

PLANNING COMMISSION'S UDO REMAPPING WORK SESSION AGENDA

November 18, 2014 – 9:00 a.m.

City Council Chambers– Municipal Building

The following items will be discussed in the order in which they appear on this agenda, unless otherwise determined by the Chairman.

- A. Comments from the Public – New comments not already delivered during the public comment period that ended September 30 and not included on this agenda.
- B. UDO Remapping Public Comment – Change Requests
 - a. Requests are grouped by CAC and Change Request Map Number. Property address and PIN are included for reference.

Note: Pending zoning cases will not be discussed as part of this work session.

These items, originally scheduled for October 21, will be discussed as time allows:

CAC	Agenda Item	Address	PIN	Map No.
North	11	6204 Falls of Neuse Rd	1717205910	38
	12	6601 Falls of Neuse Rd	1717127972	162
	13	7400 Stonecliff Dr	0797599310	4
	14	8116, 8200, & 8210 Creedmoor Rd	0798417918, 0798428116, 0798427247	185
	15	8410 & 8412 Old Lead Mine Rd	1708207421, 1708300430	61
Northeast	16	1451/1453 N New Hope Rd	1724965306	53
	17	Withdrawn		
	18	2744 Capital Blvd	1715829585	161
	19	3249 Lake Woodard Dr	1724273393	197
	20	Discussed on 11/04/2014		
	21	5201 Sinclair Dr	1736289965	20
	22	5409 & 5413 Oak Forest Dr	1726581335, 1726489327	182
	23	Discussed on 11/04/2014		

These items, delivered in person on November 4, will be discussed as time allows:

CAC	Agenda Item	Address	PIN	Map No.
Five Pts	24	800 St. Mary's St	1704334102	199
North	25	6931 & 6935 Capital Blvd	1727559602, 1727651650	200

These items will be discussed as time allows:

Atlantic	26	2828 & 0 Industrial Dr	1715228363, 1715320269, 1715320327, 1715320107	125
	27	2600 Wake Forest Rd & 601 Creekside Dr	1715124622, 1715128398	133
	28	3637 & 3701 Capital Blvd	1725277770, 1725279637	12
Midtown	29	0, 1261, 4209, 4217, 4220, 4381 Lassiter Mill Rd	1705592477, 1705595341, 1706504760, 1705594776, 1706501753, 1706501878, 1705593807, 1706506492, 1705597841	117
		0 Rowan St	1706503919	
		4100 Main At North Hills St	1705595377	
		4191 & 4270 The Circle At North Hills St	1705690521, 1705692906	
		4359, 4401, 4465 Six Forks Rd	1706509316, 1706506961, 1706517320	
	30	Dresser Ct & Benson Dr	1715280599, 1715283754, 1715285481, 1715286780, 1715287381, 1715287927, 1715289233, 1715289528, 1715298153, 1715299020, 1715380499, 1715381134, 1715381729, 1715383475, 1715384920, 1715390120	28
31	2907 Wake Forest Road & 407 East Six Forks Rd	1715134729, 1715132763	35	

CAC	Agenda Item	Address	PIN	Map No.
Atlantic	32	0 Navaho Dr & 1625 Navaho Dr	1715448408, 1715542428, 1715541727	83
	33	2817 Capital Blvd	1715934353	10
	34	2823 Capital Blvd	1715936330	159
	35	2929 Capital Blvd	1725031568	156
Midtown	36	4101 Wake Forest Rd	1715494776	163
	37	2837 Wake Forest Rd	1715133422	166
	38	219 W Millbrook Rd	1706562588	2



Planning Commission November 18, 2014
Z-27-14 Citywide UDO Remapping
North and Northeast CAC Areas (continued from October 21)
Atlantic and Midtown CAC Areas

Review of the proposed citywide rezoning is organized around public comment change requests received between May and September 2014. To facilitate public participation, comments will be grouped by Citizens Advisory Council (CAC) area for review. Staff has identified each public comment change request as falling in one of these three categories:

- A. Staff agrees
- B. Staff requests additional discussion
- C. Staff disagrees

Each comment is numbered below and sorted by category. Staff has provided basic information related to the property which includes existing and proposed zoning, requested zoning and applicable Comprehensive Plan guidance. Each request contains a staff recommendation. Related correspondence included at the end of the report references the Comment ID field.

Continued from October 21, 2014 agenda:

C. Staff disagrees with the following Public Comment Change Requests in North and Northeast CAC areas:

11.	<i>Address:</i> 6204 Falls of Neuse Road
	<i>PIN:</i> 1717205910
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 38 / GEN-0304
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Shopping Center
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-6 (choices are limited to -5 or -7)
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed Use Center Frontage on Transit Emphasis Corridor and Urban Thoroughfare

The commentor would like to remove the Parking Limited frontage and increase height to 6 stories. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. The Parking Limited frontage was applied given frontage on a Transit Emphasis Corridor. Staff disagrees with the request.

Recommendation: No change to the map.

12.	<i>Address:</i> 6601 Falls of Neuse Road
	<i>PIN:</i> 1717127972
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 162 / GEN-0544
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Gas Station
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed Use Center Frontage on Transit Emphasis Corridor and Urban Thoroughfare

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

13.	<i>Address:</i> 7400 Stonecliff Drive
	<i>PIN:</i> 0797599310
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 4 / CC1-0191
	<i>Existing Zoning:</i> R-20
	<i>Current Use:</i> Garden Apartment
	<i>Proposed Zoning:</i> RX-3
	<i>Requested Zoning:</i> R-10
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commentor would like this property to be zoned R-10. RX is the closest comparative district to existing zoning. The comment was not submitted by the property owner. Neighbor feels that non-residential should be disallowed on the property. The RX district is primarily a residential district; although a small ancillary amount of non-residential uses would be allowed within an apartment building. Staff disagrees with the request.

Recommendation: No change to the map.

14.	<i>Address:</i> 8116, 8200, and 8210 Creedmoor Road
	<i>PIN:</i> 0798417918, 0798428116, 0798427247
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 185 / WEB-36804 - 36806, -36819, -37122 - 31723
	<i>Existing Zoning:</i> O&I-3
	<i>Current Use:</i> Office Condo, Medical Office, Surface Parking/Vacant
	<i>Proposed Zoning:</i> OX-3
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

Staff considered both OX and OP as potential base districts for these properties. Given proximity to a mix of retail, office, and residential uses, OX was determined to be the most appropriate. The commentor prefers a limitation on building height and large perimeter setbacks. Neighborhood transitions would apply where the site immediate abuts a district boundary of an R-4 district. The O&I-3 district limits height to 25 feet. The Unified Development Ordinance does not include a height designation of less than 3 stories and 50 feet. The comment was not submitted by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

15.	<i>Address:</i> 8410 & 8412 Old Lead Mine Road
	<i>PIN:</i> 1708207421 & 1708300430
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 61 / GEN-0445, 477
	<i>Existing Zoning:</i> CUD O&I-1 (Z-7-07)
	<i>Current Use:</i> Two Family Residential, Vacant
	<i>Proposed Zoning:</i> OX-4-CU
	<i>Requested Zoning:</i> OX-4
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed Use Center Frontage on Urban Thoroughfare

The comment is a request to remove the existing zoning conditions which were established in 2007. Existing zoning conditions are extensive and specify a landscaped street yard; limit use, building height, office square footage, and residential density; and establish materials, parking, and open space requirements. Staff believes that the conditions are specific enough to merit retention. Current conditions are included at the end of this report for reference.

Recommendation: No change to the map.

16.	<i>Address:</i> 1451/1453 N New Hope Road
	<i>PIN:</i> 1724965306
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 53 / GEN-0386
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Billboard/Vacant
	<i>Proposed Zoning:</i> IX-3-PL
	<i>Requested Zoning:</i> IX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> NA
	<i>Urban Form Designation:</i> Mixed Use Center Frontage on Transit Emphasis Corridor

The commenter would like to remove the Parking Limited frontage. Staff recommended PL frontage for this parcel because of its frontage on a Transit Emphasis Corridor. The property owner believes that small parcel size would make development to PL standards difficult. Nearby parcels of similar disposition are currently developed in a way that satisfies PL standards, staff believes this parcel could be similarly developed. Staff disagrees with the request.

Recommendation: No change to the map.

WITHDRAWN	17.	<i>Address:</i> 2500, 2600, and 2620 Brentwood Road
		<i>PIN:</i> 1725005965, 1725014495, and 1725025071
		<i>CAC:</i> Northeast
		<i>Change Request/Comment ID:</i> 137 / GEN-0509
		<i>Existing Zoning:</i> IND-2
		<i>Current Use:</i> Vacant
		<i>Proposed Zoning:</i> IX-3
		<i>Requested Zoning:</i> CX-7
		<i>Future Land Use Designation:</i> Office & Residential Mixed Use
		<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A	

The property owner has withdrawn this request after hearing the Planning Commission's discussion of similar items on October 21.

Recommendation: No change to the map.

18.	<i>Address:</i> 2744 Capital Boulevard
	<i>PIN:</i> 1715829585
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 161 / GEN-0542
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Gas Station
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

19.	<i>Address:</i> 3249 Lake Woodard Drive
	<i>PIN:</i> 1724273393
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 197 / GEN-0483; CC3-0022
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Light Manufacturing
	<i>Proposed Zoning:</i> IX-3 and IH
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor

The commentor requests a lesser zoning district, citing negative impacts on air quality with the Industrial zoning. IX is the closest comparative district to existing zoning. Any other district would result in a significant change or reduction in entitlement. The comment was not submitted by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

DISCUSSED ON 11/4

20.	<i>Address:</i> 4428 James Road and 4506 Louisburg Road
	<i>PIN:</i> 1726722301 and 1726722386
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 130 / GEN-0494; WEB-37443
	<i>Existing Zoning:</i> R-6 w/SHOD-4
	<i>Current Use:</i> Single Family Residential
	<i>Proposed Zoning:</i> R-6
	<i>Requested Zoning:</i> CX
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Parkway Corridor

The commentor would like the property to be zoned CX. Residential districts R-1, R-2, R-4, R-6, and R-10 are not proposed to be rezoned as part of the citywide remapping process. As of September 2013 these districts are regulated by the Unified Development Ordinance. Staff has advised property owners with similar requests to file a rezoning petition independent of the UDO remapping effort.

Recommendation: No change to the map.

21.

	<i>Address:</i> 5201 Sinclair Drive
	<i>PIN:</i> 1736289965
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 20 / GEN-0067
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> CX-3
	<i>Requested Zoning:</i> R-6
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Corner frontage on two Parkway Corridors

The commentor would like the property to be zoned R-6. CX is the closest comparative district to existing zoning. The request is for a district that is much less intense than the existing or proposed district. Rezoning to R-6 would result in a significant reduction in entitlement. The comment was not submitted by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

22.	<i>Address:</i> 5409 and 5413 Oak Forest Drive
	<i>PIN:</i> 1726581335 and 1726489327
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 182 / WEB-32978, -32979, -32994, -33010
	<i>Existing Zoning:</i> TD
	<i>Current Use:</i> Service Garage
	<i>Proposed Zoning:</i> IX-3-PK
	<i>Requested Zoning:</i> IX-3
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> Triangle Town Center
	<i>Urban Form Designation:</i> City Growth Center Within Transit Stop Half-Mile Buffer

The commentor would like to remove the Parkway frontage. Staff does not agree with the request to remove the frontage designation. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements.

Recommendation: No change to the map.

DISCUSSED ON 11/4	23.	<i>Address:</i> 5710 and 5720 Capital Boulevard
		<i>PIN:</i> 1726492472
		<i>CAC:</i> Northeast
		<i>Change Request/Comment ID:</i> 52 / GEN-0385
		<i>Existing Zoning:</i> TD
		<i>Current Use:</i> Flex Warehouse
		<i>Proposed Zoning:</i> IX-3-PK
		<i>Requested Zoning:</i> IX-4 or -5
		<i>Future Land Use Designation:</i> Business & Commercial Services
		<i>Area Plan Guidance:</i> Triangle Town Center
		<i>Urban Form Designation:</i> City Growth Center Within Transit Stop Half-Mile Buffer Frontage on Transit Emphasis Corridor

The commentor would like to remove the Parkway frontage and increase building height to 4 or 5 stories. There is no specific policy guidance that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements. Staff does not agree with the request for additional height nor to remove the frontage designation.

Recommendation: No change to the map.

New comments submitted to the Planning Commission in person on November 4:

A. Staff agrees with the following Public Comment Change Request in the Five Points CAC area:

24.	<i>Address:</i> 800 St. Mary's Street
	<i>PIN:</i> 1704334102
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> PC-008
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> OX-3
	<i>Requested Zoning:</i> OX-4 or -5
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

Staff initially recommended OX-3 for this parcel based on the existing building's elevation on St. Mary's Street. Commenter requested additional review based on 4-story elevation on Brooklyn Street. In light of subsequent review and information provided by commenter, staff finds that OX-4 would be appropriate to avoid creation of height related non-conformity.

Recommendation: The property should be zoned OX-4.

A. Staff agrees with the following Public Comment Change Request in the North CAC area:

25.	<i>Address:</i> 6931 & 6935 Capital Boulevard
	<i>PIN:</i> 1727559602 & 1727651650
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> PC-009 & PC-010
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> IH
	<i>Requested Zoning:</i> IX-3
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commentor would like the property to be zoned IX-3. Staff considered both IX and IH as potential base districts for this vacant parcel. While IX is the closest comparative district, staff initially proposed IH because of use as a concrete processing facility that is a permitted use only in IH. This use has been recently discontinued and the property owner requested additional review in light of the change in use. Since IX is the closest comparative district and would create no new non-conformity, staff agrees with this request.

Recommendation: The property should be zoned IX-3.

A. Staff agrees with the following Public Comment Change Request in the Atlantic CAC area:

26.	<i>Address:</i> 2828 & 0 Industrial Dr
	<i>PIN:</i> 1715228363, 1715320269, 1715320327, 1715320107
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 125 / GEN-0489
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Warehouse
	<i>Proposed Zoning:</i> CX-3
	<i>Requested Zoning:</i> IX-3
	<i>Future Land Use Designation:</i> High Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Urban Thoroughfare Within Transit Stop Half-Mile Buffer

The commentor would like the property to be zoned IX-3. Staff considered both CX and IX as potential base districts for this vacant parcel. While IX is the closest comparative district, staff initially proposed CX. IX only allows residential uses in a mixed use building and does not allow residential uses on the ground floor. Given the limitations on residential uses in IX and the Future Land Use Map designation of High Density Residential, CX seemed the better choice. Neither CX nor IX would create any new non-conformity. Since IX is the closest comparative district and would create no new non-conformity, staff agrees with this request.

Recommendation: While inconsistent with the Future Land Use Map it would be reasonable and in the public interest to implement a new zoning district defined in the Unified Development Ordinance and IX is the closest comparative district to current zoning. The property should be zoned IX-3-PL.

B. Staff requests discussion of the following Public Comment Change Requests in the Atlantic and Midtown CAC areas:

27.	<i>Address:</i> 2600 Wake Forest Rd & 601 Creekside Dr
	<i>PIN:</i> 1715124622, 1715128398
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 133 / GEN-0499 & 500; WEB-38089,39044
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Vehicle Sales / Service
	<i>Proposed Zoning:</i> CX-3-PL / CX-3
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Transit Emphasis Corridor Within Transit Stop Half-Mile Buffer

Staff considered both CX and IX as potential base districts for this parcel. Neither CX nor IX would create any new non-conformity. While IX is the closest comparative district, staff initially proposed CX as the base district to advance implementation of the Future Land Use Map. The commenter has concerns about frontage designation as well as limitations on development of this parcel as it lies entirely within the Special Flood Hazard Area of Crabtree Creek and has a 1% annual chance of flooding.

Recommendation: Further discussion.

28.	<i>Address:</i> 3637 & 3701 Capital Blvd
	<i>PIN:</i> 1725277770, 1725279637
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 12 / CC1-0187 & 188
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Towing Yard
	<i>Proposed Zoning:</i> IX-3-PL
	<i>Requested Zoning:</i> IH
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The commentator would like the parcel to be zoned IH. Staff considered both CX and IX as potential base districts for this parcel. While IX is the closest comparative district, staff initially proposed CX as the base district to advance implementation of the Future Land Use Map. The property is currently used as a towing yard. Staff has researched the special use permit files and found no record of a valid special use permit for a towing yard in this location. Staff did find

a request for a special use permit to establish a towing yard on this property, which was reviewed in the late 1980s. That special use permit request was denied (attached). Rezoning to IH would legalize this existing non-conforming use.

Recommendation: Further discussion.

29.	<i>Address:</i>	0, 1261, 4209, 4217, 4220, 4381 Lassiter Mill Rd; 0 Rowan St; 4100 Main At North Hills St; 4191 & 4270 The Circle At North Hills St; 4359, 4401, 4465 Six Forks Rd
	<i>PIN:</i>	1705592477, 1705595341, 1706504760, 1705594776, 1706501753, 1706501878, 1705593807, 1706506492, 1705597841; 1706503919; 1705595377; 1705690521, 1705692906; 1706509316, 1706506961, 1706517320
	<i>CAC:</i>	Midtown
	<i>Change Request/Comment ID:</i>	117 / GEN-0135 -> 150
	<i>Existing Zoning:</i>	SC, SC w/SHOD-2, R-4
	<i>Current Use:</i>	Shopping Center, City Fire Station
	<i>Proposed Zoning:</i>	CX-5-PL, CX-12-UL w/SHOD-2, R-4
	<i>Requested Zoning:</i>	CX-40-UL
	<i>Future Land Use Designation:</i>	Regional Mixed Use
	<i>Area Plan Guidance:</i>	Six Forks Road Corridor (in progress)
	<i>Urban Form Designation:</i>	City Growth Center Frontage on Transit Emphasis Corridor (Six Forks), Parkway Corridor (I-440) & Urban Thoroughfare (Lassiter Mill)

The commentor would like to increase the height to 40 stories for these parcels. Staff recommendations for height in this area reflect currently established entitlements. There is no specific policy guidance that would suggest height greater than 3 stories. There is some context for taller buildings on this property given existing development. There are no buildings taller than 10 stories on the subject parcels. While the parcels may be rezoned in the future to allow for greater height, staff believes that decision should be made with the benefit of the findings of the Six Forks Road Corridor study (currently in progress) and as part of the public process of a more targeted rezoning request.

Residential districts RR, R-2, R-4, R-6, and R-10 are not proposed to be rezoned as part of the citywide remapping process. As of September 2013 these districts are regulated by the Unified Development Ordinance. Staff has advised property owners with similar requests to file a rezoning petition independent of the UDO remapping effort.

Recommendation: Further discussion.

30.	<i>Address:</i>	Dresser Ct & Benson Dr
	<i>PIN:</i>	1715280599, 1715283754, 1715285481, 1715286780, 1715287381, 1715287927, 1715289233, 1715289528, 1715298153, 1715299020, 1715380499, 1715381134, 1715381729, 1715383475, 1715384920, 1715390120
	<i>CAC:</i>	Midtown
	<i>Change Request/Comment ID:</i>	28 / GEN-0187,383,482;WEB-20803,23682,24642
	<i>Existing Zoning:</i>	O&I-3
	<i>Current Use:</i>	Offices, Medical Offices
	<i>Proposed Zoning:</i>	OX-3 / OX-3-PL
	<i>Requested Zoning:</i>	unclear
	<i>Future Land Use Designation:</i>	Office & Residential Mixed Use
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridor

The commentor has requested a zoning category that better reflects existing zoning. Staff considered both OX and OP as potential base districts for this parcel. Staff initially proposed OX as the base district to advance implementation of the Future Land Use Map. In addition to variation in the range of uses allowed between O&I-3 and OX, the O&I-3 district has more restrictive building height limits and greater set back requirements than those found in any of the Unified Development Ordinance zoning districts. There is an existing land use agreement (Book 2182 Page 215-223) for about 24 acres in the Dresser Court area that would not be invalidated by rezoning (included at end of this report for reference). The agreement establishes a natural buffer along the northwest boundary, prohibits connection of Wingate Drive to Dresser Court, and requires construction of a storm drain system. This comment was not submitted by the property owner.

