Map and applicable. However, the recorded Tree Conservation Area is in conflict with and would not allow any improvements associated with an Urban Frontage.

A condition has been offered to connect the property via pedestrian path to the adjacent Spring Forest Trail. This replicates the purpose of the frontage which is to provide for a walkable and pedestrian friendly environment across the development. Applying frontage along Sumner Boulevard given the TCA and steep topography is not a practical approach to achieving a walkable and pedestrian-friendly environment. The site is also located across from a pedestrian path to the interior of the Triangle Town Center Mall. While the proposed zoning district and the proposed height is consistent with the City Growth Center designation, the removal of the frontage is not consistent.

**2.4 Policy Guidance**

The rezoning request is **inconsistent** with the following policies:

**Policy LU 6.4: Bus Stop Dedication** – The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

Offer of a transit easement will bring the proposal into consistency with this policy. However, the TCA along Sumner Boulevard would not allow improvements to this frontage. There is an opportunity to provide a transit easement on Triangle Town Boulevard in cooperation with the Parks and Recreation department and the Spring Forest Trail.

**2.5 Area Plan Policy Guidance**

The rezoning request is **consistent** with the policies of the Triangle Town Center area plan.

**3. Public Benefit and Reasonableness Analysis**

**3.1 Public Benefits of the Proposed Rezoning**

- Proposed zoning provides additional height in an area envisioned to be a dense urban center.
- Commercial Mixed Use provides for a mix of uses to support the established uses in the City Growth Center.

### **3.2 Detriments of the Proposed Rezoning**

- Lack of transit easement will adversely impact coordination between land use and transportation policies.

## **4. Impact Analysis**

### **4.1 Transportation**

The site is located in the northwest quadrant of Sumner Boulevard and Triangle Town Boulevard. Both Sumner Boulevard and Triangle Town Boulevard are maintained by the City of Raleigh. Sumner Boulevard and Triangle Town Boulevard have a five-lane cross section with curb, gutter, sidewalks and/or multiuse paths on both sides. Sumner Boulevard is classified as a major street in the UDO Street Plan Map (Avenue, 4-Lane, Divided). Triangle Town Boulevard is a mixed-use street (Avenue, 2-Lane, Divided). There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-35-2016 site.

Site access to adjacent parcels and to the public street network will be provided via existing private streets of Triangle Town Center. Given the existing public and private street network in this area, the block perimeter standard is not applicable to case Z-35-2016.

The existing parcel is vacant and generates no traffic. Current zoning allows for a mix of uses such as hotel, multifamily residential, office and retail. Approval of case Z-35-2016 would increase these land use intensities by approximately 10%. Average peak hour trip volumes are expected to rise by 13 veh/hr; daily trip volume will increase by less than 150 veh/day. A traffic impact analysis report is not necessary for case Z-35-2016.

Z-35-2016 Existing Land Use (Vacant)	Daily	AM	PM
	0	0	0
Z-35-2016 Current Zoning Entitlements	Daily	AM	PM
	1,928	126	162
Z-35-2016 Proposed Zoning Maximums	Daily	AM	PM
	2,060	136	175
<b>Z-35-2016 Trip Volume Change (Proposed minus Existing)</b>	Daily	AM	PM
	132	10	13

**Impact Identified: None**

### **4.2 Transit**

1. Please provide a 15x20' transit easement along Triangle Town Blvd which will advance Policies LU 4.7 and LU 6.4
  - i. With the permission of the City of Raleigh Parks, Recreation and Cultural Resources Department in lieu of a transit easement space may be reserved for a transit shelter or other amenities

2. If requested by the City of Raleigh Transit Program please provide a 15x20' cement pad upon the transit easement or space within the greenway easement, a 30' cement landing zone between the back of curb and sidewalk, and ADA accessible shelter and appropriate amenities which will advance policies T 4.8 and T 4.15

**Impact Identified:** The offer of a transit easement will mitigate any impact.

**4.3 Hydrology**

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Perry Creek
<i>Stormwater Management</i>	Subject to stormwater regulations under Article 9 of UDO.
<i>Overlay District</i>	Urban Watershed Protection Overlay District

**Impact Identified:** None Identified

**4.4 Public Utilities**

<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
0 gpd	87,500 gpd	103,125 gpd
0 gpd	87,500 gpd	103,125 gpd

**Impact Identified:**

1. The proposed rezoning would add approximately 103,125 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

**4.5 Parks and Recreation**

1. Site is adjacent to greenway easement and existing trail (Spring Forest Trail). Please refer to dedicated greenway easement and maintenance agreement – Book: 008867-Page: 00246-00261.
2. Development adjacent to a greenway trail should link their internal pedestrian network to the greenway trail where appropriate.
3. Recreation services are provided by Spring Forest Road Park, 0.37 miles distance. Policy PR 3.8

**Impact Identified:** None Identified.

#### **4.6 Urban Forestry**

1. There is recorded Tree Conservation Area on this property BM2008, PG 2140.

**Impact Identified:** None

#### **4.7 Designated Historic Resources**

The Raleigh Historic Landmark Small House (310 Lake Boone Trail) is approximately 550 feet from the site.

**Impact Identified:** None.

#### **4.9 Impacts Summary**

1. Provide transit easement along Sumner Boulevard.

#### **4.10 Mitigation of Impacts**

1. Offer of a transit easement will mitigate any impact.

## **5. Conclusions**

The proposed rezoning is consistent with the Comprehensive Plan. The proposed zoning category and height is consistent in terms of use with the Future Land Use Map. However, the removal of the frontage is inconsistent with the Urban Form Map.

The recorded Tree Conservation Area along the frontage of Sumner Boulevard makes the application of any urban frontage infeasible. The condition provided to connect the development to the Spring Forest Trail along Triangle Town Boulevard is an appropriate application in order to advance the urban design purpose that would otherwise be served by the addition of a frontage. A transit easement is needed to be consistent with Policy LU 6.4.

The rezoning would not create any additional demand on infrastructure beyond existing zoning. Along from the urban design issues mentioned above, impacts from the development can be addressed at the site plan stage.

**Conditional Use District Zoning Conditions**

Zoning Case Number Z-35-16

**OFFICE USE ONLY**

Date Submitted December 2, 2016

**Transaction #**

Existing Zoning: CX-3-UL

Proposed Zoning: CX-5-

**NARRATIVE OF ZONING CONDITIONS OFFERED**

1. All principal buildings other than those listed below shall be limited to a maximum height of four (4) stories and sixty-two (62) feet. A. "hotel, motel, inn" use (UDO sec. 6.4.6.D.)

2. A pedestrian connection shall be made to the existing greenway along Triangle Town Blvd as allowed by the Greenway Easement and Maintenance Agreement (BK 8867 PG 246) recorded with the Wake County Register of Deeds or as allowed by a possible future easement on the property PIN# 1727506318 as may be required.

3.

4.

5.

6.

7.

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 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>  <b>Transaction #</b>
Existing Zoning Classification: <u>CX-3-UL</u> Proposed Zoning Classification Base District: <u>CX</u> Height: <u>-5</u> Frontage: <u>-</u>			
If the property has been previously rezoned, provide the rezoning case number: <u>Z-27(F)-14</u>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
462771			

GENERAL INFORMATION			
Property Address: 3951 Sumner Boulevard			Date: October 12, 2016
Property PIN: 1726-69-6549		Deed Reference (book/page): DB 16290, PG 1698	
Nearest Intersection: Sumner Boulevard and Triangle Town Boulevard			Property Size (acres): 2.64 acres
Property Owner/Address: G&I VIII CBL TTC, LLC 220 E 42nd Street, Floor 27 New York, NY 10017-5819		Phone: 423-490-8304	Fax: 423-893-4312
		Email: phil.mcneely@cblproperties.com	
Project Contact Person/Address: Rick Baker, Timmons Group 5410 Trinity Road, Suite 102 Raleigh, NC 27606		Phone: 919.866.4939	Fax:
		Email: rick.baker@timmons.com	
Owner/Agent Signature 		Email: rick.baker@timmons.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**

**OFFICE USE ONLY**

**Transaction #**

**Rezoning Case #**

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.

**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 designated "Regional Mixed Use" on the Future Land Use Map, which recommends high-density housing, office development, hotels and region-serving retail uses. The designation description notes that property classified RMU is zoned CX. The rezoning request for CX is consistent with the Future Land Use Map guidance.
2. The property is located within a City Growth Center and within a half-mile transit buffer, and is located along an Urban Thoroughfare and Main Street, all as shown on the Urban Form Map. The Comprehensive Plan recommends an urban frontage for property situated in this manner, and the rezoning request for an Urban Limited frontage is consistent with this guidance. Additionally, Table LU-2 Recommended Height Designations states that a maximum building height of 20 stories is appropriate for property designated Regional Mixed Use and located within a Core/Transit area. Therefore, the rezoning request for a maximum building height of 5 stories is consistent with this guidance.
3. The property is within the Triangle Town Center area plan, and is designated Commercial by the area plan. The rezoning request for CX, which permits commercial uses, is consistent with the Triangle Town Center area plan land use guidance.
3. The proposed rezoning is consistent with the following policies of the Comprehensive Plan: LU 1.2, LU 1.3, LU 3.2, LU 7.4, LU 7.6, AP-TTC 10, and AP-TTC 20.

**PUBLIC BENEFITS**

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

1. The rezoning request benefits the public by rezoning property consistent with the Future Land Use Map, Comprehensive Plan and Urban Form Map.
2. The rezoning request benefits the public by facilitating development of a vacant site within a mixed use center.
3. The rezoning request benefits the public by permitting additional building height within a commercial area that can accommodate such height and provide transition to nearby residential uses.

**REZONING APPLICATION SUBMITTAL REQUIREMENTS**

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced the <b>Rezoning Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Rezoning application review fee (see <b>Fee Schedule</b> for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application; Include electronic version via cd or flash drive	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Two sets of stamped envelopes addressed to all property owners within 100 feet of property to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Completed and signed zoning conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
10. Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
11. Completed Response to the Urban Design Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
12. For applications filed by a third party, proof of actual notice to the property owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

## 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 rezoning request permits a mixed-use development consistent with this guideline.**
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.*  
**The property is not adjacent to lower density neighborhoods.**
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.*  
**The property has access to the internal road network serving the mall, which provides multiple paths for movement within the mixed use area, consistent 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 anticipated as part of this development.**
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.*  
**The property is located at an intersection and is part of an established block, consistent 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 primary street will be lined with a building, and access will be located at the side and rear of the property, consistent with this guideline.**
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.*  
**Due to the existing Tree Conservation Easement and Greenway Easement this guideline cannot be fully met however the development will incorporate as fully as feasible.**
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.*  
**Due to the existing Tree Conservation Easement and Greenway Easement this guideline cannot be fully met however the development will incorporate as fully as feasible.**
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.*  
**Due to the existing Tree Conservation Easement and Greenway Easement this guideline cannot be fully met however the development will incorporate as fully as feasible.**
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.*  
**Due to the existing Tree Conservation Easement and Greenway Easement this guideline cannot be fully met however the development will incorporate as fully as feasible.**
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 contemplated as part of this development.**

17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>The property is within walking distance to existing and planned public transit facilities, consistent with this guideline.</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>The property fronts along two public streets, which provide pedestrian access to nearby public transit stops, 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 landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>There are no known sensitive environmental features on the property.</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 streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>No new streets are contemplated as part of this development, and a commercial driveway will comply with the UDO and Street Design Manual.</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 and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Sidewalks will be provided in accordance with the UDO.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Street trees and other landscaping will be provided in accordance with the UDO.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Due to the existing Tree Conservation Easement and Greenway Easement this guideline may not be fully met however the development will incorporate as fully as feasible.</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Due to the existing Tree Conservation Easement and Greenway Easement this guideline may not be fully met however the development will incorporate as fully as feasible.</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Due to the existing Tree Conservation Easement and Greenway Easement this guideline may not be fully met however the development will incorporate as fully as feasible.</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Due to the existing Tree Conservation Easement and Greenway Easement this guideline may not be fully met however the development will incorporate as fully as feasible.</b></p>



## TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

Neighborhood Meeting Minutes  
3951 Sumner Bldg Rezoning  
August 24, 2016 – 7:00 pm  
Millbrook Exchange Community Center  
1905 Spring Forest Road  
Raleigh, NC

No neighbors attended meeting. The only attendees were the Engineer and the developer. Please see attached sign in sheet.

5410 Trinity Rd. Suite 102 | Raleigh, NC 27607

TEL 919.866.4951 FAX 919.859.5663

Site Development | Residential | Infrastructure | Technology

[www.timmons.com](http://www.timmons.com)

To whom it may concern,

You are receiving this notice because our client is proposing to rezone the property at 3951 Sumner Blvd, Raleigh NC which is property near your property.

We will be holding a neighborhood meeting on Wednesday, August 24, 2016 from 7:00 pm to 8:00 pm to discuss the rezoning. This meeting will be held at the Millbrook Exchange Community Center, 1905 Spring Forrest Road, Raleigh NC 27615 in Room #1. You will have the opportunity at this meeting to ask questions and make comments.

The current zoning of this property is CX-3-UL (Commercial Mixed Use, 3 story, Urban Limited Frontage). The proposed rezoning is to CX-5-UL-CU (Commercial Mixed Use, 5 story, Urban Limited Frontage, Condition Use). Therefore the allowed height would be increased to 5 stories and conditions would be placed on the property. The conditions will be discussed at the meeting

I can be reached at [rick.baker@timmons.com](mailto:rick.baker@timmons.com) or 919-866-4939 if you have any questions.

Additional information can be obtained from the City of Raleigh by going to [www.raleighnc.gov](http://www.raleighnc.gov), calling 919-996-2626 or by e-mailing [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Baker', with a stylized flourish at the end.

Rick Baker, PE

Manager- Private Land Development

Timmons Group

G & I VIII CBL TTC LLC  
220 E. 42nd St. FL 27  
New York, NY 10017  
PIN: 1726690059

Broughton Properties  
1106 Marlowe Rd  
Raleigh, NC 27609  
PIN: 1726681771

Capital Land Investment Co.  
4412 Delta Lake Dr.  
Raleigh, NC 27612  
PIN: 1726681771

G & I VIII CBL TTC LLC  
220 E. 42nd St. FL 27  
New York, NY 10017  
PIN: 1726797717

Redus NC ALL LLC  
1 Independent Dr. Ste. 615  
Jacksonville, FL 32202  
PIN: 1726790653

May Department Store Company  
7 W 7th Street  
Cincinnati, OH 45202  
PIN: 1726693978

A&C Properties LLC  
6021 Poyner Village Pkwy Ste. 109  
Raleigh, NC 27616  
PIN: 1726790859

G & I VIII CBL TTC LLC  
220 E. 42nd St. FL 27  
New York, NY 10017  
PIN: 1727506318

<b>Z-35-2016 Traffic Study Worksheet</b>		
<b>6.23.4</b>	<b>Trip Generation</b>	<b>Meets TIA Conditions? (Y/N)</b>
A	Peak Hour Trips $\geq$ 150 veh/hr	No, the change in average peak hour trip volume is 13 veh/hr
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane road	No
C	More than 100 veh/hr trips in the peak direction	No
D	Daily Trips $\geq$ 3,000 veh/day	No, the change in average daily trip volume is 132 veh/day
E	Enrollment increases at public or private schools	Not Applicable
<b>6.23.5</b>	<b>Site Context</b>	<b>Meets TIA Conditions? (Y/N)</b>
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	No
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No
C	Creates a fourth leg at an existing signalized intersection	No
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	No
F	Proposed access is within 1,000 feet of an interchange	No
G	Involves an existing or proposed median crossover	No
H	Involves an active roadway construction project	No
I	Involves a break in controlled access along a corridor	No
<b>6.23.6</b>	<b>Miscellaneous Applications</b>	<b>Meets TIA Conditions? (Y/N)</b>
A	Planned Development Districts	No
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of October 16, 2016





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: Z-36-16 North Tarboro Street

<i>Location</i>	North Tarboro Street, northeast corner of intersection with East Lane Street Address: 0, 308, and 310 North Tarboro Street PIN: 1714201254, 1714201353, 1714202345
<i>Request</i>	Rezone property from Residential Mixed Use-Three Stories (RX-3) to Office Mixed Use-Three Stories-Conditional Use (OX-3-CU)
<i>Area of Request</i>	.78 acres
<i>Property Owner</i>	Saint Augustine's University
<i>Applicant</i>	Andre Johnson Architect
<i>Citizens Advisory Council (CAC)</i>	North Central CAC
<i>PC Recommendation Deadline</i>	March 13, 2017

### Comprehensive Plan Consistency

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

### Future Land Use Map Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Medium Density Residential
<b><i>URBAN FORM</i></b>	Center: None Corridor: None
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.3—Conditional Use District Consistency Policy LU 2.6—Zoning and Infrastructure Impacts Policy LU 5.3—Institutional Uses Policy LU 5.6—Buffering Requirements Policy ED 4.7—Supporting Colleges and Universities
<b><i>INCONSISTENT Policies</i></b>	Policy LU 1.2—Future Land Use Map and Zoning Consistency

### Summary of Proposed Conditions

1. Uses restricted to those in RX (current zoning), School, and College, Community College, University.
2. Any new construction would:
  - Be limited to 30' in height.
  - Restrict exterior materials to brick, fiber cement, wood, or clapboard.
  - Have a pitched roof with a minimum pitch of 4:12 and a maximum of 12:12 or low slope roof with minimum slope of 1/4" per foot.

## Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
9/7/16	11/15/16: Y-11 ; N-0	12/13/16		

### Attachments

1. Staff report
2. Proposed zoning conditions
3. Traffic Impact Analysis worksheet

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	<p><i>The following topics should be addressed:</i></p> <ul style="list-style-type: none"> <li>• <i>Consistency with the Comprehensive Plan, Future Land Use Map, and other policy guidance</i></li> <li>• <i>Whether the proposal is reasonable and in the public interest</i></li> <li>• <i>Compatibility with the surrounding area</i></li> </ul>
<i>Motion and Vote</i>	<p>Motion: Second: In Favor: Opposed: Excused:</p>

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator: Jason Hardin: (919) 996-2657; [Jason.Hardin@raleighnc.gov](mailto:Jason.Hardin@raleighnc.gov)



# Zoning Staff Report – Z-36-16

## Conditional Use District

### Case Summary

This zoning request involves a .78-acre site made up of three parcels owned by Saint Augustine's University. The property is located at the northeast corner of the intersection of North Tarboro Street and East Lane Street, a block south of the bulk of the university's campus.

The subject property has been owned by the university for several decades. Most recently, it served as a day care facility; it currently sits vacant. The university is proposing to convert the existing building into a teaching facility, a use not permitted in the existing zoning category of Residential Mixed Use-Three Stories (RX-3). The requested zoning is Office Mixed Use-Three Stories-Conditional Use (OX-3-CU). Conditions would limit uses to those in RX, plus School and College, Community College, University. The Future Land Use Map designates the subject property as Medium Density Residential.

Adjacent properties include a range of current and future land uses and zoning categories. Properties to the north and east are used for single-unit living, while a cemetery is located across East Lane Street to the south. To the west, properties include vacant lots and a building owned by Saint Augustine's College Community Development Corporation.

Properties to the south and east are zoned R-10, while OX-3 and RX-3 zoning exists to the west across North Tarboro Street. Properties to the north are zoned RX-3, as is the subject property.

The Future Land Use Map designates properties to the north and west as Neighborhood Mixed Use. The cemetery to the south is designated as Public Parks and Open Space, while properties to the east are Moderate Density Residential. Neither the subject property nor adjacent properties are shown on the Urban Form Map.

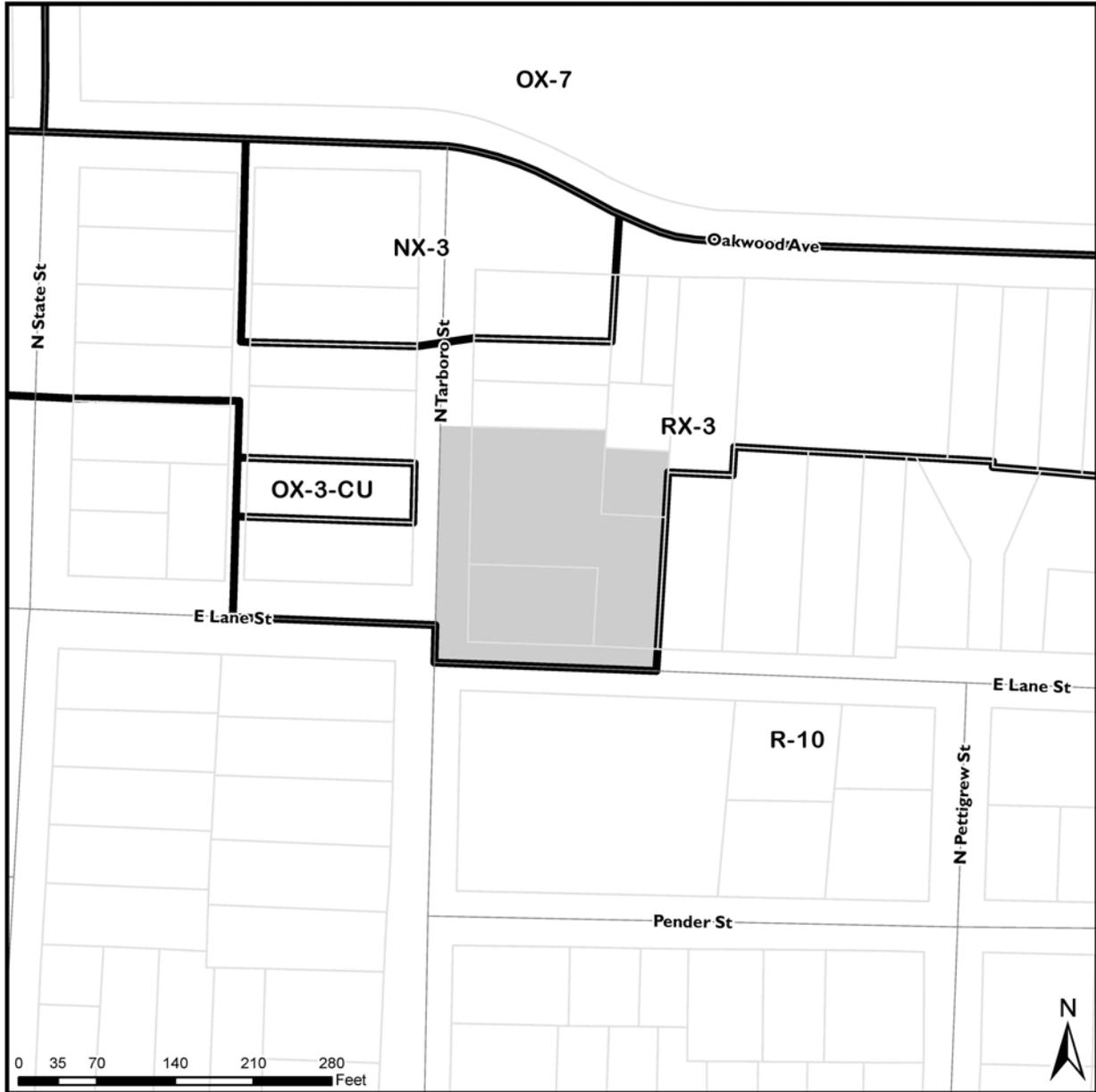
In addition to the conditions mentioned above restricting use, conditions included with the request would address height and materials in the event of redevelopment. Height would be restricted to 30', while exterior materials would be limited to brick, fiber cement, wood, or clapboard.