Recommendation: Further discussion.

31.	<i>Address:</i> 2907 Wake Forest Road & 407 East Six Forks Rd
	<i>PIN:</i> 1715134729, 1715132763
	<i>CAC:</i> Midtown
	<i>Change Request/Comment ID:</i> 35 / GEN-0298,299 & WEB-23378,23362
	<i>Existing Zoning:</i> NB & R-4
	<i>Current Use:</i> Vehicle Service / Restaurant
	<i>Proposed Zoning:</i> CX-3-PL & R-4
	<i>Requested Zoning:</i> CX-3-PL
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Within Transit Stop Half-Mile Buffer Frontage on Transit Emphasis Corridor (Six Forks & Wake Forest)

The commentor has requested that the R-4 portion of the lot be rezoned consistent with the balance of the parcel. These parcels are split zoned NB and R-4. Staff initially recommended preserving the split zoning. The pattern of split zoning in this area suggests cooperation among property owners on the east side of Hillmer Drive with property owners along the west side of Wake Forest Road. The R-4 zoning appears to have been applied intentionally as a means of buffering or transition between residential and commercial use. The residential portion of the lots is approximately 50 feet in width, which is the same distance required for a neighborhood transition. As the residential area is currently being used as parking, there would be no net effect of extending the commercial zoning to the west. Owner of the split-zoned property has requested unified zoning for the two parcels in question.

Recommendation: Further discussion.

C. Staff disagrees with the following Public Comment Change Requests:

32.	<i>Address:</i> 0 Navaho Dr & 1625 Navaho Dr
	<i>PIN:</i> 1715448408, 1715542428, 1715541727
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 83 / GEN-0314, WEB-20482, 20498
	<i>Existing Zoning:</i> IND-1 w/ SHOD-2
	<i>Current Use:</i> Office/Light Industrial
	<i>Proposed Zoning:</i> IX-3 w/SHOD-2
	<i>Requested Zoning:</i> IX-5 w/SHOD-2
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Within Transit Stop Half-Mile Buffer Frontage on Parkway Corridor

The commentor has requested a building height of 5 stories. Staff recommendations for height in this area reflect currently established entitlements. There is no specific policy guidance that would suggest height greater than 3 stories. While the parcels may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately-initiated rezoning request.

Recommendation: No change to the map.

33.	<i>Address:</i> 2817 Capital Blvd
	<i>PIN:</i> 1715934353
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 10 / CC5-0089
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Service / Billboard
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-5-PL
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The commentor has requested a building height of 5 stories. Staff recommendations for height in this area reflect currently established entitlements. There is no specific policy guidance that would suggest height greater than 3 stories. While the parcels may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately-initiated rezoning request.

Recommendation: No change to the map.

34.	<i>Address:</i> 2823 Capital Blvd
	<i>PIN:</i> 1715936330
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 159 / GEN-0540
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

35.	<i>Address:</i> 2929 Capital Blvd
	<i>PIN:</i> 1725031568
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 156 / GEN-0537
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales / Billboard
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

36.	<i>Address:</i> 4101 Wake Forest Rd
	<i>PIN:</i> 1715494776
	<i>CAC:</i> Midtown
	<i>Change Request/Comment ID:</i> 163 / GEN-0545
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Within Transit Stop Half-Mile Buffer Frontage on Transit Emphasis Corridor (Wake Forest)

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

37.	<i>Address:</i> 2837 Wake Forest Rd
	<i>PIN:</i> 1715133422
	<i>CAC:</i> Midtown
	<i>Change Request/Comment ID:</i> 166 / GEN-0548
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Within Transit Stop Half-Mile Buffer Frontage on Transit Emphasis Corridor (Six Forks & Wake Forest)

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-

conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

38.	<i>Address:</i> 219 W Millbrook Rd
	<i>PIN:</i> 1706562588
	<i>CAC:</i> Midtown
	<i>Change Request/Comment ID:</i> 2 / CC1-0058
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Medical Office
	<i>Proposed Zoning:</i> OX-3-PL
	<i>Requested Zoning:</i> OX-3
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> Six Forks Road Corridor (Under Study)
	<i>Urban Form Designation:</i> Mixed-Use Center
	Frontage on Urban Thoroughfare

The commentor would like to remove the Parking Limited frontage. Property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

Recommendation: No change to the map.

From: [Walter, Bynum](#)
To: [Lindsey Calverley](#)
Subject: RE: Recommended zoning changes [GEN-0303 thru -0308]
Date: Thursday, August 14, 2014 11:54:06 AM

Dear Lindsey Calverley –

I wanted to follow up on your comments about the proposed zoning for properties on Glenwood Ave, Falls of Neuse Rd, Hillsborough St, and Oberlin Rd. I had a chance to review your comment with other members of planning staff recently. The recommendations for the parcels you inquired about reflect the existing context and entitlements. While these parcels may be rezoned in the future to allow for greater height, staff believes that those decisions should be made as part of the public process of a privately initiated rezoning.

The public comment period for the remapping process will remain open until September 30, subsequently the remapping recommendations and all comments will be forwarded to the Planning Commission for their review beginning October 14. Your comments will be presented to the Commission for their consideration. Closer to time, I should be able to provide details about when the Planning Commission will discuss these particular properties.

Please let me know if you have further questions or need additional information.

Sincerely,

Bynum Walter, AICP
Senior Planner
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Suite 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2178 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: Rezoning
Sent: Wednesday, August 06, 2014 2:38 PM
To: Lindsey Calverley
Cc: Walter, Bynum
Subject: RE: Recommended zoning changes [GEN-0303 thru -0308]

Ms. Calverley—

Thank you for your inquiry regarding the Remapping Raleigh zoning project. I am writing to acknowledge your email and to outline next steps.

The Planning and Development Department has established a review team to evaluate requests for changes in the initially proposed zoning districts. The team's next meeting is August 13. Bynum Walter will be the case manager for your request. She is out of the office this week, but will follow-up with you shortly after that discussion.

Regards,
Dan

--

Dan Becker, Division Manager
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Ste 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2632 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: Lindsey Calverley [<mailto:Lindsey.Calverley@Colliers.com>]
Sent: Wednesday, August 06, 2014 12:29 PM
To: Rezoning
Subject: Recommended zoning changes

Hello,

Jim Anthony owns and manages several properties in the City of Raleigh. He has annotated some recommended zoning changes for the property. Please see attached spreadsheet with 'recommended zoning'. Please let me know what process I will need to go through to get these changes made.

Thank You,

Lindsey Calverley

Marketing Coordinator | Raleigh-Durham

Direct +1 919 582 3145

Main +1 919 832 1110 | Fax +1 919 834 4488

lindsey.calverley@colliers.com

Colliers International

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

www.colliers.com/rdu

From: [Lindsey Calverley](#)
To: [Rezoning](#)
Subject: RE: Recommended zoning changes [GEN-0303 thru -0308]
Date: Wednesday, August 06, 2014 2:40:25 PM

Thank you!

Lindsey Calverley

Marketing Coordinator | Raleigh-Durham

Direct +1 919 582 3145

Main +1 919 832 1110 | Fax +1 919 834 4488

lindsey.calverley@colliers.com

Colliers International

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

www.colliers.com/rdu

From: Rezoning [mailto:Rezoning@raleighnc.gov]
Sent: Wednesday, August 06, 2014 2:38 PM
To: Lindsey Calverley
Cc: Walter, Bynum
Subject: RE: Recommended zoning changes [GEN-0303 thru -0308]

Ms. Calverley—

Thank you for your inquiry regarding the Remapping Raleigh zoning project. I am writing to acknowledge your email and to outline next steps.

The Planning and Development Department has established a review team to evaluate requests for changes in the initially proposed zoning districts. The team's next meeting is August 13. Bynum Walter will be the case manager for your request. She is out of the office this week, but will follow-up with you shortly after that discussion.

Regards,

Dan

--

Dan Becker, Division Manager
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Ste 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2632 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: Lindsey Calverley [mailto:Lindsey.Calverley@Colliers.com]
Sent: Wednesday, August 06, 2014 12:29 PM

To: Rezoning
Subject: Recommended zoning changes

Hello,

Jim Anthony owns and manages several properties in the City of Raleigh. He has annotated some recommended zoning changes for the property. Please see attached spreadsheet with 'recommended zoning'. Please let me know what process I will need to go through to get these changes made.

Thank You,

Lindsey Calverley

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lindsey.calverley@colliers.com

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702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

www.colliers.com/rdu

From: [Lindsey Calverley](#)
To: [Rezoning](#)
Subject: Recommended zoning changes
Date: Wednesday, August 06, 2014 12:29:16 PM
Attachments: [Zoning Changes Jim Anthony.xlsx](#)

Hello,

Jim Anthony owns and manages several properties in the City of Raleigh. He has annotated some recommended zoning changes for the property. Please see attached spreadsheet with 'recommended zoning'. Please let me know what process I will need to go through to get these changes made.

Thank You,

Lindsey Calverley

Marketing Coordinator | Raleigh-Durham

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lindsey.calverley@colliers.com

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Raleigh, NC 27605 | United States

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ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

Mr. Dan Becker
Urban Design Center
City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601



Re: 6601 Falls of Neuse Road
PIN# 1717127972

Dear Mr. Becker:

As counsel for Sampson Bladen Oil Co., Inc., owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

This property is proposed to be rezoned to CX-3-PL. We object to the imposition of the Parking Limited frontage on this property. Frontages are imposed to create a street edge and to encourage pedestrian oriented development. The current use of the subject property is a vehicle based use with gas sales. The Frontage designation is problematic for 2 reasons: (1) it discourages vehicular surface areas between the building and public street which are necessary for gas sales and part of the current entitlement; and (2) it requires that a high percentage of building be located within the build-to area, which is difficult, given the relatively small building sizes used for convenience stores/service stations.

We request that you reconsider the proposed zoning and revise it to CX-3.

We would welcome the opportunity to meet with you or others in the Planning Department to discuss our concerns. Thank you for your consideration.

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

From: rezoning@raleighnc.gov
To: mcormick@bellsouth.net
Subject: City of Raleigh Response Ref #36819
Date: Friday, October 10, 2014 5:03:33 PM

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received September 30th 2014, 1:05 am

Reference #: 36819

Location: 8200 CREEDMOOR RD

Comment Type: Comment about Proposed Frontage

Comment: Two of the Guiding Principles in the Remapping Raleigh document are: 1. Maintain or enhance existing property value. 4. Be sensitive to context. Avoid jarring transitions in height, use or intensity. The existing zoning requires a 50 foot perimeter buffer. The proposed zoning changes this to zero or six feet on the rear lot line for anything other than residential (detached/attached/townhouse) which requires 20 feet. The current zoning does not allow an alley where as the proposed zoning would allow an alley as close as five feet from the lot line. A structure on the lot line would not maintain existing property values. Water from property north of Lodestar runs to Falls Lake. There are significant restrictions on the residential property limiting the percentage of property that must remain un-built to limit runoff. Are there similar restrictions for non residential property? The property at 8300 Creedmoor has conditional restrictions.

City Response on October 10th 2014, 05:03 pm

The recommended 3 story/ 50ft height represents the lowest height denoted for Mixed-Use districts. It also is comparable to the maximum permitted on the adjacent residential properties; their R-4 designation carries with it a maximum height of 3 stories/40ft. An added measure of compatibility is the UDO requirement for Neighborhood Transitions, wherever a Mixed Use district borders a low-density residential district. In the transition area, the required Zone A (a vegetated buffer, in which no site uses can otherwise occur, of from ten to 50ft) and Zone B (which allows only limited uses, such as the alley you note) would together mandate a minimum 50ft setback on the mixed-use properties from any adjoining single-family lots. Additionally, the building facade at that setback is limited to maximum height of 40ft, and can only go higher from that point within a 45-degree plane; meaning the building could only reach the maximum 50ft height 10 feet further back from the shared lot line.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: 919.996.6363 (8am-5pm, Mon-Fri)

From: rezoning@raleighnc.gov
To: mcormick@bellsouth.net
Subject: City of Raleigh Response Ref #37123
Date: Friday, October 10, 2014 5:03:58 PM

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received September 30th 2014, 1:09 am

Reference #: 37123

Location: 8116 CREEDMOOR RD

Comment Type: Comment about Proposed Frontage

Comment: Two of the Guiding Principles in the Remapping Raleigh document are: 1. Maintain or enhance existing property value. 4. Be sensitive to context. Avoid jarring transitions in height, use or intensity. The existing zoning requires a 50 foot perimeter buffer. The proposed zoning changes this to zero or six feet on the rear lot line for anything other than residential (detached/attached/townhouse) which requires 20 feet. The current zoning does not allow an alley where as the proposed zoning would allow an alley as close as five feet from the lot line. A structure on the lot line would not maintain existing property values. Water from property north of Lodestar runs to Falls Lake. There are significant restrictions on the residential property limiting the percentage of property that must remain un-built to limit runoff. Are there similar restrictions for non residential property? The property at 8300 Creedmoor has conditional restrictions.

City Response on October 10th 2014, 05:03 pm

The recommended 3 story/ 50ft height represents the lowest height denoted for Mixed-Use districts. It also is comparable to the maximum permitted on the adjacent residential properties; their R-4 designation carries with it a maximum height of 3 stories/40ft. An added measure of compatibility is the UDO requirement for Neighborhood Transitions, wherever a Mixed Use district borders a low-density residential district. In the transition area, the required Zone A (a vegetated buffer, in which no site uses can otherwise occur, of from ten to 50ft) and Zone B (which allows only limited uses, such as the alley you note) would together mandate a minimum 50ft setback on the mixed-use properties from any adjoining single-family lots. Additionally, the building facade at that setback is limited to maximum height of 40ft, and can only go higher from that point within a 45-degree plane; meaning the building could only reach the maximum 50ft height 10 feet further back from the shared lot line.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: 919.996.6363 (8am-5pm, Mon-Fri)

1. **Z-7-07 – Monument Lane and Old Lead Mine Road**, located on the northeastern quadrant of its intersection with Monument Lane and Old Lead Mine Road, being Wake County PIN's 1708-30-1457, and 1708-20-7421. Approximately 12.65 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: 09/12/07

As used herein, the "Property" means and refers to all of those two (2) certain tracts or parcels of land containing approximately 12.65 acres located at the northeast quadrant of the intersection of Old Lead Mine Road and Monument Lane in the City of Raleigh, Wake County, North Carolina, having Wake County PINs 1708-30-1457 and 1708-20-7421, and identified as all of "Lot 1" and "Lot 2" on plat recorded at Book of Maps 2001, Page 881 in the Wake County Registry. The terms "Tract 1" and "Tract 2" as used herein shall refer to those areas so designated on Exhibit C-1 attached hereto.

a) Reimbursement Values. Reimbursement for required future right-of-way dedications for the Property shall be at Residential-6 values.

b) Transit Easement. Prior to the first recording of a subdivision plat or the issuance of the first building permit for the Property (or any portion thereof), whichever shall first occur, there shall be dedicated to the City a transit easement measuring twenty (20) feet in length and fifteen (15) feet in width. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney or his Associate shall approve the transit easement deed prior to recordation.

c) Landscaped Streetyard. Except where there are townhouse or single family detached dwelling units (and their accessory uses as set forth in Section 10-2071 ("The Schedule of Permitted Land Uses in Zoning Districts")), a streetyard a minimum of fifty (50) feet in width and landscaped in accordance with the SHOD-3 standards of the Raleigh City Code shall be maintained along the boundary of the Property with the right-of-way of Monument Lane and adjacent to the Allyn's Landing residential subdivision located to the south of Monument Lane (being all of that subdivision identified as Lot 1, Lot 2 and Lot 3, inclusive, on plat recorded at Book of Maps 2001, Page 1240). Utility lines, curb cuts and signage authorized by the Raleigh City Code maybe located within such streetyard.

d) Height Limits. The maximum height for buildings constructed upon Tract I shall be the lesser of forty five (45) feet or two (2) stories in height entirely above grade. Only single family detached or townhome dwelling units shall be permitted upon Tract 1. The maximum height for buildings constructed upon Tract 2 shall be sixty (60) feet in height. Only buildings,

including parking decks, no greater than three (3) stories in height entirely above grade or forty-eight (48) feet in height may be located within seventy-five (75) feet of the right-of-way of Monument Lane; and only buildings, including parking decks, no greater than four (4) stories entirely above grade or sixty (60) feet in height may be located within one hundred (100) feet of the right-of-way of Monument Lane.

e) Residential Development. Only single family detached dwelling units and townhomes, together with their accessory uses (as set forth in Section 10-2071 (“The Schedule of Permitted Land Uses in Zoning Districts”), shall be permitted within Tract I as shown on the attached Exhibit C-I.

f) Limitation on Square Footage of Office Uses. Buildings (other than parking structures) constructed upon Tract 2 containing office uses cumulatively shall not exceed 75,000 square feet floor area gross.

g) Limitation on Residential Density. There shall be a maximum of six (6) dwelling units per acre constructed upon the Property. Dwelling units on Tract 1 shall consist only of single family detached dwelling units or townhomes.

h) Access. There shall be no more than: (i) two (2) street accesses onto Monument Lane from the Property and (ii) one (1) street access onto Old Lead Mine Road from the Property.

i) Residential Materials for Single Family Detached and Townhouse Dwelling Units. The front exterior wall of townhouse or single family detached dwelling units, exclusive of windows, doors and foundations, constructed upon the Property shall contain at least twenty percent (20%) brick, stone, masonry or concrete. The combined area of front windows and doors shall represent no less than fifteen percent (15%) and no greater than sixty percent (60%) of the front façade of any townhouse or single family detached dwelling unit constructed upon the Property. Except for soffets, eaves and other architectural accents, vinyl siding shall not be permitted as an exterior wall covering for townhouse or single family detached dwelling units. All townhouse or single family detached dwelling units shall be residential in character with the principal roof structure either flat with parapets or having a minimum 6:12 pitch.

j) Structured Parking. A minimum of 70% of all parking for office uses located on Tract 2 shall be included in a parking deck/garage. Any parking deck/garage located on the Property shall be setback at least 150 feet from the right-of-way of Monument Lane and shall be separated from the right-of-way of Monument Lane by at least one (1) building. Any stand alone parking deck/garage located on the Property shall be separated from any public right-of-way by a 30-foot wide, Type B vegetative buffer.

k) Open Space. A minimum of twenty percent (20%) of Tract 1 shall be maintained in open space. A minimum of forty-five percent (45%) of Tract 2 shall be maintained in open space. Open space, as used in this Condition k), shall be defined as any area of the Property not covered by buildings (including dwelling units), parking decks, vehicular service and/or parking areas, and streets.

l) Prohibited Uses. The following uses shall be prohibited upon the Property:

- Cemetery
- Church, synagogue or religious education building
- Hospital (medical/psychiatric/veterinary)
- Utility services and substation
- Dance, recording, music studio
- Emergency shelter type A, emergency shelter type B, religious shelter units, multi-unit supportive housing residence, supportive housing residence
- Governmental building and grounds
- Private or parochial school (elementary, middle and high)
- Recreational use — restricted to membership profit and not for profit
- Telecommunication towers complying with designated height and setback standards, otherwise, a special use approved by City Council
- Airfield landing strip and heliport
- Manufacturing — specialized
- Multifamily dwelling units, other than unit ownership
- Congregate care structure or congregate living structure
- Fraternity house
- Sorority house
- Rooming house, boarding house, lodging house, guest house, tourist home
- Beauty salon
- Barbershop
- Funeral home
- Crematory
- Life care community
- Group housing
- Radio and television studio
- Residential related services
- Bank

m) Stormwater Retention. Stormwater control devices shall be constructed to provide retention of stormwater to maintain existing (pre-development) discharge rates for the two (2) year, ten (10) year and twenty-five (25) year storms.

n) Existing Pond to be Maintained. Upon development of the Property: (i) the surface area of the pond that currently exists on the Property shall be no less than one (1) acre in size, and (ii) the stormwater storage capacity of the pond that currently exists on the Property shall be equal to or greater than the stormwater storage capacity that exists as of the effective date of this rezoning. Prior to issuance of the first grading permit for the Property, a licensed stormwater engineer shall certify the stormwater storage capacity of such pond. Prior to issuance of the first certificate of occupancy for the Property a licensed stormwater engineer shall certify that the stormwater storage capacity of the pond is equal to or greater than the capacity as previously certified.

o) Building Materials for Offices. Facades of office buildings constructed upon the Property shall be pre-cast, stone, brick clad or glass/Spandrelite or like high quality material; provided however no EIFS or synthetic stucco shall be permitted.

p) Construction Traffic Prohibited on Private Drives. Any construction contracts for improvements to be located on the Property shall include a clause requiring contractors, their employees and subcontractors to use only public rights-of-ways to access the Property and shall further provide a penalty for violation of the same.

q) No Dry Detention Facilities. With regard to stormwater detention for the Property, dry pond detention facilities shall not be permitted.

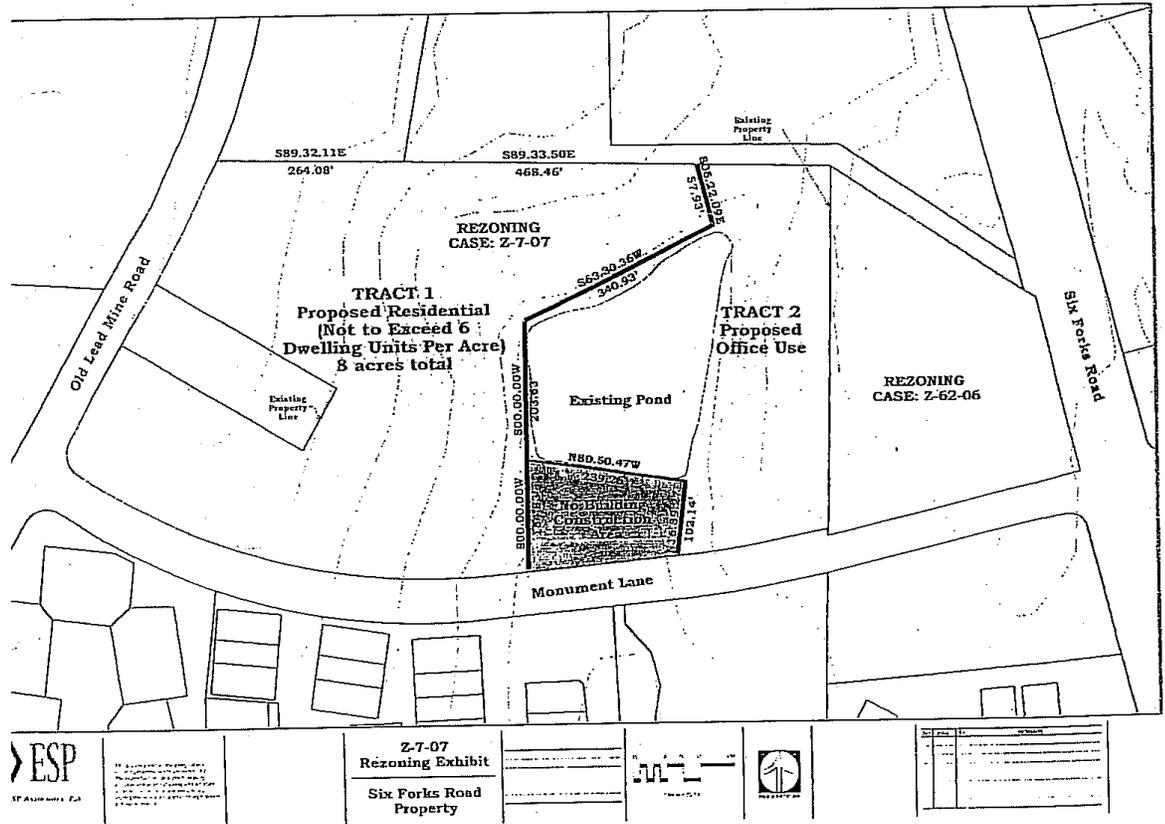
r) Site Lighting. All outdoor area and parking lot fixtures shall be of full cutoff (shielded) design. Outside of required transitional protective yards where the maximum height shall be twelve (12) feet, freestanding on-site lighting fixtures shall not be more than twenty (20) feet in height.

s) Landscaping of Property in Excess of Code Requirements. Except as otherwise provided herein, including without limitation Condition c) hereof, all landscaping for Tract 2 shall be planted to include 15% more plant material than otherwise required by the Code.

t) No Building Zone. There shall be no buildings, vehicular surface and/or parking areas, or streets located within that portion of the Property designated as "No Building Construction Zone" on the attached Exhibit C-1.

u) Sidewalks. Pedestrian sidewalks shall be constructed and installed along Old Lead Mine and Monument Lane consistent with City standards for the same.

Z-7-07
EXHIBIT C-1



Ordinance (2007) 302zc609
September 18, 2007

1. **Z-7-07 – Monument Lane and Old Lead Mine Road**, located on the northeastern quadrant of its intersection with Monument Lane and Old Lead Mine Road, being Wake County PIN's 1708-30-1457, and 1708-20-7421. Approximately 12.65 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: 09/12/07

As used herein, the "Property" means and refers to all of those two (2) certain tracts or parcels of land containing approximately 12.65 acres located at the northeast quadrant of the intersection of Old Lead Mine Road and Monument Lane in the City of Raleigh, Wake County, North Carolina, having Wake County PINs 1708-30-1457 and 1708-20-7421, and identified as all of "Lot 1" and "Lot 2" on plat recorded at Book of Maps 2001, Page 881 in the Wake County Registry. The terms "Tract 1" and "Tract 2" as used herein shall refer to those areas so designated on Exhibit C-1 attached hereto.

a) Reimbursement Values. Reimbursement for required future right-of-way dedications for the Property shall be at Residential-6 values.

b) Transit Easement. Prior to the first recording of a subdivision plat or the issuance of the first building permit for the Property (or any portion thereof), whichever shall first occur, there shall be dedicated to the City a transit easement measuring twenty (20) feet in length and fifteen (15) feet in width. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney or his Associate shall approve the transit easement deed prior to recordation.

c) Landscaped Streetyard. Except where there are townhouse or single family detached dwelling units (and their accessory uses as set forth in Section 10-2071 ("The Schedule of Permitted Land Uses in Zoning Districts"), a streetyard a minimum of fifty (50) feet in width and landscaped in accordance with the SHOD-3 standards of the Raleigh City Code shall be maintained along the boundary of the Property with the right-of-way of Monument Lane and adjacent to the Allyn's Landing residential subdivision located to the south of Monument Lane (being all of that subdivision identified as Lot 1, Lot 2 and Lot 3, inclusive, on plat recorded at Book of Maps 2001, Page 1240). Utility lines, curb cuts and signage authorized by the Raleigh City Code maybe located within such streetyard.

d) Height Limits. The maximum height for buildings constructed upon Tract I shall be the lesser of forty five (45) feet or two (2) stories in height entirely above grade. Only single family detached or townhome dwelling units shall be permitted upon Tract 1. The maximum height for buildings constructed upon Tract 2 shall be sixty (60) feet in height. Only buildings,

Ordinance (2007) 302zc609
September 18, 2007

including parking decks, no greater than three (3) stories in height entirely above grade or forty-eight (48) feet in height may be located within seventy-five (75) feet of the right-of-way of Monument Lane; and only buildings, including parking decks, no greater than four (4) stories entirely above grade or sixty (60) feet in height may be located within one hundred (100) feet of the right-of-way of Monument Lane.

e) Residential Development. Only single family detached dwelling units and townhomes, together with their accessory uses (as set forth in Section 10-2071 (“The Schedule of Permitted Land Uses in Zoning Districts”), shall be permitted within Tract I as shown on the attached Exhibit C-I.

f) Limitation on Square Footage of Office Uses. Buildings (other than parking structures) constructed upon Tract 2 containing office uses cumulatively shall not exceed 75,000 square feet floor area gross.

g) Limitation on Residential Density. There shall be a maximum of six (6) dwelling units per acre constructed upon the Property. Dwelling units on Tract 1 shall consist only of single family detached dwelling units or townhomes.

h) Access. There shall be no more than: (i) two (2) street accesses onto Monument Lane from the Property and (ii) one (1) street access onto Old Lead Mine Road from the Property.

i) Residential Materials for Single Family Detached and Townhouse Dwelling Units. The front exterior wall of townhouse or single family detached dwelling units, exclusive of windows, doors and foundations, constructed upon the Property shall contain at least twenty percent (20%) brick, stone, masonry or concrete. The combined area of front windows and doors shall represent no less than fifteen percent (15%) and no greater than sixty percent (60%) of the front façade of any townhouse or single family detached dwelling unit constructed upon the Property. Except for soffets, eaves and other architectural accents, vinyl siding shall not be permitted as an exterior wall covering for townhouse or single family detached dwelling units. All townhouse or single family detached dwelling units shall be residential in character with the principal roof structure either flat with parapets or having a minimum 6:12 pitch.

j) Structured Parking. A minimum of 70% of all parking for office uses located on Tract 2 shall be included in a parking deck/garage. Any parking deck/garage located on the Property shall be setback at least 150 feet from the right-of-way of Monument Lane and shall be separated from the right-of-way of Monument Lane by at least one (1) building. Any stand alone parking deck/garage located on the Property shall be separated from any public right-of-way by a 30-foot wide, Type B vegetative buffer.

Ordinance (2007) 302zc609
September 18, 2007

k) Open Space. A minimum of twenty percent (20%) of Tract 1 shall be maintained in open space. A minimum of forty-five percent (45%) of Tract 2 shall be maintained in open space. Open space, as used in this Condition k), shall be defined as any area of the Property not covered by buildings (including dwelling units), parking decks, vehicular service and/or parking areas, and streets.

l) Prohibited Uses. The following uses shall be prohibited upon the Property:

- Cemetery
- Church, synagogue or religious education building
- Hospital (medical/psychiatric/veterinary)
- Utility services and substation
- Dance, recording, music studio
- Emergency shelter type A, emergency shelter type B, religious shelter units, multi-unit supportive housing residence, supportive housing residence
- Governmental building and grounds
- Private or parochial school (elementary, middle and high)
- Recreational use — restricted to membership profit and not for profit
- Telecommunication towers complying with designated height and setback standards, otherwise, a special use approved by City Council
- Airfield landing strip and heliport
- Manufacturing — specialized
- Multifamily dwelling units, other than unit ownership
- Congregate care structure or congregate living structure
- Fraternity house
- Sorority house
- Rooming house, boarding house, lodging house, guest house, tourist home
- Beauty salon
- Barbershop
- Funeral home
- Crematory
- Life care community
- Group housing
- Radio and television studio
- Residential related services
- Bank

Ordinance (2007) 302zc609
September 18, 2007

m) Stormwater Retention. Stormwater control devices shall be constructed to provide retention of stormwater to maintain existing (pre-development) discharge rates for the two (2) year, ten (10) year and twenty-five (25) year storms.

n) Existing Pond to be Maintained. Upon development of the Property: (i) the surface area of the pond that currently exists on the Property shall be no less than one (1) acre in size, and (ii) the stormwater storage capacity of the pond that currently exists on the Property shall be equal to or greater than the stormwater storage capacity that exists as of the effective date of this rezoning. Prior to issuance of the first grading permit for the Property, a licensed stormwater engineer shall certify the stormwater storage capacity of such pond. Prior to issuance of the first certificate of occupancy for the Property a licensed stormwater engineer shall certify that the stormwater storage capacity of the pond is equal to or greater than the capacity as previously certified.

o) Building Materials for Offices. Facades of office buildings constructed upon the Property shall be pre-cast, stone, brick clad or glass/Spandrelite or like high quality material; provided however no EIFS or synthetic stucco shall be permitted.

p) Construction Traffic Prohibited on Private Drives. Any construction contracts for improvements to be located on the Property shall include a clause requiring contractors, their employees and subcontractors to use only public rights-of-ways to access the Property and shall further provide a penalty for violation of the same.

q) No Dry Detention Facilities. With regard to stormwater detention for the Property, dry pond detention facilities shall not be permitted.

r) Site Lighting. All outdoor area and parking lot fixtures shall be of full cutoff (shielded) design. Outside of required transitional protective yards where the maximum height shall be twelve (12) feet, freestanding on-site lighting fixtures shall not be more than twenty (20) feet in height.

s) Landscaping of Property in Excess of Code Requirements. Except as otherwise provided herein, including without limitation Condition c) hereof, all landscaping for Tract 2 shall be planted to include 15% more plant material than otherwise required by the Code.

t) No Building Zone. There shall be no buildings, vehicular surface and/or parking areas, or streets located within that portion of the Property designated as "No Building Construction Zone" on the attached Exhibit C-1.

From: [Walter Bynum](mailto:Walter.Bynum)
To: bailey@redeagle-co.com
Subject: 5615 & 5619 Hillsborough St, 5710 & 5720 Capital Blvd, 1453 N New Hope Rd (GEN-0384)
Date: Thursday, September 04, 2014 3:39:26 PM

Dear Mr. Bailey –

Thanks for your comments about the proposed rezoning of 5615 & 5619 Hillsborough Street, 5710 & 5720 Capital Boulevard, and 1453 N New Hope Road.

I've had a chance to discuss your proposed alternatives to the staff recommendations for rezoning with other members of the planning staff.

5615 & 5619 Hillsborough Street – These properties are currently zoned Neighborhood Business (NB). The proposed rezoning is for Commercial Mixed Use-three story height limit-Green frontage. The base district, Commercial Mixed Use (CX) allows a wide variety of retail, residential, and employment uses. You may find it helpful to review the Allowed Principal Use Table for additional information about what is allowed in this base district, available online here:

<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance/#127>.

The height limit and frontage recommendations were made based on small area plan guidance from the Jones Franklin Area Study Final Report, available online:

<http://www.raleighnc.gov/content/PlanUrbanDesign/Documents/JonesFranklin/JonesFranklinAreaStudyFinalReport.pdf>

. While staff does not agree with the alternative that you propose of IX-3, your request will be forwarded to the Planning Commission for their consideration.

5710 & 5720 Capital Boulevard - Height recommendations were made based on existing heights, valid approvals for height, and in some cases Comprehensive Plan guidance. None of these factors indicate that it would be appropriate for staff to recommend additional height for the parcels in question. While these parcels may be rezoned in the future to allow for greater height, that decision should be made as part of the public process of a privately initiated rezoning. Staff does not agree with your request for additional height nor no frontage designation, however the request will be forwarded to the Planning Commission for their consideration.

1453 North New Hope Road – This property was recommended for Parking Limited (PL) frontage because of its frontage on North New Hope Road. This road is designated as a Transit Emphasis Corridor on the City's Urban Form Map. You can read more about the Urban Form Map beginning here

<http://www.raleighnc.gov/content/extra/Books/PlanDev/2030CompPlan/#246>. The properties on Wilder's Grove Lane that you reference do not have frontage on a Transit Emphasis Corridor. While staff does not agree with your suggestion of no frontage designation, your proposal will be forwarded to the Planning Commission for their considerations.

Planning Commission will take up the issue of citywide remapping at their meeting on October 14. You can sign up for email notifications of a more detailed schedule of their discussion online by clicking on the link in the green box in the upper left hand corner of this page:

<http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/ZoningRemapping.html>

Please let me know if you have questions or need any additional information.

Sincerely,

Bynum Walter, AICP
Senior Planner
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Suite 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2178 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: [Walter, Bynum](#)
To: [Ed Bailey](#)
Subject: RE: Comments on Proposed Zoning of 1453 N. New Hope Rd, 5615 & 5619 Hillsborough St, 5710 & 5720 Capital Blvd (GEN-0384, GEN-0385, GEN-0386)
Date: Thursday, August 28, 2014 2:45:00 PM

Dear Mr. Bailey -

Thanks for your inquiry about the proposed zoning of 1453 N. New Hope Rd, 5615 & 5619 Hillsborough St, and 5710 & 5720 Capital Blvd. I need to discuss your inquiry with other members of the planning staff. We are scheduled to meet later this week and I will be back in touch with additional information after that meeting.

Sincerely,

Bynum Walter, AICP
Senior Planner
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Suite 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2178 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

-----Original Message-----

From: Ed Bailey [<mailto:bailey@redeagle-co.com>]
Sent: Monday, August 25, 2014 2:20 PM
To: Rezoning
Subject: Comments on Proposed Zoning of 1453 N. New Hope Road, Raleigh, NC

Regards the vacant lot located at 1453 N. New Hope Road, the proposed zoning "IX" is comparable to the existing zoning "Ind-1".

The frontage proposed (FL) raises several physical issues due to the small size of the lot (.84 Ac), the limited frontage (143') and limited street access. These physical factors dictate the range and size of the building footprint. The proposed PL will create more design restrictions which unjustly handicaps the site even more than now exists. The proposed PL negatively exacerbates the economics of the small site by limiting several types of land uses. Please delete the PL as are deleted at 1408 and 1426 Wilder's Grove Lane which are adjacent properties. Thank you.

T. Ed Bailey, CCIM
P.O. Box 464
Raleigh, NC 27602
919-832-7305

From: [Ed Bailey](#)
To: [Rezoning](#)
Subject: Comments on Proposed Zoning of 1453 N. New Hope Road, Raleigh, NC
Date: Monday, August 25, 2014 2:20:26 PM

Regards the vacant lot located at 1453 N. New Hope Road, the proposed zoning "IX" is comparable to the existing zoning "Ind-1".

The frontage proposed (FL) raises several physical issues due to the small size of the lot (.84 Ac), the limited frontage (143') and limited street access. These physical factors dictate the range and size of the building footprint. The proposed PL will create more design restrictions which unjustly handicaps the site even more than now exists. The proposed PL negatively exacerbates the economics of the small site by limiting several types of land uses. Please delete the PL as are deleted at 1408 and 1426 Wilder's Grove Lane which are adjacent properties. Thank you.

T. Ed Bailey, CCIM
P.O. Box 464
Raleigh, NC 27602
919-832-7305

From: [Ed Bailey](#)
To: [Rezoning](#)
Subject: Comments on the Proposed Remapping of 5710 and 5720 Capital Blvd., Raleigh, NC
Date: Monday, August 25, 2014 2:18:14 PM

The remapping suggested for 5710 and 5720 Capital Blvd. is partially inappropriate. The suggested remapping to IX is compatible with the existing zoning TD and the "existing" land uses already in place. The height restriction to "3" and the frontage designation are inappropriate for the reasons explained below.

There are already existing buildings in the neighborhood, including next door, that are 3 stories or higher. As the value of land increases, more dense land uses can only be accomplished vertically. The subject properties are located next to Triangle Town Center Regional Mall which area was designated as a major Employment Area. Taller buildings will be necessary to accommodate that "public" objective. The area of the subject properties is ideal for development of office and hospitality land uses over 3 stories high. Height should not be limited to 3 stories.

There isn't any "magic" about 50' vs. 80'. Please note the attractive office development on Six Forks Road just south of the six forks and Crabtree Valley Mall which is a smaller mall than Triangle.

The heavy "one way" traffic on Capital Blvd. requires motorists to pay extra attention to the road which reduces peripheral vision. Visibility is important for the motorist to identify the correct driveway to enter. A higher than 3-story building will help with visual problems. The subject properties "share" a drive with an adjacent property which is a traffic handicap in itself. When the subject properties are redeveloped, a high building will enable better visibility for motorists to spot the only access point to 3 properties. If the driveway is missed, the motorist has to make a turning movement at busy Sumner Blvd. and return via a 2nd turn at Oak Forest Road.

There is no height restriction at this time on the subject properties. The UDO limit to 3-story is effectively a "taking".

The "Parkway" frontage designation is inappropriate for the same above reasoning. With respect to the subject properties, there is already in place an existing 50' landscape area that is permanent. A denser landscaping is not necessary to ensure "a continuous green corridor along the street right-of-ways". It's already there. The existing grass and landscaping at the subject properties are not boring like the Pin Oak trees symmetrically planted in a row at other properties on Capital.

The area on the east side of Capital Blvd. from Sumner Blvd. on the north to Oak Forest on the south should not be limited by height and the frontage should permit a variety of landscaping schemes in the existing 50' natural setback.