### Outstanding Issues

<p><i>Outstanding Issues</i></p>	<p>1. Sewer and fire flow matters may need to be addressed upon any redevelopment of the property.</p>	<p><i>Suggested Mitigation</i></p>	<p>1. If the property is redeveloped, address sewer and fire flow capacities at the site plan stage.</p>
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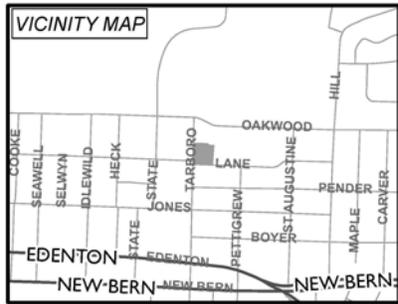
# Existing Zoning Map

# Z-36-2016



**Submittal Date**  
10/13/2016

**Request:**  
0.78 acres from  
**RX-3**  
to **OX-3-CU**



Map Date: 10/17/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	RX-3	RX-3	R-10	R-10	RX-3/OX-3
<i>Additional Overlay</i>	-	-	-	-	-
<i>Future Land Use</i>	Medium Density Residential	Neighborhood Mixed Use	Public Parks and Open Space	Moderate Density Residential	Neighborhood Mixed Use
<i>Current Land Use</i>	Vacant building; former day care	Single-unit living	Cemetery	Single-unit living	Saint Augustine Community Development Corp./Vacant
<i>Urban Form (if applicable)</i>	-	-	-	-	-

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density (max.):</i>	33 units/acre	33 units/acre
<i>Setbacks (min.):</i>		
<i>Front:</i>	5'	5'
<i>Side:</i>	0' or 6'	0' or 6'
<i>Rear:</i>	50' (transition to R-10 property on E. Lane St.)	50' (transition to R-10 property on E. Lane St.)
<i>Retail Intensity Permitted:</i>	3,650 sf	3,650 sf
<i>Office Intensity Permitted:</i>	3,795 sf	22,812 sf

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	.78	.78
<i>Zoning</i>	RX-3	OX-3-CU
<i>Max. Gross Building SF (if applicable)</i>	25,802 sf	25,802 sf
<i>Max. # of Residential Units</i>	26	26
<i>Max. Gross Office SF</i>	3,795 sf	22,812 sf
<i>Max. Gross Retail SF</i>	3,650 sf	3,650 sf
<i>Max. Gross Industrial SF</i>	-	-
<i>Potential F.A.R.</i>	.76	.76

*\*These development intensities were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

The proposed rezoning is:

**Compatible** with the property and surrounding area.

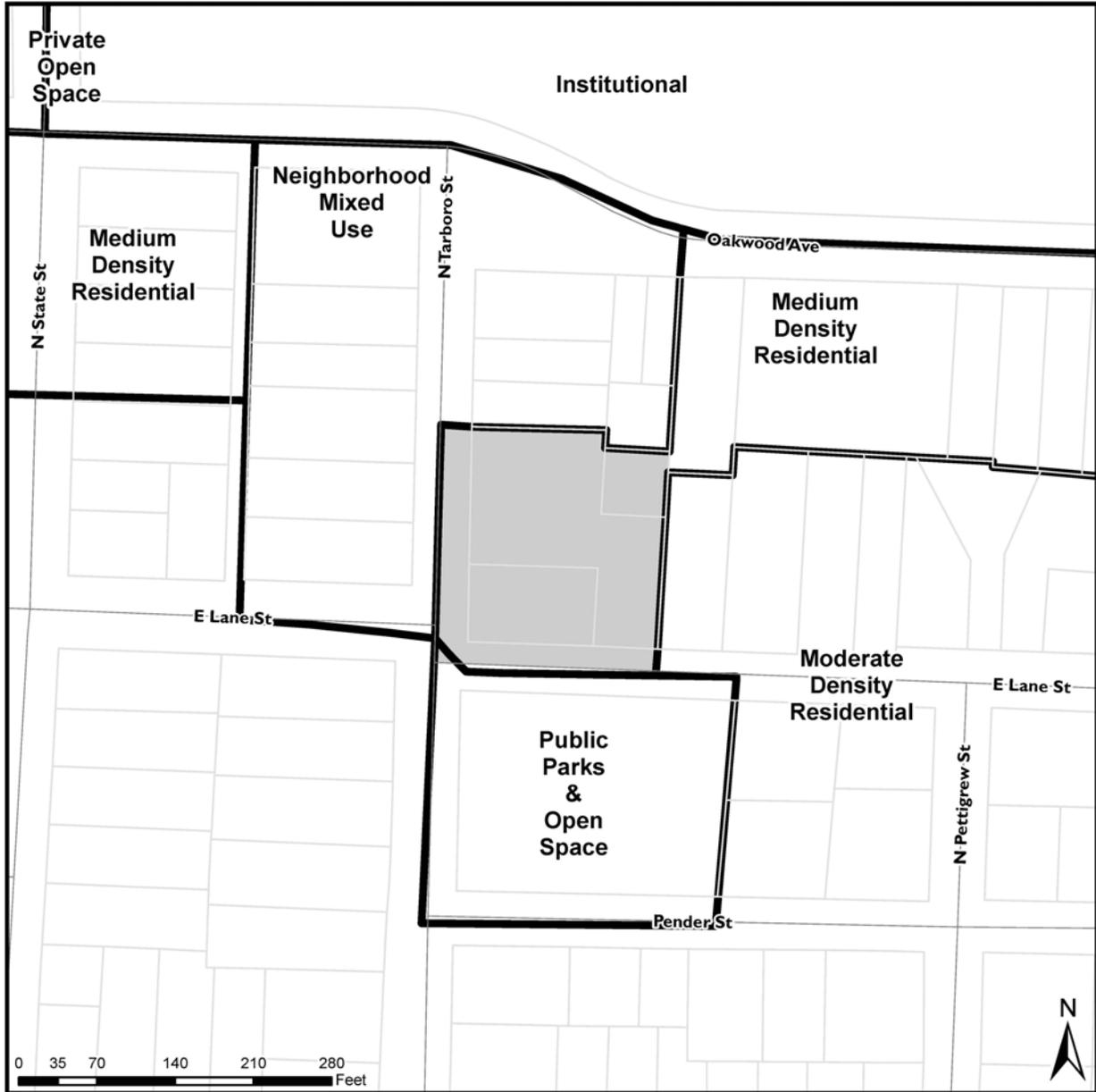
**Incompatible.**

Analysis of Incompatibility:

The building is owned by Saint Augustine's University and has been used by the University as a day care. The proposed OX zoning, with conditions limiting additional uses to the existing zoning of RX plus School/College, would not significantly change the impact of allowed uses and, if the property is redeveloped, would result in redevelopment that is compatible with the surrounding area.

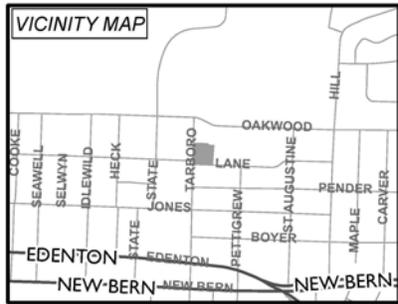
# Future Land Use Map

# Z-36-2016




**Submittal Date**  
10/13/2016

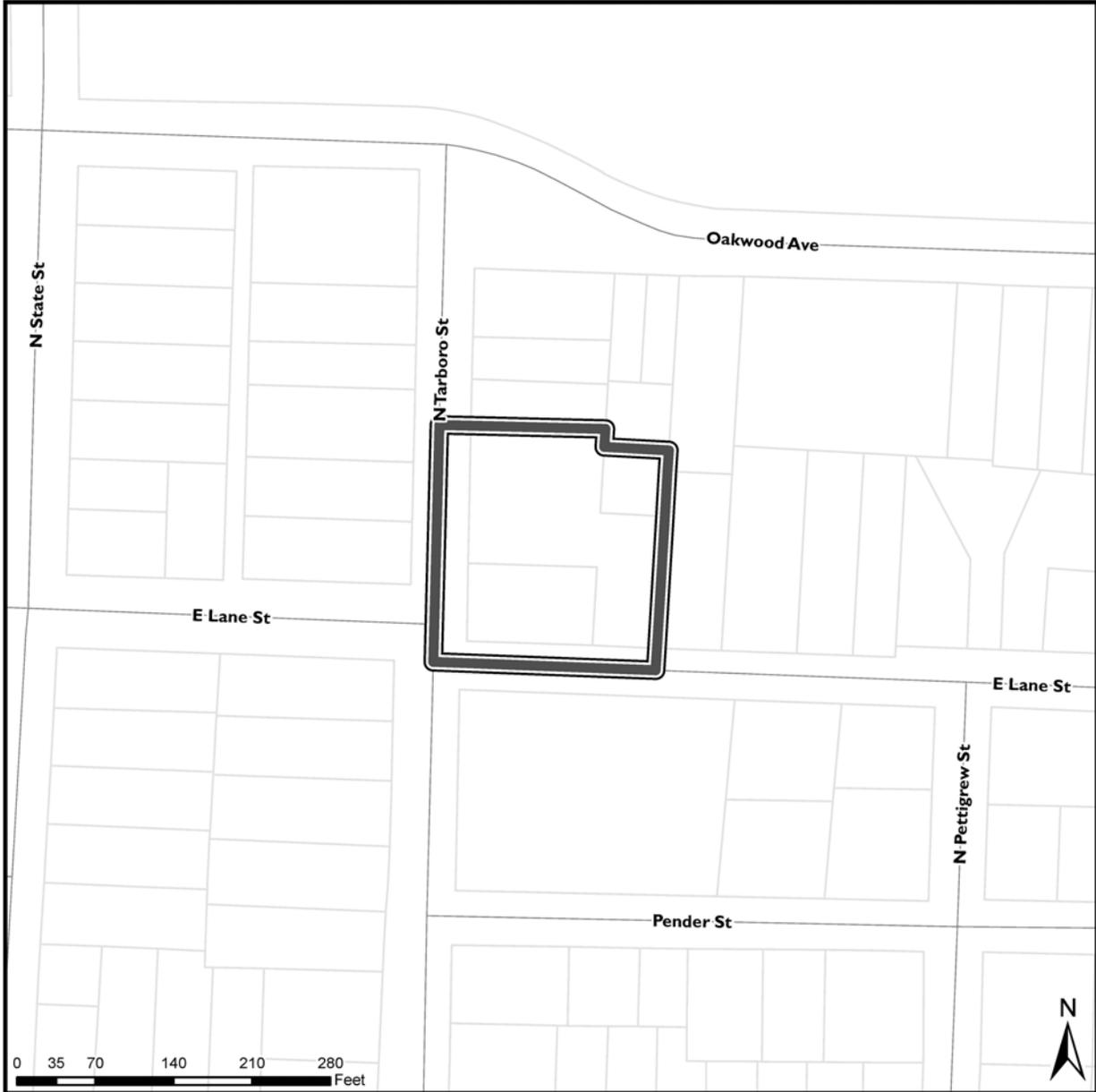
**Request:**  
0.78 acres from  
**RX-3**  
to **OX-3-CU**



Map Date: 10/17/2016

# Urban Form Map

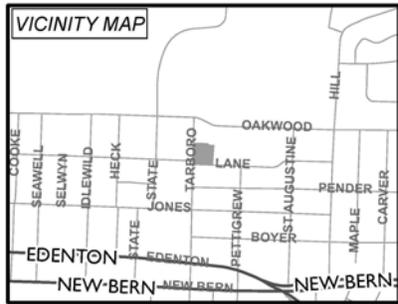
# Z-36-2016



**Submittal Date**

10/13/2016

**Request:**  
0.78 acres from  
**RX-3**  
to **OX-3-CU**



Map Date: 10/17/2016

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is generally consistent with the vision, themes and policies contained in the Plan. While it is not consistent with the FLUM, conditions would limit impact on adjacent properties. By allowing a University use, the proposal would support the theme of Economic Prosperity and Equity, which describes connections between educational opportunities and economic development.
- B. The use is not specifically designated on the FLUM, which designates this area as Medium Density Residential.
- C. The use is not specifically designated on the FLUM, but would support the nearby Saint Augustine's University uses designated as OX to the north of the subject property. Additionally, the use, given the included conditions, can be established without adversely altering the recommended land use of the area.
- D. The proposal would not create any additional impacts on infrastructure.

### 2.2 Future Land Use

**Future Land Use designation: Medium Density Residential**

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Analysis of Inconsistency:

The FLUM designates this area as Medium Density Residential, a category that does not envision the Institutional use included in the rezoning request.

### 2.3 Urban Form

**Urban Form designation: None**

**Not applicable** (no Urban Form designation)

## **2.4 Policy Guidance**

The rezoning request is **consistent** with the following policies:

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

The proposed conditions are consistent with the Plan and increase the overall consistency of the request.

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

Additional infrastructure impacts would be minimal.

Policy LU 5.3 Institutional Uses. Ensure that when institutional uses, such as private schools, child care facilities, and similar uses are permitted in residential neighborhoods, they are designed and operated in a manner that is sensitive to neighborhood issues and that maintains quality of life. Encourage institutions and neighborhoods to work proactively to address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion.

Policy LU 5.6—Buffering Requirements. New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The request, by including conditions limiting height and specifying materials for any new construction, meets these policies to the extent reasonably possible through the rezoning process.

Policy ED 4.7 Supporting Colleges and Universities. Promote economic stability and prosperity by supporting the area universities and colleges that contribute to developing Raleigh’s educated and creative workforce.

By allowing Saint Augustine’s University to use the property for a College use, the proposal is consistent with this policy.

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2—Future Land Use Map and Zoning Consistency. The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The FLUM designates this area as Medium Density Residential, a category that does not envision the proposed uses of RX plus two Institutional uses: 1) School and 2) College, Community College, University.

## **2.5 Area Plan Policy Guidance**

Not applicable.

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- The rezoning would allow Saint Augustine's University to use the facility for institutional purposes.
- The rezoning includes conditions that, should the building be demolished, specify height limits and exterior materials.

### **3.2 Detriments of the Proposed Rezoning**

- None

## **4. Impact Analysis**

### **4.1 Transportation**

The site is located in the northeast quadrant of Tarboro Street and Lane Street. Both Tarboro Street and Lane Street are maintained by the City of Raleigh. Tarboro Street currently has a two-lane cross section with curbs and sidewalks on both sides. Lane Street has a two-lane cross section, with curbing, but lacks a sidewalk across the Z-36-2016 parcel's frontage. Lane Street is classified as a neighborhood street in the UDO Street Plan Map. Tarboro Street is a local street.

There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-36-2016 site. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the boundaries of the Z-36-2016 parcels. Site access will be provided via Tarboro Street and Lane Street.

In accordance with UDO section 8.3.2, the maximum block perimeter for RX-3 zoning is 3,000 feet. The block perimeter for Z-36-2016, as defined by public rights-of-way for Tarboro Street, Lane Street, St Augustine Avenue and Oakwood Avenue is 2,500 feet.

The existing building is a disused Day Care Center which generates no traffic. Approval of case Z-36-2016 would increase average peak hour trip volumes by 29 veh/hr in the AM peak and by 40 veh/hr in the PM peak; daily trip volume will increase by less than 350 veh/day. A traffic impact analysis report is not necessary for case Z-36-2016.

Z-36-2016 Existing Land Use (Disused Day Care Center)	Daily	AM	PM
	0	0	0
Z-36-2016 Current Zoning Entitlements	Daily	AM	PM
	773	35	60
Z-36-2016 Proposed Zoning Maximums	Daily	AM	PM
	1,119	64	100
Z-36-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	346	29	40

**Impact Identified: None**

#### 4.2 Transit

1. This block of Tarboro Rd is served by GoRaleigh Route 10 Longview
2. There is an existing outbound stop on Tarboro/Oakwood and an inbound stop on Lane/State
3. There are no transit requests

**Impact Identified: None**

#### 4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Pigeon House
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

**Impact Identified: No major impacts identified.**

#### 4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	-	16,250 gpd	16,250 gpd
<i>Waste Water</i>	-	16,250 gpd	16,250 gpd

The rezoning would not change the potential demands on the wastewater collection and water distribution systems of the City as the allowable unit counts remain the same between the existing and proposed zoning classifications. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

**Impact Identified:** Sewer capacity and fire flow studies may be required at time of development plan submittal.

#### **4.5 Parks and Recreation**

1. There are no existing or proposed greenway trails, corridors, or connectors within or adjacent to the site. Nearest trail access is 0.8 miles, Little Rock Trail.
2. Recreation services are provided by Tarboro Road Center, 0.1 miles distance.

**Impact Identified:** None.

#### **4.6 Urban Forestry**

This proposed rezoning is less than two acres, is not wooded and is not subject to UDO Article 9.1 Tree Conservation.

**Impact Identified:** None

#### **4.7 Designated Historic Resources**

The site is across the street from the Raleigh Historic Landmark O'Rorke Catholic Cemetery (1101 Pender St) and within 1,000 feet of the following Raleigh Historic Landmarks:

- Lemuel and Julia Delany House (210 N State St);
- David and Ernestine Weaver House (1203 E Lane St);
- St. Agnes Hospital (1315 Oakwood Ave), Chapel;
- St. Augustine's College (1315 Oakwood Ave);
- Saint Monica's School (121 N Tarboro St).

**Impact Identified:** None.

#### **4.8 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon any redevelopment of the property.

#### **4.9 Mitigation of Impacts**

If the property is redeveloped, address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

While the proposal is not consistent with the Future Land Use Map, it is generally consistent with the vision, themes and policies in the Comprehensive Plan. The request is to rezone to Office Mixed Use with conditions that would essentially retain the existing RX zoning with the addition of School and College, Community College, University uses. These additional uses would not greatly change the impacts to adjoining properties. The proposal also includes conditions that would limit height and specify materials in the event the property is redeveloped.

Additionally, by allowing a University use, the proposal would support the theme of Economic Prosperity and Equity, which describes connections between educational opportunities and economic development, and the specific policy of ED 4.7 Supporting Colleges and Universities.

**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number	<b>Z-36-16</b>	<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #	
Date Submitted	<b>November 30, 2016</b>		
Existing Zoning	RX-3		Proposed Zoning

**Narrative Of Zoning Conditions Offered**

Permitted Uses shall be as follows:

1. A. School (elementary, middle and high) including colleges, community colleges, technical institution, specialty school and university  
 B. All permitted uses allowed in zoning category RX  
 C. All other uses except those identified above shall be prohibited

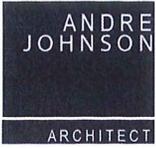
If the existing structure is demolished, removed or the exterior altered the following shall apply:

2. A. Exterior building material of brick, cementitious fiber panels or boards, wood or clapboard siding  
 B. A maximum height of thirty (30) feet.  
 C. A pitched roof with a minimum pitch of 4:12 and a maximum of 12:12 or low slope roof with minimum slope of 1/4" per foot

- 3.
- 4.
- 5.
- 6.
- 7.
- 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 Andre L. Johnson, AIA, NCARB



PO Box 14637  
Raleigh, North Carolina 27620  
T 919 661-6935  
F 919 662-2589  
www.andrejohnsonarchitect.com

August 26, 2016

RE: 0 North Tarboro Street  
308 North Tarboro Street  
310 North Tarboro Street

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on September 7, 2016. The meeting will be held at 1315 Oakwood Avenue in the Pennick Hall Auditorium Room # 109 on the campus of St. Augustine's University and will begin at 6:00 pm.

The purpose of this meeting is to discuss a potential rezoning of the property located at the following addresses: 0 North Tarboro Street, 308 North Tarboro Street and 310 North Tarboro Street. The site is currently zoned RX-3 and is proposed to be rezoned to OX.

This request for rezoning is comparable to adjacent properties to these listed addresses and will create a consistent "block" along North Tarboro that will benefit the community.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighboring meeting involving the property owners within 100 feet of the area requested for rezoning.

If you have any concerns or questions I can be reached at:

(919) 815-8753

Thank you,

**ANDRE JOHNSON ARCHITECT**

A handwritten signature in black ink, appearing to read "Andre Johnson", written over a white background.

Andre L. Johnson, AIA, NCARB  
Principal and Owner

cc: Central File  
C:\Andre Johnson, Architect\Projects\P1532.00 St. Aug University Tuttle Daycare Renovation\Adjacent Property Owners.doc

## SUMMARY OF ISSUES

A neighborhood meeting was held on September 7, 2016 (date) to discuss a potential rezoning located at 310 North Tarboro Street (property address).

The neighborhood meeting was held at St. Augustine's University (location).

There were approximately 2 (number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:

There were no concerns raised by the neighbors attending the meeting.

The only topic that was discussed was the location of parking for the facility.

Neighbors were curious of proposed construction time line once rezoning is approved (if approved)



# Rezoning Application



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



OCT 19 2016 PM 3:19

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	Existing Zoning Classification <u>RX-3</u>		<b>OFFICE USE ONLY</b> Transaction # <span style="font-size: 1.2em; color: blue;">481998</span>
Proposed Zoning Classification Base District <u>OX</u>	Height <del>40</del> <sup>ask</sup> 3 Stories	Frontage <del>20 ft</del> <sup>ask</sup>	
If the property has been previously rezoned, provide the rezoning case number: <b>Property has not been previously rezoned</b>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
481998			

GENERAL INFORMATION			
Property Address <u>0 North Tarboro Street, 308 North Tarboro Street and 310 North Tarboro Street</u>			Date <u>7/31/2016</u>
Property PIN <u>1714202345, 1714201254, 1714201353</u>		Deed Reference (book/page) <u>02675 0719</u>	
Nearest Intersection <u>North Tarboro Street / East Lane Street</u>		Property Size (acres) <u>0.78 Acres</u>	
Property Owner/Address Saint Augustine University 1315 Oakwood Avenue Raleigh, North Carolina 27610-2247		Phone <u>919-516-4410</u> Fax <u>919-828-0817</u>	Email <u>sehairston@st-aug.edu</u>
Project Contact Person/Address Andre L. Johnson Andre Johnson Architect PO Box 14637 Raleigh, North Carolina 27620		Phone <u>919-661-6935</u> Fax <u>919-662-2589</u>	Email <u>andre@andrejohnsonarchitect.com</u>
Owner/Agent Signature		Email <u>andre@andrejohnsonarchitect.com</u>	

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**

**OFFICE USE ONLY**

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.

Transaction #  
**481998**  
Rezoning Case #  
**Z-36-16**

**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.

The proposed City of Raleigh 2030 plan requires this particular parcel to be built for medium density residential. The plan has proposed that adjacent properties be business and commercial services with institutional immediately north of Oakwood Avenue.

The proposed use is not consistent with the proposed use presented by the City of Raleigh 2030 comprehensive plan. However it is noted that the proposed plan has business and commercial use immediately north and adjacent to the said property. The proposed zoning request of OX is consistent with the immediate properties to the north.

Allowing the OX designation will actually create a larger and more consistent area for business and commercial development as proposed by the City of Raleigh 2030 Comprehensive plan.

The Owner already owns property directly adjacent to this property that is currently zoned OX and the addition of this property would create a consistency of the owner's property.

**PUBLIC BENEFITS**

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

We believe that granting the rezoning request has significant benefit to the public, especially immediately adjacent to the University. The proposed rezoning will allow the university to provide a teaching facility in the neighborhood immediately adjacent to the school.

St. Augustine's University has held this property since 1978 and the facility has been there since 1970. Allowing students from the university to be more a part of the surrounding community will improve safety and help in the planned improvements in the area around the school.

Since our proposed improvements are completely on the interior of the existing property, there will be no exterior modifications, no new building or any other external indication that would create a facility that is different than what exists or what is near the property currently.

4.

Z-36-2016 Existing Land Use (Disused Day Care Center)	Daily 0	AM 0	PM 0
Z-36-2016 Current Zoning Entitlements	Daily 773	AM 35	PM 60
Z-36-2016 Proposed Zoning Maximums	Daily 1,119	AM 64	PM 100
Z-36-2016 Trip Gen Change (Proposed minus Existing)	Daily 346	AM 29	PM 40
<b>Z-36-2016 Traffic Study Worksheet</b>			
<b>6.23.4 Trip Generation</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Peak Hour Trips $\geq$ 150 veh/hr	No, the change in average peak hour trip volume is 40 veh/hr	
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane road	No	
C	More than 100 veh/hr trips in the peak direction	No	
D	Daily Trips $\geq$ 3,000 veh/day	No, the change in average daily trip volume is 346 veh/day	
E	Enrollment increases at public or private schools	Not Applicable	
<b>6.23.5 Site Context</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	No	
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No	
C	Creates a fourth leg at an existing signalized intersection	No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	No	
F	Proposed access is within 1,000 feet of an interchange	No	
G	Involves an existing or proposed median crossover	No	
H	Involves an active roadway construction project	No	
I	Involves a break in controlled access along a corridor	No	
<b>6.23.6 Miscellaneous Applications</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Planned Development Districts	No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of November 7, 2016	



# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: Z-24-16 – Litchford Road

<i>Location</i>	Northwest quadrant of intersection of Litchford and Dixie Forest roads Addresses: 6211 Litchford Road, 6205 Litchford Road, 6201 Litchford Road, 2321 Dixie Forest Road PINs: 1716894783, 1716897614, 1716897581, 1716896409
<i>Request</i>	Rezone property from Neighborhood Mixed Use- 3 stories-Conditional Use (NX-3-CU) to Commercial Mixed Use- 3 stories-Conditional Use (CX-3-CU)
<i>Area of Request</i>	4.57 acres
<i>Property Owner</i>	Eagle Land, LLC/ 3700 Computer Dr., Suite 280/ Raleigh, NC 27609
<i>Applicants</i>	Thomas C. Worth, Jr./ P.O. Box 1799/ Raleigh, NC 27602 Isabel Worthy Mattox/ P.O. Box 946/ Raleigh, NC 27602
<i>Citizens Advisory Council (CAC)</i>	North: Michael O'Sullivan, Chairperson; (919) 302-7557, <a href="mailto:mjo78@nc.rr.com">mjo78@nc.rr.com</a>
<i>PC Recommendation Deadline</i>	February 6, 2017

## Comprehensive Plan Consistency

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

## Future Land Use Map Consistency

The rezoning case is  Consistent  Inconsistent with the Future Land Use Map.

## Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Moderate Density Residential
<b><i>URBAN FORM</i></b>	Center: City Growth Corridor: Urban Thoroughfare (Litchford Road) Within ½-Mile Transit Buffer: Yes
<b><i>CONSISTENT Policies</i></b>	Policy LU 2.6 - Zoning and Infrastructure Impacts Policy LU 5.1 - Reinforcing the Urban Pattern Policy LU 5.2 – Managing Commercial Development Impacts Policy LU 6.4 - Bus Stop Dedication Policy UD 7.3 - Urban Design Guidelines
<b><i>INCONSISTENT Policies</i></b>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU 5.4 - Density Transitions Policy LU 5.5 - Transitional and Buffer Zone Districts

## Summary of Proposed Conditions

1. Uses limited to self-service storage (maximum 185,000 sf), single-unit living (maximum 14 units/acre); EMS/fire/police station; park; minor utilities; and remote parking.
2. A transit easement will be provided.





# Zoning Staff Report – Case Z-24-16

## Conditional Use District

### Overview

This site consists of 4.57 acres at the northwest corner of the intersection of Litchford Road and Dixie Forest Road, which becomes Old Wake Forest Road to the east of the intersection. Litchford Road becomes Atlantic Avenue to the south of the property.

The site is currently bordered by a wide range of uses: the westernmost section of the property is adjacent to Millbrook High School while single-family detached houses and a day care are to the east and north. A gas station and restaurant are across Dixie Forest Road to the south. The Litchford/Dixie Forest/Old Wake Forest intersection is to the east.