T. Ed Bailey, CCIM
P.O. Box 464
Raleigh, NC 27602
919-832-7305

From: [Ed Bailey](#)
To: [Rezoning](#)
Subject: Comments on the Proposed Remapping of 5615 and 5619 Hillsborough St, Raleigh, NC
Date: Monday, August 25, 2014 2:16:04 PM

The remapping suggested for the two adjacent properties at 5615 and 5619 Hillsborough St. from NB to CX-3-GR is inappropriate. The properties do not lend themselves to residential nor "major" employment uses for the following reasons:

The existing land uses, including the neighboring land uses, are small retail and service - not residential uses or major employers

The subject properties are part of a small island of land with public streets on 3 sides making it very unappealing for residential use (noise and light 7/24; not walker friendly, very busy car traffic)

The small size of the "whole" island and particularly the small size of the subject properties (.57 Ac and 1.15 Ac) plus the traffic patterns and other existing land uses in the neighborhood all combine to restrict the land uses that could go on the subject properties in the event of future re-development. A more realistic UDO classification would be IX-3 which is the classification immediately across Hillsborough St. from the subjects. The classification across the street IX-3 should be extended south 1 block to Western Blvd.

The above comments also apply regards the proposed frontage (Green). The sites are too small and located between 3 streets in an island. Visibility, accessibility, circulation, (particularly for trucks) all dictate a layout with parking in front of the buildings. The "existing" developments already provide for landscaping including trees. The proposed frontage is not workable nor necessary.

T. Ed Bailey, CCIM
P.O. Box 464
Raleigh, NC 27602
919-832-7305

From: [Lorilyn Bailey](#)
To: [Rezoning](#)
Subject: Re: City of Raleigh Response Ref #19842
Date: Tuesday, July 22, 2014 12:49:03 PM

I know you try. :)

Thanks for trying. :)

I've been online since 1993. I've developed user interfaces. This one was among the most frustrating I've ever seen.

LB

On Tue, Jul 22, 2014 at 11:53 AM, Rezoning <Rezoning@raleighnc.gov> wrote:

Ms. Bailey,

Thank you for your feedback. We sincerely apologize that you did not find our means of communication to be effective. We have sought to be good stewards of taxpayer dollars with this project, and have received generally positive feedback on the process.

Reporting a school district accurately in an automatic fashion is a fairly simple process, which is why WCPSS could implement such a simple device. We do something very similar with [MyRaleigh Services](#). Due to the more complex nature of zoning, it is much more difficult to automatically summarize what changes are proposed in every instance. In cases where exactly one designation is being replaced by exactly one other designation (for instance R-20 to RX-3), that solution could work. However, we are faced with many situations where there may be more than one zoning on a single piece of property. For instance, a property may be zoned commercially, with a strip of Conservation Management along the edge of it to protect a stream or serve as a buffer to a neighborhood. In that case we may be changing the commercial piece but not the Conservation strip. This makes automatic reporting exponentially more difficult.

As of this writing, there are 133,750 parcels in our jurisdiction (not including condominiums). Of those, just under a third are experiencing some sort of change due to this process. Many of these are changing in more than one way. We elected that allowing people to see the changes visually for themselves was much more effective than simple textual reporting. Implementing the web map also allowed us to save a great deal of taxpayer money by mailing postcards that pointed people to a map so that they could review at their leisure what is proposed for their property. This method also provides transparency to the process by allowing citizens to see what is proposed for all properties and allowing them to review other people's comments on the zoning recommendations. Personalized letters would be inadequate given the scope of the changes proposed. When you're talking about 45,000 mailings, the cost savings of printing and mailing

postcards versus personalized letters is substantial. Additionally, the zoning viewer was developed in house by City of Raleigh employees using primarily open source software, thus at negligible cost to taxpayers.

Again, we apologize that your experience of our communication effort was negative. However, we hope you can see that we've tried to make this process as transparent and open as possible, giving citizens access to a wealth of information in order for those who wish to research to find answers to their questions or ask us for more information through a variety of channels.

Thanks again for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: [919.996.6363](tel:919.996.6363) (8am-5pm, Mon-Fri)

From: Lorilyn Bailey [mailto:lorilynbailey@gmail.com]

Sent: Tuesday, July 22, 2014 9:18 AM

To: Rezoning

Subject: Re: City of Raleigh Response Ref #19842

It seems as if a summary of what changes WILL happen would have been a much more effective communications vehicle. No maps.

Surely there aren't THAT many changes to make this bad application worth the tax money it took to develop it.

It's a colossal failure, and I'm disappointed with the city. I'm always cheerleading the city's efforts. This "solution" is not a solution.

If you could have made it as simple as the Wake County's school board's app for finding local schools for one's kids, that would have worked.

You should have dumped the maps and had the user enter an address and then have a summary: "The zoning will not change here." OR "Zoning will change from R-whatever to R-whatever, and that means..." ...and link to what was now allowed or not allowed -- in plain language.

You could have also had one map that showed where the zoning WAS changing -- using just one color. That would have been useful.

On Tue, Jul 22, 2014 at 8:53 AM, <rezoning@raleighnc.gov> wrote:

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received July 21st 2014, 10:25 pm

Reference #: 19842

Location: null

Comment Type: General Comment

Comment: WHAT THE HECK DOES YELLOW MEAN? AND GRAY??? This map tells me NOTHING!

City Response on July 22nd 2014, 08:53 am

The zoning of this property is not proposed to change in any way. As far as the colors, in general, yellows/oranges indicate Residential, purples indicate Industrial, reds indicate Commercial, and blues indicate Office. The reason that we have not included a legend is that if you zoom in to a particular color, codes will appear representing what those colors indicate. Additionally, if you click on any of them, you will receive a description of what they mean. Because there are many different colors (24 on the existing map and 18 on the proposed map), we decided that a legend would interfere with the information we are trying to convey, which is related to the codes and the descriptive text that appears below the maps with each click.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: [919.996.6363](tel:919.996.6363) (8am-5pm, Mon-Fri)

"E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official."

"E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an

| authorized City or Law Enforcement official.”

From: [Isabel Mattox](#)
To: [Rezoning](#)
Cc: [Carter Worthy; "Marty Worthy"](#)
Subject: 2500, 2600 and 2c20 Brentwood Road
Date: Tuesday, September 30, 2014 5:56:57 PM

Dan,

As counsel for Isabel C. Worthy, Worthy Enterprises, LLC and Worthy Holdings, LLC, I write to convey our concerns about the proposed remapping for these properties. Each of these properties is proposed to be remapped to IX-3, however given the FLUM designation of Office and Residential Mixed Use, the adjacency to the Raleigh greenway and the Public Safety Center and related 300 foot communications tower and the proximity to the I-440 beltline and a Transit Emphasis Corridor, we believe a wide range of commercial uses should be allowed on these properties. We do not think it appropriate to restrict residential to vertical mixed use in this location. We therefore request that you reconsider the proposed remapping for these 3 properties and revise them to CX-7.

We would be pleased to meet with you and discuss this in person.

Isabel Mattox

Isabel Worthy Mattox
Attorney at Law
127 West Hargett St., Suite 500
P.O. Box 946
Raleigh, NC 27602
Ph: (919) 828.7171
Fax: (919) 831.1205
isabel@mattoxfirm.com

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

Mr. Dan Becker
Urban Design Center
City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601



Re: 2744 Capital Boulevard
PIN# 1715829585

Dear Mr. Becker:

As counsel for Sampson Bladen Oil Co., Inc., owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

This property is proposed to be rezoned to CX-3-PL. We object to the imposition of the Parking Limited frontage on this property. Frontages are imposed to create a street edge and to encourage pedestrian oriented development. The current use of the subject property is a vehicle based use with gas sales. The Frontage designation is problematic for 2 reasons: (1) it discourages vehicular surface areas between the building and public street which are necessary for gas sales and part of the current entitlement; and (2) it requires that a high percentage of building be located within the build-to area, which is difficult, given the relatively small building sizes used for convenience stores/service stations.

We request that you reconsider the proposed zoning and revise it to CX-3.

We would welcome the opportunity to meet with you or others in the Planning Department to discuss our concerns. Thank you for your consideration.

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

From: [Danny Eason](#)
To: [Rezoning](#)
Subject: UDO-Danny Eason Comment-4428 James Road-401 North
Date: Tuesday, September 30, 2014 10:37:36 AM

Danny Eason, UDO-Comments-4428 James Road, Raleigh, NC

Shown below are documents from the 401 North Corridor Plan. When the City Council adopted this plan many years ago great discussion occurred related to creating an environment which allowed lots fronting 401 North to transition to a higher zoning use; i.e.-shopping center use.

The Council found that continuing to force residential use created an undue hardship on owners of these lots. In plain language people just do not want to live in close proximity to such a high traffic volume corridor.

The Council determined that these lot owners would be deprived of peaceable use of their property as a residential use given the proximity of such high traffic volumes.

Thus, not creating an allowance to be used as shopping center, could be construed as a "Taking" action thereby becoming a legal & financial liability for the City.

Shopping Center was designated as property adjacent to & North of the Crocker/Eason property has had such a zoning for many decades. Declaring the Crocker/Eason properties shopping center Best blended those lots.

There has been no development from that time to this to alter that determination. Indeed, time has proven the fact that people deplore using these lots as residential given demonstrable evidence of vacancy intervals for these lots.

Continuing a zoning allowance for this use remains the City's BEST plan to insure that a attractive appearance is maintained along 401 North.

Experience has proven many times over that IF such allowances are not made such frontal lots may become eyesore neglected lots when owners are unable to maintain such lots. It is a financial fact that owners cannot be expected to maintain appearance standards for property no one wants to live in.

An ownership entity enjoying the benefit of proximity to such volumes can afford to maintain those lots in a manner consistent with the City's appearance standards and objectives.

Winter Park Subdivision was designed & constructed during the 50's. An allowance for this modest number of lots to transition to Shopping Center use becomes, in essence, an appropriate buffer for interior lot owners. This ameliorates 50's design use with the facts of where growth has brought us to in today's world. In the document titled Plan Text you should view page two, Items 2 & 9.

I believe that information will offer insight of the previous City Councils' thought process when the 401 North Corridor Plan appropriately made provision for the frontal lots identified as the Crocker/Eason lots.

Please give due consideration to creating such inclusive language in plans being brought before the current City Council.

Kindest regards,

Danny Eason

Previous City Council approved language in the 401 North Corridor Plan allowing the subject property to evolve into a Commercial use; see below.

2. A policy boundary line is on the south side of the nonresidentially zoned properties on the south side of U.S. 401 near U.S. 1. This policy boundary line is specific except along the backs of the four residential lots adjoining James Street, where it is general.

9. The four residential lots which front on U.S. 401 and surround James Street should remain residential or develop as frontage lot residential transition uses. Guidelines for such frontage lots can be found in Chapter 3 of the Comprehensive Plan. Lots should be combined to increase the site width or depth. The development should receive its primary access from James Street, have an FAR not to exceed .50 and provide adequate buffers to adjacent residential lots.

PS: I do wish to be informed of every Council and Planning Commission meeting which has this item on its' agenda.

From: Ekstrom, Vivian
To: ["dannyeason2769@yahoo.com"](mailto:dannyeason2769@yahoo.com)
Subject: Future Land Use and Rezoning Info
Date: Wednesday, October 15, 2014 12:01:00 PM
Attachments: [4428 James Rd Future Land Use.pdf](#)

Mr. Eason,

Thanks again for your call. I've attached a snapshot from our [iMaps website](#) that shows the Future Land Use designation for your property (Neighborhood Mixed Use). The city's 2030 Comprehensive Plan has more information about future land uses and the Future Land Use Map (see [this page](#)). Here is the description of the Neighborhood Mixed Use category:

"This category applies to neighborhood shopping centers and pedestrian-oriented retail districts. The service area of these districts is generally about a one mile radius or less. Typical uses would include corner stores or convenience stores, restaurants, bakeries, supermarkets (other than super-stores/centers), drug stores, dry cleaners, video stores, small professional offices, retail banking, and similar uses that serve the immediately surrounding neighborhood. Residential and mixed-use projects with upper story housing are also supported by this designation. Where residential development complements commercial uses, it would generally be in the Medium density range. NX is the most appropriate zoning district for these areas. Heights would generally be limited to three stories, but four or five stories could be appropriate in walkable areas with pedestrian-oriented businesses."

When property owners apply for a rezoning, the Future Land Use Map and key policies from the Comprehensive Plan are the basis for determining consistency. Again, we accept applications for rezonings at any time; you can find more information on the rezoning process [here](#). All R-10 properties and below have already been transitioned over to the new development code (UDO). The remapping process that we are going through right now will not affect any future rezoning applications that you may wish to submit.

Also, one more thing to note is that the U.S. 401 North Corridor Plan was a part of the city's old Comprehensive Plan which is no longer in effect; the new 2030 Comprehensive Plan (adopted in 2009) does not include the 401 North Corridor Plan. As such, the 401 North Plan is more of a historical record now. Though I was not here when the 2030 Plan was written, it appears that some of the recommendations from the retired 401 North Plan were implemented in terms of the new plan's Future Land Use Map, specifically many of the frontage properties onto 401 being designated as Neighborhood Mixed Use (including yours).

Thanks again for your patience. Please give me a ring if you have any other questions about this – I know it is a lot to digest!

Best,
Vivian

Vivian J. Ekstrom, Planner II
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, 2nd Floor | 919.996.2657

From: [Pettibone, Carter](#)
To: jjohnston4@nc.rr.com
Cc: [Rezoning](#)
Subject: RE: Address 5120 Six Point Trail - Rezoning comments [GEN-0067]
Date: Friday, June 06, 2014 5:05:57 PM
Attachments: [ZoningComparisonSCtoCXandIX.pdf](#)

Mr. and Mrs. Johnston,

Thank you for your email regarding the proposed UDO rezoning for 5201 Sinclair Drive (the property to the rear of yours). I understand your concerns about traffic in the area. Please allow me to provide some information on the current and proposed zoning districts and the rationale for proposed zoning for the property.

The property is currently zoned Shopping Center (SC) district. While the district name is Shopping Center it is a zoning district that allows a wide variety of uses, including retail sales, restaurants, offices, and multi-family residential (apartments) with a maximum density of 30 dwelling units per acre. With the acreage of the property approximately 7.6 acres, that could translate to a maximum of 228 units on the property under current regulations.

Since the SC zoning district will not exist in the new Unified Development Ordinance (UDO), the property will need a new zoning district under the UDO. In developing a draft zoning map, City Staff used a set of guiding principles for the selection of proposed districts. One of those principles is that the new zoning should maintain existing property rights and values. The proposed zoning under the UDO is Community Mixed Use – 3 Stories (CX-3). This district provides the closest match with SC zoning in terms of permitted uses. Changing the zoning to a low density single family district would remove the ability of the property owner to use the property as it is currently permitted, a situation Staff is trying to avoid.

I have attached a document that provides a comparison of the SC and CX-3 districts. More information on the UDO remapping process, including links to guidance documentation, can be found at www.raleighudo.us.

Please understand that your concerns about traffic are valid. They would be applicable whether the property were developed under the current zoning or proposed UDO zoning. City transportation staff would be charged with looking at traffic impacts and ways to mitigate them as part of the review of any proposed development.

While Staff would not support your request, we will forward it to the City's Planning Commission for its consideration, which will begin October 14. We will be collecting and documenting all comments on the proposed draft zoning map until September 30. Staff will then develop a revised draft map for the Planning Commission's review. Following the review and recommendation of the Planning Commission, a further revised draft map will be submitted to City Council for review and approval. There are opportunities for further public comment during these stages. More information on the review and approval process can be found by visiting www.raleighudo.us and clicking on "Roadmap to Adoption."

Please feel free to contact me with any questions.

Thank you.

Carter Pettibone, AICP

Urban Planner
Raleigh Urban Design Center
An Office of the Planning & Development Department
220 Fayetteville Street, Suite 200, Raleigh, NC 27601
919.996.4643
carter.pettibone@raleighnc.gov
www.raleighnc.gov/urbandesign

From: Rezoning
Sent: Thursday, June 05, 2014 10:20 AM
To: Pettibone, Carter
Subject: FW: Address 5120 Six Point Trail - Rezoning comments [GEN-0067]
Importance: High

From: Linda Johnston [<mailto:ljohnston4@nc.rr.com>]
Sent: Wednesday, June 04, 2014 7:15 PM
To: Rezoning
Subject: : Address 5120 Six Point Trail - Rezoning comments
Importance: High

Dear Sirs:

It has come to our attention that the property immediately to the rear of our residential property has been earmarked for upgrading to more dense usage status than it currently has. This would be a terrible idea for several reasons:

1. The only access or egress to the property would be from the end of Sinclair Drive. Sinclair Drive is currently the main entrance for two large residential subdivisions. The intersection of Sinclair drive and 401 is a deathtrap now which has been made much worse by the Exit Ramp lane off of 540.
2. There would upon logical analysis seem to be no way that a traffic light could ever be added at the above intersection because of the proximity to the exit ramp and the traffic lights already located at 540.
3. If you were to add the volume of traffic generated by high density housing into this intersection, chaos would ensue.

We hope that you will reconsider and actually reduce the density status of this property to low density single family dwelling status. Any other options are creating a significant public safety hazard.

Joel and Linda Johnston
5120 Six Point Trail
Raleigh, NC 27616
919 954-8982 (Home)

From: rezoning@raleighnc.gov
To: kparker@redeagle-co.com
Subject: City of Raleigh Response Ref #32978
Date: Friday, October 10, 2014 3:36:27 PM

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received September 24th 2014, 3:09 pm

Reference #: 32978

Location: 5409 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

Comment: The proposed frontage requirement is impractical and significantly impacts the useable area. The lot is small and narrow. The PK requirement calls for a 50 foot landscape buffer which simply takes too much of the property. This is an industrial area and a dead end street. Heavy landscaping does not do anything to help the commercial use of the property and imposes significant economic consequences to the value of the property. Currently the parking is within 50' of the street with limited landscaping. The businesses that use the property are easily seen from the road. The frontage restriction along with the buffer at the rear limits the amount of useable area too much. We do not need a parkway along a dead end street that is heavily commercial/industrial. The PK designation does not work with the uses allowed by the IX-3 zoning district and is in conflict. I object to this frontage requirement. It compromises the property value by restricting the uses and useable area

City Response on October 10th 2014, 03:36 pm

The properties in question are currently zoned Thoroughfare District (TD). TD zoning calls for protective yards along thoroughfares and streets, including a 50ft wide landscaped front yard if the street is not a thoroughfare or marginal access road. The translation for this protective yard in the Unified Development Ordinance (UDO) is the application of the Parkway Frontage, which also calls for a 50ft landscaped area between the street and the development on the site. In putting together the draft UDO zoning map, guidance was given to Staff to apply the Parkway frontage to properties that are currently zoned TD. Exceptions included situations where TD properties were located adjacent to a Transit Emphasis or Urban Corridor identified or in a City Growth Center on the Urban Form Map of 2030 Comprehensive Plan. In these cases a more urban frontage may have been considered. While Staff does not support your request, we will forward it to the Planning Commission for consideration.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: 919.996.6363 (8am-5pm, Mon-Fri)

From: rezoning@raleighnc.gov
To: kparker@redeagle-co.com
Subject: City of Raleigh Response Ref #32979
Date: Friday, October 10, 2014 3:36:58 PM

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received September 24th 2014, 3:10 pm

Reference #: 32979

Location: 5409 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

Comment: The proposed frontage requirement is impractical and significantly impacts the useable area. The lot is small and narrow. The PK requirement calls for a 50 foot landscape buffer which simply takes too much of the property. This is an industrial area and a dead end street. Heavy landscaping does not do anything to help the commercial use of the property and imposes significant economic consequences to the value of the property. Currently the parking is within 50' of the street with limited landscaping. The businesses that use the property are easily seen from the road. The frontage restriction along with the buffer at the rear limits the amount of useable area too much. We do not need a parkway along a dead end street that is heavily commercial/industrial. The PK designation does not work with the uses allowed by the IX-3 zoning district and is in conflict. I object to this frontage requirement. It compromises the property value by restricting the uses and useable area

City Response on October 10th 2014, 03:36 pm

The properties in question are currently zoned Thoroughfare District (TD). TD zoning calls for protective yards along thoroughfares and streets, including a 50ft wide landscaped front yard if the street is not a thoroughfare or marginal access road. The translation for this protective yard in the Unified Development Ordinance (UDO) is the application of the Parkway Frontage, which also calls for a 50ft landscaped area between the street and the development on the site. In putting together the draft UDO zoning map, guidance was given to Staff to apply the Parkway frontage to properties that are currently zoned TD. Exceptions included situations where TD properties were located adjacent to a Transit Emphasis or Urban Corridor identified or in a City Growth Center on the Urban Form Map of 2030 Comprehensive Plan. In these cases a more urban frontage may have been considered. While Staff does not support your request, we will forward it to the Planning Commission for consideration.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: 919.996.6363 (8am-5pm, Mon-Fri)

From: rezoning@raleighnc.gov
To: kparker@redeagle-co.com
Subject: City of Raleigh Response Ref #32994
Date: Friday, October 10, 2014 3:36:48 PM

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received September 24th 2014, 3:09 pm

Reference #: 32994

Location: 5409 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

Comment: The proposed frontage requirement is impractical and significantly impacts the useable area. The lot is small and narrow. The PK requirement calls for a 50 foot landscape buffer which simply takes too much of the property. This is an industrial area and a dead end street. Heavy landscaping does not do anything to help the commercial use of the property and imposes significant economic consequences to the value of the property. Currently the parking is within 50' of the street with limited landscaping. The businesses that use the property are easily seen from the road. The frontage restriction along with the buffer at the rear limits the amount of useable area too much. We do not need a parkway along a dead end street that is heavily commercial/industrial. The PK designation does not work with the uses allowed by the IX-3 zoning district and is in conflict. I object to this frontage requirement. It compromises the property value by restricting the uses and useable area

City Response on October 10th 2014, 03:36 pm

The properties in question are currently zoned Thoroughfare District (TD). TD zoning calls for protective yards along thoroughfares and streets, including a 50ft wide landscaped front yard if the street is not a thoroughfare or marginal access road. The translation for this protective yard in the Unified Development Ordinance (UDO) is the application of the Parkway Frontage, which also calls for a 50ft landscaped area between the street and the development on the site. In putting together the draft UDO zoning map, guidance was given to Staff to apply the Parkway frontage to properties that are currently zoned TD. Exceptions included situations where TD properties were located adjacent to a Transit Emphasis or Urban Corridor identified or in a City Growth Center on the Urban Form Map of 2030 Comprehensive Plan. In these cases a more urban frontage may have been considered. While Staff does not support your request, we will forward it to the Planning Commission for consideration.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: 919.996.6363 (8am-5pm, Mon-Fri)

From: rezoning@raleighnc.gov
To: kparker@redeagle-co.com
Subject: City of Raleigh Response Ref #33010
Date: Friday, October 10, 2014 3:37:10 PM

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received September 24th 2014, 3:11 pm

Reference #: 33010

Location: 5413 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

Comment: The proposed frontage requirement is impractical and significantly impacts the useable area. The lot is small and narrow. The PK requirement calls for a 50 foot landscape buffer which simply takes too much of the property. This is an industrial area and a dead end street. Heavy landscaping does not do anything to help the commercial use of the property and imposes significant economic consequences to the value of the property. Currently the parking is within 50' of the street with limited landscaping. The businesses that use the property are easily seen from the road. The frontage restriction along with the buffer at the rear limits the amount of useable area too much. We do not need a parkway along a dead end street that is heavily commercial/industrial. The PK designation does not work with the uses allowed by the IX-3 zoning district and is in conflict. I object to this frontage requirement. It compromises the property value by restricting the uses and useable area

City Response on October 10th 2014, 03:37 pm

The properties in question are currently zoned Thoroughfare District (TD). TD zoning calls for protective yards along thoroughfares and streets, including a 50ft wide landscaped front yard if the street is not a thoroughfare or marginal access road. The translation for this protective yard in the Unified Development Ordinance (UDO) is the application of the Parkway Frontage, which also calls for a 50ft landscaped area between the street and the development on the site. In putting together the draft UDO zoning map, guidance was given to Staff to apply the Parkway frontage to properties that are currently zoned TD. Exceptions included situations where TD properties were located adjacent to a Transit Emphasis or Urban Corridor identified or in a City Growth Center on the Urban Form Map of 2030 Comprehensive Plan. In these cases a more urban frontage may have been considered. While Staff does not support your request, we will forward it to the Planning Commission for consideration.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: 919.996.6363 (8am-5pm, Mon-Fri)



Jamie S. Schwedler

Associate

Telephone: 919.835.4529

Direct Fax: 919.835.4618

jamieschwedler@parkerpoe.com

Charleston, SC

Charlotte, NC

Columbia, SC

Raleigh, NC

Spartanburg, SC

October 16, 2014

Remapping Raleigh
City of Raleigh Planning Commission
Post Office Box 590
Raleigh, North Carolina 27602

Re: Remapping of 800 St. Mary's Street

Dear Chairman Schuster:

I am writing on behalf of our client, Legacy Custom Homes, to request a change to the draft zoning proposed for 800 St. Mary's Street (PIN 1704334102) in connection with the Remapping Raleigh project. Our comments relate to the procedure of the proposed OX-3 classification for this site, as well as why we believe OX-5, or at a minimum OX-4, is more appropriate.

First, because City staff told three Legacy representatives that the proposed zoning for this parcel was to be OX-4, Legacy did not provide formal comment on the Remapping prior to September 30 and Legacy exercised its option to purchase the property. On August 20, 2014, Legacy met with City staff regarding their concern that the property was slated for OX-3 zoning, and to request that the site be zoned OX-4 or OX-5 instead. The existing building on the parcel is a 4-story building zoned O&I-1. During the meeting, two staff members confirmed that the site was to be zoned OX-4, and that the OX-3 label was merely a clerical error and would be changed. As a result, Legacy did not submit comments during the initial period, and did not have the opportunity to have their desired zoning included in "Staff Agrees with Request" category in the October 14 comment map submitted to the Planning Commission.

After the September 30 comment period closed, City staff informed Legacy that the mapping would remain OX-3. While frustrating procedurally, this issue is also significant to Legacy's interest in the site because Legacy intends to redevelop the property. Based on the City's statements, Legacy forfeited its earnest money and is now required to close on the property. As such, Legacy requests that the zoning be mapped as OX-4 to reflect the current use of the property, or OX-5 to align with the contemplated redevelopment of the site and future land use of this area of Raleigh.

PPAB 2594964v1

Chairman Schuster
October 16, 2014
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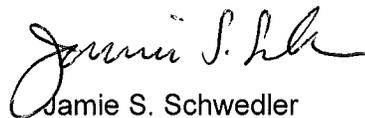
Procedural matters aside, OX-5 or OX-4 zoning is more appropriate for this site than OX-3 based on the existing and future height of the development in this area. According to the Remapping Raleigh Guidance Document on UDO Mapping, most of the O&I-1 districts were to be translated based on the current use of the property. It also indicates mixed-use districts such as OX should be given a maximum height based on existing heights. Thus at a minimum, an OX-4 classification would be more appropriate.

Given the future land use plans and needs for this area, an OX-5 classification would more appropriately accommodate the anticipated growth for the site and corridor. Legacy intends to redevelop this site with a 4- or 5-story building, and the OX-5 classification was discussed with City the during the August 20 meeting. This parcel is located along St. Mary's Street across from Broughton High School, and in close proximity to the 5-story heights approved in Cameron Village, and proposed zoning of OX-5 and OX-7 at the corner of Wade Avenue & St. Mary's St. Smaller sites two blocks to the south have proposed heights ranging from 3 to 12 stories. As development continues along Peace Street and the Glenwood South district, a 5-story height will remain at the moderate end of heights for mixed use development in this area. As such, OX-5 is aligned with the City's Remapping plans for the site and its surrounding areas.

The site is also close to the Cameron Park Plan outlined in the 2030 Comprehensive Plan. The outer borders of this Plan adjacent to St. Mary's Street are identified as Transition Areas, and are only one block south of the site. The unique nature of the site, bordered by Fletcher Park to the east and Broughton High school across the street to the west, make it in a similar transition area where graduated height differences are not out of character. In addition, the topography changes across the site are such that a building could be 4 stories on the high end of the site and 5 at the lowest elevation; thus making a 5-story maximum necessary. As such, classifications of OX-5, or at a minimum OX-4, would appropriately reflect the existing and future land use plan for this parcel in the context of the City's Remapping plans.

We appreciate this opportunity to file the letter and express our comments on the proposed Remapping. Please let us know how we should proceed, and when we can expect to hear from Planning Staff or the Commission on this issue. Thank you very much in advance for your consideration.

Sincerely,



Jamie S. Schwedler

Enclosures

cc: Ken Bowers, Interim Director of Planning, City of Raleigh (*via email*)
Bynum Walter, Senior Planner, Planning & Development, City of Raleigh (*via email*)
Ward Russell, Legacy Custom Homes (*via email*)



Jamie S. Schwedler
Associate
Telephone: 919.835.4529
Direct Fax: 919.835.4618
jamieschwedler@parkerpoe.com

Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

November 6, 2014

Via Email

Mr. Travis Crane
Ms. Bynum Walter
Chairman Steve Schuster
Remapping Raleigh
City of Raleigh Planning Commission
Post Office Box 590
Raleigh, North Carolina 27602

Re: Additional Comments on Remapping of 800 St. Mary's Street

Dear Travis:

I am following up on our October 16, 2014 written comments on 800 St. Mary's Street (PIN 1704334102) in connection with the Remapping Raleigh project, and our request for an OX-4 or -5 designation. Following our appearance at the Planning Commission on November 4, we discussed collaborating with the Planning Staff to analyze our height designation request, and being placed on the agenda at the next Remapping session, scheduled for November 18, 2014. You also noted that Staff might consider any height guidance in the 2030 Comprehensive Plan and any Area Plans that apply. To assist in that task, I've summarized relevant portions of those materials below.

UDO. The site contains two buildings. One is an above-ground, full 4-story building with an underground basement, and is 58' at its tallest point. The second was a 3-story building with an addition that reaches 4 stories. The two buildings are adjacent to one another but are entirely separate – they have no shared access or interior space, have separate mechanical systems, and have separate utilities. The UDO height designations for OX districts include 3 stories (50' max.), 4 stories (62' max.), and 5 stories (75' max.). See UDO Section 3.3.1. Thus the existing 4-story, 58' tall building qualifies for the OX-4 designation, and is only 4' from the next height designation, OX-5.

Remapping Guidance Document. In mixed-use districts such as OX-, "heights should be chosen based on existing heights, the height context, or valid approvals for specific height," including any specific height guidance in the Comprehensive Plan or Area Plan. See Remapping Guidance Document, p. 3. Because the existing height of the building (4 stories above grade and 58' tall) falls squarely within the -4 designation, the OX-4 designation is an appropriate minimum.

PPAB 2617192v1

Considering context and other approvals for height, the Guidance Document supports an OX-5 designation. The Guidance Document supports heights at or above 5 stories in areas adjacent to the site. Areas close to Cameron Village PBOD may require -3 to -5 heights, with "additional height consistent with other projects of similar height in that area." See pp. 6-7. Heights in the downtown area should be "four or five stories wherever appropriate." See Special Considerations for Downtown, p. 8. The approvals of developments at 5 stories or above in Cameron Village, along St. Mary's Street to the South, and along Wade Avenue and St. Mary's Street to the north all suggest that the context of the area and consistency with other height approvals make an OX-5 designation appropriate.

The Remapping Guidance Document also makes clear that heights in areas designated Office & Residential Mixed Use on the City's Future Land Use Plan should be 5 to 7 stories in the core/transit area, or 3 to 5 stories in general. The site falls in the middle of a patchwork of this designation area, such that a core or edge designation does not squarely apply. It is along a public transit line along St. Mary's Street. Because none of these designations is a direct match, a 5-story building would be a median height, and would not be out of character of any of these designations. The site is also adjacent to areas designated Moderate Density Residential and Neighborhood Mixed Use, both of which recommend 5 stories at their core and a median of 4 stories throughout. As such, an OX-5 designation would be consistent with the Remapping Guidance Document.

2030 Comprehensive Plan and Area Plans. The site is not within any Area Plans, and does not have any overlay districts or streetscape plans which dictate the height designation. Nor are there any height designations in the 2030 Comprehensive Plan which squarely apply. However, the requested designation of OX-5 aligns with several policies which generally discuss transition of height and scale between districts. The site is immediately east of Broughton High School's massive structure, which includes a 95' tall tower. In several blocks to the north and south of the site, the heights range from 5 to 12 stories. Thus the transition between these areas and the lower 3- or 2-story residential areas to the east of the site provides for an appropriate transition.

While the 2030 Comprehensive Plan indicates that the Future Land Use Map should guide future zoning decisions, the Chart of Recommended Height Designations per use category has been updated in the Remapping Process. See pp. 32, 36, 36.1. These changes increase height designations in the Office & Residential Mixed Use category (discussed above), which indicates that some height suggestions in the 2030 Comprehensive Plan should be revisited through the Remapping process.

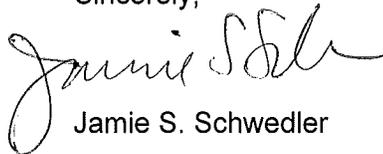
Future Land Use Plan. The site is listed as Office & Residential Mixed Use on the City's Future Land Use Plan. Heights in this category are generally limited to four stories near neighborhoods, "with additional height allowed for ... locations along major corridors where adjacent uses would not be adversely impacted." Comp. Plan, p. 33. The site is along St. Mary's street, a corridor that has experienced significant growth since the 2009 adoption of the Comprehensive Plan. The area has been undergoing development for some time, as residential structures have been converted to mixed or office use, and an additional floor height will not significantly impact these uses. The site is bounded by Broughton to the west and

Chairman Schuster
November 6, 2014
Page 3

Fletcher Park to the north, neither of which would be impacted by this minor change in height; they are separated from the site by two roads and the use of those two adjoining parcels is much more intensive than the subject site. Thus the Future Land Use Plan squarely supports a -4 designation, and suggests a -5 height is appropriate along St. Mary's Street and given the Remapping Guidance Document's update to heights in this land use. The development of parcels with heights ranging 5 to 12 stories along St. Mary's Street supports this result as well.

We appreciate this opportunity to supplement our comments on the proposed Remapping. Please let us know how we should proceed, and when we can expect to hear from Planning Staff or the Commission on this issue. Thank you very much in advance for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jamie S. Schwedler".

Jamie S. Schwedler

cc: Ken Bowers, Interim Director of Planning, City of Raleigh (*via email*)
Ward Russell, Legacy Custom Homes (*via email*)
Josh Chenery, Mikels & Jones Properties (*via email*)



October 21, 2014

Mr. Steve Shuster
Raleigh Planning Commission
Post Office Box 590
Raleigh, North Carolina 27602

S.T. Wooten
Corporation

Re: UDO Zoning Remapping of Raleigh

Dear Mr. Shuster:

I am contacting you on behalf of S.T. Wooten Corporation in regards to the ongoing zoning remapping of Raleigh as part of the UDO. It has only recently come to our attention that the planned future zoning for a tract of our property is not what we believe to be appropriate under currently existing circumstances. We own two parcels that make one small tract at 6931 Capital Blvd. and 6935 Capital Blvd. The Pin Numbers are 1727559602 and 1727651650. We are requesting that the future zoning be changed to IX from the IH that is currently proposed. Please allow us to detail below why the IX designation is more appropriate for the tract.

Previously we used this property as a concrete plant location but have recently removed the plant and no longer intend that use for the property or any other use that is heavy industrial in character. Therefore the proposed 1H designation, which is correct for a concrete plant, would no longer be necessary.

The UDO overview details that the existing Industrial-1 District will generally be remapped to Industrial Mixed Use (IX). Since we no longer intend to operate a concrete plant on this property the IX designation is the most applicable.

The majority of the property surrounding this tract is proposed to be zoned Industrial Mixed Use (IX). We believe that is the most appropriate zoning and will be the best use based on location and the surrounding zoning.

The Future Land Use Map included in Raleigh's Comprehensive Plan designates our property as Business and Commercial Services not General Industrial. Based on The Future Land Use Map our property is recommended for more general business uses and not heavy industrial uses. As such an IX designation would be more applicable than an IH use.

The Future Land Use Map designates the land south of our property, including Gresham Lake, for Public Parks and Open Space. Based upon the above an IX designation for our property would be more appropriate next to a park than an IH use.

In closing, we trust you will agree that an Industrial Mixed Use (IX) designation is more applicable to the current status of our property than a Heavy Industrial (IH) use as currently proposed. Please advise if any additional information is required or if we need to appear in person in front of the Commission.

We appreciate your consideration of this request.

Sincerely,

S. T. Wooten Corporation

A handwritten signature in blue ink that reads "Richard E. Vick P.E." with a stylized flourish at the beginning.

Richard E. Vick, PE
Vice President

cc by email:

Ms. Bynum Walter Bynum.Walter@raleighnc.gov

Mr. Travis Crane Travis.Crane@raleighnc.gov

Mr. Lacy Reaves lreaves@smithlaw.com

From: [Ekstrom, Vivian](#)
To: sdunn@emanuelanddunn.com
Cc: [Rezoning](#)
Subject: RE: 2600 Wake Forest Rd and 601 Creekside Dr Remapping Comment (WEB-38089 & WEB-39044)
Date: Tuesday, October 07, 2014 7:29:36 PM

Mr. Dunn,

Thank you for contacting us about the remapping project. Your comments regarding the properties at 2600 Wake Forest Road and 601 Creekside Drive will be forwarded to the Planning Commission next week as they begin their review of the public comments and draft rezoning map. Staff will forward your comment with no recommendation as there was no specific change request (different district, height or frontage).

To answer your question on how the zoning district would affect floodway fringe regulations: the proposed CX (Commercial Mixed Use) zoning district does not alter or expand the floodway regulations.

As I mentioned in my message last week (see below with links), please be sure to sign up for a MyRaleigh Subscription and subscribe to the UDO-Unified Development Ordinance topic so that you will receive information on the Planning Commission UDO review agendas.

Thanks again for your feedback. Feel free to email or call with any other questions or concerns.

Best,
Vivian Ekstrom

Vivian J. Ekstrom, Planner II
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, 2nd Floor | 919.996.2657

From: Ekstrom, Vivian
Sent: Friday, October 03, 2014 5:11 PM
To: sdunn@emanuelanddunn.com
Cc: Rezoning
Subject: Re: 2600 Wake Forest Rd Remapping Comment (WEB-38089)

Mr. Dunn,

Thank you for your interest in the zoning remapping project. This email acknowledges receipt of your inquiry. We received a significant number of requests at the September 30 deadline. It will take some time for the staff team that is reviewing requests to work through the influx. You can expect to receive a follow-up contact with the staff response no later than October 10.

More information on the remapping project as the Planning Commission begins its review is available at www.RaleighUDO.us. Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic “[UDO - Unified Development Ordinance](#).” You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

Thank you,
Vivian

Vivian J. Ekstrom, Planner II
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, 2nd Floor | 919.996.2657

From: [Stephen Dunn](#)
To: [Rezoning](#)
Cc: [Mark Thompson](#); [Caitlin Barrett](#)
Subject: 2600 Wake Forest Road & 601 Creekside Drive
Date: Tuesday, September 30, 2014 2:48:33 PM
Attachments: [Remapping Raleigh 9-30-14.pdf](#)

Dear Sir or Madam:

Relative to the above referenced properties, attached is our letter commenting on the proposed rezoning map. Thank you for your attention to this matter.