The site is designated for Moderate Density Residential on the Future Land Use Map. Land to the east and south is designated for Community Mixed Use. Land to the west is designated for Moderate Density Residential and Public Facilities (Millbrook High). Land to the north is designated for Moderate Density Residential (the portion closer to Litchford Road) and Low Density Residential. The site is within a City Growth Center on the Urban Form Map. Litchford Road/Atlantic Avenue is designated as an Urban Thoroughfare.

The area is currently zoned Neighborhood Mixed Use-Three Stories-Conditional Use. The property was rezoned in 2015 with the approval of Z-7-14. Current zoning conditions prohibit certain uses; limit uses and intensity to achieve a maximum level of automobile trips; and specify build-to lines and other design standards. The requested zoning is Community Mixed Use-Three Stories-Conditional Use. The area to the south is zoned Community Mixed Use-Parking Limited-Conditional Use. The area to the west (Millbrook High) is zoned R-4. The area to the north is zoned R-4 (on the west side) and Office Mixed Use-Three Stories-Parking Limited-Conditional Use (on the Litchford Road side). The area to the east across Litchford Road is zoned R-4.

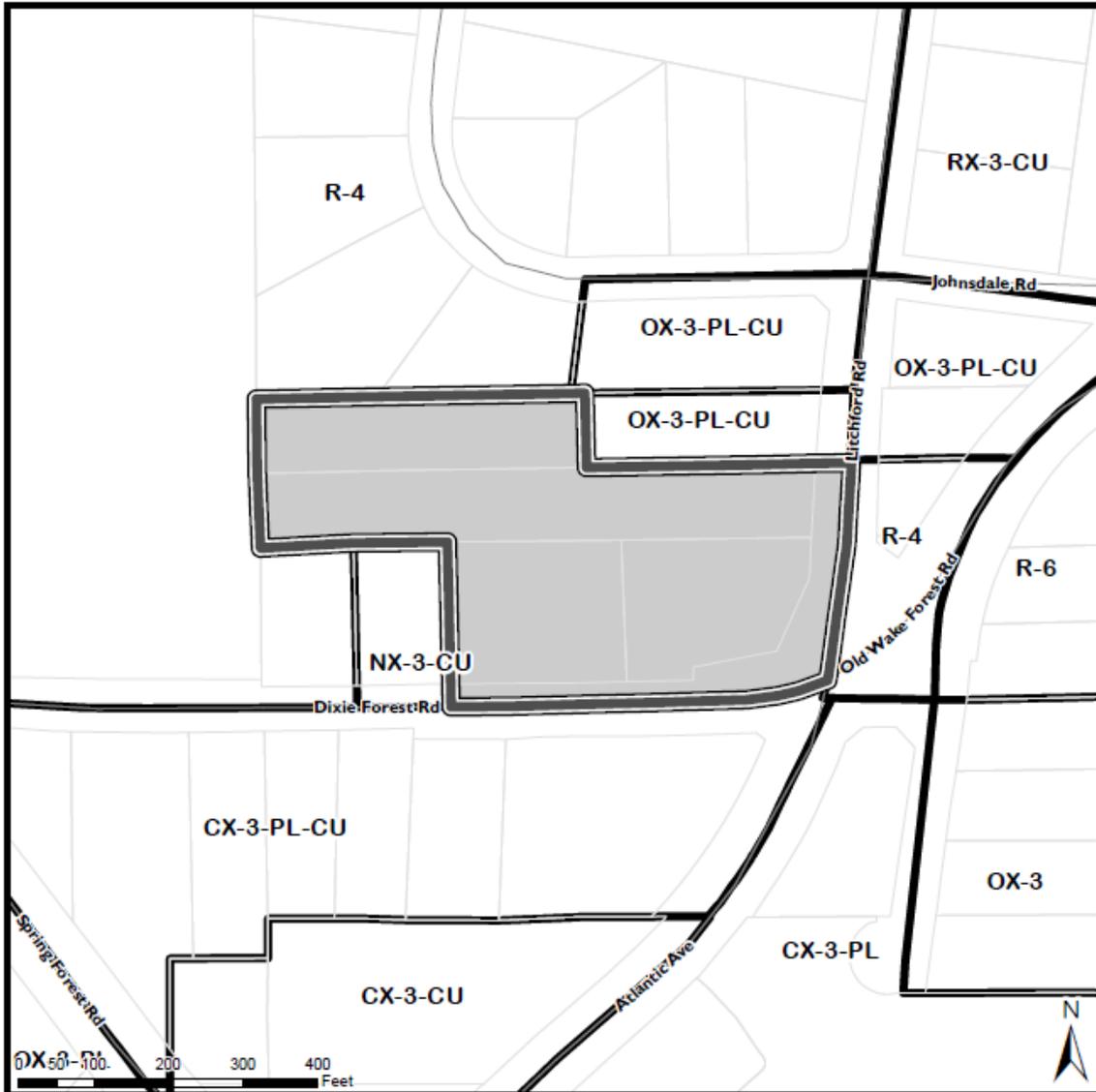
The proposed zoning request offers a condition that would prohibit most of the permitted uses in the Commercial Mixed Use zoning district that would otherwise be prohibited in residential districts. The exceptions are Self-Service Storage and Remote Parking Lot (a Special Use in Residential districts). Revised conditions since the case was first presented to the Planning Commission include additional build-to specifications; the specification of building materials; and limitations on hours of operation of any self-service storage facility.

### Outstanding Issues

<p><i>Outstanding Issues</i></p>	<p>1. The proposal is not consistent with the Future Land Use Map and related Comprehensive Plan policies.</p>	<p><i>Suggested Mitigation</i></p>	<p>1. Amend the proposal to eliminate uses not consistent with the Map and Plan.</p>
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# Existing Zoning Map

# Z-24-2016



**Submittal Date**  
8/9/2016

**Request:**  
4.57 acres from  
**NX-3-CU**  
to **CX-3-CU**



Map Date: 8/10/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Zoning</b>	Neighborhood Mixed Use-3 stories- Conditional Use	Residential-4, Office Mixed Use-3 stories- Parking Limited- Conditional Use	Residential-4, Commercial Mixed Use-3 stories- Parking Limited- Conditional Use	Office Mixed Use-3 stories- Parking Limited- Conditional Use, Residential-4	Residential-4, Neighborhood Mixed Use-3 stories- Conditional Use
<b>Additional Overlay</b>	(n/a)	(n/a)	(n/a)	(n/a)	(n/a)
<b>Future Land Use</b>	Moderate Density Residential	Low Density Residential, Moderate Density Residential	Moderate Density Residential, Community Mixed Use	Community Mixed Use	Public Facilities, Moderate Density Residential
<b>Current Land Use</b>	Vacant	Single unit living; day care	Single unit living; Eating establishment; Fuel/ Convenience Sales	Single unit living	High school campus; single unit living
<b>Urban Form</b>	W/n ½-Mile Transit Buffer; City Growth Center; Urban Thoroughfare	W/n ½-Mile Transit Buffer; partially w/n City Growth Center; Urban Thoroughfare	W/n ½-Mile Transit Buffer; mostly w/n City Growth Center	W/n ½-Mile Transit Buffer; City Growth Center; Urban Thoroughfares	W/n ½-Mile Transit Buffer; partially w/n City Growth Center

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<b>Residential Density:</b>	191 DUs (max. 37.4 DUs per acre)	63 DUs (max. 13.8 DUs per acre)
<b>Setbacks:</b>	<b>If General Building:</b>	<b>If General Building:</b>
<b>Front:</b>	5'	5'
<b>Side:</b>	0' or 6'*	0' or 6'*
<b>Rear:</b>	0' or 6'*	0' or 6'*
<b>Build-to:</b>		
<b>Litchford:</b>	0'-100'	0'-100'
<b>Dixie Forest:</b>	0'-100'	0'-100'

\*50' adjacent to residential districts

### **1.3 Estimated Development Intensities**

	<b>Existing Zoning**</b>	<b>Proposed Zoning**</b>
<i>Total Acreage</i>	4.57	4.57
<i>Zoning</i>	NX-3-CU	CX-3-CU
<i>Max. Gross Building SF</i>	127,138	249,558
<i>Max. # of Residential Units</i>	191	63
<i>Max. Gross Office SF</i>	108,107	-
<i>Max. Gross Retail SF</i>	60,325	-
<i>Max. Gross Industrial SF</i>	n/a	185,000 (self-service storage)
<i>Potential F.A.R.</i>	0.64	1.25

*\*\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

The proposed rezoning is:

**Compatible** with the property and surrounding area.

**Incompatible.**

Analysis of Incompatibility:

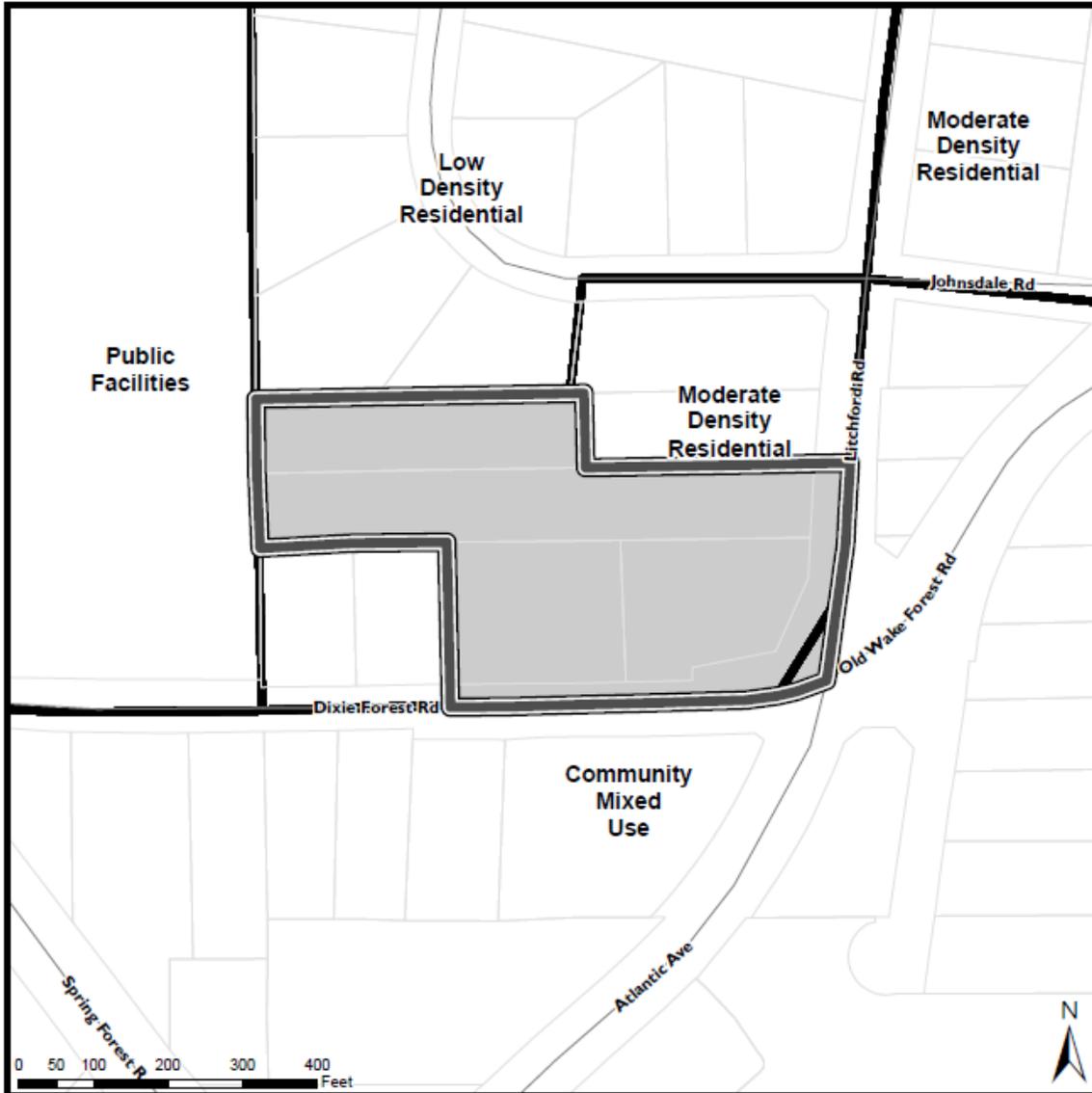
The potential use of Self-Service Storage, a use not allowed in the existing NX zoning, presents compatibility questions in terms of use with residential properties to the north.

## 1.4 Existing and Proposed Zoning Conditions

	Existing	Proposed
<i>Conditions added since 11/8/16</i>		<p>Additional build-to specifications added along Dixie Forest Road (25% minimum within build-to area)</p> <p>Self-service hours of operation limited to between 6 a.m. and 10 p.m.</p> <p>Building facades (excluding windows/doors/trim) along Litchford and Dixie Forest must be at least 60% brick/stone/wood/fiber cement.</p> <p>- Any part of a building within 100' of either Dixie Forest or Litchford must be at least two stories high</p>
<i>Use</i>	<p><b>Prohibited</b> uses (all other NX uses allowed):</p> <ul style="list-style-type: none"> <li>- Boardinghouse</li> <li>- Dormitory, fraternity, sorority</li> <li>- Emergency shelter</li> <li>- Cemetery</li> <li>- Telecommunication tower</li> <li>- Outdoor recreation</li> <li>- Commercial parking lot;</li> <li>- Detention center, jail, prison;</li> <li>- Fuel sales.</li> </ul>	<p><b>Allowed</b> uses (<i>all other uses prohibited</i>):</p> <ul style="list-style-type: none"> <li>- Self-Service Storage</li> <li>- Single-unit living</li> <li>- EMS/Fire/Police station</li> <li>- Parks &amp; Recreation</li> <li>- Minor Utilities</li> <li>- Remote Parking Lot</li> </ul>
<i>Transit</i>	Easement provided; bus shelter to be constructed	Easement provided; bus shelter to be constructed
<i>Build-to</i>	Equivalent to Parking Limited	Equivalent to Parking Limited
<i>Density/Intensity</i>	Land uses generating no more than 203 trips in PM peak hour	14 dwelling units/acre Max. 185,000 sf self-service storage
<i>Other</i>		<p>No plumbing or electricity to self-service storage except for lighting in storage units</p> <p>Required understory trees and shrubs will be evergreen</p>

# Future Land Use Map

# Z-24-2016

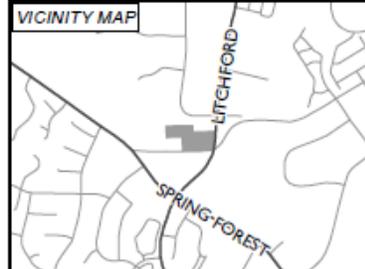


Submittal Date

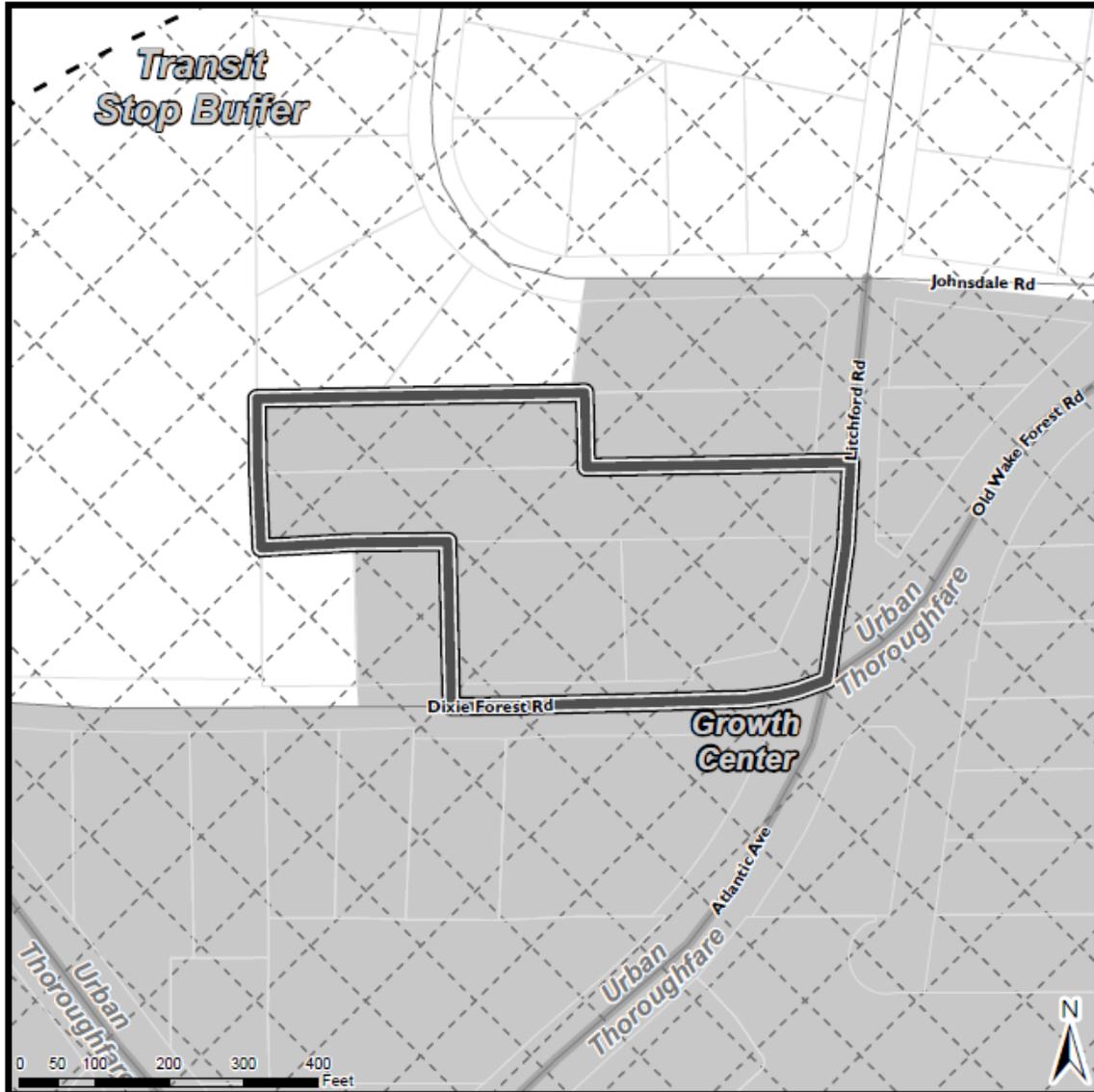
8/9/2016

## Request:

4.57 acres from  
NX-3-CU  
to CX-3-CU



Map Date: 8/10/2016



Submittal Date

8/9/2016

**Request:**

4.57 acres from  
NX-3-CU  
to CX-3-CU

VICINITY MAP



Map Date: 8/10/2016

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is not consistent with several elements of the Plan, including the Future Land Use Map and policies that relate to uses and forms in transitional areas adjacent to lower-density residential areas.
- B. By allowing uses not envisioned in the Moderate Density Residential category, the proposal is inconsistent with the Future Land Use Map. The site's current zoning (NX-3-CU) does support office, retail and higher density residential uses, but not the self-service storage use that would be allowed under this proposal.
- C. The proposal includes non-residential uses not needed to service planned uses in the area. It is not clear that self-service storage could be established without adversely altering recommended land use for the area. To the extent the property is developed with Self-Service Storage, the opportunity to add residential units to a Growth Center is removed.
- D. Existing community facilities and streets appear sufficient to accommodate the development possible under the proposed rezoning.

### 2.2 Future Land Use

**Future Land Use designation:** Moderate Density Residential

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Analysis of Inconsistency:

The Future Land Use Map designates the site for Moderate Density Residential development (6 to 14 dwelling units per acre). The proposed CX zoning, even with conditions, would allow uses (Self-Service Storage and Remote Parking) not contemplated in that category.

### 2.3 Urban Form

**Urban Form designation:** City Growth Center; Urban Thoroughfare Corridor (Litchford Road)

**Not applicable** (no Urban Form designation)

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**

Since the Planning Commission's initial review of the case on November 8, an additional condition strengthened the Urban Form of the proposal. While the property is within a City Growth Center and therefore an urban or hybrid frontage is envisioned by the Urban Form Map, the proposal included no frontage and only specified Parking Limited frontage-like conditions for properties that fronted Litchford Road. Since then, a revised condition has applied Parking Limited frontage-like conditions for properties that front Dixie Forest Road as well.

The proposed zoning conditions do not completely replicate a frontage, as formally designated frontages trigger more restrictive signage requirements. The proposed conditions also are weaker in terms of Urban Form than the existing zoning conditions. While the Parking Limited frontage requires 50% building width within the build-to, the proposed condition specifies only a 25 percent minimum.

Overall, however, the inclusion of the condition pertaining to Dixie Forest Road is enough to create consistency with the Urban Form Map.

## **2.4 Policy Guidance**

The rezoning request is **consistent** with the following policies:

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

The rezoning would not create burdens on transportation or other infrastructure.

Policy LU 5.1 – Reinforcing the Urban Pattern. New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

This policy had previously been considered inconsistent. Conditions added since the first presentation to the Planning Commission that address build-to and building materials assist in creating compatibility with this policy.

Policy 5.2 – Managing Commercial Development Impacts. Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

This policy had previously been considered inconsistent. A new condition placing a limitation on hours of operation of a potential Self-Service Storage use, along with new conditions specifying additional build-to requirements and building materials, assist in gaining consistency.

Policy LU 6.4 –Bus Stop Dedication. The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

A transit easement is offered among the proposed conditions.

Policy UD 7.3 – Urban Design Guidelines.

This policy had previously been considered inconsistent. However, the conditions that establish a close equivalent to a Parking Limited-type frontage, along with the revised condition specifying additional build-to requirements along Dixie Forest Road, make the proposal consistent with these guidelines.

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2 – Future Land Use Map and Zoning Consistency. The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The request is not consistent with the Comprehensive Plan’s Future Land Use Map, which envisions the area as Moderate Density Residential.

Policy LU 5.4 – Density Transitions. Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The Plan envisions low to medium density residential or office uses as transitions between lower-density neighborhoods and commercial areas. The proposal would allow a use, Self-Service Storage, that is in the Industrial category of the UDO’s use table and that is only allowed in more intensive districts (CX, DX, IX, IH).

Policy LU 5.5 – Transitional and Buffer Zone Districts. Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit, and office-type uses. Zoning regulations and conditions for these areas should ensure that development achieves appropriate height and density transitions, and protects neighborhood character.

The proposal would eliminate the existing transitional zone of Neighborhood Mixed Use between the Commercial Mixed Use areas to the south and Residential areas to the north. While UDO transitions would help create a physical buffer, the use buffer also envisioned by this policy would be removed.

## **2.5 Area Plan Policy Guidance**

The rezoning request is **inconsistent** with the following Area Plan policies:

**Not applicable**

## 3. Public Benefit and Reasonableness Analysis

### 3.1 Public Benefits of the Proposed Rezoning

- The rezoning could provide additional storage space for residents and business owners.

### 3.2 Detriments of the Proposed Rezoning

- The proposed rezoning includes uses not envisioned by the Future Land Use Map. These uses may shape future development in a way not envisioned by the Map and Plan.

## 4. Impact Analysis

### **4.1 Transportation**

This site is located in the northwest quadrant of Litchford Road and Dixie Forest Road. Both Litchford Road (SR 2012) and Dixie Forest Road are maintained by the NCDOT. The segments of Dixie Forest Road and Litchford Road that front the Z-24-16 parcels currently have a ribbon-paved cross section without curbs or sidewalks. Litchford Road is classified as a major street in the UDO Street Plan Map (Avenue, 4-Lane, Divided). Dixie Forest Road is a mixed-use street (Avenue, 2-Lane, Divided).

There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-24-2016 site. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D.

The Z-24-2016 parcels are located adjacent to the signalized intersection of Atlantic Avenue/Litchford Road/Wake Forest Road/Dixie Forest Road. Section 6.5.8.B of the Raleigh Street Design Manual states that for any development, the number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common access points. The NCDOT will determine if future driveway access onto Litchford Road will be permitted.

In accordance with UDO section 8.3.2, the maximum block perimeter for CX-3 zoning is 3,000 feet. The block perimeter for Z-24-2016, as defined by public rights-of-way for Litchford Road, Weybridge Drive, Rainwater Road, Spring Forest Road and Dixie Forest Road is approximately 14,000 feet. Due to the proximity of Millbrook High School, Millbrook Exchange Park and the existing residences along Johnsdale Road this case cannot meet the City's maximum block perimeter standard.

The existing land is vacant and generates no traffic. The change in average daily trips and peak hour trip volumes is less than zero. Case Z-24-2016 technically meets the requirements for a traffic study because the site is adjacent to a congested intersection (Litchford Road at Wake Forest Road) and has frontage on a major street (Litchford Road). Given that the potential rezoning could lead to a decrease in daily and peak hour trips, OTP staff waives the requirement for a traffic study. The NCDOT will determine if future driveway access onto Litchford Road will be permitted upon submission of a site plan.

**Impact Identified:** The proposed rezoning cannot meet the City's maximum Block Perimeter standards.

**4.2 Transit**

This site is currently served by GoRaleigh Route 25L Triangle Town Center. The closest south/west bound stop is on Atlantic Ave just south of Dixie Trail near Sheetz and the north/east bound stop is on Atlantic north of Spring Forest near O’Reilly’s Auto Parts. GoTriangle Route 201 also serves Spring Forest Rd during the morning and afternoon rush hours. Spring Forest/Atlantic is identified in the Comprehensive plan as the location of a future regional rail station.

The offer of a transit easement is acceptable and will advance Policy LU6.4. The offer of a transit shelter, which will advance Policy T4.15, is acceptable. It is recommended that the language be amended to read “If, prior to issuance of a certificate of occupancy for new development, the Transportation Department requests installation of a shelter...”

**Impact Identified:** None. Increased development will increase demand for transit. The offer of a transit easement and shelter will mitigate this impact.

**4.3 Hydrology**

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Marsh
<i>Stormwater Management</i>	Article 9.2 UDO
<i>Overlay District</i>	None

Subject to Stormwater Control Regulations under Article 9.2 of the UDO. No buffers or floodplain on the site. There are documented cases of flooding downstream of the site within mapped floodplain areas. Prior to development a stormwater impact analysis shall be provided to show the development will not increase flood levels downstream.

**Impact Identified:** None.

**4.4 Public Utilities**

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	250 gpd	30,000 gpd	16,000 gpd (if residential)
<i>Waste Water</i>	250 gpd	30,000 gpd	16,000 gpd (if residential)

The proposed rezoning would add approximately 28,500 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area (assuming the development recombines into a single parcel)

**Impact Identified:** At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

#### **4.5 Parks and Recreation**

There are no greenway trails, corridors, or connectors located on or adjacent to the subject property. The nearest trail access is Snelling Branch Trail, 3.6 miles. The closest greenway corridor is adjacent to Millbrook Exchange Park. Ensuring pedestrian access to the park and future greenway connections by providing a connection to the existing sidewalk along Dixie Forest and Spring Forest Road is recommended. Recreation services are provided by Millbrook Exchange Park, 0.9 miles.

**Impact Identified:** None.

#### **4.6 Urban Forestry**

There are no existing tree conservation areas on this site. Site plans and subdivisions two (2) acres and greater are subject to UDO Article 9.1 Tree Conservation. The proposed frontages will not conflict with the potential Tree Conservation Areas along the north and west property lines.

**Impact Identified:** None.

#### **4.7 Designated Historic Resources**

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon development.

#### **4.10 Mitigation of Impacts**

Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

The proposed rezoning would not create significant impacts on infrastructure. While it involves a request for a more intensive zoning category, CX, conditions would prohibit most uses not allowed in Residential districts, with the exception of Self-Service Storage and Remote Parking Lot (a Special Use in Residential districts and in the current NX zoning).

However, the proposal is not consistent with the Comprehensive Plan. Primary reasons include:

- The proposal is not consistent with the Future Land Use Map, which envisions Moderate Density Residential in the area. The proposal would allow Self-Service Storage and Remote Parking, which may not be compatible with the surrounding area.
- The proposal eliminates a transitional zoning use between areas of greater and lesser intensity.



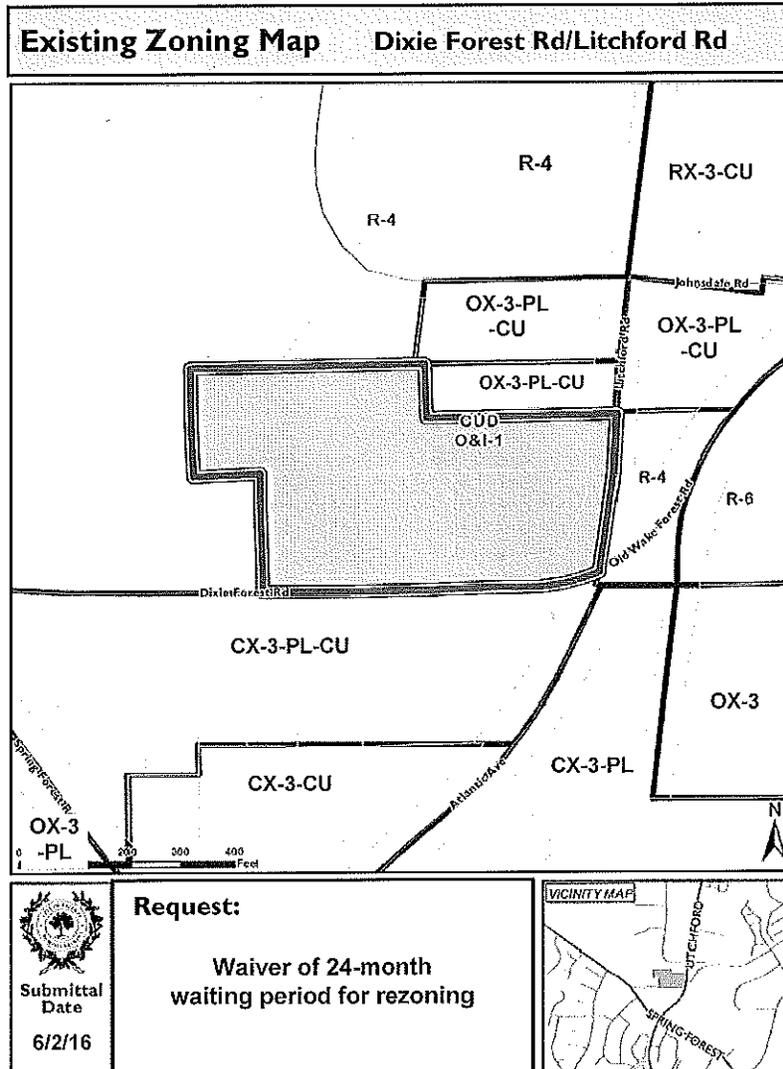


## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-7-14: Request for Waiver of 24-Month Waiting Period

**General Location:** Northwest corner of the intersection of Litchford and Dixie Forest Roads

**Request:** Waiver of the 24-month waiting period for reapplying for rezoning (subsequent to the approval of rezoning case Z-7-14 by City Council on June 2, 2015). Granting this request will allow submittal of a new rezoning request for any combination of the subject properties before June 2, 2017.



**CONSIDERATIONS:** Sec. 10.2.4.J.2 – Special Waiver: Following a recommendation from the Planning Commission, the City Council may grant a special waiver of the 24-month waiting period on one or more of the following grounds:

- a. Materially changed conditions;
- b. Clerical correction as the basis for the previous rezoning;
- c. Newly discovered evidence of adverse impact of the current zoning which by due diligence could not have been discovered in time for the earlier public hearing;
- d. Substantially changed zoning request; or
- e. The petition changes from a general use district request to a conditional use district request and specific conditions are submitted by all owners of the property, which represents a substantial change from the previous general use district request.

**RECOMMENDATION:** That a waiver of the 24-month waiting period be granted.

**FINDINGS AND REASONS:** The waiver request meets the findings listed in Sections 10.2.4.J.2.a. & d.:

- (1) The waiver request attests that the anticipated change in zoning would include materially changed conditions, the nature of which would be confirmed at the time of rezoning submittal.
- (2) The anticipated rezoning would represent a substantially changed request from that of the previous case, which rezoned the site to Neighborhood Mixed Use-3 stories-Conditional Use (NX-3-CU). The rezoning proposed at this time would be to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU).

**To PC:** 6/28/16

**Case History:** Z-7-14 (approved June 2, 2015)

**To CC:** 7/5/16

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

**Staff Coordinator:** Charles Dillard

**Motion:** Lyle  
**Second:** Hicks  
**In Favor:** Alcine, Terando, Swink, Lyle, Schuster, Braun, Tomasulo, Hicks Jeffreys  
**Opposed:**  
**Excused:**

This document is a true and accurate statement of the findings and recommendations of the Planning Commission.

**Signatures:**

\_\_\_\_\_  
(Planning Director)

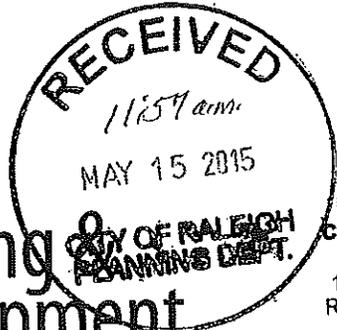
  
\_\_\_\_\_  
(Planning Commission Chair)

Date: \_\_\_\_\_

Date: 6/28/16



# City of Raleigh Planning & Development



**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

<b>Conditional Use District Zoning Conditions</b>		<b>OFFICE USE ONLY</b>
Zoning Case Number: Z-7-14		Transaction Number
Date Submitted: May 11, 2015		
Existing Zoning: O&I-1 CUD	Proposed Zoning: NX-3-CUD	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses, as listed in Section 6.1.4 "Allowed Principal Use Table", shall be prohibited on the property: boardinghouse; dormitory, fraternity, sorority; emergency shelter – all types; cemetery; telecommunication tower – all types; outdoor recreation – all types; commercial parking lot; detention center, jail, prison; fuel sales.
2.	Prior to the issuance of a building permit for new development or the recordation of a subdivision plat or the sale of any lot, 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 Dixie Forest Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. Prior to the issuance of a certificate of occupancy for new development, the property owner shall construct an ADA-accessible bus shelter.
3.	The land use or land uses developed on the property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute of Transportation Engineers will generate no more than 203 total primary trips in the PM peak hour, taking into account pass-by trips and internal capture.
4.	Prior to recordation of a subdivision plat or recombination plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the total primary trips in the PM peak hour permitted by Condition 3 of this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
5.	<ul style="list-style-type: none"> <li>a. The build-to area along Litchford Road and Dixie Forest Road shall be between zero (0) feet and one hundred (100) feet (the "Build-To Area").</li> <li>b. Each building located within the Build-To Area shall have at least one building entrance facing the primary street public right-of-way.</li> <li>c. A direct pedestrian connection shall be provided between the public sidewalk and the street-facing building entrance.</li> <li>d. No more than two bays of parking with a single drive aisle shall be provided between the public right-of-way and buildings within the Build-To Area.</li> <li>e. For properties that front along Litchford Road as the primary street, the minimum building width within the Litchford Road Build-To Area shall be fifty percent (50%) and the minimum building width within the Dixie Forest Road Build-To Area shall be twenty-five percent (25%).</li> <li>f. For properties that front along Dixie Forest Road as the primary street, the minimum building width within the Dixie Forest Road Build-To Area shall be fifty percent (50%) and the minimum building width within the Litchford Road Build-To Area shall be twenty-five percent (25%).</li> </ul>

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 <i>D. Stewart Marlowe Jr</i> Sage Land Co.	Print Name D. STEWART MARLOWE
--	----------------------------------



# Planning & Development

**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

<b>Conditional Use District Zoning Conditions</b>		<b>OFFICE USE ONLY</b>
Zoning Case Number: Z-7-14		Transaction Number
Date Submitted: May 11, 2015		
Existing Zoning: O&I-1 CUD	Proposed Zoning: NX-3-CUD	

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5.	<ul style="list-style-type: none"> <li>a. The build-to area along Litchford Road and Dixie Forest Road shall be between zero (0) feet and one hundred (100) feet (the "Build-To Area").</li> <li>b. Each building located within the Build-To Area shall have at least one building entrance facing the primary street public right-of-way.</li> <li>c. A direct pedestrian connection shall be provided between the public sidewalk and the street-facing building entrance.</li> <li>d. No more than two bays of parking with a single drive aisle shall be provided between the public right-of-way and buildings within the Build-To Area.</li> <li>e. For properties that front along Litchford Road as the primary street, the minimum building width within the Litchford Road Build-To Area shall be fifty percent (50%) and the minimum building width within the Dixie Forest Road Build-To Area shall be twenty-five percent (25%).</li> <li>f. For properties that front along Dixie Forest Road as the primary street, the minimum building width within the Dixie Forest Road Build-To Area shall be fifty percent (50%) and the minimum building width within the Litchford Road Build-To Area shall be twenty-five percent (25%).</li> </ul>

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
<i>Thomas A. LaFertie Jr</i>	Thomas A. LaFertie Jr

# Rezoning Waiver Request



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

**Request for waiver of the 2-year waiting period for Rezoning Petitions – See Development Fee Schedule for current fee.**

Previous Zoning Case File Number <b>Z-7-14</b>	Original Zoning District Requested <b>NX-3-CU</b>
Public Hearing Date <b>June 2, 2015</b>	

GENERAL INFORMATION			
Property Owner <b>Eagle Land, LLC</b>	Applicant <b>Eagle Land, LLC</b>		
Contact Person <b>Thomas C. Worth, Jr. and Isabel Worthy Mattox</b>	Address <b>P. O. Box 946</b>		
City <b>Raleigh</b>	State <b>NC</b>	Zip <b>27602</b>	
Phone <b>919-831-1125 or 919-828-7171</b>	Fax <b>919-831-1205</b>	Email <b>curmudglow@earthlink.com isabel@mattoxfirm.com</b>	

REQUEST	
Was the original case <input checked="" type="checkbox"/> Approved? <input type="checkbox"/> Denied?	
New Zoning District proposed at this time: <b>CX-3-CU</b>	
Is there a change in land area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please list area of original site and revised site: Old rezoning land area: <b>5.11 Acres.</b> New rezoning land area: <b>4.57 Acres.</b>	
Check the applicable box(es) which support the request for a waiver of the 2-year waiting period:	
<input checked="" type="checkbox"/> <b>Materially changed conditions</b> <input type="checkbox"/> Clerical correction was the basis for the previous zoning change <input type="checkbox"/> Newly discovered evidence of adverse impact of the current zoning which by due diligence could not have been discovered in time for the earlier hearing <input checked="" type="checkbox"/> <b>Substantially changed zoning request</b> <input type="checkbox"/> The petition changes from a general use district request to a conditional use district request and specific conditions are submitted by all owners of the property(s), which represent a substantial change from the previous general use district request.	
Owner's Signature(s) EAGLE LAND, LLC Signature <i>[Signature]</i> Name & Title: <i>Anderson M. [unclear]</i> Signature _____ Signature _____	Date <u>6/9/16</u> Date _____ Date _____





# Certified Recommendation

Raleigh Planning Commission

CR# 11634

## Case Information Z-7-14 Litchford Road and Dixie Forest Road

<i>Location</i>	Northwest corner of the intersection of Litchford and Dixie Forest Roads Addresses: 2321 Dixie Forest Road, 0 Litchford Road, 6201 Litchford Road, 6205 Litchford Road, and 2315 Dixie Forest Road PIN(s): 1716897581, 1716896409, 1716897614, 1716894783, and 1716894429
<i>Request</i>	Rezone property from Office & Institution-1 Conditional Use (O&I-1 CUD) to Neighborhood Mixed Use- 3 stories-Conditional Use (NX-3-CU)
<i>Area of Request</i>	5.11 acres
<i>Property Owner</i>	Eagle Land, LLC 3700 Computer Drive, Suite 280 Raleigh, NC 27609  <i>and</i>  Thomas A. Laferire, Jr. 11217 Old Creedmoor Road Raleigh, NC 27613
<i>Applicant</i>	Michael Birch Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27605
<i>Citizens Advisory Council</i>	North— Will Owen, Chair: (919) 264-0565; <a href="mailto:will.s.owen@gmail.com">will.s.owen@gmail.com</a>
<i>PC Recommendation Deadline</i>	June 22, 2015

### Comprehensive Plan Consistency

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

### Future Land Use Map Consistency

The rezoning case is  Consistent  Inconsistent with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Moderate Density Residential (MDR)
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.7 – Capitalizing on Transit Access Policy LU 6.4 – Bus Stop Dedication Policy LU 7.3 – Single-Family Lots on Major Streets Policy UD 1.10 – Frontage
<b><i>INCONSISTENT Policies</i></b>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency





# Zoning Staff Report – Case Z-7-14

## Conditional Use District

### Case Summary

#### Overview

The site of the proposed rezoning is composed of five contiguous parcels on the north side of Dixie Forest Road and the west side of Litchford Road. The site is immediately to the east of, and shares a property line with, Millbrook High School. To the north is the Johnsdale Road neighborhood and to the south is the triangle of land bound by Dixie Forest Road, Atlantic Avenue, and Spring Forest Road.

Much of the surrounding area is composed of housing of various densities (single family, townhouses and apartment buildings) that was built over a relatively long time span, from the 1940s through 1980s. The subject properties are located adjacent to single family housing, the athletic fields and parking for Millbrook High School, and a day care. The Pavilion Shopping Center is to the southeast of the site; nearby are a pharmacy, convenience store and single story office buildings. The high school (41 acres) and Millbrook Exchange Park (70 acres) are significant public lands just to the west of the site. The subject properties are vacant, except for 2315 Dixie Forest Road which is occupied by a single family residence.

New commercial development has occurred across Dixie Forest Road to the south of the site; a gas station/convenience store and a restaurant were recently constructed.

The site is on the western edge of a designated City Growth Center on the Urban Form Map, and Litchford Road is also designated as an Urban Thoroughfare. The Growth Center is anchored by the Triangle Town Center shopping mall. The site is also within a ½ mile of a potential fixed-guideway transit stop at Spring Forest Road and the CSX Railroad.

The site is designated for Moderate Density Residential uses on the Future Land Use Map, that is, 6 to 14 dwellings per acre. The neighborhood to the north is designated for Low Density Residential. There is a large swath of land to the south, southeast and east, generally centered on Atlantic Avenue, that is designated for Community Mixed Use.

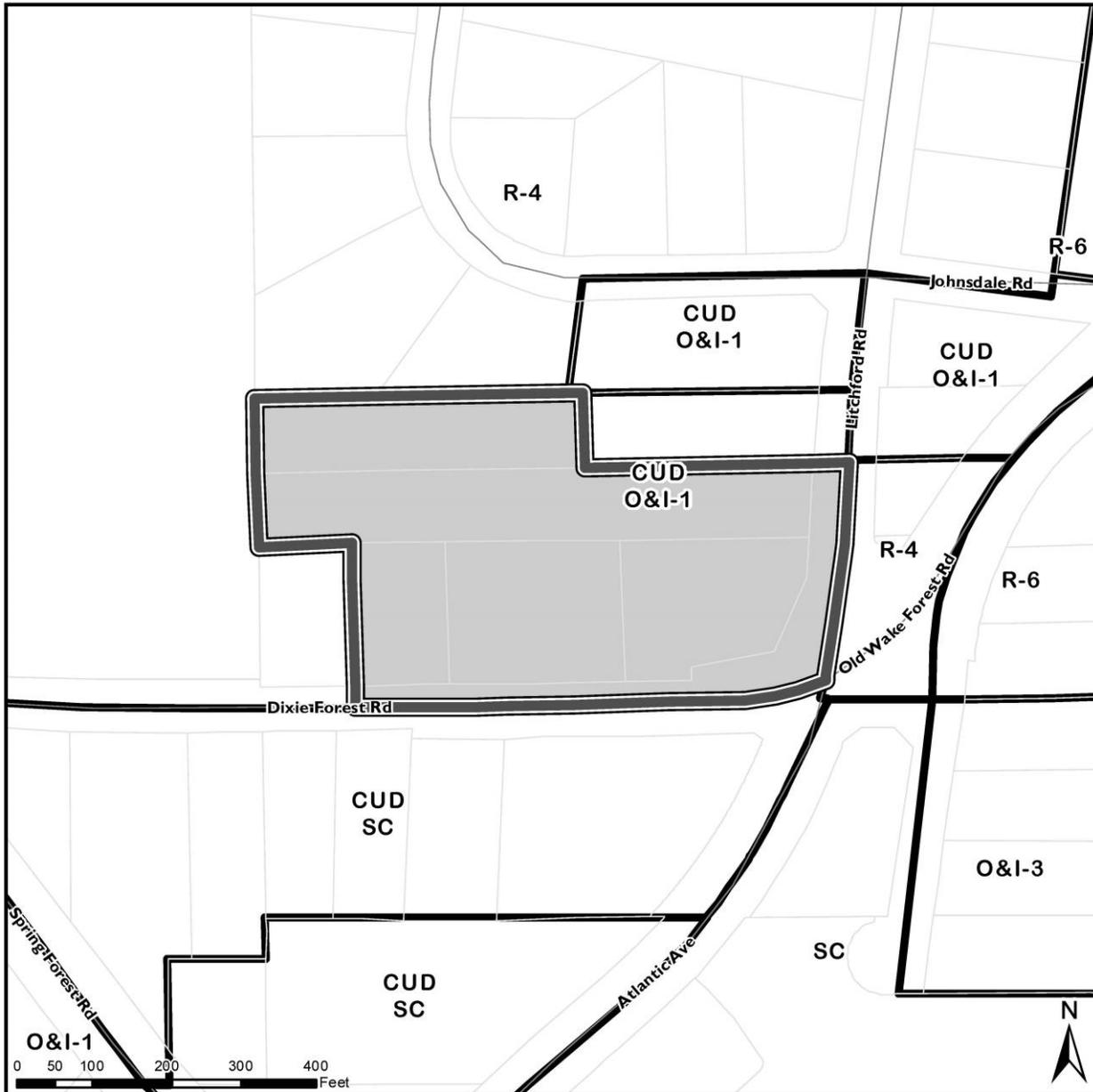
The zoning on the site, O&I-1 CUD, was established by Z-32-94. Conditions of that case restricted building height to no more than 35' and FAR to no more than .5. There is similarly O&I zoned property to the northeast, but the majority of properties to the north are zoned R-4. The triangle of land to the south is zoned SC CUD and the Pavilion Shopping Center is zoned SC.

#### Outstanding Issues

<i>Outstanding Issues</i>	<i>(None.)</i>	<i>Suggested Mitigation</i>	<i>n/a</i>
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# Existing Zoning Map

# Z-7-2014



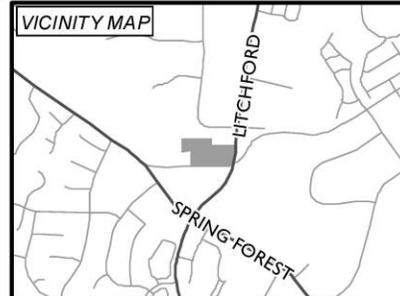
**Submittal  
Date**

4/1/2015

## Request:

5.11 acres from  
**CUD O&I-1**  
to **NX-3-CU**

### VICINITY MAP



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	Office & Institution-1 Conditional Use District	Office & Institution-1 Conditional Use District, Residential-4	Shopping Center Conditional Use District, Residential-4	Office & Institution-1 Conditional Use District, Residential-4	Office & Institution-1 Conditional Use District, Residential-4
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Moderate Density Residential	Moderate Density Residential, Low Density Residential	Community Mixed Use, Moderate Density Residential	Community Mixed Use	Moderate Density Residential, Public Facilities
<i>Current Land Use</i>	Vacant	Single family houses, day care	Vehicle fuel station & convenience store, restaurant, single family houses	Single family houses	Single family house, high school
<i>Urban Form (if applicable)</i>	City Growth Center	City Growth Center (partial)	City Growth Center	City Growth Center	n/a (1 property in City Growth Center)

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Residential Density:</i>	101 DUs (19.9 DUs per acre)	191 DUs (37.4 DUs per acre)
<i>Setbacks:</i>		<i>If General Building:</i>
<i>Front:</i>	30'	5'
<i>Side:</i>	5'	0' or 6'
<i>Rear:</i>	20'	0' or 6'
<i>Retail Intensity Permitted:</i>	n/a	35,000 sf**
<i>Office Intensity Permitted:</i>	111,000 sf	111,000 sf**

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	5.11	5.11
<i>Zoning</i>	O&I-1 CUD	NX-3-CU

<i>Max. Gross Building SF (if applicable)</i>	111,000 sf	209,000 sf
<i>Max. # of Residential Units</i>	101	191
<i>Max. Gross Office SF</i>	99,500	111,000 sf**
<i>Max. Gross Retail SF</i>	n/a	35,000 sf**
<i>Max. Gross Industrial SF</i>	n/a	n/a
<i>Potential F.A.R</i>	0.50	0.94

\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

\*\* Per conditions limiting peak PM trips.

The proposed rezoning is:

**Compatible** with the property and surrounding area.

Surrounding uses for the subject site are a mix of single family residential, commercial, and institutional. In concert with the neighborhood transition standards that would apply for transitions to adjacent residentially-zoned properties, conditions that prohibit certain uses and limit the intensity of uses mitigate potential compatibility issues.