Regards,

Stephen Dunn

Stephen A. Dunn
Emanuel & Dunn
Post Office Box 426 (27602)
130 South Salisbury Street (27601)
Raleigh, North Carolina
Telephone (919) 832-0329
Direct (919) 792-3703
Mobile (919) 810-1197
Fax (919) 832-6731

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E m a n u e l & D u n n

A T T O R N E Y S A T L A W

Email: sdunn@emanueldunn.com
Direct Dial (919) 792-3703

September 30, 2014
Rezoning@raleighnc.gov

Remapping Raleigh
Post Office Box 590
Raleigh, North Carolina 27602

Re: Thompson Investment Group – 2600 Wake Forest Road & 601 Creekside Drive

Dear Sir or Madam:

We write on behalf of Thompson Investment Group to comment on the proposed rezoning maps to be submitted to the Planning Commission for further consideration. The above two parcels are presently zoned Industrial-1 and the rezoning map reveals a proposal for change to Commercial Mixed Use with Height up to 3 Stories. Relative to 2600 Wake Forest Road further regulation is proposed for Parking Limited Frontage.

The Thompson family have owned and operated an automobile dealership at this site since 1965. While they have witnessed many changes in this area since that time, in the last 10 years they have been confronted with increasing regulation, beginning with floodway fringe regulations added in late 2005 and presently with rezoning regulations changing its land use classification. In 2005, new floodway fringe regulations were passed to limit development in designated floodplains to no more than 50% of the floodway fringe area. This change appears to have met some resistance along Crabtree Creek for a variety of reasons, including its potential impairment of existing residential lots and loss of expansion opportunities for businesses. Aside from the underlying issues giving rise to the then new floodway fringe regulations, which do not appear to have been attributable to growth alone, accommodation was made for residential objectors by an exemption of lots one-half acre or less, while businesses such as Thompson were given assurances that despite the 50% rule, they would ultimately have their accommodation in their ability to add stories to their existing footprints. Thus, what was intended, perceived and accepted in 2005 as meaningful accommodation, avoiding regulatory taking, now appears unilaterally withdrawn. With respect to the Thompson property in particular, the 3 Story limitation, in view of the elevation of its neighbor, is not only further degradation of property rights, but makes scant sense.

Second, we have sought to determine whether the new rezoning expands the areas designated floodway fringe. To the extent such expansion is contemplated or achieved, we express our concern for its expansion into more densely developed sites, or into areas earmarked for densely developed mixed use commercial residential/commercial properties, that may or will ultimately be included in any calculation of the 50% limitation as it relates to the Thompson

property. We invite clarification of any expansion of the floodway fringe in and around the Thompson property, as well as your intentions to allow development in surrounding designated areas that will erode developable area on the Thompson property.

Finally, the concerns we allude to in this letter are attributable in large measure to the disparate regulation of properties within the floodway fringe depending upon their classification. What perhaps began as uniform regulation in 2005 was initially eroded as an accommodation to residential properties, and may in the absence of careful scrutiny at this juncture morph into more serious restrictions upon private property to achieve public purpose.

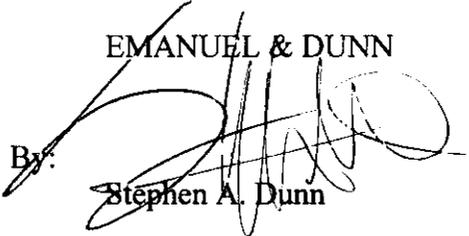
Thank you for your consideration of our comments, and of course, if you have any questions, please do not hesitate to contact us.

With best wishes, we are,

Very truly yours,

EMANUEL & DUNN

By:


Stephen A. Dunn

Enclosures

cc: Mark Thompson
Tom McCormick, Esq.

Excerpt from 7/10/89 Board of Adjustment Minutes

h. The applicant has not requested a sign for the day care center.

Conclusions of Law

The granting of the request for a special use permit for a day care under Code Section 10-2073(c)(12) and for a special use permit for a private school under Code Section 10-2073(c)(13) is in harmony with the general purposes of the code; therefore the permit should be issued.

Motion:

A motion by Mr. Beal to approve a special use permit for a day care center for 79 children in accordance with Code Section 10-2073(c)(12) and a special use permit for a private school under Code Section 10-2073(c)(13) in the R-6 zoning district at 504 Newton Road with a notation of the Transportation Engineer's concerns. His motion was seconded by Mr. d'Ambrosi and received the following vote: Ayes - 5 (Kenney, Beal, Baron, Block and d'Ambrosi); Noes - none.

=====

DECISION: Deferred until August 14 meeting.

A-96-89 - 7/10/89 - 3701 North Boulevard

WHEREAS, Mr. and Mrs. B. F. Potter, property owners, and Dennis Braxton Barbour, lessee, appeal for a special use permit under Code Section 10-2046(b)(1) for a storage yard for wrecked vehicles and a variance in the transitional yard requirements of Code Section 10-2068.8 in the Industrial-I zoning district at 3701 North Boulevard.

Chairman d'Ambrosi stated before they heard testimony from staff he would like to point out to the Commission members that he received a telephone call from an adjacent property owner who was not notified and it was his personal feeling that the case should be postponed in order to be sure all adjacent property owners are notified. He pointed out he would like to hear from the other Board members. Everyone agreed this was the best thing to do. Mr. Barbour was concerned about getting the permit in time to be placed on the City's wrecker rotation. A motion by Mr. d'Ambrosi to defer the case and request the City Council's indulgence in this matter to enable Mr. Barbour to be placed on the rotation if the permit is approved. His motion was seconded by Mr. Kenney and received the following vote: Ayes - 5 (Kenney, Beal, Baron, Block and d'Ambrosi); Noes - none.

Excerpt from 8/14/89 Board of Adjustment minutes

3. Applicant makes her pottery in a kiln that is located in a studio that is detached from her dwelling.
4. Applicant's business is operated from the detached studio.
5. Code Section 10-2073(c)(22) requires a limited home business to be conducted in the home.
6. Applicant cannot conduct her business in her home.

Conclusions of Law

Applicant cannot meet the requirements of 10-2073(c)(22), and the special use permit must be denied.

Motion

A motion by Mr. Reed to deny the request for everything. His motion died for a lack of a second. A motion by Mr. d'Ambrosi to approve a variance in the setback requirements to allow the studio to remain where it is located so long as the Kiln is not located within the setbacks and to deny the request for a variance from the code requirements to allow the accessory building to be used as a limited home business. His motion was seconded by Mrs. Block and received the following votes: Ayes - 5 (Beal, Williams, Block, Reed and d'Ambrosi); noes - none.

=====
DECISION: DENIED

A-96-89 - 8/14/89

Whereas Mr. and Mrs. B. F. Potter, property owners, and Dennis B. Barbour, lessee, appeal for the (1) a special use permit under Code Section 10-2046 to operate a storage yard for wrecked or dismantled vehicles, (2) a variance from the (e) of this code section which is the radius requirement and (3) a variance from Code Section 10-2068.8 which requires a 20-foot buffer between their Industrial-1 property and the Residential-10 property on the rear at 3701 North Boulevard.

Hardy Watkins, Zoning Inspections Supervisor (sworn), stated this is a request for a special use permit and also a request for variances. As stated, the variance relates to the landscaping transition yard requirements and also the distance from the nearest storage yard facility. To give you a little

bit of history, this particular piece of property at one point in time was in fact used as a storage yard. Quite a few years ago, Barbour Wrecker Service was located at this address. Subsequently, they moved across the street on the east side of U. S. 1 North almost directly across from this property and did to some degree continue to operate a wrecker service on a very limited basis. The wrecker service at this location was continued for more than 365 days. What that means is that the nonconforming status that it once enjoyed was broken; therefore, in order for it to continue as a wrecker storage yard, they have to come back to the Board of Adjustment and that is why they are here. There have been some ordinance changes since the property was utilized as a storage yard, most notably is the ordinance change adopted in 1986 requiring that there be at least a one mile radius between storage yards measured by a straight line. Since that time a storage yard has been located on Brewton Place and as the crow flies from property line to property line, from 3701 North Boulevard to 2814 Brewton Place, this location is not 1 mile. It is approximately 4700 linear feet from property line to property line. It has been staff's position that unless there is some hardship associated with the request of this sort that it should not be approved. The City Attorney's Office takes the position that special use permits cannot be varied. Staff does not believe that a hardship exists at this particular time that would justify varying the 1 mile radius requirement. The landscape ordinance would require around the periphery of this property, a 40 foot buffer because the wrecker service storage yard is what we call a high impact use and when you put that up against a low impact residential use, it would require a 40 foot buffer. There is absolutely no way this business can meet that requirement in that the building where the office activity is conducted is only 2.5 feet from the rear property line that adjoins this residential property. So the only way that it could come close to complying is that the majority of the building would have to be demolished and he does not see this as a viable alternative. The storage yard as you see it on your plot plan will actually be on the northwest corner of the property. As you are facing it from North Boulevard it will be to your right. There is a fence that was put up by the residential development that is quite high and does do a good job in terms of physically concealing it from the storage yard, however, it does not in our mind do what is required in the ordinance. Staff would recommend that this particular request for a special use permit be denied based upon the fact that there is no hardship and also because of the City Attorney's opinion.

Charles P. Green, Attorney at Law, 1312 Annapolis Drive (sworn), Dennis Barbour (sworn). Mr. Green presented two pictures of the property. Mr. Green stated the proposed storage area is marked on the plat that they have submitted. He stated if you will look at the photographs as they go around it shows you what is on each boundary of the property with the first one being the rear boundary where the residences are located and the others go around the other corners. He would point out in requesting this special use permit they were of the opinion that Mr. Barbour was a mile away because it is not a mile as the crow flies it is very close to what a mile is by the highway and the business located on Brewton Place. I believe they got a variance to operate their storage yard because Mr. Barbour's father was here then. This lot was used for the exact same use that it is being used for now for a period of almost 10 years by Mr. Barbour's father, Dennis Barbour and he ran the exact same type business that Mr. Barbour is running at the current time. When he operated this yard it was prior to the development that has taken place since then. The homes and shopping area were not there when he operated the yard. As you can see from looking at the diagram the reason we are requesting the variance in the transition yard is that it would certainly make the lot almost unworkable. If you take the 40 feet out of the 150 and try to move the cars around it would be extremely difficult. He stated he would have to disagree with Mr. Watkins about the whether it would work a hardship or not. Mr. Barbour is currently seeking a contract with the City of Raleigh to tow cars for them which would require this storage area and without it he would be ineligible for the business which would be a tremendous part of his business and; therefore, if he could not have the storage area, he could not meet the City requirements and it would be a hardship to his business. We feel like if you have looked at the photographs the intent of the requirements, the property is covered pretty well as far as the fence goes shrubbery and trees it is pretty well concealed. He has driven by and looked at it from North Boulevard and from behind where in the residential and tried to look through and you cannot see the storage yard from the residence unless you stand up on top of the houses. As you can see, there is an 8 foot fence along the back and there is 4 foot high shrubbery between the houses and the storage lot. He feels the situation is pretty clear as to what exists and if the Board members have any questions, they are here to answer them.

Chairman d'Ambrosi questioned if they can provide some portion of the transition yard. Mr. Green stated they are certainly willing to work with the Board as it is important

enough for them to use as a storage yard and they are certainly willing to comply in anyway the Board sees fit. But, they are hoping the Board will not impose the entire 40 foot restriction because it would restrict the movability of the vehicles but they want to cooperate and be reasonable. Chairman d'Ambrosi asked if he would elaborate on the hours of operation of the facility. Mr. Green stated he would ask Mr. Barbour to respond to answer that question. Zoning Inspections Supervisor Watkins interrupted to say before the testimony goes any further he would advise them of something that the City Council at its August 1 meeting did. They decided that all of the wrecker services which are on contract with the City of Raleigh are to be in compliance with the existing ordinance. What that means is that if they were not in total conformance with the City ordinances then they are not going to be on City rotation. Mr. Silverstein stated then what that means if a variance was granted it would not determine whether they could be on the City rotation. Mr. Green stated they were not aware of the the Council's action. Zoning Inspector Watkins stated he did not believe they were at the meeting but all of the existing wrecker services including those that have been nonconforming for a number of years have been advised that they are going to have to come in to complete compliance as far as screening and in terms of the other regulations. From August 1, they have 60 days to submit a plan showing that they can comply and they have 6 months to implement that plan. Mr. Silverstein stated the question would be whether or the satisfaction of that condition is a requirement to appear on the City's list would be valid. The City is not saying that this Board cannot grant Mr. Barbour a variance to engage in the wrecker business. What the City is saying in order to be on our list you have got to meet the code requirements exactly excluding variances. Zoning Inspector Watkins pointed out there are several wrecker services that the Board has approved in years past that they have to come into compliance. Mr. Silverstein stated let him clarify again that they are not saying that the Board is without authority to grant Mr. Barbour what he is seeking today. What they are saying is that regardless of the Board's action today with regard to Mr. Barbour that unless he can meet the requirements for a special use permit for a storage yard he can't be on the City contract. Zoning Inspector Watkins stated that is correct. Zoning Inspector Watkins stated he only pointed that out because Mr. Barbour's attorney said that was a potential hardship not being able to be on the City rotation. Mr. Green stated it certainly is and he would hope that they were led to a different interpretation. He was told by the City if he came into compliance he would be considered. Mr. Silverstein stated

that it wouldn't have any determination with respect to this application.

Chairman d'Ambrosi asked Mr. Barbour what his hours of operation are. Mr. Barbour stated they are open from 7:00 in the morning until 6:00 at night. Mrs. Block pointed out that on the rear of the property the fence and the shrubbery belong to the adjacent residential area. Mr. Green pointed out that is correct. They were there subsequent to the storage yard. Mrs. Block pointed out the law requires that the applicant provides a fence. Mr. Green stated they have a fence. Mrs. Block questioned if they could consider a variance based upon a fence and shrubbery belonging to the residential area. Mr. Silverstein stated they could consider any fact that is in existence. Mrs. Block questioned suppose the residents cut it down tomorrow, there would have to be some sort of disagreement there. Mr. Silverstein stated that goes to the weight that you want to give that particular fact. Chairman d'Ambrosi questioned if the 7:00 a.m. to 6:00 p.m. is 5 days a week. Mr. Barbour stated it is 6 days a week and occasionally they are down there later than that at night but as far as business hours, those are their business hours. Chairman d'Ambrosi questioned what types of activity they go beyond that time. Mr. Barbour stated they run a wrecker service and a truck repair garage. Chairman d'Ambrosi asked if they would be running the wrecker service after 6 p.m. at night. Mr. Barbour stated that a man would have to be on call all night long in case someone wanted to come and pick up their car. Chairman d'Ambrosi asked if that would be part of the night or all night. Mr. Barbour stated that would be all night. The City requires that you have a man on duty 24 hours a day. Chairman d'Ambrosi clarified by saying then the wrecker service would effectively be in operation 24 hours a day. Mr. Barbour stated that is correct 7 days a week. Chairman d'Ambrosi asked about what the duration of time that a vehicle would be stored on the premises typically. Mr. Barbour stated that is hard to say but if the City calls you for an accident you go pick the vehicle up and put it in the storage yard and when the insurance company sends an adjustment out they normally tell you what body shop to take it to. He stated he believes it all depends on how long it takes the insurance company to notify the adjuster before he can go out and look at it. Mr. Barbour stated he has had people out of there in 4 or 5 days and then some times it has taken as much as 2 or 3 weeks. Mr. Barbour stated on an average it's possibly 7 to 14 days. Chairman d'Ambrosi questioned approximately how many cars he can store within the area that has identified on the plan. Mr. Barbour stated anywhere from 75 to 100 cars. Mr. Reed questioned if he

would store cars that individuals call about it is not only the ones the City calls him about but it's other vehicles that need to be towed. Mr. Barbour stated that is correct. Mr. Reed questioned what would happen if the City called him on a rotation and his lot was full. Mr. Barbour explained that you don't let your lot get full. Mr. Barbour stated he was not sure the exact number of days before he has to notify the the Department of Motor Vehicle that he has the vehicle. Ms. Baron questioned how far he feels he is from the location. Ms. Barbour stated he is very close, driving your car there from his storage yard gate to American Towing's gate. You are probably going to miss it about 60 foot because his storage lot is 152 feet from the main gate on the property. So when you add up all of these little figures it adds up about 60 foot. Chairman d'Ambrosi indicated that Zoning Inspector Watkins testified that at one time a storage yard was operated across the street and he questioned what the status is. Zoning Inspector Watkins stated that it was his understanding that budget automobile rental now occupies that property and they are not actively engaged in the operation of a storage yard. Chairman d'Ambrosi questioned if there is still a valid permit. Zoning Inspector Watkins stated it is his judgement that at time that there is not a valid permit and the reason he said that is because there is no one over there who is engaged in the wrecker business and that is one of the requirements of the code.

Four people stood in opposition to the request.

Mark Baratta, 3710 Pine Knolw Drive (sworn), stated he would like to give them some information regarding the wooden fence. They have a reservation of easement that came with the property which makes reference to the wooden privacy fence that has been erected on the rear lot lines and he would like to quote from that easement, "Adams Bilt, who was the previous owner of the property has caused a wooden privacy herein referred to as fence to be erected along the rear lots lines of the above described lot for the purpose of screening commercial buildings and development and to preserve the residential character of the neighborhood. Adams Bilt hereby reserves to each lot owner an easement across the rear of the 10 feet of each lot which is adjacent to the lot owned by such lot owner and on which the fence has been erected for the purpose of repairing maintaining and replacing the fence. Mr. Barbour erected a chain link fence and as the crow flies it is only 9 inches from the wooden privacy fence that was erected by Adams Bilt. Mr. Baratta stated he would also like to read from the declaration of covenant that they received when they purchased the property. Mr. d'Ambrosi

pointed out that the Board cannot consider declarations of covenant as they are not in the business of enforcing those for property owners. Mr. Baratta stated they have already been impacted by the business in question by the noise. He has written a letter to the City and he has forwarded a copy to the Sessions Reporter. They have undergone damage to their environment, one of their neighbors who is present had a rose bush die and one of the 14 foot red tip photenia has had its growth stunted as a result of some kind of chemical spill. At the same time last week she was working in her yard and noticed a heavy aroma of some kind of flammable liquid. Upon looking closer she noticed that a rug was draped over the chain link fence, they have problems with the care that has been taken along the border of the property. He pointed out there are two other storage yards in the area, one is behind the Holiday Inn on North Boulevard going toward town and of course the one that has been addressed on Brewton Place. Mr. Baratta indicated the Zoning Inspector said there is really no hardship to justify another storage yard along North Boulevard. In line with that it led him to wonder about all of the talk about the beautification of Downtown Boulevard which North Boulevard is certainly an extension of. He stated he had two letters to present to the Board which he did not believe were received by them. One is from Ms. Victoria Chua-Ang at 6513 Jade Tree Lane stating as a neighboring land owner she and her partners object to having a junk yard right beside their property. They do not know the extent of damage it would do to the value of their property but she is certain that it would create an ugly spot adjacent to neighboring properties and may also harbor rats and pests. He presented another letter from Mr. James Farmer, 3716 Pine Knoll Drive, stating his opposition to the junk yard as it would be a disgraceful eyesore in his community. It would provide a facility to attract numerous rodents by providing places to hide and breed, create an eyesore for people coming into Raleigh as North Boulevard is a major corridor, it would ruin their view from the second floor where their bedrooms overlook what would be the proposed facility. At night they would have lights beaming from this facility. Such a facility would decrease their property values and the overall attractiveness of their lovely community.

Mr. Baratta questioned why the storage of wrecked vehicles has already been permitted on the property when a permit has not been issued. He would like to take exception with the previous comments about the hours of operation. If you will visit Pine Knoll Drive after 6:00 especially during the summer, you will notice on more than one day a week that cars

are being worked on and we often have to keep the windows closed because it is a nuisance. Chairman d'Ambrosi questioned what types of vehicles that are being worked on. Mr. Baratta stated he had no idea. Chairman d'Ambrosi pointed out as he understands it there is a truck repair operation and there is also a request for this vehicle storage yard. Mr. Baratta stated it is probably the truck repair operation that goes beyond 6:00 p.m. Chairman d'Ambrosi questioned what types of vehicles are currently stored there. Mr. Baratta stated that he did not know what cars are being stored there. He talked with Mr. Strickland last week and he stated that he was aware that the Board had gone out on a photo taking tour of the property and in light of that he didn't see any need to take any pictures. Chairman d'Ambrosi pointed out that they were disabled vehicles on the property in connection with the truck repair and they are legitimate, that was the clarification he was trying to seek. Mr. Baratta stated the amount of vehicles that have been put on the property has increased over the last month or so. As to what result he cannot give an accurate assessment.