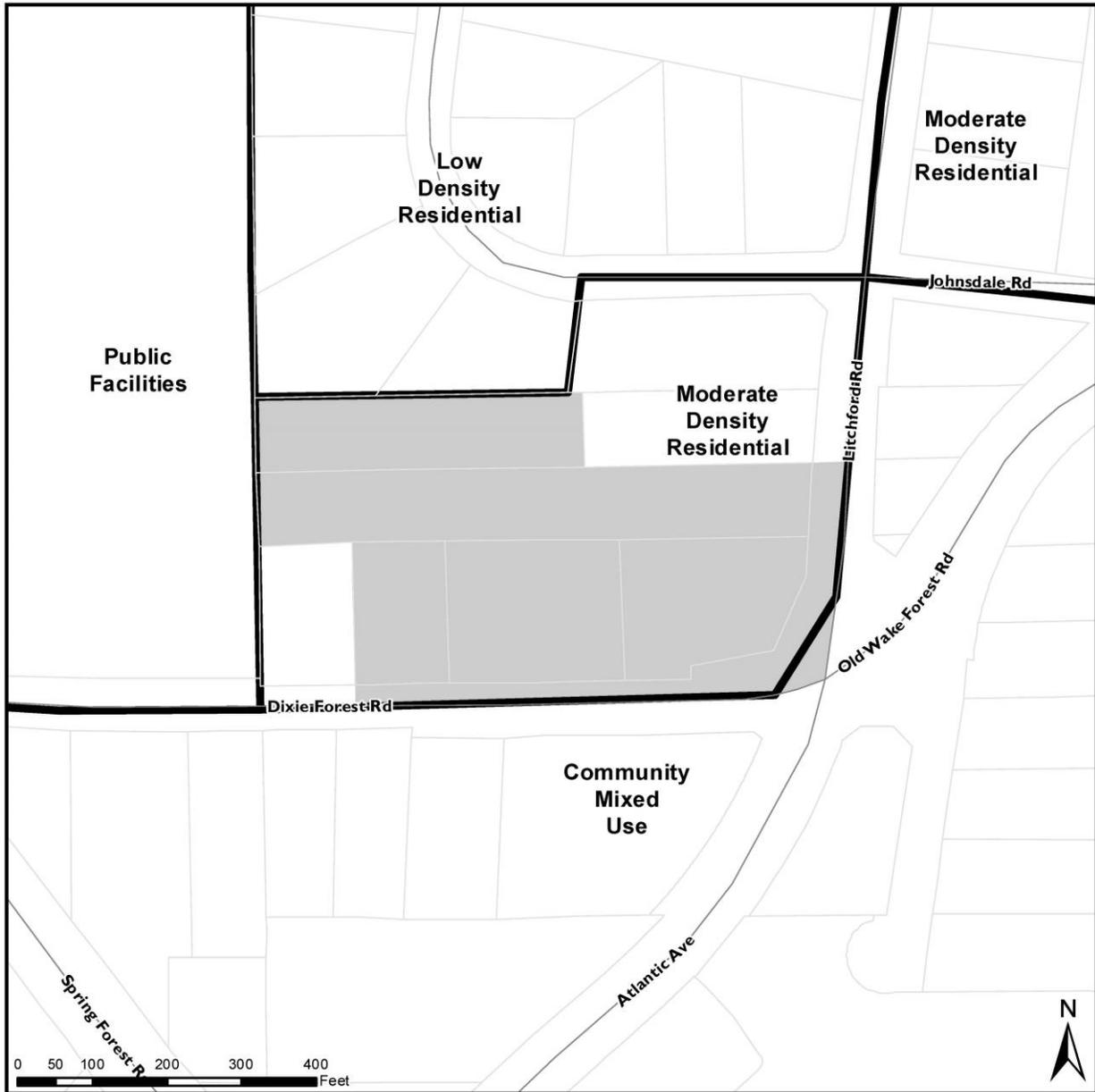
**Incompatible.**

Analysis of Incompatibility:

n/a
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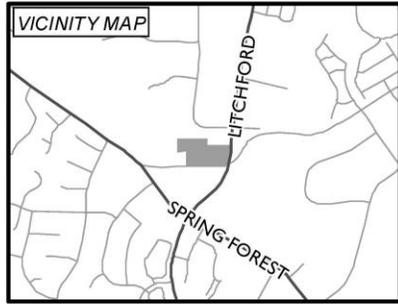
# Future Land Use Map

# Z-7-2014



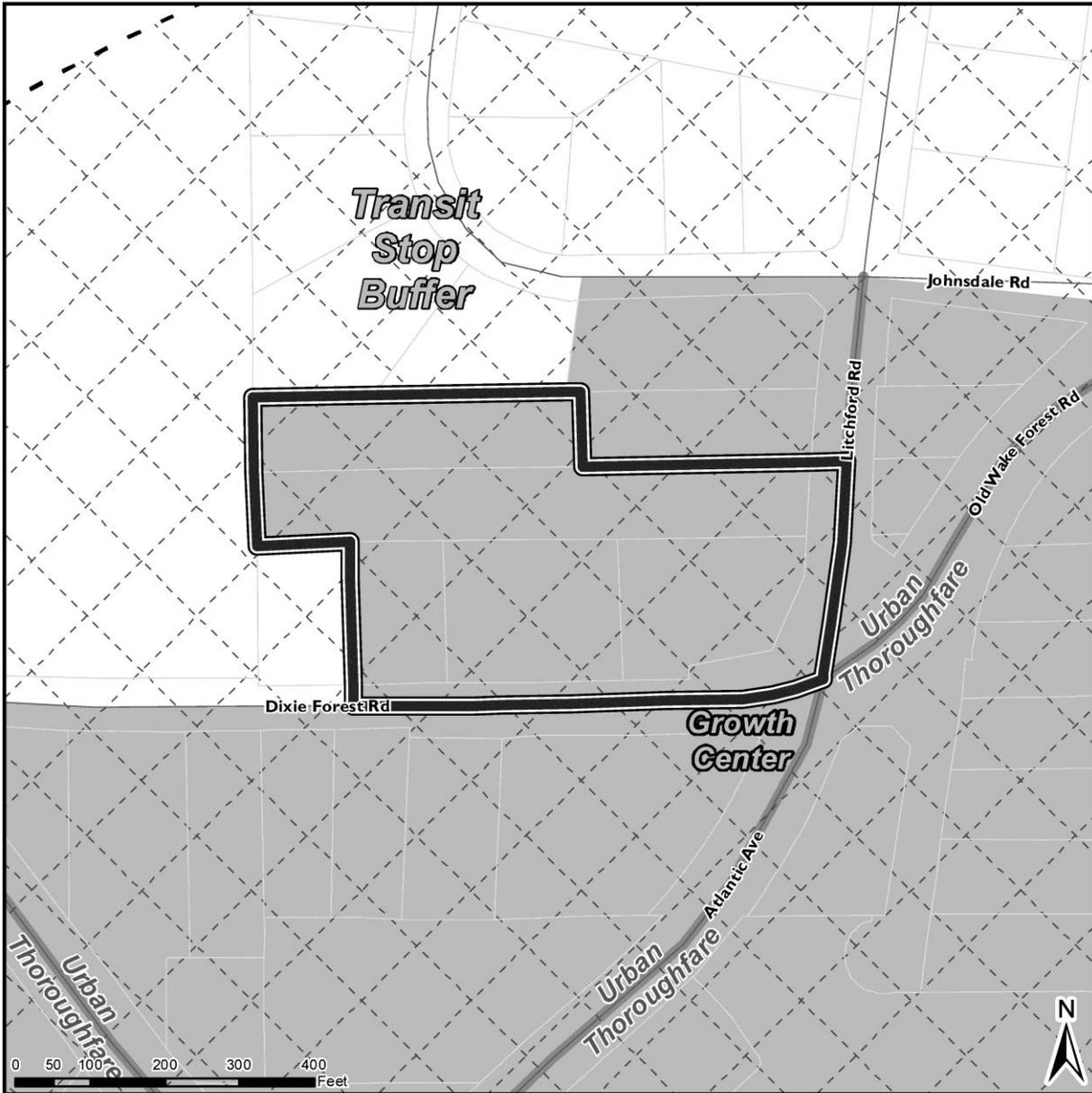
**Submittal Date**  
4/1/2015

**Request:**  
5.11 acres from  
CUD O&I-1  
to NX-3-CU



# Urban Form Map

# Z-7-2014



**Submittal  
Date**

4/1/2015

## Request:

5.11 acres from  
CUD O&I-1  
to NX-3-CU



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is inconsistent with the Comprehensive Plan and the Future Land Use Map. The site's future land use designation of Moderate Density Residential calls for residential uses with a density of 6 to 14 dwelling units per acre. The proposed NX zoning would allow higher density residential, office, and retail uses. The site is located in a City Growth Center and along an Urban Thoroughfare on Litchford Road; these designations support the application of an urban or hybrid frontage. Although a frontage designation is not proposed, the applicant has offered the conditioned equivalent of a Parking Limited frontage.

Looking at the surrounding area, the proposal would continue the trend of increased commercial zoning and development replacing single family uses. Properties directly across Dixie Forest Road were rezoned from Office and Institution-1 Conditional Use to Shopping Center Conditional Use in 2010; retail uses were recently constructed on two of these lots. In addition, the proposal also limits the intensity of uses on the site (PM peak hour trip generation cannot exceed 203 trips) which could help mitigate some impacts on surrounding residential areas.

Existing community facilities and streets appear sufficient to accommodate the development possible under the proposed rezoning.

### 2.2 Future Land Use

**Future Land Use designation:**

Moderate Density Residential

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Analysis of Inconsistency:

The Future Land Use Map calls for residential uses here in the range of 6 to 14 dwelling units per acre. The proposed NX zoning would allow retail, higher density residential, and office uses on the site.

## **2.3 Urban Form**

Urban Form designation:

**Not applicable** (no Urban Form designation)

The rezoning request is:

**Consistent** with the Urban Form Map

Analysis:

The site is located in a City Growth Center and along an Urban Thoroughfare (Litchford Road); these designations support the application of an urban or hybrid frontage to encourage walkability. Although a frontage designation is not proposed, the applicant has offered a conditioned equivalent of a Parking Limited frontage (build-to standards, primary street-facing entrance, direct pedestrian connection from sidewalk to street-facing building entrance, no more than 2 bays of parking with a single drive aisle).

**Inconsistent**

Analysis of Inconsistency:

n/a

## **2.4 Policy Guidance**

The rezoning request is **inconsistent** with the following policies:

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

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The Future Land Use Map designates the site for Moderate Density Residential development, defined in the Comprehensive Plan as permitting 6 to 14 dwelling units per acre. The Plan further notes that the appropriate zoning for areas designated Moderate Density Residential would be R-6, R-10, or RX, with a density cap. Retail and office uses are not envisioned.

## **2.5 Area Plan Policy Guidance**

Not applicable. No area plan exists for this location.

# **3. Public Benefit and Reasonableness Analysis**

## **3.1 Public Benefits of the Proposed Rezoning**

- Increased opportunity for redevelopment of the site, through a broadening of potential uses.
- Potential provision of goods and services close to existing residential areas.

### **3.2 Detriments of the Proposed Rezoning**

- *None anticipated.*

## **4. Impact Analysis**

### **4.1 Transportation**

Revised conditions for Z-7-2014 limit trip generation in the PM peak hour. The expected increase in trip volume is effectively zero. Although the intersection of Litchford Road & Dixie Forest Road currently operates a LOS-F, a traffic study is not recommended for case Z-7-2014 due to a zero change in PM peak hour trips.

**Impact Identified:** None.

### **4.2 Transit**

Litchford Road is currently served by CAT Route 25L Triangle Town Center. There is a transit stop located in the grassy berm on southbound Litchford Rd opposite Sylvia Dean St. The City of Raleigh Short Range Transit Plan and the Wake 2040 Transit Study both anticipate continued service along this corridor.

**Impact Identified:** A higher density residential area will generate additional ridership on this route. The offer of a transit easement and shelter will mitigate this impact.

### **4.3 Hydrology**

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Marsh and a small amount to Perry
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

**Impact Identified:** None.

### **4.5 Parks and Recreation**

Recreation services for the rezoning case will be provided by Millbrook Exchange Park. There is no impact to recreation level of service. There are no adjacent greenway corridors or connectors to the site.

**Impact Identified:** None.

### **4.6 Urban Forestry**

**Impact Identified:** Tracts 2 acres and larger in size will be required to comply with UDO Article 9.1 at the time of development.

### **4.7 Designated Historic Resources**

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Appearance Commission**

As the proposal does not involve a Planned Development, it is not subject to Appearance Commission review.

#### **4.10 Impacts Summary**

- The higher intensity commercial uses and higher density residential uses allowed under the proposed zoning will generate additional ridership on the existing bus route.
- Sewer and fire flow matters may need to be addressed upon development.

#### **4.11 Mitigation of Impacts**

- The provision of a transit easement and shelter will mitigate the potential impact of increased ridership along the existing bus route.
- Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

The proposal is inconsistent with the Comprehensive Plan and the Future Land Use Map. The Moderate Density Residential Future Land Use category calls for development within the range of 6 to 14 dwelling units per acre; high density residential, office and standalone retail uses are not envisioned. However, the requested zoning follows a pattern of similar office-to-retail use rezonings established on properties to the south. In terms of building form and urban design, the Urban Form Map and associated Comprehensive Plan policy guidance support a frontage designation; the proposal offers the conditioned equivalent of a Parking Limited frontage to address this policy guidance.



7. For a self-service storage use, the hours of operation for the facility shall be from no earlier than 6:00 AM until no later than 10:00 PM.
8. The building façades facing Dixie Forest Road and Litchford Road; exclusive of windows, doors, roof, and trim; shall be constructed of at least sixty percent (60%) brick, stone, wood, and/or cementitious fiberboard siding.
9. As to any building which is within one-hundred (100) feet of either Dixie Forest Road or Litchford Road, the portion(s) of the building within one-hundred (100) feet of either of such roads must be at least two (2) stories in height.

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: **EAGLE LAND, LLC**

By: \_\_\_\_\_ Print Name & Title \_\_\_\_\_

**Z-7-14 – Litchford Road and Dixie Forest Road** – approximately 5.11 acres, rezoned from Office & Institution – 1 Conditional Use (O&I-1 CUD) to Neighborhood Mixed Use-3 stories – Conditional Use (NX-3-CU) (PINs 1716897581, 1716896409, 1716897614, 1716894783, and 1716894429)

Conditions dated: May 11, 2015

1. The following uses, as listed in UDO Section 6.1.4 “Allowed Principal Use Table” shall be prohibited on the property: boardinghouse; dormitory, fraternity, sorority; emergency shelter – all types; cemetery; telecommunication tower – all types; outdoor recreation – all types; commercial parking lot; detention center, jail, prison; fuel sales.
2. Prior to the issuance of a building permit for new development or the recordation of a subdivision plat or the sale of any lot, 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 Dixie Forest Road shall be approved by the Public Works Department and the easement document approved by the City Attorney’s Office. Prior to the issuance of a certificate of occupancy for new development, the property owner shall construct an ADA-accessible bus shelter.
3. The land use or land uses developed on the property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute of Transportation Engineers will generate no more than 203 total primary trips in the PM peak hour, taking into account pass-by trips and internal capture.
4. Prior to recordation of a subdivision plat or recombination plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the total primary trips in the PM peak hour permitted by Condition 3 of this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
5.
  - a. The build-to area along Litchford Road and Dixie Forest Road shall be between zero (0) feet and one hundred (100) feet (the “Build-To Area”).
  - b. Each building located within the Build-To Area shall have at least one building entrance facing the primary street public right-of-way.
  - c. A direct pedestrian connection shall be provided between the public sidewalk and the street-facing building entrance.
  - d. No more than two bays of parking with a single drive aisle shall be provided between the public right-of-way and buildings within the Build-To Area.
  - e. For properties that front along Litchford Road as the primary street, the minimum building width within the Litchford Road Build-To Area shall be fifty percent (50%) and the minimum building width within the Dixie Forest Road Build-To Area shall be twenty-five percent (25%).

- f. For properties that front along Dixie Forest Road as the primary street, the minimum building width within the Dixie Forest Road Build-To Area shall be fifty percent (50%) and the minimum building width within the Litchford Road Build-To Area shall be twenty-five percent (25%).

# ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 9, 2016

John Anagnost  
City of Raleigh Planning Department  
One Exchange Plaza, Suite 204  
Raleigh, North Carolina 27601

RE: NEIGHBORHOOD MEETING REPORT Regarding Proposed Rezoning Petition of Eagle Land, LLC (the "Owner") regarding 6211, 6205, 6201 Litchford Road and 2321 Dixie Forest Road (collectively, the "Property").

Dear John:

As indicated in my attached letter, the Neighborhood Meeting for the above-referenced prospective rezoning case was held on June 6, 2016 at 7:00 PM at the Anne Gordon Center at Millbrook Exchange, 1901 Spring Forest Rd, Raleigh, NC 27615, to discuss the proposed rezoning of the Property located at 6211, 6205, 6201 Litchford Rd and 2321 Dixie Forest Rd.

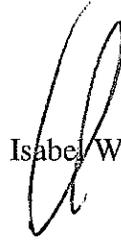
The persons and organizations contacted about this meeting are indicated on the attached list and the neighbors in attendance are indicated on the attached sign-in sheets.

Following is a summary of the issues which were discussed at the Neighborhood Meeting:

1. Uses. The proposed use of fully conditioned, internally accessible self-storage for the property was discussed.
2. Appearance. The prospective developers discussed the appearance of the proposed building. Graphics of previous projects were presented as illustrations and the prospective developers indicated that they propose a similar project on the Property.
3. Traffic. The prospective developers and the neighbors' representatives had some general discussion about the potential for increased traffic created by the development of the proposed use. The neighbors were informed that the proposed use is low intensity and is not likely to significantly increase traffic at the already very busy intersection of Litchford Road and Dixie Forest Road.

Mr. John Anagnost  
August 9, 2016  
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'Isabel Worthy Mattox'. The signature is fluid and cursive, with a large initial 'I' and 'M'.

Isabel Worthy Mattox

Enclosures

cc: Al Leonard – via email  
Seth Avant – via email  
Moss Withers – via email  
Bradley Bowling – via email  
Thomas C. Worth, Jr.

**ATTENDANCE AT NEIGHBORS MEETING**  
**Eagle Land, LLC and Thomas A. Laferire, Jr.**  
**6211, 6205, 6201 Litchford Road**  
**2321 and 2315 Dixie Forest Road**  
**June 6, 2016**

NAME	ADDRESS	PHONE #
Gordon Osborne	Street: 300 Sierra Vista Way 27615 Email:	443-3504877
Rick Emerick	Street: 5509 PEAKTON DR 27614 Email:	919-345-0136
Moss Whiters	Street: Email:	
Seth Arant	Street: Email:	
Al Leonard	Street: Email:	
Bradley Bowling	Street: Email:	
Isabel Motto	Street: Email:	
	Street: Email:	

# ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

[isabel@mattoxfirm.com](mailto:isabel@mattoxfirm.com)

May 25, 2016

TO ALL ADDRESSEES

RE: NOTICE OF NEIGHBORS MEETING Regarding Proposed Rezoning of five (5) lots: 1.00 acre located at 6211 Litchford Road (PIN# 1716894783), 1.67 acres located at 6205 Litchford Road (PIN# 1716897614), 0.98 acres located at 6201 Litchford Road (PIN# 1716897581), and 0.92 acres located at 2321 Dixie Forest Road (PIN# 1716896409), owned by Eagle Land, LLC, and 0.54 acres located at 2315 Dixie Forest Road (PIN# 1716894429), owned by Thomas A. Laferire, Jr. (collectively, the "Owners"). Together all five lots make up the "Rezoning Property."

Dear Property Owner:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning is now being contemplated. We anticipate that a rezoning request will be filed which will request that the Rezoning Property be rezoned from NX-3-CU to CX-3-CU. We plan to file a Rezoning Application on behalf of the Owners in the near future.

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property or the owner of property within 100 feet of the Rezoning Property (collectively, "Notice Neighbors") of a meeting to discuss the prospective rezoning. This meeting will be held at the Anne Gordon Center at Millbrook Exchange, located at 1901 Spring Forest Rd., Raleigh, NC 27615, at 7:00 p.m. on the evening of June 6, 2016.

The prospective developers and I will be present to meet with you and answer any questions which you may have regarding this proposed Rezoning Application.

If the Rezoning Application is filed as now planned, it will be vetted by City Staff over the next few weeks and referred to the Planning Commission for review. To follow this process, please consult the City's website at [www.raleighnc.gov/planning](http://www.raleighnc.gov/planning). If you have any questions about the proposed Rezoning Application, either before our meeting of June 6, 2016 or at any time after our meeting, please contact me.

Yours very truly,

Isabel Worthy Mattox

cc: Al Leonard - via email  
Seth Avant - via email  
Thomas C. Worth, Jr.

1716893280  
WILLIAMSON, ROGER  
PO BOX 3758  
NORTH MYRTLE BEACH SC 29582-0758

1716894290  
WAFFLE HOUSE INC  
5986 FINANCIAL DR  
NORCROSS GA 30071-2949

1716894429  
LAFERIRE, THOMAS A JR  
2315 DIXIE FOREST RD  
RALEIGH NC 27615-7538

1716894783  
EAGLE LAND LLC  
3700 COMPUTER DR STE 280  
RALEIGH NC 27609-6531

1716896409  
EAGLE LAND LLC  
3700 COMPUTER DR STE 280  
RALEIGH NC 27609-6531

1716897202  
PTM LP  
5700 6TH AVE  
ALTOONA PA 16602-1111

1716897581  
EAGLE LAND LLC  
3700 COMPUTER DR STE 280  
RALEIGH NC 27609-6531

1716897614  
EAGLE LAND LLC  
3700 COMPUTER DR STE 280  
RALEIGH NC 27609-6531

1716897785  
JONES, THOMAS WESLEY JONES, BETTY J  
6209 LITCHFORD RD  
RALEIGH NC 27615-7516

1716990129  
SAMPSON BLADEN OIL CO INC  
PO BOX 469  
CLINTON NC 28329-0469

1716990589  
BATCHELOR, ROBERT BATCHELOR, BESSIE  
TRUSTEES  
5212 RIO GRANDE DR  
RALEIGH NC 27616-3317

1716990697  
BCB REAL ESTATE LLC  
5212 RIO GRANDE DR  
RALEIGH NC 27616-3317

1716991715  
PREISS, KIRK PREISS, DONNA  
1700 HILLSBOROUGH ST  
RALEIGH NC 27605-1641

1716993274  
G&B HOLDING COMPANY  
KENNETH GARRETT  
866 EAGLES NEST DR  
SANFORD NC 27332-8388

1716993394  
G&B HOLDING COMPANY  
KENNETH GARRETT  
866 EAGLES NEST DR  
SANFORD NC 27332-8388

1716993464  
WOODLIEF, WILLIS EVERETT DELUCA,  
JANICE GAIL WOODLIEF  
5512 BRICKYARD CT  
GARNER NC 27529-9357

1716993574  
JACKSON, CHARLES DOUGLAS JR  
6204 OLD WAKE FOREST RD  
RALEIGH NC 27615-7542

1716993644  
YENDAPALLI, VENKATESWARA R  
GUDURU, KAVITHA  
849 RIVER SONG PL  
CARY NC 27519-0882

1716892499  
BARRESI, VINCENT A  
120 HARINGEY DR  
RALEIGH NC 27615-1956

1716893858  
LAWSON, DAVID  
6301 JOHNSDALE RD  
RALEIGH NC 27615-7510

1716895856  
MANASSERI, DIANE  
6213 JOHNSDALE RD  
RALEIGH NC 27615-7508

1716897886  
HAAG & WALKER ENTERPRISES LLC  
7013 BUCKHEAD DR  
RALEIGH NC 27615-7008

1716892281  
WILLIAMSON, ROGER  
PO BOX 3758  
NORTH MYRTLE BEACH SC 29582-0758

1716991865  
HOLST, KARL HOLST, ELLEN C  
7412 NEW FOREST LN  
WAKE FOREST NC 27587-9727

1717706320  
WAKE COUNTY BOARD OF EDUCATION  
RE SERVICES DIRECTOR  
1551 ROCK QUARRY RD  
RALEIGH NC 27610-4145

# Rezoning Application



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

AUG 9 2016 PM 1:07

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 <u>    NX-3-CU    </u>			
Proposed Zoning Classification Base District <u>    CX    </u> Height <u>    3    </u> Frontage <u>    none    </u>			
If the property has been previously rezoned, provide the rezoning case number: <u>    Z-7-2014    </u>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
<u>    472747    </u>			

GENERAL INFORMATION			
Property Address <u>    6211, 6205, 6201 Litchford Road &amp; 2321 Dixie Forest Road    </u>			Date August <u>    9    </u> , 2016
Property PIN <u>    1716-89-4783, 1716-89-7614, 1716-89-7581, 1716-89-6409    </u>		Deed Reference (book/page) Bk <u>    013911    </u> Pg <u>    01469    </u>	
Nearest Intersection <u>    Litchford Road and Dixie Forest Road    </u>			Property Size (acres) <u>    4.57 (collectively)    </u>
Property Owner/Address <u>    Eagle Land, LLC 3700 Computer Dr., Suite 280 Raleigh, NC 27609    </u>		Phone	Fax
		Email	
Project Contact Person/Address <u>    Thomas C. Worth, Jr. PO Box 1799 Raleigh, NC 27602    </u>		Phone <u>    919-831-1125; 919-828-7171    </u>	Fax <u>    919-831-1205    </u>
		Email <u>    curmudgtcw@earthlink.net isabel@mattoxfirm.com    </u>	
Owner/Agent Signature <u>    EAGLE LAND, LLC    </u>		Email	
By: <u>    [Signature]    </u> Name & Title <u>    Anderson Marlowe, Mgr.    </u>			

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.

The rezoning is consistent with many Comprehensive Plan policies as stated below.

<u>Guideline</u>	<u>Response</u>
<b>LAND USE / Policy LU 1.2 / Future Land Use Map and Zoning Consistency</b>	
1     The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.	The FLUM designation for the subject property is "Moderate Density Residential." The rezoning request is inconsistent with the FLUM because it allows non-residential uses. However the rezoning request is reasonable and in the public interest due to the recent trend toward commercial development in the area. In addition, the subject property lies in a City Growth Center and along an Urban Thoroughfare, where the Comprehensive Plan has recognized there are significant opportunities for new economic development. The current zoning allows many commercial uses but the new rezoning will allow for development of much needed self-storage located near residential developments and other commercial uses.
<b>LAND USE / Policy LU 1.3 / Conditional Use District Consistency</b>	
2     All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.	The conditions proposed by the applicant were developed in a way to be consistent with many Comprehensive Plan policies and to minimize impact on the adjacent residential lots.
<b>LAND USE / Policy LU 2.2 / Compact Development</b>	
3     New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.	The rezoning will allow the redevelopment of four lots within a City Growth Center to promote a more compact land use pattern, and greater compatibility with the surrounding commercial parcels.
<b>LAND USE / Policy LU 2.6 / Zoning and Infrastructure Impacts</b>	

4	Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.	Although the rezoning from NX to CX would theoretically allow a higher intensity development, only one new use is permitted, which is a low intensity use. In addition, the limit on height and other conditions will adequately address other potential negative impacts.
<b>LAND USE / Policy LU 3.2 / Location of Growth</b>		
5.	The development of vacant properties should occur first within the City's limits, then within the City's planning jurisdiction, and lastly within the City's USAs to provide for more compact and orderly growth, including provision of conservation areas.	This rezoning would allow the development of four vacant lots within the City limits, where the Comprehensive Plan encourages infill development.
<b>LAND USE / Policy LU 4.4 / Reducing VMT Through Mixed Use</b>		
6.	Promote mixed-use development that provides a range of services within a short distance of residences as a way to reduce the growth of vehicle miles traveled (VMT).	The proposed project is in a City Growth Center and along an Urban Thoroughfare where recent commercial development has created a mix of uses within a short distance from residential areas, thereby encouraging multi-modal transportation and reducing the number of vehicle miles traveled.
<b>LAND USE / Policy LU 4.7 / Capitalizing on Transit Access</b>		
7.	Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed-uses to take full advantage of and support the City and region's investment in transit infrastructure.	This rezoning would allow higher intensity mixed-use development in a location that is within a half-mile of a potential fixed-guideway transit stop at Spring Forest Road and the CSX Railroad.
<b>LAND USE / Policy LU 5.2 / Managing Commercial Development Impacts</b>		
8.	Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.	The conditions offered as part of this rezoning effectively limit negative impacts on the surrounding community by limiting height, uses, and the amount of traffic that may be caused by the new development.
<b>LAND USE / Policy LU 5.4 / Density Transitions</b>		
9.	Low-to-medium density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.	See response to LU 5.2 above.
<b>LAND USE / Policy LU 5.6 / Buffering Requirements</b>		
10.	New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.	The proposed development will include all setbacks, buffers, and transition zones the UDO requires, including the 50-foot neighborhood transition zone required where the subject property abuts an R-4 lot.
<b>LAND USE / Policy LU 6.4 / Bus Stop Dedication</b>		

11.	The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.	This applicant has offered as a condition to dedicate a transit easement and construct an ADA-accessible bus stop shelter.
<b>LAND USE / Policy LU 7.3 / Single Family Lots on Major Roads</b>		
13.	No new single-family residential lots should have direct vehicular access from major streets, in an effort to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to major streets.	The Rezoning Property is in an area made up of various housing densities but which has seen recent commercial growth and development. This rezoning would allow intensity appropriate commercial development along two major streets where single-family use is no longer practical.
<b>LAND USE / Policy LU 7.4 / Scale and Design of New Commercial Uses</b>		
14.	New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.	The conditions offered as part of this rezoning effectively limit negative impacts on the surrounding community by limiting height, uses, and the amount of traffic that may be caused by the new development.
<b>LAND USE / Policy LU 8.10 / Infill Development</b>		
15.	Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.	The lots in the rezoning property are vacant and the rezoning would allow for more commercial development. As part of a City Growth Center, this area is rapidly developing a more commercial character as a convenience store with gas sales and a 24-hour restaurant were recently developed across Dixie Forest Road.
<b>ECONOMIC DEVELOPMENT / Policy ED 1.2 / Mixed-Use Redevelopment</b>		
16.	Promote mixed-use redevelopment strategies as a means of enhancing economic development in commercial corridors and creating transit-friendly environments.	The rezoning to CX will provide an opportunity for higher density mixed-use development of four parcels currently zoned NX and located near new commercial development.
<b>URBAN DESIGN / Policy UD 1.10 / Frontage</b>		
17.	Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.	The Rezoning Property lies in a City Growth Center where an urban and/or hybrid approach to frontage is recommended by the Comprehensive Plan. The conditions offered by the applicant contain provisions which approximate Parking Limited frontage on all four lots.

**PUBLIC BENEFITS**

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

1. This rezoning request provides public benefits by providing for additional commercial development which will allow much needed self-storage in close proximity to residential and other commercial uses.

2. This rezoning request will facilitate the development of fully conditioned self-storage use which increases the City tax base but which does not generate significant additional traffic at a difficult intersection.

3. This rezoning request provides public benefits by providing a bus shelter and higher intensity development within a half-mile of a proposed fixed transit stop.

4. This rezoning request provides public benefits by allowing for additional economic development that is compatible with the surrounding community and mitigates negative traffic impacts.

5. This rezoning request provides public benefits by adding to the mix of uses located in close proximity to residential within a City Growth Center.

### 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.**

**>>> THIS PROPERTY DOES NOT MEET THE CRITERIA FOR THIS SECTION.<<<**

- |     |  |
|-----|--|
| 1.  | <i>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.</i>   |
| 2.  | <i>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.</i>  |
| 3.  | <i>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.</i>  |
| 4.  | <i>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.</i> |
| 5.  | <i>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.</i>   |
| 6.  | <i>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.</i>   |
| 7.  | <i>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.</i>  |
| 8.  | <i>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.</i>   |
| 9.  | <i>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.</i>   |
| 10. | <i>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.</i>  |

11.	<i>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.</i>
12.	<i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i>
13.	<i>New public spaces should provide seating opportunities.</i>
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i>
15.	<i>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.</i>
16.	<i>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.</i>
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i>
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i>
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i>
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i>
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i>
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i>
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i>
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i>
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i>
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i>

## 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. | <p><i>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.</i></p> <p><b>RESPONSE: While the proposed development does not provide retail, it does provide a useful commercial service to nearby residential neighborhoods and serves to increase the mix of uses in the area.</b></p>  |
| 2. | <p><i>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.</i></p> <p><b>RESPONSE: The proposed development will include all setbacks, buffers, and transition zones the UDO requires, including the 50-foot neighborhood transition zone required where the subject property abuts an R-4 lot. The maximum height is three stories. The proposed development will provide a good transition from the high intensity Sheets development to the residential neighborhood.</b></p>   |
| 3. | <p><i>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.</i></p> <p><b>RESPONSE: This area is in the process of transitioning from residential use to commercial and mixed use and the development proposes connections to both public streets that are adjacent to the Rezoning Property. Other than the two frontage roads, there are no “neighborhood road networks” available for the development to connect and providing a connection to the surrounding single-family properties is neither feasible nor desired.</b></p>   |
| 4. | <p><i>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.</i></p> <p><b>RESPONSE: The proposed develop contemplates a drive that connects Litchford and Dixie Forest Roads. No cul de sacs or dead end streets are planned here. The proposed development is on the corner of a busy intersection in an area that has seen recent commercial development but other areas adjacent to the Rezoning Property are zoned R-4. The proposal includes an ingress/egress on each public street adjacent to the property but no connections to the single family residences are planned or desired at this time in order to respect and preserve the privacy of the residential use.</b></p> |
| 5. | <p><i>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.</i></p> <p><b>RESPONSE: Block faces will meet the standards of the UDO. This guideline will be addressed in</b></p>  |

	<b>more detail at the site plan stage.</b>
6.	<p><i>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.</i></p> <p><b>RESPONSE: Proposed conditions will limit parking between the street and the building to provide visual interest along the street.</b></p>
7.	<p><i>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.</i></p> <p><b>RESPONSE: Proposed conditions require the building to be between 0 and 100 feet of the street and will ensure that parking between the building and the street is limited.</b></p>
8.	<p><i>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.</i></p> <p><b>RESPONSE: The site is located at the intersection of Litchford Road and Dixie Forest Road. The proposed development plan has two ingress/egresses anticipated for the development, which are placed a safe distance from the intersection. The building will be located close to the corner per the conditions and parking, loading or service will take place within the internal parking lot.</b></p>
9.	<p><i>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.</i></p> <p><b>RESPONSE: The proposed conditions will require the building to be closer to the public right-of-way and the proposed limit in height is designed to create a development that is properly scaled to its surroundings. The particular urban open space created by the proposed development will be addressed in more detail at the site plan stage.</b></p>
10.	<p><i>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.</i></p> <p><b>RESPONSE: There will be two ingress/egress areas, one on each public street, a safe distance from the intersection of Litchford Road and Dixie Forest Road. Pedestrian pathways will be addressed in more detail at the site plan stage.</b></p>
11.	<p><i>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.</i></p> <p><b>RESPONSE: Pedestrian traffic will be accommodated over public sidewalks and over internal walkways. Active uses including loading and unloading can and will take place internal to the site. Retail, cafes and restaurants are not contemplated for this site.</b></p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor 'room' that is comfortable to users.</i></p> <p><b>RESPONSE: The proposed conditions will require the building to be closer to the public right-of-way and the limit on height will make it properly scaled to the surroundings.</b></p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>RESPONSE: This guideline will be addressed in more detail at the site plan stage.</b></p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p>

	<p><b>RESPONSE: The proposed use is low intensity and generates a very low level of traffic and therefore does not need large amounts of parking. The proposed conditions will limit the amount of parking located between the building and the primary public street.</b></p>
15.	<p><i>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.</i></p> <p><b>RESPONSE: See response to #14.</b></p>
16.	<p><i>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.</i></p> <p><b>RESPONSE: Parking will be provided per UDO requirements but it will not dominate the urban space created by the building. The proposed use is low-intensity does not need excessive parking.</b></p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>RESPONSE: This rezoning would allow higher intensity development in a location that is within a half-mile of a potential fixed-guideway transit stop at Spring Forest Road and the CSX Railroad.</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>RESPONSE: The proposed conditions include a transit easement dedicated to the City. There will be pedestrian access from the easement to the building entrance. The particulars of pedestrian access on the site will be addressed at the site plan stage.</b></p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>RESPONSE: There are no known sensitive environmental areas on the Rezoning Property.</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 streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>RESPONSE: The commercial driveways will have pedestrian pathways to the main entrance and other areas of the building. Sidewalks will be provided according to UDO standards. These items will be addressed in more detail at the site plan stage.</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 and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>RESPONSE: Sidewalks will be provided according to UDO standards. This guideline will be addressed in more detail at the site plan stage.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4"</i></p>

	<p><i>caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>RESPONSE: Street trees will be planted according to UDO standards for commercial streets. This guideline will be addressed in more detail at the site plan stage.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>RESPONSE: Building height will be intentionally limited in order to provide compatibility with the surrounding area. The forward-facing façade, street trees, and proposed build-to area will provide good spatial definition along the public right-of-way.</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>RESPONSE: The primary entrance will be oriented to face Litchford Road as the primary public street and it will have distinctive architectural features to set it apart from the remainder of the building.</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>RESPONSE: Architectural details and signage will be addressed in the site plan stage and will meet all UDO standards. High quality building materials and architectural detail are contemplated.</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>RESPONSE: Sidewalks shall be provided in accordance with UDO standards. This guideline will be addressed in more detail at the site plan stage.</b></p>

Z-24-2016 Existing Land Use (Vacant)	Daily 0	AM 0	PM 0
Z-24-2016 Current Zoning Entitlements	Daily 4,065	AM 218	PM 331
Z-24-2016 Proposed Zoning Maximums	Daily 889	AM 54	PM 93
Z-24-2016 Trip Gen Change (Proposed minus Existing)	Daily -3,176	AM -164	PM -238
<b>Z-24-2016 Traffic Study Worksheet</b>			
<b>6.23.4 Trip Generation</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Peak Hour Trips ≥ 150 veh/hr	No, the change in average peak hour trip volume is less than Zero	
B	Peak Hour Trips ≥ 100 veh/hr if primary access is on a 2-lane road	No	
C	More than 100 veh/hr trips in the peak direction	No	
D	Daily Trips ≥ 3,000 veh/day	No, the change in average daily trip volume is less than Zero	
E	Enrollment increases at public or private schools	Not Applicable	
<b>6.23.5 Site Context</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Affects a location with a high crash history [Severity Index ≥ 8.4 or a fatal crash within the past three years]	No	
B	Takes place at a highly congested location [volume-to-capacity ratio ≥ 1.0 on both major street approaches]	Yes, the intersection of Spring Forest/Atlantic/Litchford is congested during peak travel periods. Given that the potential rezoning could lead to a decrease in daily and peak hour trips, OTP staff waives the requirement for a traffic study.	
C	Creates a fourth leg at an existing signalized intersection	No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	Yes, the subject parcels have frontage on both Litchford Road (major street) and Dixie Forest Road (mixed-use-street). Given that the potential rezoning could lead to a decrease in daily and peak hour trips, OTP staff waives the requirement for a traffic study.	
F	Proposed access is within 1,000 feet of an interchange	No	
G	Involves an existing or proposed median crossover	No	
H	Involves an active roadway construction project	No	
I	Involves a break in controlled access along a corridor	No	
<b>6.23.6 Miscellaneous Applications</b>			
<b>Meets TIA Conditions? (Y/N)</b>			
A	Planned Development Districts	No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of October 26, 2016	





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: Z-32-16 Hillsborough Street

<i>Location</i>	Hillsborough Street, north side, at its intersection with Bagwell Street Address: 2812 Hillsborough Street and 6 Bagwell Avenue PIN: 0794-62-4441 and 0794-62-4551
<i>Request</i>	Rezone property from NX-4-SH and R-6, both w/SRPOD to NX-5-SH-CU and RX-3-CU, both with SRPOD
<i>Area of Request</i>	.34 acres
<i>Property Owner</i>	Kathleen C. Hammon
<i>Applicant</i>	Ted Van Dyk, New City Design
<i>Citizens Advisory Council (CAC)</i>	Wade CAC
<i>PC Recommendation Deadline</i>	February 20, 2017

### Comprehensive Plan Consistency

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

### Future Land Use Map Consistency

The rezoning case is  Consistent  Inconsistent with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Neighborhood Mixed Use (2812 Hillsborough) and Low Density Residential (6 Bagwell)
<b><i>URBAN FORM</i></b>	Main Street Corridor Transit Emphasis Corridor
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 1.3—Conditional Use District Consistency Policy H 1.8—Zoning for Housing Policy UD 1.10—Frontage. Policy UD 6.1—Encouraging Pedestrian-Oriented Uses Policy UD 7.3—Design Guidelines
<b><i>INCONSISTENT Policies</i></b>	Policy LU 5.6—Buffering Requirements Policy H 1.6—Housing Preservation Policy HP 1.2—Cultural and Historic Resource Preservation

### Summary of Proposed Conditions

1. Units will have three or fewer bedrooms.
2. Maximum building height of 62' as measured from northern portion of 2812 Hillsborough.
3. Uses on 6 Bagwell restricted to parking and landscaping.
4. Parking screened.
5. Building materials specified (no vinyl siding, minimum of 75 percent of siding to be brick/masonry).

## Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
9/8/16	9/27/16 12/6/16 (Y-9, N-25)	11/22/16 12/13/16		

### Attachments

1. Staff report
2. Proposed conditions

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	<p><i>The following topics should be addressed:</i></p> <ul style="list-style-type: none"> <li>• <i>Consistency with the Comprehensive Plan, Future Land Use Map, and other policy guidance</i></li> <li>• <i>Whether the proposal is reasonable and in the public interest</i></li> <li>• <i>Compatibility with the surrounding area</i></li> </ul>
<i>Motion and Vote</i>	<p>Motion: Second: In Favor: Opposed: Excused:</p>

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator: Jason Hardin: (919) 996-2657; [Jason.Hardin@raleighnc.gov](mailto:Jason.Hardin@raleighnc.gov)



# Zoning Staff Report – Case Z-32-16

## Conditional Use District

### Case Summary

#### Overview

This rezoning request involves property at the northeast corner of the intersection of Hillsborough Street and Bagwell Avenue. The subject property consists of two contiguous parcels totaling .34 acres. The southern parcel fronts on both Hillsborough Street and Bagwell Avenue; a smaller parcel to the north fronts on Bagwell Avenue.

The southern parcel is currently occupied by an auto repair business, while the northern parcel is occupied by a detached house. Commercial uses exist to the east and west of the subject properties, while the property to the south is occupied by apartments over commercial uses.

Both the Future Land Use Map and current zoning designations for the two parcels reflect the differing uses noted above. The southern parcel is in an area designated as Neighborhood Mixed Use on the FLUM, as are areas to the west, south, and east. The northern parcel is in an area designated as Low Density Residential, as are adjacent parcels to the north.

The request involves rezoning the southern parcel from Neighborhood Mixed Use-Four Stories-Shopfront (NX-4-SH) to Neighborhood Mixed Use-Five Stories-Shopfront-Conditional Use (NX-5-SH-CU) and rezoning the northern parcel from Residential-6 (R-6) to Residential Mixed Use-Three Stories-Conditional Use (RX-3-CU). Uses on the Bagwell parcel would be restricted to parking and landscaping only. However, rezoning it to a mixed-use category would allow for scale and use transitions required on the Hillsborough Street parcel to shift northward.

The request includes a number of proposed conditions. These include restricting uses on the Bagwell parcel to only parking and landscaping; limiting units to three or fewer bedrooms; limiting building height; and specifying materials to be used.

#### Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>1. Sewer and fire flow matters may need to be addressed upon development.</li> <li>2. Building height may not be consistent with the Plan, particularly with respect to the transition to residential area to the north.</li> <li>3. Technical changes to conditions are needed. Condition 2 must refer to building height in accordance with the UDO. Condition 4 is unnecessary, as it repeats existing code.</li> </ol>	<i>Suggested Mitigation</i>	<ol style="list-style-type: none"> <li>1. Address sewer and fire flow capacities at the site plan stage.</li> <li>2. Consider means of lowering overall height and providing increased step down on the north side of 2812 Hillsborough.</li> <li>3. Revise condition language.</li> </ol>
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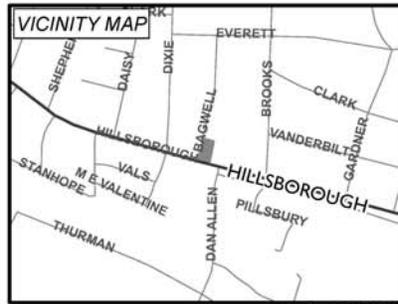
# Existing Zoning Map

# Z-32-2016




**Submittal Date**  
10/6/2016

**Request:**  
0.34 acres from  
**NX-4-SH & R-6 w/SRPOD**  
to **NX-5-SH-CU & RX-3-CU**  
w/ SRPOD



Map Date: 10/6/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	NX-4-SH / R-6	R-6	NX-4-SH	NX-4-SH	NX-4-SH / R-6
<i>Additional Overlay</i>	SRPOD	SRPOD	SRPOD	SRPOD	SRPOD
<i>Future Land Use</i>	Neighborhood Mixed Use / Low Density Residential	Low Density Residential	Neighborhood Mixed Use	Neighborhood Mixed Use	Neighborhood Mixed Use / Low Density Residential
<i>Current Land Use</i>	Vehicle repair / detached house	Detached residential	Apartments over commercial	Commercial	Commercial
<i>Urban Form (if applicable)</i>	Main Street/Transit Emphasis Corridor	None	Main Street/Transit Emphasis Corridor	Main Street/Transit Emphasis Corridor	Main Street/Transit Emphasis Corridor

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density (max.):</i>	65.6 units/acre	93.8 units/acre
<i>Setbacks (2802 Hillsborough)</i> <i>Front:</i> <i>Side Street:</i> <i>Side:</i> <i>Rear:</i>	0'-15' build-to 0'-15' build-to 0' or 6' 0' or 6'	0'-15' build-to 0'-15' build-to 0' or 6' 50' transition zone to north
<i>Setbacks (6 Bagwell.):</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	10' 5' 20'	N/A N/A N/A
<i>Retail Intensity Permitted:</i>	7,463 sf	8,667 sf
<i>Office Intensity Permitted:</i>	9,808 sf	14,009 sf

### **1.3 Estimated Development Intensities**

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<b>Total Acreage</b>	NX-4-SH & R-6, both w/SRPOD	NX-5-SH-CU & RX-3-CU, both w/SRPOD
<b>Zoning</b>	.34 acres	.34 acres
<b>Max. Gross Building SF (if applicable)</b>	25,041	30,665
<b>Max. # Residential Units</b>	21	30
<b>Max. Gross Office SF</b>	9,808	14,009
<b>Max. Gross Retail SF</b>	7,463 sf	8,667 sf
<b>Max. Gross Industrial SF</b>	-	-
<b>Potential F.A.R.</b>	1.8	2.2

*\*These development intensities were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

The proposed rezoning is:

**Compatible** with the property and surrounding area.

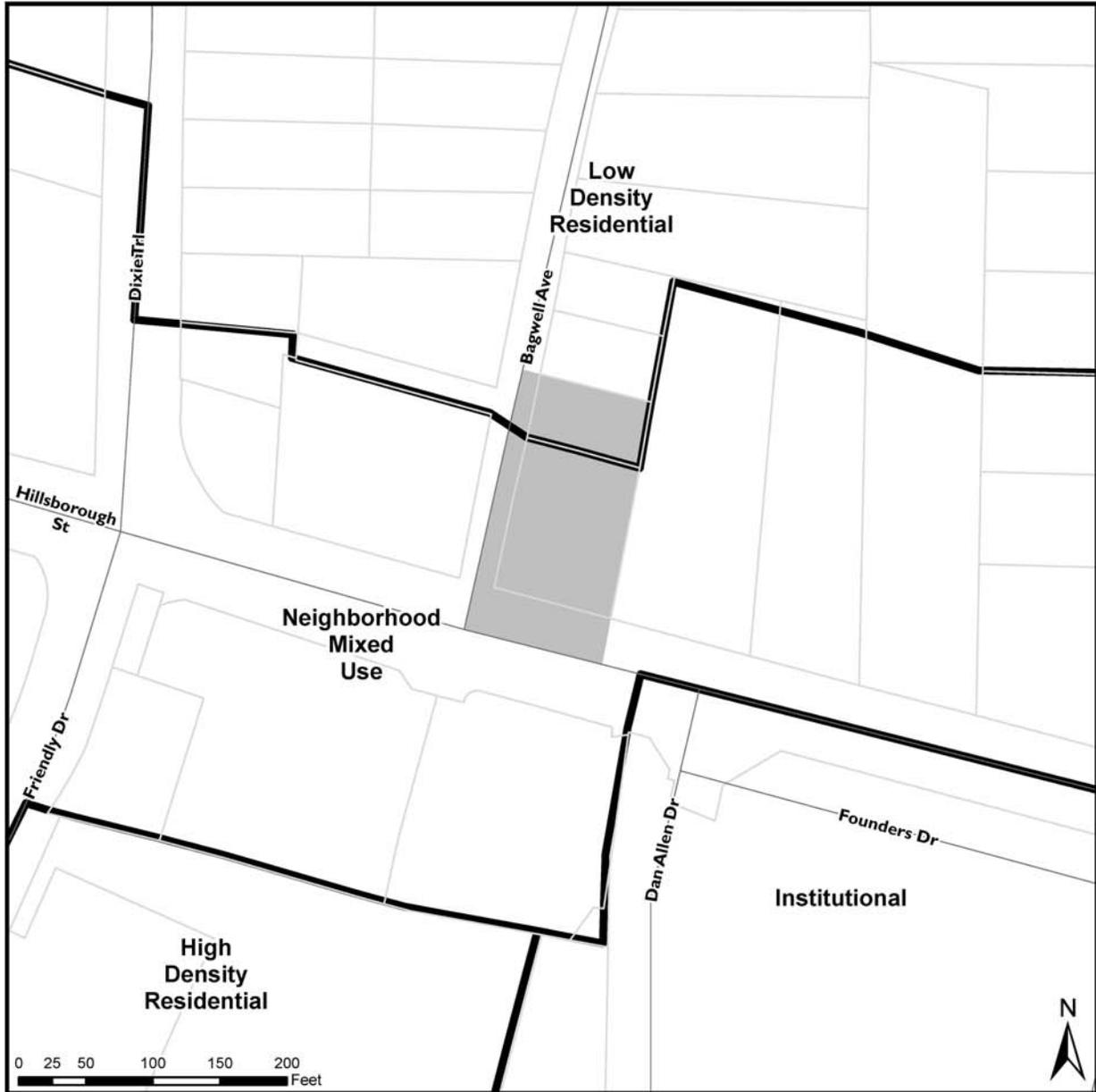
**Incompatible.**

Analysis of Incompatibility:

The proposal is partly compatible. Nearby properties along Hillsborough Street are zoned for similar uses and heights. The proposed conditions would assist in creating a transition between the subject property and residential properties to the north. However, the request would allow additional height and, by rezoning 6 Bagwell, would allow for the height transition required by the UDO to occur farther to the north than currently allowed. Additional efforts to reduce the additional height above the currently allowed four stories, to step down height on the north end of the site, and to and otherwise improve the transition on the northern end of the property could improve compatibility.