Robert Lewis, Cary, (sworn) stated that he owns the adjacent piece of property which they rent. They have had complaints from the property leasing the people of noise at all times of night. He stated there are large trucks stored on the property and the area has the potential of having accidents with the big trucks having to pull off U.S. 1 into that area. He stated it is his understanding that the fence probably encroaches on their property, it obviously does not meet the requirements of the code. The buffer zone being eliminated is not acceptable to him. He sees their need for that transition yard. When you apply to the City of Raleigh to do work for them then you should have to meet the code requirements. If they have 75 to 100 stored vehicles and they are from stored 7 to 14 days that illustrates there will be quite a number of vehicles going in and out of that location.

Debbie Baratta, 3710 Pine Knoll Drive, (sworn) stated in response to the questions about what types of vehicles are being worked on they are in fact transfer trucks and as far as the vehicles in the storage type facility they are wrecked cars. A lot of the houses on Pine Knoll Drive are two story duplexes. So for the one story duplex it doesn't impact them as much but for the two story duplex, they look right over the storage yard.

The Sessions Reporter had received letters the from following people objecting to the storage yard.

Sandra Bright stating she objects to the junk yard as it is an eye sore and she doesn't want a junk yard near her property. A letter from Mr. Mark Baratta 3710 Pine Knoll Drive. A letter from Mrs. Mildred S. Massey, 3708 Pine Knoll Drive.

Rebuttal

Mr. Green stated a lot that has been complained about deals with the shop that is already there and is legally there and was there before the houses were ever built. This is maybe not an ideal situation for the people living there but is certainly something that is not illegal. They don't feel that the other part of the business, the storage yard will impact upon their property tremendously. Ms. Baron asked about two points that have not been addressed. One was the mice, rats, etc. The other was the substance that was draining in the backyard. Mr. Green stated he would have to let Mr. Barbour respond to those questions.

Mr. Barbour stated what she was talking about was a tractor that was involved in an accident and the man who drove the wrecker parked it next to the fence and the fuel ran out of the erupted fuel tank before they could get it cleaned up. The fuel that killed the grass and the lady's tree, that is where it came from. Ms. Baron asked if they do anything special for the deposing of chemicals in connection with their business. Mr. Barbour explained they have the burnt engine oil pumped out by a Noble's Oil Service. Ms. Baron stated the second paragraph of the letter was talking about mice, rats and snakes. Mr. Barbour stated that one of the people who lived behind the building came over and they made the same comment about rodents. The storage lot as well as the rest of the area is graveled. Around the fence some grass has grown up and he is in the process of getting that cut but the storage lot has no grass in it and two weeks ago it was all regraveled.

Findings of Fact

1. Applicant seeks a special use permit to operate a storage yard for wrecked or dismantled vehicles.
2. Code Section 10-2046(b)(1) permits this type of storage yard in this zoning district when certain conditions are met.
3. Transitional protective yards must be provided in accordance with Code Section 10-2068.8.

4. The storage yard is a high impact use and since it is adjacent to a residential area, a 40-foot transitional yard would be required.
5. Applicant cannot meet the 40-foot transitional yard requirements.
6. No storage yard can be established closer than one mile (in a straight line) from another facility.
7. Applicant's facility is less than one mile from an existing storage yard on Brewton Place.
8. Applicant would need variances from two sections of Code Section 10-2046(b)(1) in order to obtain a special use permit.
9. Applicant's operation is offensive to the adjacent neighbors and would adversely affect property values.

Conclusions of Law

Applicant cannot meet the code requirement for the issuance of a special use permit for a storage yard for wrecked or dismantled vehicles and applicant has presented insufficient evidence of practical difficulties or unnecessary hardships to vary those requirements.

Motion

A motion by Mrs. Block to deny the request for a special use permit for a storage yard. Her motion was seconded by Mr. d'Ambrosi and received the following vote: Ayes - 5 (Williams, Baron, Block, Reed and d'Ambrosi); noes - none.

=====

DECISION: APPROVED AS REQUESTED.

A-109-89 - 8/14/89

Whereas Leon T. and Albert A. Rose (Caraleigh Furniture) appeal for a special use permit in accordance with Code Section 10-2080 to renovate their nonconforming store in the Industrial-2 zoning district at 1600 South Saunders Street.

Zoning Inspection Supervisor Watkins (sworn), stated this is a request to do a cosmetic face lift to the outside of the building. The applicant intends to install canopies over the

From: [TJ Barringer](#)
To: [Rezoning](#)
Cc: [Mike Smith](#); [John Kane](#)
Subject: Re-mapping - North Hills
Date: Friday, July 11, 2014 12:19:41 PM
Attachments: [Addresses and PIN \(1\).xlsx](#)

Regarding the re-mapping effort that the City Staff has prepared, Kane Realty would like to request and discuss additional density in the North Hills Development to align with the goals of furthering the progress of a mixed-use node for the City. We feel that the UDO zoning classes set would impede future growth potential. Attached are the parcels we would like to discuss (they comprise the North Hills project on the west side of Six Forks Rd and north of I440).

Thanks,
TJ

--

T. J. Barringer

Direct: 919-719-5435

Kane Realty Corporation

www.kanerealtycorp.com

Phone: 919-833-7755

4321 Lassiter at North Hills Ave.

Suite 250, Raleigh, NC 27609

<http://www.NorthHillsRaleigh.com>



~~KANE REALTY CORPORATION~~
North Hills
Post Office Box 19107
Raleigh, North Carolina 27619
919-833-7755 919-833-2473 Fax

September 29, 2014

Carter Pettibone
City of Raleigh
220 Fayetteville St
Raleigh, NC 27601

RE: Raleigh UDO Re-mapping Request

Mr. Pettibone:

Kane Realty Corporation would like to request the following amendments to the City of Raleigh's planned Re-mapping:

- The block bounded by Six Forks Rd, Lassiter Mill Rd, Pamlico Dr, and Rowan St - excluding the Alexan Apartments and retail underneath.
 - a. Parcel numbers: 1706517320, 1706506961, 1706504760, 1706503919.
 - b. Current Re-mapping: CX-5-PL
 - c. Requested Re-mapping: CX-40-UL
 - d. Justification: We agree with the current base zoning of CX as the appropriate district. We would request a change to an Urban Limited frontage to match the urban nature of the planned & desired development along this corridor. We would also ask to increase the heights to 40 stories to encourage the continued expansion at one of the city's main growth districts. Greater density allows this area to continue developing and create a node for future transit.
- The block bounded by Six Forks Rd, Lassiter Mill Rd, and Interstate 440
 - a. Parcel numbers: 1706506492, 1706509316, 1705597841, 1705692906, 1705690521, 1705595377, 1705595341, 1705592477, 1705593807, 1705594776
 - b. Current Re-mapping: CX-12-UL
 - c. Requested Re-mapping: CX-40-UL
 - d. Justification: We agree with the current base zoning and frontage of CX and UL as appropriate designations for the parcels. We request the height limit be adjusted to 40 stories. As this block is the retail hub of Midtown, additional infill in this area should be encouraged in the most dense possible way. Maximum height in this area will allow for the continued mixed-balance that has begun in North Hills. Also the sites adjacency to the interstate adds to the potential for density - both by limiting the impact on neighbors as well as taking advantage of in-place infrastructure.

We appreciate your consideration and request that you consider the potential growth of Raleigh, and the nodes best equipped to handle that growth in a positive way for the city.

Thanks,

A handwritten signature in blue ink, appearing to read "John Kane", is written over a light blue horizontal line.

John Kane
Kane Realty Corporation

From: [Pettibone, Carter](#)
To: [Rezoning](#)
Cc: [Walter, Bynum](#)
Subject: FW: Re-mapping: North Hills
Date: Tuesday, September 30, 2014 9:44:37 AM
Attachments: [Re-mapping Request - NH.pdf](#)

FYI. I will bring this to our meeting this afternoon.

Carter Pettibone, AICP

Urban Planner
Raleigh Urban Design Center
An Office of the Planning & Development Department
220 Fayetteville Street, Suite 200, Raleigh, NC 27601
919.996.4643
carter.pettibone@raleighnc.gov
www.raleighnc.gov/urbandesign

From: TJ Barringer [mailto:tbarringer@kanerealtycorp.com]
Sent: Monday, September 29, 2014 6:05 PM
To: Pettibone, Carter
Subject: Re-mapping: North Hills

Carter-

Attached please find a letter from Kane requesting consideration on adjustments to the proposed re-mapping. I will call you tomorrow to discuss and make sure you have everything you need on my end.

Thanks,
TJ

--

T. J. Barringer
Direct: 919-719-5435

Kane Realty Corporation
www.kanerealtycorp.com
Phone: 919-833-7755
4321 Lassiter at North Hills Ave.
Suite 250, Raleigh, NC 27609

<http://www.NorthHillsRaleigh.com>

NORTH CAROLINA

WAKE COUNTY

AGREEMENT

THIS AGREEMENT, made this 19th day of July, 1973, by and between EDWARD K. BELL and wife, DOROTHY H. BELL, of Raleigh, Wake County, North Carolina, parties of the first part, and CHARLES H. BEARD and wife, ALTA O. BEARD, WILLIAM M. HOUCK and wife, JOYCE M. HOUCK, DAVID M. CUDDY and wife, DONNA R. CUDDY, ALEXANDER L. MILAK and wife, REBECCA M. MILAK, JOHN F. CHESNICK and wife, MARGARET R. CHESNICK, JAMES N. HUBER and wife, DORIS M. HUBER, BENNY GRAY CREECH and wife, DONNA H. CREECH, ~~JACK A. FERGUSON and wife, SHERRY B. FERGUSON,~~ RICHARD J. WHITE and wife, SHIRLEY H. WHITE, and ROBERT R. MILLER and wife, GLORIA V. MILLER, of Raleigh, Wake County, North Carolina, parties of the second part;

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars (\$10.00) each to the other paid, and in further consideration of the Agreement by the parties of the second part to withdraw their opposition to the rezoning application by parties of the first part to the City of Raleigh, North Carolina to rezone the property described in a deed recorded in Book 2164, Page 218, Wake County Registry, from R-4 to Office and Institutional-3, the said parties of the first part do agree as follows:

1. That they will provide a one hundred (100) foot buffer strip along the full length of the Northwest boundary of their said property for a distance of approximately seven hundred thirty (730) feet, and will provide a seventy-five (75) foot buffer strip along the remainder of the Northwest boundary of their said property, all as shown by cross-hatching on the attached sheet marked Exhibit A and made a part hereof, and will leave all of the said buffer strips in their natural state (except for accomplishing the planting described in Paragraph 2 hereinbelow) and will not utilize nor suffer to be utilized the said buffer strips or any part thereof for any purpose whatsoever.

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2. That within the buffer strips described in Paragraph 1 above, parties of the first part will do from time to time such planting as is necessary to provide a uniform screen of foliage, along the entire length of the said buffer strips, between the remainder of the said property of the parties of the first part and the property of the parties of the second part.

3. That they will not extend, nor suffer to be extended, Wingate Road, as shown on the attached sheet marked Exhibit A and made a part hereof, into or through their property.

4. That they will construct a storm drainage system, including berms, so as to direct all storm drainage from their property into a dry holding pond on their property, which they shall construct in accordance with the requirements of the proposed sedimentation and erosion control ordinance of the City of Raleigh, and in accordance with standards and specifications furnished by Wake Soil and Water Conservation District, and in such manner that the said storm drainage system shall provide for on-site storage of all storm drainage in such a way that no construction or activities hereafter occurring on the said property of the parties of the first part shall cause any change in the storm drainage from the property of the parties of the first part which will damage the property of the parties of the second part.

5. It is further understood and agreed by and between the parties hereto that this Agreement shall be binding not only upon the parties of the first part but upon their heirs, administrators, executors, devisees, successors and assigns, and that the agreements contained herein shall constitute covenants running with the said property of the party of the first part for the benefit of the property of the parties of the second part and of the heirs, administrators, executors, devisees, successors and assigns of the parties of the second part (the said property of the parties of the second part is that certain real property described in the following deeds recorded in the Wake County Registry: Book 1903, Page 15; Book 1823, Page 59; Book 1734, Page 186; Book 1722, Page 282; Book 1734, Page 571; Book 1761, Page 488; Book 2030, Page 506; ~~Book 2172, Page 202~~; Book 2110, Page 464; and Book 1827, Page 19). Provided, however, that parties of the first part shall not be obligated

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to comply with the terms of this Agreement, except for their obligation under Paragraph 1 hereinabove to leave the said buffer strips in their natural state, and their obligation under Paragraph 3 hereinabove, until such time as the parties of the first part, or their heirs, administrators, executors, devisees, successors and assigns, begin or suffer to be begun actual development of the property of the parties of the first part; and it is further understood and agreed by and between the parties hereto that, should no part of the said property of the parties of the first part be rezoned, to a category other than R-4, as the result of the current zoning application of the parties of the first part to the City of Raleigh, or of any appeal from the City's determination, then this Agreement, from and after the time that the City of Raleigh denies any change in the said zoning or, in the event of an appeal, the time that the same becomes final, shall be void and of no effect.

IN TESTIMONY WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Edward K. Bell (SEAL)
Edward K. Bell

Dorothy H. Bell (SEAL)
Dorothy H. Bell

PARTIES OF THE FIRST PART

Charles H. Beard (SEAL)
Charles H. Beard

Alta O. Beard (SEAL)
Alta O. Beard

William M. Houck (SEAL)
William M. Houck

Joyce M. Houck (SEAL)
Joyce M. Houck

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David M. Cuddy (SEAL)
David M. Cuddy

Donna R. Cuddy (SEAL)
Donna R. Cuddy

Alexander L. Milak (SEAL)
Alexander L. Milak

Rebecca M. Milak (SEAL)
Rebecca M. Milak

John F. Chesnick (SEAL)
John F. Chesnick

Margaret R. Chesnick (SEAL)
Margaret R. Chesnick

James N. Huber (SEAL)
James N. Huber

Doris M. Huber (SEAL)
Doris M. Huber

Benny Gray Creech (SEAL)
Benny Gray Creech

Donna H. Creech (SEAL)
Donna H. Creech

Jack A. Ferguson (SEAL)

Sherry B. Ferguson (SEAL)

Richard J. White (SEAL)
Richard J. White

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Shirley W. White (SEAL)
Shirley W. White

Robert R. Miller (SEAL)
Robert R. Miller

Gloria V. Miller (SEAL)
Gloria V. Miller

PARTIES OF THE SECOND PART

NORTH CAROLINA

WAKE COUNTY

I, Madelyn L. Smith, a Notary Public, do hereby certify that Edward K. Bell and wife, Dorothy H. Bell, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 26 day of September, 1973.

Madelyn L. Smith
Notary Public

My commission expires: Oct 25, 1977

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall, Sr., a Notary Public, do hereby certify that Charles H. Beard and wife, Alta O. Beard, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 3rd day of September, 1973.

Joshua M. Hall, Sr.
Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall, Sr., a Notary Public, do

hereby certify that William M. Houck and wife, Joyce M. Houck, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of July, 1973.
1973.

Joshua M. Hall
Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall Sr., a Notary Public, do hereby certify that David M. Cuddy and wife, Donna R. Cuddy, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of July, 1973.
1973.

Joshua M. Hall Sr.
Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall Sr., a Notary Public, do hereby certify that Alexander L. Milak and wife, Rebecca M. Milak, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 3rd day of August, 1973.
1973.

Joshua M. Hall Sr.
Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall Sr., a Notary Public, do

hereby certify that John F. Chesnick and wife, Margaret R. Chesnick, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of Sept, 1973.

Joshua M. Hall Sr.
Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall Sr., a Notary Public, do hereby certify that James N. Huber and wife, Doris M. Huber, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of Sept, 1973.

Joshua M. Hall Sr.
Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall Sr., a Notary Public, do hereby certify that Benny Gray Creech and wife, Donna H. Creech, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of Sept, 1973.

Joshua M. Hall Sr.
Notary Public

My commission expires: September 15, 1975

~~NORTH CAROLINA~~

~~WAKE COUNTY~~

~~I, _____, a Notary Public, do~~

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hereby certify that Jack A. Ferguson and wife, Sherry B. Ferguson, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this _____ day of _____, 1973.

Notary Public

My commission expires: _____

NORTH CAROLINA

WAKE COUNTY

I, Joshua M. Hall, Sr., a Notary Public, do hereby certify that Richard J. White and wife, Shirley H. White, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of July, 1973.

Notary Public

My commission expires: September 15, 1975

NORTH CAROLINA

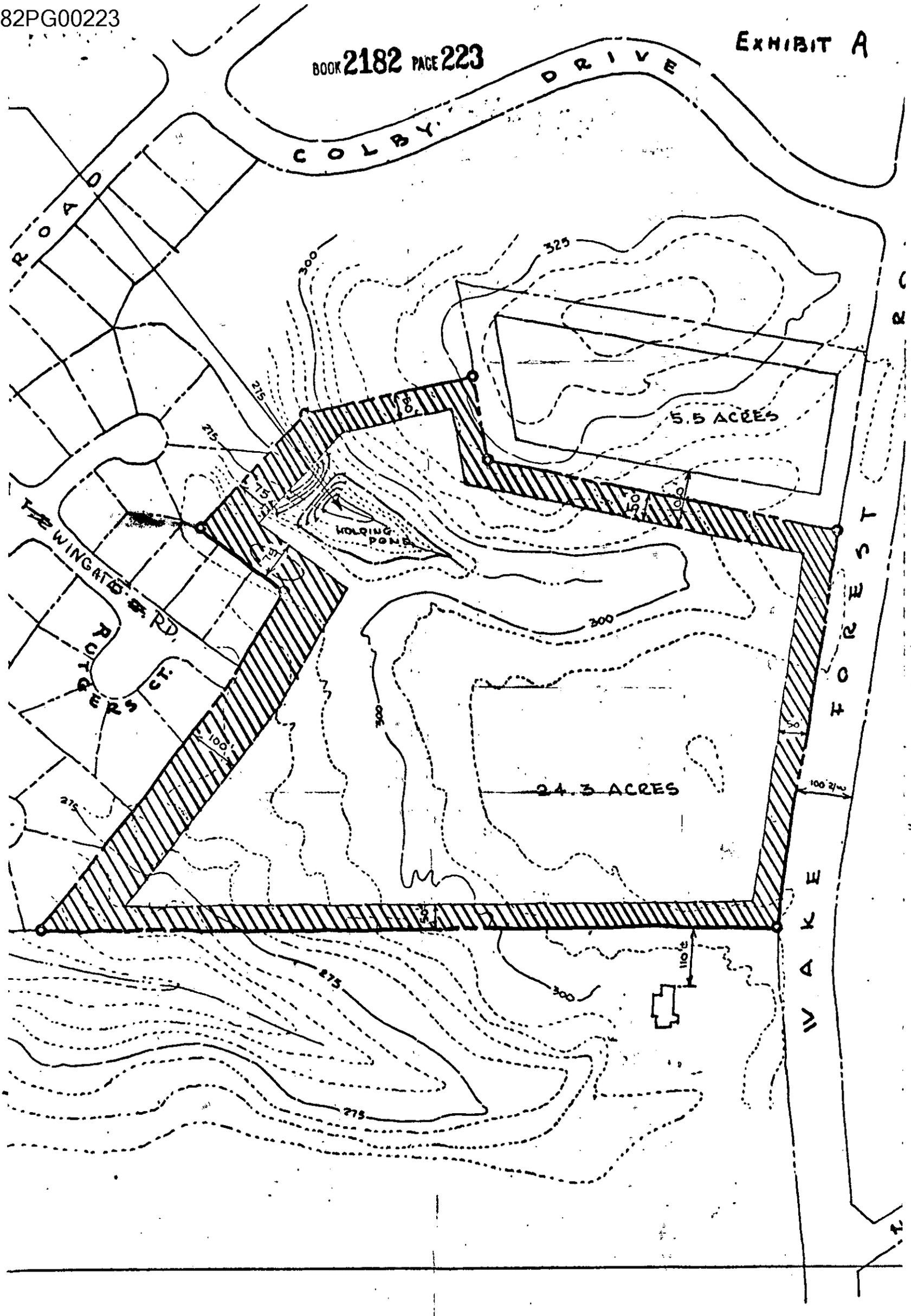
WAKE COUNTY

I, Joshua M. Hall, Sr., a Notary Public, do hereby certify that Robert R. Miller and wife, Gloria V. Miller, each personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal, this 27th day of July, 1973.