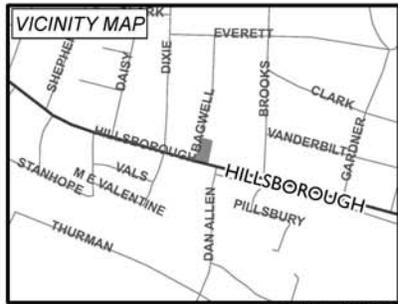
# Future Land Use Map

# Z-32-2016



**Submittal Date**  
10/6/2016

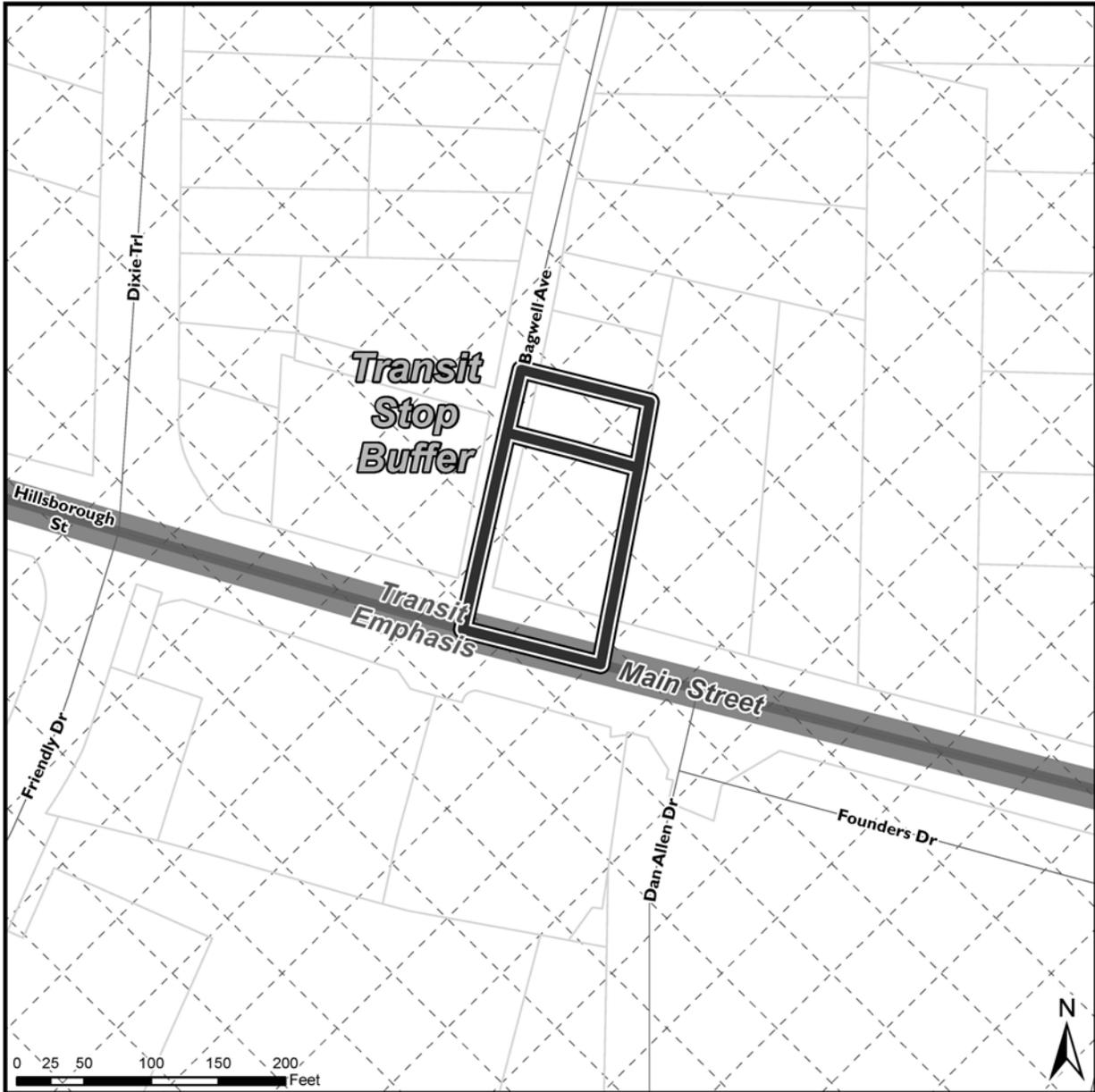
**Request:**  
0.34 acres from  
**NX-4-SH & R-6 w/SRPOD**  
to **NX-5-SH-CU & RX-3-CU**  
w/ SRPOD



Map Date: 10/6/2016

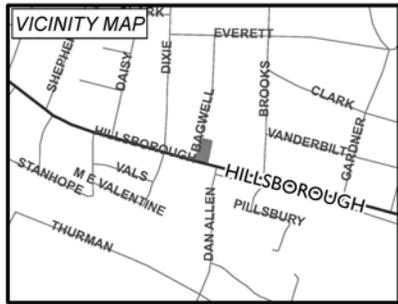
# Urban Form Map

# Z-32-2016



**Submittal Date**  
10/6/2016

**Request:**  
0.34 acres from  
NX-4-SH & R-6 w/SRPOD  
to NX-5-SH-CU & RX-3-CU  
w/ SRPOD



Map Date: 10/6/2016

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is largely consistent with the vision and themes and several specific policies of the plan. The request is consistent with the Future Land Use Map and Urban Form Map and with themes and policies that encourage density along corridors served by transit and that encourage pedestrian-friendly development. The primary inconsistency involves whether the proposed height, as discussed below, is consistent with plan guidelines.
- B. The Future Land Use map designates the Hillsborough Street parcel as Neighborhood Mixed Use. NX is an appropriate zoning category for this designation.

In areas designated as Neighborhood Mixed Use, the Plan envisions heights of five stories in "Core/Transit" areas, three stories in "Edge" areas, and four stories in between. The southern section of the site qualifies as a "Core/Transit" area due to the presence of frequent bus transit along Hillsborough Street, but the northern end fits the description of "Edge," as it is within 150' of lower-density residential. In this case, a proposed condition would limit height to 62' as measured from the northern edge of 2812 Hillsborough. Due to a change in grade, this appears to translate to approximately 70' at the southern edge of the property, or 5' lower than typically permitted with five stories.

Five stories could be seen as appropriate for the southern end of the property, but while UDO transitions would require building height at the northern end of 2812 Hillsborough to be no more than 40', additional efforts to reduce overall height and to transition it down to the residential properties to the north could improve consistency. The Plan recommends heights in edge areas should generally match the surrounding area. In this case, nearby structures to the north are one story, making the potential transition abrupt.

The FLUM designates the Bagwell Avenue parcel as Low Density Residential. The conditions restricting uses on this portion of the rezoning area to parking and landscaping are consistent with this designation. However, as the UDO requires scale and use transitions between mixed use and residential zones, by changing this zoning on this lot to RX, the height transitions mentioned above would occur farther north, closer to other low-density residential structures. Therefore the issues mentioned above with respect to the Hillsborough parcel are relevant to this parcel as well.

- C. Not applicable, as the use is designated on the Future Land Use Map.
- D. Existing infrastructure is sufficient to serve development permitted by the proposed rezoning.

## **2.2 Future Land Use**

**Future Land Use designation: Neighborhood Mixed Use (Hillsborough parcel) and Low Density Residential (Bagwell parcel)**

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**  
Analysis:

The southern parcel is in an area designated on the Future Land Use Map as Neighborhood Mixed Use, which is compatible with the proposed NX zoning. The northern parcel is in an area designated as Low Density Residential on the FLUM. While the Plan does not envision applying RX zoning to these areas, the proposed conditions limiting uses on this portion of the area to be rezoned eliminate inconsistency.

## **2.3 Urban Form**

**Urban Form designation: Main Street; Transit Emphasis Corridor**

**Not applicable** (no Urban Form designation)

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**  
Analysis of Inconsistency:

The retention of the Shopfront frontage is consistent with the Urban Form Map.

## **2.4 Policy Guidance**

The rezoning request is **consistent** with the following policies:

Policy LU 1.2—Future Land Use Map and Zoning Consistency. The requested zoning, in conjunction with the proposed conditions, is consistent with the FLUM.  
Policy LU 1.3—Conditional Use District Consistency. The conditions assist in establishing consistency and are themselves consistent with the Plan.  
Policy H 1.8—Zoning for Housing. The request would help supply the market with housing.  
Policy UD 1.10—Frontage. The retention of the Shopfront frontage is the same as or similar to adjacent parcels, establishing a consistent frontage.  
Policy UD 6.1—Encouraging Pedestrian-Oriented Uses. The proposal promotes pedestrian-oriented uses and form.  
Policy UD 7.3—Design Guidelines. The Shopfront frontage, which ensures the street is lined by buildings rather than parking lots and which provides visual interest for pedestrians, supports this policy.

The rezoning request is **inconsistent** with the following policies:

Policy LU 5.6—Buffering Requirements. The conditions on the Bagwell parcel assist in establishing the transition envisioned by this policy. However, additional efforts to reduce height on the northern end of the Hillsborough parcel would assist in achieving consistency.

Policy H 1.6—Housing Preservation. The proposal would eliminate an existing house on Bagwell Avenue.

Policy HP 1.2—Cultural and Historic Resource Preservation. The proposal would remove two contributing buildings, a former gas station and a detached house, from the West Raleigh National Register Historic District.

## **2.5 Area Plan Policy Guidance**

No approved Area Plan currently exists. However, the jointly produced Cameron Village and Hillsborough Street Small Area Plans, which are available in draft form, did not include this portion of Hillsborough Street in the listing of areas where increased height is recommended.

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- The proposal will provide additional housing in an area well-served by transit.
- The proposal will help meet demand in the housing market.
- The proposal will make this section of Hillsborough Street more accommodating to pedestrians by eliminating an existing surface parking lot along the street.

### **3.2 Detriments of the Proposed Rezoning**

- Two contributing structure in the West Raleigh National Register Historic district, a house and a former gas station, would be removed to accommodate a new building and parking and to create a transition area.

## **4. Impact Analysis**

### **4.1 Transportation**

The site is located in the northeast quadrant of Hillsborough Street and Bagwell Avenue. Hillsborough Street (SR 3007) is maintained by the NCDOT; Bagwell Avenue is maintained by the City of Raleigh. Hillsborough Street is classified as a mixed-use street in the UDO Street Plan Map (Avenue, 3-Lane, Parallel Parking). Bagwell Avenue is a local street. This segment of Bagwell Avenue currently has a two-lane cross section with curbs but no sidewalks.

The Hillsborough Street Revitalization project is underway; it will install a center median along Hillsborough Street in front of the Z-32-2016 site.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the eastern boundary of the Z-32-2016 parcels.

Site access will be determined upon completion of the Hillsborough Street Revitalization project and upon submission of a site plan to the Raleigh Development Services Department. Driveway access on Hillsborough Street will be limited to Right-In/Right-Out.

In accordance with UDO section 8.3.2, the maximum block perimeter for NX-5 zoning is 2,500 feet. The block perimeter for Z-32-2016, as defined by public rights-of-way for Hillsborough Street, Bagwell Avenue, Everett Avenue and Brooks Avenue is 3,020 feet.

The existing land uses are a single-family dwelling and an automotive repair shop; these uses generate very little traffic. Current zoning allows for 17 multifamily dwellings and approximately 7,500 sf of retail use. Approval of case Z-32-2016 would allow a modest increase in these uses (22 multifamily dwellings and 8,700 sf of retail); average peak hour trip volumes will increase by 10 veh/hr while daily trip volume will increase by 124 veh/day. A traffic impact analysis report is not needed for Z-32-2016.

**Impact Identified:** Block perimeter exceeds UDO standard.

#### 4.2 Transit

**Impact Identified:** None

#### 4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Rocky
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

**Impact Identified:** No major impacts identified.

#### 4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	1,250 gpd	5,250 gpd	7,500 gpd
<i>Wastewater</i>	1,250 gpd	5,250 gpd	7,500 gpd

The proposed rezoning would add approximately 6,250 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area

At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of building permit and constructed prior to release of a Certificate of Occupancy

Verification of water available for fire flow is required as part of the building permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the developer.

**Impact Identified:** No major impacts identified; sewer and fire flow analysis needed..

#### **4.5 Parks and Recreation**

The site contains no greenway corridors, trails, easements, or connectors. Closest trail access is 0.4 miles, Rocky Branch Trail.

Recreation services are provided by Isabella Cannon Park, located 0.5 miles distance.

**Impact Identified:** No major impacts identified.

#### **4.6 Urban Forestry**

1. UDO 9.1 tree conservation does not apply to this rezoning.
2. The Hillsborough Street Improvement Project will address the streetscape along Hillsborough Street and the corner with Bagwell Avenue.
3. UDO 8.5.1.applies.

**Impact Identified:** None.

#### **4.7 Designated Historic Resources**

The site is within the West Raleigh National Register Historic District. 6 Bagwell Avenue is a house constructed ca. 1925 and is classified as a Contributing Building. 2812 Hillsborough Street is a gas station constructed ca. 1952, and is classified as a Contributing Building. It is described as a one-story, gas station, with enamel panels that cover the exterior, a flat roof, plate glass windows, a rounded southwest corner, and three garage bays. Based on a deed and plat, H. B. and Ella Bagwell sold this parcel to Standard Oil in 1925 but the existing building does not date from that period. The Raleigh Historic Landmark Milton Small & Associates Office Building (105 Brooks Avenue) is on the other side of the block and the Raleigh Historic Landmark NC Agricultural Experiment Station Cottage (2714 Vanderbilt Avenue) is within 1,000 feet.

**Impact Identified:** Possible visual impacts. RDHC is providing a memo with additional information.

#### **4.9 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon redevelopment.

#### **4.10 Mitigation of Impacts**

Address sewer and fire flow capacities at the site plan stage.

## 5. Conclusions

The proposal is consistent with the Future Land Use Map and Urban Form Map. It would add housing along a corridor served by transit and would facilitate improved conditions for pedestrians. The primary question involves the requested height. The question involves whether the site is best described as a “Core/Transit” area (five stories permitted); or, given the presence of lower density residential structures to the north, a “General” area (four stories permitted) or a hybrid of the two.

While the request includes a condition that restricts the height to approximately 70’ at Hillsborough Street, less than the 75’ allowed by code in five-story districts, and while UDO transitions would restrict height at the northern end to 40’, additional efforts to reduce overall height and step the building down to the north may improve consistency.

Overall, while the proposal is consistent with several policies, as proposed it is inconsistent with the Comprehensive Plan. The proposed conditions also need revisions to address technical issues.

**Conditional Use District Zoning Conditions**

Zoning Case Number	<b>OFFICE USE ONLY</b>  Transaction #
Date Submitted	
Existing Zoning: <u>NX-4-SH &amp; R-6 w/SRPOD</u> Proposed Zoning: <u>NX-5-SH &amp; RX-3 w/SRPOD</u>	

**NARRATIVE OF ZONING CONDITIONS OFFERED**

1. No dwelling unit constructed on the property shall contain four (4) or more bedrooms. Units will include a mix of studio/one bedroom, two bedroom, and three bedroom plans.
2. The maximum building height shall be sixty-two (62) feet as measured from the common property line of Lot 65 and Lot 66 as shown on that plat recorded in Book of Maps 1920, Page 140.
3. The uses permitted on that parcel identified as Lot 65 on plat recorded in Book of Maps 1920, Page 140 and described in deed recorded in Book 3490, Page 028 shall be limited to landscaping and parking.
4. Parking shall be provided on the property for each dwelling unit in excess of sixteen (16) dwelling units, in accordance with the provisions of Article 7.1.
5. A minimum of seventy-five percent (75%) of the building siding material shall be masonry or brick.
6. No EIFS or vinyl siding shall be permitted as a building siding material, except that EIFS shall be allowed for trim applications such as roof cornices, header details, or banding elements and window frames, doors, soffits and trim may be constructed of wood, fiberglass, metal or vinyl.
7. Parking will be screened by landscaping and/or architectural features compatible with the building design. Parking lot surface will be brick or concrete pavers except where concrete may be required by City of Raleigh Standards.
- 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 *R. C. Hammon* Print Name *R. C. Hammon*





1304 Hillsborough Street | Raleigh, NC 27605 | tel 919.831.1308 | fax 919.831.9737

[www.newcitydesign.com](http://www.newcitydesign.com)

**Neighborhood Meeting Report  
2812 Hillsborough, 06 Bagwell**

A meeting was held at the offices of New City Design Group, 1304 Hillsborough Street, on September 8, 2016 at 6 pm.

No members of the community attended. The development team discussed the project and adjourned at approximately 6:45 pm.

Note that the development team presented the case to the Wade CAC as a courtesy- no vote was to be taken- on September 27, 2016.

Project parameters, conditions, and details were discussed.

Neighborhood input included requesting assurances that conditions such as prohibiting 4 bedroom units, and offering a variety of unit types. Other input included a request for use of high quality materials for parking and landscaping areas, screening of parking, and possible inclusion of small site amenities such as special plantings in landscape areas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ted Van Dyk", is written over a light blue horizontal line.

Ted Van Dyk, AIA  
New City Design Group, PLLC



1304 Hillsborough Street Raleigh, North Carolina 27605

P) 919.831.1308 F) 919.831.9737

August 19, 2016

Neighbors,

We contacted you some ago concerning 2812 Hillsborough Street and 06 Bagwell Ave. We proposed zoning 2812 Hillsborough Street from NX 4SH to NX 5SH, and 06 Bagwell to RX3.

We have restarted this effort, and since many months have passed, and we have some new information to offer, we invite you to a neighborhood meeting to learn more about our plans and offer your input.

The meeting will be held at new City Design Group, 1304 Hillsborough Street, 6 pm., Thursday, September 8<sup>th</sup>.

If you have questions in the meantime, please contact me at 919 831 1308, and I will be happy to speak with you or:

Contact information for Raleigh Department of City Planning:

Phone: 919-996-2626

Email: [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov)

Web: [www.raleighnc.gov](http://www.raleighnc.gov)

Thanks for your consideration;

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Van Dyk".

Ted Van Dyk, AIA

0794624441  
HAMMON, KATHLEEN C  
5905 JEFFREYS GROVE SCHOOL RD  
RALEIGH NC 27612-2228

0794507874  
UNITED STATES OF AMERICA  
310 NEW BERN AVE  
RALEIGH NC 27601-1441

0794507874  
NORTH CAROLINA STATE OF  
HOLLADAY HALL - ROOM A  
PO BOX 7008  
RALEIGH NC 27695-7001  
RALEIGH NC 27695-7001

0794507874  
WAKE COUNTY  
WAKE COUNTY ATTORNEY'S OFFICE  
PO BOX 550  
RALEIGH NC 27602-0550  
RALEIGH NC 27602-0550

0794507874  
ETA UPSILON HOUSE CORP OF KAPPA  
DELTA SORORITY  
HAMILTON FINANCIAL  
3710 UNIVERSITY DR STE 330  
3710 UNIVERSITY DR STE 330  
DURHAM NC 27707-6204

0794507874  
NORTH CAROLINA STATE OF  
HOLLADY HALL-ROOM A  
CAMPUS PO BOX 7008  
RALEIGH NC 27695-7001  
RALEIGH NC 27695-7001

0794507874  
NCSU  
HALLADAY HALL - ROOM A  
PO BOX 7008  
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USDA PLANT RESEARCH  
HOLLADAY HALL - ROOM A  
CAMPUS PO BOX 7008  
RALEIGH NC 27695-7001  
RALEIGH NC 27695-7001

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BETA TAU CHAPTER OF SIGMA NU  
FRATERNITY HOUSE CORP...  
C/O HOWARD PICKETT  
1021 GOODWORTH DR  
1021 GOODWORTH DR  
APEX NC 27539-3869

0794622276  
CAPETANOS HOLDINGS LLC  
3608 PINNACLE DR  
CARY NC 27518-8922

0794623404  
FERGUSON PROPERTIES LLC  
2230 WHITMAN RD  
RALEIGH NC 27607-6649

0794623538  
FERGUSON PROPERTIES LLC  
2230 WHITMAN RD  
RALEIGH NC 27607-6649

0794623654  
PLW BAGWELL LLC  
11 BAGWELL AVE  
RALEIGH NC 27607-7136

0794624201  
FMW AT 2811 HILLSBOROUGH LLC  
132 BREVARD CT  
CHARLOTTE NC 28202-1927

0794624551  
HAMMON, KATHLEEN C  
1102 E FRANKLIN ST  
CHAPEL HILL NC 27514-3221

0794624575  
DOBSON, LOLO A DOBSON, LORRAINE R  
138 TETBURY AVE NE  
CONCORD NC 28025-3172

0794624589  
ROCKFISH REAL ESTATE LLC  
707 EVANVALE CT  
CARY NC 27518-2806

0794625441  
MOSELEY, CHARLES V  
1128 IVY LN  
RALEIGH NC 27609-4761

0794625654  
HASSLER, WILLIAM T DOROTHY L  
HASSLER TRUST  
5708 33RD ST NW  
WASHINGTON DC 20015-1643  
WASHINGTON DC 20015-1643

0794626430

NORTH CAROLINA STATE OF  
STATE PROPERTY OFFICE

116 W JONES ST

RALEIGH NC 27603-1300

RALEIGH NC 27603-1300



# Rezoning Application



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



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

OCT 5 2016 PM 4:05

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: <u>NX-4-SH and R-6, all with SRPOD</u>			
Proposed Zoning Classification Base District: <u>NX</u> Height: <u>-5</u> Frontage: <u>-SH</u> Overlay: <u>SRPOD</u>			
Proposed Zoning Classification Base District: <u>RX</u> Height: <u>-3</u> Frontage: <u>None</u> Overlay: <u>SRPOD</u>			
If the property has been previously rezoned, provide the rezoning case number: <u>Not Applicable</u>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
486762 (Rezoning Pre-Application)			

GENERAL INFORMATION			
Property Address: 2812 Hillsborough Street and 6 Bagwell Street			Date
Property PIN: 0794-62-4441 and 0794-62-4551		Deed Reference (book/page): DB 3402, PG 451 and DB 3490, PG 028	
Nearest Intersection: Hillsborough Street and Bagwell Street			Property Size (acres): 0.34 acres
Property Owner/Address: Kathleen C. Hammon 1102 E. Franklin Street Chapel Hill, NC 27514	Phone	Fax	
	Email		
Project Contact Person/Address: Ted Van Dyk, New City Design 1304 Hillsborough Street Raleigh, NC 27605	Phone: 919.831.1308	Fax: 919.831.9737	
	Email: ted@newcitydesign.com		
Owner/Agent Signature <i>Kathleen C. Hammon</i>	Email		

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**

**OFFICE USE ONLY**

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.

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 2812 Hillsborough Street parcel is designated "Neighborhood Mixed Use" on the Future Land Use Map, which recommends mixed use projects with upper-story housing. Also, the NMU description states that NX is the most appropriate zoning district for property designated NMU. Therefore, the rezoning to NX is consistent with the NMU designation. The 6 Bagwell parcel is designated "Low Density Residential" on the Future Land Use Map, which applies to property where single-family is planned. The rezoning request to RX with a condition limiting development on this parcel to a single-family detached structure or parking is consistent with this guidance.
2. The properties front along Hillsborough Street, which is designated a Transit Emphasis Corridor and Main Street on the Urban Form Map. Also, these properties are within the half-mile transit buffer. This guidance encourages the application of an urban frontage. The application of the Shopfront frontage is consistent with this guidance. Also, Table LU-2 Recommended Height Designations table states that a maximum of five stories is appropriate for property designated NMU on the Future Land Use Map and located within a Core/Transit Area. Given the property's location along a Transit Emphasis Corridor and within the transit buffer, the property is located within a Core/Transit Area. Therefore, the request for a height of five stories is consistent with the Urban Form Map and Comprehensive Plan guidance.
3. The rezoning request is consistent with Comprehensive Plan policies LU 1.2, LU 1.3, LU 2.2, LU 4.4, LU 4.7, LU 4.9, LU 5.1, LU 5.4, LU 5.6, LU 7.4, LU 7.6, LU 10.1, UD 2.1 and UD 2.3 because it is consistent with the Future Land Use Map and Urban Form Map and facilitates the redevelopment of an under-utilized site for a mixed-use building that provides appropriate transition to the surrounding low density neighborhood.

**PUBLIC BENEFITS**

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

1. The rezoning request provides the public benefit of redeveloping an under-utilized and auto-oriented site for a mixed-use, pedestrian-oriented use that will activate this segment of Hillsborough Street and provide an appropriate transition to the nearby residential neighborhood.

## 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.	<p>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.</p> <p><b>The rezoning request permits a mixed-use development consistent with this guideline.</b></p>
2.	<p>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.</p> <p><b>The rezoning conditions ensure appropriate transition to the nearby neighborhood, consistent with this guideline.</b></p>
3.	<p>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.</p> <p><b>The properties have access to Bagwell Street, which is part of the neighborhood road network, consistent with this guideline.</b></p>
4.	<p>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.</p> <p><b>No new streets are anticipated as part of this development.</b></p>
5.	<p>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.</p> <p><b>The properties are located at an intersection and are part of an established block, consistent with this guideline.</b></p>
6.	<p>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.</p> <p><b>The Shopfront frontage ensures the primary street will be lined with a building, and access will be located at the side and rear of the property, consistent with this guideline.</b></p>
7.	<p>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.</p> <p><b>The Shopfront frontage requires development consistent with this guideline.</b></p>
8.	<p>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.</p> <p><b>The Shopfront frontage requires development consistent with this guideline.</b></p>
9.	<p>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.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
10.	<p>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.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
11.	<p>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.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
13.	<p>New public spaces should provide seating opportunities.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p><b>The Shopfront frontage prohibits parking between the building and the road, consistent with this guideline.</b></p>
15.	<p>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.</p> <p><b>The Shopfront frontage guideline requires development consistent with this guideline.</b></p>
16.	<p>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.</p> <p><b>No parking structures are contemplated as part of this development, but the Shopfront frontage would require any parking structure to be designed consistent with this guideline.</b></p>
17.	<p>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</p> <p><b>The properties are within walking distance to existing and planned public transit facilities, consistent with this guideline.</b></p>

18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Pedestrian access exists by way of Hillsborough Street to nearby public transit stops, 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 landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>There are no known sensitive environmental features on the property.</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 streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>No new streets are contemplated as part of this development, and a commercial driveway will comply with the UDO and Street Design Manual.</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 and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Sidewalks will be provided in accordance with the UDO.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Street trees and other landscaping will be provided in accordance with the UDO.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>The Shopfront frontage requires development 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 public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>The Shopfront frontage requires development 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, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>The Shopfront frontage requires development 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 complementary to that function.</i></p> <p><b>The Shopfront frontage requires development consistent with this guideline.</b></p>

Z-32-2016 Existing Land Use		Daily	AM	PM
		70	5	7
Z-32-2016 Current Zoning Entitlements		Daily	AM	PM
		1,136	44	79
Z-32-2016 Proposed Zoning Maximums		Daily	AM	PM
		1,260	50	89
Z-32-2016 Trip Gen Change (Proposed minus Existing)		Daily	AM	PM
		124	6	10
Z-32-2016 Traffic Study Worksheet				
6.23.4 Trip Generation		Meets TIA Conditions? (Y/N)		
A	Peak Hour Trips $\geq$ 150 veh/hr	No, the change in average peak hour trip volume is 10 veh/hr		
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane road	No		
C	More than 100 veh/hr trips in the peak direction	No		
D	Daily Trips $\geq$ 3,000 veh/day	No, the change in average daily trip volume is 124 veh/day		
E	Enrollment increases at public or private schools	Not Applicable		
6.23.5 Site Context		Meets TIA Conditions? (Y/N)		
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	No		
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No		
C	Creates a fourth leg at an existing signalized intersection	No		
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No		
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	No, this segment of Hillsborough is a mixed-use street		
F	Proposed access is within 1,000 feet of an interchange	No		
G	Involves an existing or proposed median crossover	No		
H	Involves an active roadway construction project	No		
I	Involves a break in controlled access along a corridor	No		
6.23.6 Miscellaneous Applications		Meets TIA Conditions? (Y/N)		
A	Planned Development Districts	No		
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of October 13, 2016		





## *City of Raleigh* *North Carolina*

To: Eric Braun, Chairperson  
Members of the Planning Commission

From: Travis R. Crane, Assistant Planning Director

Date: December 8, 2016

Re: Rules and Procedures

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The Planning Commission requested that staff work to update the Rules and Procedures, with the assistance of a special Rules and Procedures subcommittee. The intent of this update was to align the Rules and Procedures with current practice, city code and State law. The subcommittee met twice to discuss updates to the Rules and Procedure. A draft copy of the updated document is attached; a summary of the changes is listed below.