Notary Public

My commission expires: September 15, 1975



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NORTH CAROLINA

ACKNOWLEDGEMENT AND AGREEMENT

WAKE COUNTY

The R. L. Dresser Estate and the John W. Murphree Company, and their Trustees, do join, acknowledge and agree to be bound by the foregoing agreement dated the 19th day of July, 1973, by and between EDWARD K. BELL and wife, DOROTHY H. BELL and CHARLES H. BEARD, et ux, et al, for and in consideration of the sum of Ten Dollars (\$10.00) and as an accommodation to said Edward K. Bell and wife, Dorothy H. Bell, said Dresser Estate being the holder of the note in the principal amount of Two Hundred Thirty Thousand Seven Hundred Fifty Dollars (\$230,750.00) being secured by a deed of trust from Edward K. Bell and wife, Dorothy H. Bell, recorded in Book 2163, Page 631, Wake County Registry; and said John W. Murphree Company being the holder of the note in the principal amount of One Hundred Thousand Dollars (\$100,000.00) being secured by a deed of trust from Edward K. Bell and wife, Dorothy H. Bell, recorded in Book 2163, Page 636, Wake County Registry, both of said deeds of trust being upon the property, the subject of the Agreement to which this acknowledgement is attached.

This 19th day of July, 1973.

R. L. DRESSER ESTATE

By James T. Edwards
James T. Edwards, Co-Executor

William T. Hatch
William T. Hatch, Trustee of
the Estate of R. L. Dresser

JOHN W. MURPHREE COMPANY

By Grover C. Cauthen, III
Grover C. Cauthen, III
Vice President

George C. Mitchell
George C. Mitchell, Trustee for
John W. Murphree Company

ATTEST:

Corey N. Stoy

NORTH CAROLINA

WAKE COUNTY

I, Josephine L. Shannon, a Notary Public for said County and State, do hereby certify that JAMES T. EDWARDS, Co-Executor for the Estate of R. L. Dresser, personally appeared before me this day and acknowledged the due execution of the foregoing Acknowledgement and Agreement.

WITNESS my hand and official seal this 17th day of July, 1973.

Josephine L. Shannon
Notary Public

My Commission Expires:

May 22, 1976

NORTH CAROLINA

WAKE COUNTY

I, Josephine L. Shannon, a Notary Public for said County and State, do hereby certify that WILLIAM T. HATCH, Trustee of the Estate of R. L. Dresser, personally appeared before me this day and acknowledged the due execution of the foregoing Acknowledgement and Agreement.

WITNESS my hand and official seal this 18th day of July, 1973.

Josephine L. Shannon
Notary Public

My Commission Expires:

07.15.22-1976

NORTH CAROLINA

WAKE COUNTY

THIS IS TO CERTIFY that on the 18th day of July, 1973, before me personally came GROVER C. CAUTHEN III, Vice President, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Vice President and Marie M. Cox is the Assistant Secretary of JOHN W. MURPHREE COMPANY, the Corporation described in and which executed the foregoing Acknowledgement and Agreement; that he knows the common seal of said Corporation; that the seal affixed to the foregoing Acknowledgement and Agreement is said common seal, and the name of the Corporation was subscribed thereto by the said Vice President and that the said Vice President and Assistant Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board of Directors of said corporation, and that the said Acknowledgement and Agreement is the act and deed of said Corporation.

WITNESS my hand and official seal, this 18th day of July, 1973.

Josephine S. Shannon
Notary Public

My Commission Expires:

5-22-1976

NORTH CAROLINA

WAKE COUNTY

I, Josephine S. Shannon, a Notary Public for said County and State, do hereby certify that GEORGE C. MITCHELL, Trustee for John W. Murphree Company personally appeared before me this day and acknowledged the due execution of the foregoing Acknowledgement and Agreement.

WITNESS my hand and official seal this 18th day of July, 1973.

Josephine S. Shannon
Notary Public

My Commission Expires:

5-22-76

NORTH CAROLINA—WAKE COUNTY

The foregoing certificate of Madelyn L. Smith at Joshua M. Hall, Jr. Notary Public is

(are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 2182 Page 215

This 14 day of August, 1973, at 8:30 o'clock A. M.

J. A. ROWLAND Register of Deeds.
By M. J. [Signature] Deputy Register of Deeds

From: [Boss Poe](#)
To: [Rezoning](#)
Subject: RE: 407 E. Six Forks Road/2907 Wake Forest Rd. [GEN-0298 & WEB-23378; GEN-0299 & WEB-23362]
Date: Thursday, August 14, 2014 4:32:41 PM
Attachments: [image001.png](#)

Thank you. Sounds promising.



Hobby Properties
Boss Poe, CCIM
Senior Vice President
Director of Leasing and Sales

2209 Century Dr.
Suite 300
Raleigh, NC 27612

(919) 205-3602 *direct*

(919) 783 6141 *phone*

(919) 782 3321 *fax*

www.hobbyproperties.com

boss@hobbyproperties.com

<http://www.loopnet.com/profile/10208987300/Boss-Poe-CCIM/>

From: Rezoning [mailto:Rezoning@raleighnc.gov]
Sent: Thursday, August 14, 2014 4:25 PM
To: boss@hobbyproperties.com
Subject: 407 E. Six Forks Road/2907 Wake Forest Rd. [GEN-0298 & WEB-23378; GEN-0299 & WEB-23362]

Dear Boss Poe—

Following up on our phone conversation, I presented your comments to the staff review team on August 13.

We believe that the questions you raise regarding the split zoning of these properties merit discussion at a future meeting of the Planning Commission. That forum would provide an opportunity to engage all affected property owners in the discussion.

The public comment period for the remapping process will remain open until September 30, subsequently the remapping recommendations and all comments will be forwarded to the Planning Commission for its review beginning October 14. Your comments will be presented to the Commission for its consideration. Closer to time, I should be able to provide details about when the Planning Commission will discuss these particular properties.

Regards,
Dan Becker

--

Dan Becker, Division Manager
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Ste 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2632 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: [Walter, Bynum](#)
To: [Pettibone, Carter](#); glenn@landvestnc.com
Cc: [Rezoning](#); [Becker, Dan](#)
Subject: RE: UDO Remapping Comments #WEB-20482 and 20498 - Navaho Drive
Date: Monday, August 11, 2014 11:51:43 AM

Dear Mr. Barwick –

I wanted to follow up on Carter Pettibone's message of last week and your message of this morning. I would be happy to talk with you to discuss the citywide remapping process and your options.

We could talk by telephone or meet in person, whichever is more convenient for you. I am available Wednesday, Thursday, or Friday afternoon after 3 pm. Is there a time one of those afternoons that might work for you? Please let me know.

Sincerely,

Bynum Walter, AICP
Senior Planner
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Suite 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2178 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: Glenn Barwick [<mailto:glenn@landvestnc.com>]
Sent: Monday, August 11, 2014 10:15 AM
To: Rezoning
Subject: Re: City of Raleigh Response Ref #20498

I am not familiar with the new zoning code, so I do not know what my options are. I thought there was a proposal, a few years ago to zone the areas near the proposed rapid transit stations very high density to encourage high rise development that was conducive to mixed use and high density development. The idea being that the rail would provide good access without a large increase in auto traffic.

This block is ideally suited for this intense development because:

There is a large amount of property with only three owners.

The relatively cheap and small number of older buildings on the property.

The proposed adjacent light rail station.

The vehicular access from the beltline.

The nearness to downtown and North Hills.

The small impact that higher density would have on residential development.

I would like to meet with the City staff to discuss the possible options and how to go about requesting the appropriate reclassification as part of the rezoning that is now underway.

Glenn Barwick

On Thu, Aug 7, 2014 at 3:57 PM, <rezoning@raleighnc.gov> wrote:

Thanks again for your feedback on the draft rezoning map. See the response to your feedback below.

Feedback Received July 22nd 2014, 3:47 pm

Reference #: 20498

Location: 0 NAVAHO DR

Comment Type: Comment about Proposed Zoning District

Comment: I own this property and the property adjacent to it to the west. These properties should be zoned to a higher use to encourage development of uses that will increase ridership of the proposed light rail adjacent to it. The fact that a light rail station is proposed adjacent further argues for a higher zoning. The other contributing reason for a higher zoning is that the entire city block is owned by only three people and the buildings on these properties are older metal buildings. This means that the entire 40 acre tract located adjacent to the Beltline and in the Midtown area lends itself to redevelopment at a much higher zoning.

City Response on August 7th 2014, 03:57 pm

Do you have a particular height in mind for the zoning of these properties? Also, do you request a proposed zoning district that is different from the Industrial Mixed Use (IX) category? You mention in your comments a desire for taller permitted building height, and you also mention the term "higher zoning." In determining the proposed UDO zoning district and height, Staff primarily factored in existing zoning, land use and building height for its recommendation. In your case, the existing Industrial-1 zoning, the current use(s) on the property, and the one story buildings translated to Industrial Mixed Use-3 Stories (IX-3). You may email us at rezoning@raleighnc.gov or any of the other emails provided should you wish to make a formal request for us to take to the Planning Commission for review.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

Phone: [919.996.6363](tel:919.996.6363) (8am-5pm, Mon-Fri)

“E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official.”

From: Pettibone, Carter

Sent: Tuesday, August 05, 2014 7:55 PM

To: glenn@landvestnc.com

Cc: Walter, Bynum; Rezoning; Becker, Dan

Subject: RE: UDO Remapping Comments #WEB-20482 and 20498 - Navaho Drive

Mr. Barwick,

I wanted to follow up on my original email regarding your request for the properties on Navaho

Drive. If you could provide the information requested below, we will be able to better handle your request. I will be out of the office on leave through September 15. Either Bynum Walter or Dan Becker, both of whom I've cc'ed, will be able to assist you in my absence.

Thank you.

Carter Pettibone, AICP

Urban Planner
Raleigh Urban Design Center
An Office of the Planning & Development Department
220 Fayetteville Street, Suite 200, Raleigh, NC 27601
919.996.4643
carter.pettibone@raleighnc.gov
www.raleighnc.gov/urbandesign

From: Pettibone, Carter
Sent: Thursday, July 24, 2014 3:23 PM
To: 'glenn@landvestnc.com'
Cc: Rezoning
Subject: UDO Remapping Comments #WEB-20482 and 20498 - Navaho Drive

Mr. Barwick,

Thank you for your comments regarding your properties on Navaho Drive. I had some questions to ask in order to clarify your request.

Do you have a particular height in mind for the zoning of these properties? Also, do you request a proposed zoning district that is different from the Industrial Mixed Use (IX) category? You mention in your comments a desire for taller permitted building height, and you also mention the term "higher zoning". I wanted to confirm whether you were referring to only increased height or whether you are talking about a different base zoning district as well.

In determining the proposed UDO zoning district and height, Staff primarily factored in existing zoning, land use and building height for its recommendation. In your case, the existing Industrial-1 zoning, the current use(s) on the property, and the one story buildings translated to Industrial Mixed Use-3 Stories (IX-3).

Getting a little more clarity will help me determine how to proceed with your request.

Thank you.

Carter Pettibone, AICP

Urban Planner
Raleigh Urban Design Center
An Office of the Planning & Development Department
220 Fayetteville Street, Suite 200, Raleigh, NC 27601
919.996.4643
carter.pettibone@raleighnc.gov
www.raleighnc.gov/urbandesign

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

Mr. Dan Becker
Urban Design Center
City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601



Re: 2823 Capital Boulevard
PIN# 1715936330

Dear Mr. Becker:

As counsel for Clark Stores, LLC., owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

This property is proposed to be rezoned to CX-3-PL. We object to the imposition of the Parking Limited frontage on this property. Frontages are imposed to create a street edge and to encourage pedestrian oriented development. The current use of the subject property is a vehicle based use with gas sales. The Frontage designation is problematic for 2 reasons: (1) it discourages vehicular surface areas between the building and public street which are necessary for gas sales and part of the current entitlement; and (2) it requires that a high percentage of building be located within the build-to area, which is difficult, given the relatively small building sizes used for convenience stores/service stations.

We request that you reconsider the proposed zoning and revise it to CX-3.

We would welcome the opportunity to meet with you or others in the Planning Department to discuss our concerns. Thank you for your consideration.

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

Mr. Dan Becker
Urban Design Center
City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601



Re: 2929 Capital Boulevard

Dear Mr. Becker:

As counsel for Erwin Distributing Corporation, leasehold owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

This property is proposed to be rezoned CX-3-PL. We object to the imposition of the Parking Limited frontage on this property. Frontages are imposed to create a street edge and to encourage pedestrian oriented development. The current use of the subject property is a vehicle based use with gas sales. The Frontage designation is problematic for 2 reasons: (1) it discourages vehicular surface areas between the building and public street which are necessary for gas sales and part of the current entitlement; and (2) it requires that a high percentage of building be located within the build-to area, which is difficult, given the relatively small building sizes used for convenience stores/service stations.

We request that you reconsider the proposed zoning and revise it to CX-3.

We would welcome the opportunity to meet with you or others in the Planning Department to discuss our concerns. Thank you for your consideration.

Sincerely

A handwritten signature in dark ink, appearing to read "Isabel Worthy Mattox". The signature is written in a cursive style with some overlapping strokes.

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

Mr. Dan Becker
Urban Design Center
City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601



Re: 4101 Wake Forest Road
PIN# 1715494776

Dear Mr. Becker:

As counsel for Clark Stores, LLC, owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

This property is proposed to be rezoned to CX-3-PL. We object to the imposition of the Parking Limited frontage on this property. Frontages are imposed to create a street edge and to encourage pedestrian oriented development. The current use of the subject property is a vehicle based use with gas sales. The Frontage designation is problematic for 2 reasons: (1) it discourages vehicular surface areas between the building and public street which are necessary for gas sales and part of the current entitlement; and (2) it requires that a high percentage of building be located within the build-to area, which is difficult, given the relatively small building sizes used for convenience stores/service stations.

We request that you reconsider the proposed zoning and revise it to CX-3.

We would welcome the opportunity to meet with you or others in the Planning Department to discuss our concerns. Thank you for your consideration.

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

Mr. Dan Becker
Urban Design Center
City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601



Re: 2837 Wake Forest Road
PIN# 1715133422

Dear Mr. Becker:

As counsel for Sampson Bladen Oil Co., Inc., owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

This property is proposed to be rezoned to CX-3-PL. We object to the imposition of the Parking Limited frontage on this property. Frontages are imposed to create a street edge and to encourage pedestrian oriented development. The current use of the subject property is a vehicle based use with gas sales. The Frontage designation is problematic for 2 reasons: (1) it discourages vehicular surface areas between the building and public street which are necessary for gas sales and part of the current entitlement; and (2) it requires that a high percentage of building be located within the build-to area, which is difficult, given the relatively small building sizes used for convenience stores/service stations.

We request that you reconsider the proposed zoning and revise it to CX-3.

We would welcome the opportunity to meet with you or others in the Planning Department to discuss our concerns. Thank you for your consideration.

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark



City of Raleigh
North Carolina

To: Henry Zaytoun
From: Ray Aull, Planner II (GIS)
Date: 6/20/2014
Re: UDO Zoning Additional Information Request on 5041 Six Forks & 219 W Millbrook [CC1-0058]

Mr. Zaytoun,

When we spoke on Wednesday, June 11th, you requested additional information on how the proposed zoning changes would impact properties at 5041 Six Forks Road & 219 West Millbrook Road.

This process started with a recommendation from City Administration (via the office of the Planning Director) to update the City's Vision 2020 Comprehensive Plan, which had been adopted in 1989. The City Council authorized the project and after a robust public process, the 2030 Comprehensive Plan of the City of Raleigh was adopted by City Council in 2009.

Following adoption of the 2030 Comprehensive Plan, the next step was to evaluate the City's development code. The development code had grown very complex through amendments and revisions during its 60-year life. It was necessary to revise the development code to provide the tools to realize the vision of the 2030 Comprehensive Plan. City staff recommended to the City Council that the development code be re-written in a "unified" manner to make it easier for the public to use, as well as to provide the tools for Comprehensive Plan implementation. City Council authorized the project and after a robust public process the Unified Development Ordinance (UDO) was adopted and became effective September 1, 2013. The UDO includes new zoning district definitions. Now the City is amending its zoning map to apply these new districts.

More than 35,000 parcels are proposed to be rezoned. The City has mailed notices to over 45,000 affected property owners about the proposed changes. We are soliciting feedback until September 30, and appreciate you taking the time to express your concerns to us.

As stated in the previous letter sent on May 30, 2014, the changes proposed for the properties at 5041 Six Forks Road and 219 West Millbrook Road are minimal.

5041 Six Forks Road is currently zoned Office & Institutional-1, Conditional Use District (CUD O&I-1) per zoning case Z-39-03, which has been effective since October 21, 2003. O&I-1 zoning alone carries with it restrictions on uses and dimensional standards for buildings. As part of the zoning case that applied the CUD O&I-1 district, additional conditions were placed on the property, including a height limit of 40 feet, a prohibition of parking between the building and Six Forks Road, and a restriction on the types of land uses allowed. Please find these conditions enclosed (*Attachment 1*) for more information. Also enclosed, you will find the Request for Zoning Change for this property dated May 20, 2003, as well as the Certified Recommendation of the City of Raleigh Planning Commission, CR#10602, recommending approval of this zoning request, as of October 14, 2003 (*Attachment 2*).

5041 Six Forks Road is proposed to be rezoned to Office Mixed Use, 3 stories, Conditional Use (OX-3-CU). OX zoning carries with it very similar restrictions to today's O&I-1 zoning. As well, the proposal carries forward the additional restrictions placed on the property through zoning case Z-39-03, outlined above, and shown on *Attachment 1*. For example, the stated 3 story limit comes with a 50 foot height limit, that is further restricted to 40 feet by the additional conditions placed on this property. For more information on how O&I-1 relates to the new OX zoning district, please see the Comparison Sheet (*Attachment 3*).

Similar to your property on Six Forks Road, 219 West Millbrook Road, is currently zoned for O&I-1, and carries similar restrictions on uses and dimensional standards to your Six Forks Road property. Again, see *Attachment 3* for more information about these standards. Unlike the Six Forks Road property, this property does not carry any additional restrictions from Conditional Use zoning.

219 West Millbrook Road is proposed to be rezoned to Office Mixed Use, 3 stories, with a Parking Limited frontage (OX-3-PL). As previously stated, OX zoning is the most similar designation from the UDO to the O&I-1 zoning designation from the old code. The 3 story height limit restricts any future structure built on this property to 3 stories, and up to 50 feet tall. The Parking Limited frontage regulates how any future structure should address the street; only new construction is regulated by frontage requirements. In order to provide easy access to buildings by automobile, but also maintain a high level of walkability, Parking Limited frontage restricts future development to providing only up to two bays of parking with one drive aisle. It mandates that the building front must be between 0 and 100 feet from property line. Please see the attached excerpt from the UDO, Sec. 3.4.5. Parking Limited (-PL) (*Attachment 4*) for more information.

Please let me know if you have any further questions or require any additional information.

With regards,

Ray A. Aull, Planner II (GIS)
Long Range Planning Division
Raleigh Department of City Planning
Phone: 919.996.2163
Office: One Exchange Plaza, Ste 300 (27601)
Mail: PO Box 590, Raleigh, NC 27602

Enclosures:

Attachment 1: Conditions for Zoning Case Z-39-03, related to 5041 Six Forks Road

Attachment 2: Request for Zoning Change & Certified Recommendation of the City of Raleigh Planning Commission, CR#10602, for Zoning Case Z-39-03

Attachment 3: Office & Institutional-1(O&I-1): Comparison with RX, OX, OP, IX

Attachment 4: Sec. 3.4.5. Parking Limited (-PL), Part 10A: Unified Development Ordinance of City of Raleigh, NC