### Changes to Rules and Procedures

1. **Public Comment.** A new section has been added that provides structure to public comment provided at the Planning Commission meetings. Definitive time limits have been established, consistent with the procedure used by the City Council during public hearings. Staff will begin to use the timing device in the City Council chamber.
2. **Subcommittees.** The subcommittees have been added to the Rules and Procedures. Subcommittee have traditional roles with the Planning Commission; often times specialized topics are referred to the subcommittees for detailed discussion, which may be more informal than the discussion at the Planning Commission. The revisions would maintain this structure; however, after a discussion item has been thoroughly vetted by a subcommittee, the Planning Commission will not entertain additional staff presentations or public comment unless a three-fourths majority of the Planning Commission wishes to re-open the discussion.
3. **Automatic referrals.** The chairperson has long held the option to refer discussion items to a subcommittee without first placing the item on a regular Planning Commission agenda. This option will remain. Additional parameters have been identified when rezoning requests will be automatically referred to the Committee of the Whole: cases that are deemed inconsistent in the staff report and requests for Planned Development district.
4. **Election of a Secretary.** The bylaws reference a Secretary, which is an elected position of the Planning Commission. The Secretary maintains all records and minutes of the Planning Commission. This role has traditionally been played by staff in the Department of City Planning. At the next election in July, a

Secretary will be elected. The Secretary will have the option of performing the functions or appointing staff.

#### Additional Discussion Items

The subcommittee discussed several other items, which are not included in the Rules and Procedures. These items can be implemented without reference in the Rules, as they are primarily administrative in nature.

1. **Identify site plan requirements more clearly on rezoning staff reports.** There was discussion that the site plan requirements should not be listed as “outstanding items”, as the developer must comply with these standards at time of site plan review. Staff can better illuminate the requirements and list in a different manner.
2. **Update the Planning Commission email auto-response.** There was a request to update the auto-response of the Planning Commission email address to notify the public of the procedure for public comment. Staff can update the auto-response once the Rules and Procedures have been adopted.
3. **Planning Commission nametags.** There was a request to explore the possibility of ordering nametags for the Planning Commission members to be used at neighborhood meetings or CAC meetings. Staff will pursue this request.
4. **Review of Rules and Procedures.** There was a desire to investigate the Rules and Procedures in a year to determine whether or not the new policies are effective. Staff will schedule a follow up conversation.
5. **Nighttime Planning Commission meetings.** The idea of conducting an evening Planning Commission meeting was raised at the Planning Commission retreat in September. Staff will poll the members to determine day of week and time of day.

# Planning Commission

## City of Raleigh, North Carolina

### Rules and Procedure

#### I. **Legal Authority**

The City of Raleigh Planning Commission shall be governed by Sec. 160A-387 of the State Statutes, the Raleigh City charter, the Unified Development Ordinance and City of Raleigh policies established by the City Council.

#### II. **Composition**

The Planning Commission shall be comprised of ten members. Nine members shall reside within the City of Raleigh corporate limits and shall be appointed by the City Council. One member shall reside within Raleigh's Extra Territorial Jurisdiction and shall be appointed by Wake County.

- a. **Duration of Service.** Each Planning Commissioner shall be appointed to serve a two-year term. The maximum number of successive terms shall be three. Each Commissioner shall continue to serve until a successor has been named by the appropriate entity.
- b. **Officers.** The Planning Commission shall elect a Chairperson, a Vice Chairperson and a Secretary at the first meeting in July each year. These officers shall serve a one-year term and will continue to serve until a successor has been selected by the Commission. If an officer were to leave the Commission unexpectedly, the Commission shall take a vote to name a replacement at the next regular meeting. There is no limit to the number of consecutive terms that an officer may serve.
- c. **Chairperson.** The Chairperson shall preside over all regular meetings of the Planning Commission. The Chairperson shall appoint the members of the regular subcommittees as described in Section III of these Rules of Procedure.
- d. **Vice Chairperson.** The Vice Chairperson shall serve as Chairperson in the event of absence or abstention of the Chairperson. If the Vice Chairperson is absent or unable to serve as Chairperson, the body shall temporarily elect a chairperson. The Vice Chairperson shall serve as the Chairperson of the Committee of the Whole.
- e. **Secretary.** The Secretary shall maintain the official records of the Planning Commission, including all files, exhibits, meeting minutes, rosters, and all other official information related to the Commission. While a member of the Commission shall be elected as the Secretary, the

Secretary can choose to either perform the duties assigned as Secretary or to delegate these ministerial duties to the Director of Planning.

III. **Subcommittees**

The Planning Commission shall have several standing subcommittees. The subcommittees shall be comprised of members as appointed by the Chairperson; however, any member of the Planning Commission can choose to participate in the various subcommittee meetings. Upon election, the Chairperson shall appoint members of the Planning Commission to the various subcommittees. The Chairperson shall also designate the Chairperson of each subcommittee. Members of the Commission can serve on multiple subcommittees. The subcommittee Chairperson shall set the meeting date, location and time of the subcommittee.

- a. **Purpose and Intent.** The purpose of the subcommittees is to allow for a full, detailed discussion of issues of the items referred to each particular subcommittee.
- b. **Referral to Subcommittee.** The Planning Commission Chairperson shall have the authority to refer items to a subcommittee without first placing the item on a regular Planning Commission agenda. Additionally, the Chairperson shall announce the referral to the Planning Commission at a regular meeting. Without objection, the Chairperson can refer a discussion item at a regular meeting to a subcommittee for further discussion. The following rezoning requests shall be automatically referred to the Committee of the Whole without first appearing on a Planning Commission agenda:
  - i. Rezoning requests that are deemed inconsistent with the future land use map and inconsistent with the comprehensive plan in the official staff report; and
  - ii. Rezoning requests for Planned Development District.
- c. **Conduct of subcommittee meetings.** The subcommittee shall operate in the same manner as regular meetings, as described in Section IV.
- d. **Subcommittee Structure.** There shall be the following subcommittees of the Planning Commission:
  - i. Committee of the Whole
  - ii. Text Change Subcommittee
  - iii. Strategic Planning Subcommittee
  - iv. Transportation Subcommittee

The Chairperson has the authority to appoint special subcommittees comprised of Planning Commission members to discuss a particular topic. The Chairperson shall announce the desire, intent and purpose of the subcommittee and appoint the membership. The Planning Commission

can refer any discussion item not appearing on any agenda to a subcommittee with a majority vote.

- e. **Committee of the Whole.** All Planning Commission members shall serve on the Committee of the Whole. This subcommittee is primarily intended to discuss items and referrals that require additional focused discussion.
- f. **Text Change Subcommittee.** The membership of the text change committee shall be appointed as described above. This subcommittee is intended to review development-related regulations and proposed amendments to the Unified Development Ordinance.
- g. **Strategic Planning Subcommittee.** The membership of the strategic planning committee shall be appointed as described above. This subcommittee is intended to review policy related to long range growth in the City.
- h. **Transportation Subcommittee.** The membership of the transportation committee shall be appointed as described above. This subcommittee is intended to review policies or regulations related to transit and transportation.

#### IV. **Meetings**

All meetings of the Planning Commission are open to the public and subject to the open meetings laws in the State of North Carolina. Notice of the meetings shall be consistent with the regulations contained within the Unified Development Ordinance. The chairperson shall decide the points of order and procedure, consistent with the common practices contained with Robert's Rules of Order.

The chairperson shall have the authority to alter the order of the agenda without any objection from the body. The chairperson shall have the authority to call a special meeting, consistent with G.S. 160A-71

- a. **Quorum.** A quorum of the Planning Commission shall be six members. A quorum of a subcommittee is three members. The chairperson cannot open the meeting until a quorum is present.
- b. **Voting.** All present members shall cast a vote on each discussion item, unless that member has been recused in accordance with section IV.e. A majority vote is required for any action of the Planning Commission or subcommittee.
- c. **Public Comment.** Each regular Planning Commission meeting shall begin with a general public comment period whereby any interested party can speak for up to three minutes on any topic that does not appear on the agenda. This general public comment period shall last a maximum of ten minutes, regardless of the number of speakers.
- d. **Comment During Application Requests.** During review of the items on the agenda, the chairperson shall invite the applicant and proponents to

speaking on each item for a total of ten minutes. At the conclusion of the applicant and proponent presentation, the Chairperson shall invite opponents to speak for a total of ten minutes. The chairperson shall inform the audience that each speaker shall be allotted 2 minutes to speak, and that the comments provided shall not be duplicative in nature. At the conclusion of the comments delivered by members of the public, the applicant shall have two additional minutes to respond to issues or questions raised.

These time limitations shall be enforced by a timing device. Upon an affirmative motion and vote of the Planning Commission, additional time may be granted to either the applicant, members of the public, or both, citing complexity of issues discussed. In the event circumstances arise where additional information is needed from either the applicant or members of the public, the item can be reopened for discussion with a three-fourths vote of the members present.

The staff report presentation shall not be subject to a time limitation. The subcommittees described in Section III are not subject to these time limitations.

- e. **Recusals.** Members of the Planning Commission shall request to be recused from discussion, citing a conflict consistent with G.S. 160A-381(D). Upon request by a member of the Planning Commission, the Commission shall vote on the recusal.
- f. **Recommendations.** The Planning Commission shall make recommendations to the City Council in the form of a Certified Recommendation. This Certified Recommendation shall state the findings and reasons for the recommendation, as well as the vote tally for each item. The chairperson shall report the Planning Commission recommendations to the City Council.

The chairperson of each subcommittee shall report the recommendation of the subcommittee to the Planning Commission. The subcommittee chairperson shall provide an overview of the discussion item, relevant facts considered and recommendation of the subcommittee. Recommendations delivered from the subcommittee to the Planning Commission shall not be opened for additional comment. However, in the event circumstances arise where additional information is needed from either the applicant or member of the public, the item can be opened for discussion with a three-fourths vote of the members present.

## V. **Records and Minutes**

The Secretary shall maintain the official records of the Planning Commission.

VI. **Ethics**

The Planning Commission members shall be governed by Resolution (1988)-955A.

VII. **Amendments**

Any amendment to these bylaws shall occur in a manner consistent with the Unified Development Ordinance. Upon affirmative vote of the Planning Commission, staff may be directed to draft amendments to be presented and considered by the Planning Commission.



Section 99(b) of the City Charter provides as follows:

"During the month of July each year the City Planning Commission shall elect a Chairman and Secretary, each of whom shall serve for a term of one year and until his successor has been elected and qualified."

"The City Planning Commission may establish its own rules governing meetings and procedures, subject to the legislative control of the City Council;..."

#### RULES OF PROCEDURE OF THE PLANNING COMMISSION

##### I. General

The City of Raleigh Planning Commission shall be governed by the State Laws relating to planning in Raleigh, the City Charter, the City Ordinances and other policies established by the City council as they relate to planning for Raleigh.

##### II. Membership

The membership shall be made up of those officially appointed by the City Council and the County Commissioners. The Commission shall act as one body on all matters considered, whether within the City's territorial area or extra-territorial area.

##### III. Officers and Duties

A. A Chairman and a Vice-Chairman shall be elected at a regular meeting of the Planning Commission in the month of July of each year. The officers shall hold office for one year or until their successors are elected. All officers shall be eligible for re-election. In the event of death, retirement or resignation of any officer, a successor shall be elected at the next regular meeting of the Commission, or at a special meeting called for that purpose. The Planning Director shall serve as Secretary.

IV. B. The Chairman shall supervise the affairs of the Planning Commission and preside at the meetings. The Chairman shall appoint committees and sub-committees as may be necessary to carry out the purposes of the Commission. Membership on these committees may include persons not members of the Planning Commission. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.

The Chairman shall approve the agenda for each meeting and decide all points of order and procedure, subject to these rules unless directed otherwise by a majority of the Commission in session at the time.

The Chairman without first placing an item on a Planning Commission's agenda for consideration by the full Commission, may directly, refer items to any Commission Committee. The Chairman shall report such referrals to the Commission.

C. The Vice-Chairman shall serve as acting Chairman in the

absence of the Chairman, and at such time shall have the same powers and duties as the Chairman.

V. Records and Minutes

The records and minutes of the Planning Commission shall be maintained by the Secretary or a designated member of the Planning staff. The Secretary or designee shall keep the minutes of every meeting of the Commission. A draft of the unofficial minutes shall be transmitted by the Secretary to the next regularly scheduled City Council meeting following the Planning Commission meeting. The unofficial minutes shall be available to the public, however, only the approved minutes shall be a public record of the Planning Commission actions. The minutes of the Planning Commission shall not be official until they are approved by the Commission. The official minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Commission, and all votes of the Commission members upon any resolution or upon the final determination of any question, indicating the names of the members present, absent, excused from, or failing to vote.

The Secretary shall keep a list of pending agenda items and make status reports periodically. A copy of the agenda and all other information needed by the Commission in their consideration will be delivered to the Commission members by 5 P.M. on the Friday before the day of the Commission meetings and shall be available to the public at that time.

VI. Meetings:

A. Regular Meetings: Regular meetings of the Commission shall be held in the City Municipal Building on a date and time determined according to a mutually agreed upon schedule approved by the Commission. Copies of this schedule shall be placed on file for public inspection in both the Planning Department and in the office of the City Clerk. Public notice of all Commission meetings shall comply with the open meetings laws of the State of North Carolina.

The agenda for the regularly scheduled meetings shall have the order of business designated. The order of the agenda may be altered by a majority vote of the Commission. The meeting can only be extended beyond a three hour meeting time with a majority vote of the Commission. While all regular meetings are open to the public, only members and staff may participate in discussions except that a specific and appropriate question, ruled on by the Chairman, may be asked by a Commission member or a member of the audience at the meeting, provided, however, any citizen may suggest an agenda item as provided in Paragraph E below.

B. Special Meetings: Special meetings of the Commission may be called at any time by the Chairman or on the request of three (3) members of the Commission. Public notice of all special meetings shall comply with the open meetings laws of the State of North Carolina.

- C. Cancellation of Meetings: The Chairman may cancel or reschedule a regular meeting by stating reason for such cancellation or rescheduling, to all the members and the secretary, not less than twenty-four (24) hours prior to the time set for the meeting. Notice of the canceled meeting shall also be given to the Public Affairs Office of the City and to the public and news media who were notified of the meeting.
- D. Committee Meetings: All committee meetings of the Planning Commission involving two or more members shall conform to the open meetings laws of the state of the North Carolina.
- E. Conduct of Meetings: All meetings shall be open to the public. Any question concerning parliamentary procedure at meetings shall be determined by referral to Robert's Rules of Order and/or advice of the City Attorney. Any citizen may request an item be added to the agenda by notifying the Secretary two full workdays prior to the day of the regular Commission meeting. The Chairman shall rule on the appropriateness of the item and, the amount of time, if any, that will be given to a citizen's request.
- F. Recommendations to Council: The Planning Commission shall make its recommendation to the City Council in writing in the form of Certified Recommendation of the Planning Commission to the City Council. The Certified Recommendation shall show the votes of the Commission members upon all recommendations and shall include findings and reasons upon which the recommendation is based.

The Chairman or his designee shall present the Certified Recommendation to the Council and shall fairly answer all questions of the Council, including, when asked by the Council, reasons for dissenting votes.

## VII. Voting

- A. Quorum: A quorum shall consist of six (6) members of the Commission, except meetings held exclusively for the purpose of writing Certified Recommendations of the Planning Commission may be held by the Chairman and at least two other members of the Commission or any three members appointed by the Chairman.

- B. Voting Classifications: There shall be two voting classifications.

1. Aye
2. Nay

(Not voting allowed only as stated in Article VII, Section E, of these procedures.)

- C. In order for the Commission to take official action on an agenda item, a majority of the members voting must vote "aye", or "nay". A members failure to vote on a matter before the Commission, unless said member is excused from

participation by the Chairman or the Commission, shall be an affirmative vote. If any member has an unreadiness to make a decision on an item before the Commission, the Commission member may move deferral of the item.

At any time the motion is made, the time of deferral and the reasons for deferral must be stated and made part of the motion so they also become part of the deferral action.

- D. All members shall have equal voting rights.
- E. Ethics Clause: The Planning Commission shall be governed by Resolution No. (1988)-955A, as attached, which is herein made part of these Rules of Procedure.

#### VIII. Budget

- A. An appropriate Planning Commission budget shall be adopted by the Commission in January and forwarded to the City Council and the City Manager for consideration in the following year's budget. This budget shall be used at the discretion of the Commission.
- B. The Planning Commission may review the Planning Department's proposed budget and make recommendations. The budget is to include all funds used by the department, local, state and federal.

#### IX. Amendments

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than seven (7) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

PLANNING COMMISSION PROCEDURES

- A. Special items to be considered by the Planning Commission should be referred to the City Council outlining the objectives of the item along with a staff estimate of time and cost for the study of the item. The item should then be referred back or determined not to be worthwhile.
- B. The Secretary of the Planning Commission should be responsible for coordination of items being considered by the Planning Commission and other Commissions, Boards and Committees so simultaneous consideration will not be occurring except by joint member or other coordination.
- C. The City Attorney should provide a policy for determining if an item should be readvertised or not.
- D. The City Attorney should advise the Planning Commission so items would not be sent to the City Council with legal questions.
- E. The Planning Commission reports by staff shall be complete and accurate and the information furnished the Planning Commission for consideration should be the same as that furnished the City Council.

ADOPTED: November 27, 1978

AMENDED THROUGH APRIL 26, 1982

AMENDED THROUGH OCTOBER 27, 1986

AMENDED THROUGH MAY 17, 1988

AMENDED THROUGH MARCH 16, 1994

AMENDED THROUGH JANUARY 24, 1995

AMENDED THROUGH FEBRUARY 4, 1997





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: TC-17-16 / Attics & Basements

### Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p><b>Policy LU 5.2 Managing Commercial Development Impacts</b>            Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor noise and vibration impacts on surrounding residential areas.</p> <p><b>Policy LU 5.5 Transitional and Buffer Zone Districts</b>            Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit and office type uses. Zoning regulations and conditions for these areas should ensure that development achieves appropriate height and density transitions and protects neighborhood character.</p> <p><b>Policy LU 7.4 Scale and Design of Commercial Uses</b>            New uses within commercial districts should be developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.</p>
<p><i>Action Items</i></p>	<p><b>N/A</b></p>

### Summary of Text Change

<p><i>Summary</i></p>	<p>Amends the Part 10 Raleigh Unified Development Ordinance to clarify the regulations related to attics and basements. As currently written, the UDO permits a basement or an attic, or both to add to the building massing without counting as a story. The Development Services Department has received several site plan submittals for what can only be considered a four or five story building within a three story zoning district.</p>
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### Summary of Impacts

<p><i>Impacts Identified</i></p>	<p><u>Adoption of TC-17-16:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would reflect the original intent of the UDO related to basements and attics.</li> <li>2. If adopted, apartment or mixed use building types would not be permitted to claim an attic or a basement, or both, are exempt from the height regulations.</li> </ol>
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# Zoning Staff Report – TC-17-16

## Attics and Basements

### Request

<i>Section Reference</i>	<b>Part 10 Unified Development Ordinance §1.5.7 Building Height</b>
<i>Basic Information</i>	Amends the Part 10 Raleigh Unified Development Ordinance to clarify the regulations related to attics and basements. As currently written, the UDO permits a basement or an attic, or both to add to the building massing without counting as a story. The Development Services Department has received several site plan submittals for what can only be considered a four or five story building within a three story zoning district.
<i>PC Recommendation Deadline</i>	January 24, 2017

### Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p><b>Policy LU 5.2 Managing Commercial Development Impacts</b> Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor noise and vibration impacts on surrounding residential areas.</p> <p><b>Policy LU 5.5 Transitional and Buffer Zone Districts</b> Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit and office type uses. Zoning regulations and conditions for these areas should ensure that development achieves appropriate height and density transitions and protects neighborhood character.</p> <p><b>Policy LU 7.4 Scale and Design of Commercial Uses</b> New uses within commercial districts should be developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.</p>
<i>Action Items</i>	<b>N/A</b>

### Contact Information

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## **History/Overview**

This text change was requested by staff in the Department of City Planning. The Unified Development Ordinance contains regulations related to building height. The UDO includes regulations for calculating height, calculating height on a sloped lot, and provisions for basement and attic space. When the language in section 1.5.7 was drafted, the initial intention was that the attic and basement provisions would be used on single family structures.

## **Purpose and Need**

This text change would alter the language related to height to reflect the original intent. Staff has received several site plan submittals that propose very large multi-story apartment or mixed use buildings that claim to have an attic, a basement, or both. The intent of the mixed use zoning districts was to remove density caps in favor of predictable building heights. Very simply, three story zoning should produce three story buildings. Recent submittals have proposed very large five story buildings in three story zoning.

## **Alternatives Considered**

There were no other alternatives considered.

## **Scoping of Impacts**

Potential adverse impacts of the proposed text change have been identified as follows:

Adoption of the text change would prevent apartment, general, and mixed use building types from constructing an attic or a basement. On sloping sites, a site developer may choose to build larger retaining walls. Staff has been authorized to create a hillside development manual that could explore and address this impact.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

If this text change is not adopted, the City will continue to receive site plan applications that propose buildings that contain more stories than might otherwise be expected in the zoning district. The predictability of building height would be lost.

## **Impacts Summary**

### **Adoption of Proposed Text Change**

The adoption of the text change would prevent a basement or attic in any building type other than a detached or attached building type. It could produce additional retaining walls, although this issue will be explored in the hillside development manual.

### **No action**

The City will continue to receive site plan submittals that propose buildings that are taller than what would be expected in the zoning district.

**ORDINANCE NO. XXX- (2016)  
TC-17-16**

**AN ORDINANCE TO AMEND SECTION 1.5.7 OF THE PART 10 RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE BASEMENT AND ATTIC REGULATIONS**

**WHEREAS**, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development;

**WHEREAS**, the existing regulations in Article 1.5 provide for an allowance for attics and basements which do not count as a story;

**WHEREAS**, building heights in the mixed use zoning districts were intended to be predictable by establishing maximum height in feet and number of stories;

**WHEREAS**, the Unified Development Ordinance does not regulate residential density in the mixed use districts in exchange for this more predictable form;

**WHEREAS**, the City of Raleigh has determined it appropriate to preserve this predictability related to building height in the mixed use districts;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**Section 1.** Sec. 1.5.7.A.3 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

3. For a detached or attached building type only. ~~Where~~ a lot slopes downward from the front property line, 1 story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

**Section 2.** Section 1.5.7.A.5 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

5. For a detached or attached building type only. ~~An~~ attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling. To be classified as an attic, the space must also meet the specifications as provided in the defined term in Article 12.2.

**Section 3.** Section 1.5.7.A.6 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

6. A basement detached or attached building type with 50% or more of its exterior perimeter wall area (measured from finished floor elevation) surrounded by finished grade is considered to have a basement. In this context, the basement is not considered a story. To be classified as a basement, the space must also meet the specifications as provided in the defined term in Article 12.2

**Section 4.** Section 12.2 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended to include the following defined terms, listed in alphabetical order:

**Attic**

An unfinished space between roof framing and the ceiling of rooms below that is accessed by ladder or permanent stairs. This area is used for storage or mechanical equipment and cannot be used as habitable space. If an attic is converted to a habitable space such conversion shall cause the area to be deemed as an additional story.

**Mezzanine**

An internal space above and open to the first floor below. When a mezzanine comprises less than 33% of the footprint area of the building, it is not considered a story. When a mezzanine comprises 33% or more of the footprint area of the building, it is considered a story.

**Section 5.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 6** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 8.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 9.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 10.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

**Section 11.** This ordinance is effective 5 days after adoption.

**ADOPTED:**

**EFFECTIVE:**

**DISTRIBUTION:**

*Prepared by the Department of City Planning*

