

PLANNING COMMISSION'S UDO REMAPPING WORK SESSION AGENDA

March 31, 2015 – 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. UDO Remapping Public Comment – Change Requests**
 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, related to zoning on Yonkers Rd, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
East	284	3301 New Bern Ave; 0, 2010, 2011, 2013, 2016, 2021, & 2113 N Raleigh Blvd; 0, 2004, 2010, 2020, 2100, 2400, 2412, 2416, 2420, 2424, 2506, 2512, 2610, 2610, 2618, 2620, 2630, 2640, 2700, 2810, 2820, 2900, 2930, 3000, 3000, 3204, 3210, 3300, 3400, 3410, 3500, 3600, & 3850 Yonkers Rd	1724233771, 1714799741, 1714787949, 1714793327, 1714793693, 1714798343, 1714797820, 1714795753, 1724063635, 1715600424, 1715603419, 1715606648, 1715700931, 1715608461, 1715703511, 1715702060, 1715705047, 1714791725, 1714799533, 1714892280, 1714885952, 1714887754, 1714888493, 1714981077, 1714975609, 1714977392, 1724070273, 1724061957, 1724069112, 1724155505, 1724157542, 1724250405, 1724252035, 1724246864, 1724247496, 1724147666, 1724248007	284

CAC	Agenda Item	Address	PIN	Map No.
East	88	2004 Yonkers Rd	1715600424	188
	89	2021 N Raleigh Blvd	1714797820	189
	90	2620 Yonkers Rd	1714887754	190
	91	0, 2900, 3000 Yonkers Rd	1724063635	191
	92	3600 Yonkers Rd	1724147666	192
	93	2020 & 2400 Yonkers Rd	1715606648	126
	240	2512 / 2610 Yonkers Rd	1714892280	262

These items, outstanding items from previous work sessions, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
Northwest	195	10310 Moncreiffe Rd	0768128681	218
	201	4325 & 4601 Glenwood Ave	0796502569, 0796418378	230
		4530 & 4550 Creedmoor Rd	0796412584, 0796415629	
	215	7601 Glenwood Ave	0787212125	41
	218	8750 Barefoot Industrial Rd	0777586532	75
	219	Mulberry Park Subdivision: Aquinas Ave, Bessborough Dr, Caversham Way, Ladbrooke St, Marleybone Dr, Terregles Dr, Water Willow Dr	All PINs	84
		3351 Shady Grove Rd	0779008130	
	220	11700/11710 New Leesville Blvd	0779605493, 0779604458	123
Wade	221	3801 Hillsborough St	0794243022	39
	223	20, 101, 104, 105, 106, 107, 108, 110, 111, 112, & 113 Turner St	0794338124, 0794337020, 0794337187, 0794336065, 0794337241, 0794336009, 0794337203, 0794336266, 0794335143, 0794336229, 0794335107	87
		3415 Hillsborough St	0794337401	
		407 Gorman St	0794335496	
	224	0, 2209, 2211, & 2301 Everett Ave	0794937185, 0794938125, 0794937135, 0794936184, 0794936104	95
		501, 503, & 505 Oberlin Rd	0794928863, 0794928879, 0794937042	

CAC	Agenda Item	Address	PIN	Map No.
Wade	224	2204, 2206, 2208, & 2302 Stafford Ave	0794927847, 0794927807, 0794926827, 0794925857	95
	225	601, 609, 611, 615, 617, 619, 625, & 629 Oberlin Rd	0794938323, 0794938449, 0794938491, 0794938568, 0794938657, 0794939743, 0794938891, 0794939962	98
		614, 620, & 622 Tower St	0794937545, 0794937792, 0794937758	
	226	103, 106, 113, 115, 117, 119, 123, 125, 191, 201, 203, 204, 206, 208, 210, 216, & 220 Chamberlain St	0794817914, 0794910915, 0794828023, 0794829100, 0794829143, 0794829186, 0794920129, 0794920262, 0794920295, 0794921239, 0794921394, 0794921068, 0794922102, 0794922146, 0794922253, 0794923363, 0794923368	99
		2305, 2307, 2403, 2405, & 2407 Clark Ave	0794925305, 0794924356, 0794920367, 0794829385, 0794829324	
		6, 10, 12, 14, 15, 16, 17, 21, 25, 29, & 101 Enterprise St	0794917624, 0794917724, 0794917820, 0794917835, 0794915886, 0794917934, 0794915980, 0794915986, 0794925082, 0794925088, 0794925270	
		2204, 2205, 2208, 2209, 2216, & 2217 Garden Pl	0794924283, 0794924085, 0794924214, 0794924015, 0794923222, 0794923026	

CAC	Agenda Item	Address	PIN	Map No.
Wade	226	0 Ferndell Ln	1704012515	99
		0, 2206, 2207, 2208, 2209, 2210, & 2212 Hope St	0794912950, 0794915901, 0794914755, 0794914952, 0794914705, 0794914902, 0794913922	
		16, 18, 100, 106, 108, 114, & 118 Horne St	0794825070, 0794826016, 0794826182, 0794827158, 0794828202, 0794828245, 0794828390	
		102, 104, & 106 Logan Ct	0794911970, 0794912907, 0794921093	
		2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, & 20 Maiden Ln	1704010469, 1704010578, 0794918631, 0794919677, 0794918635, 0794919773, 0794918730, 0794918734, 0794919779, 0794918738, 0794918815, 0794919885, 0794918964	
		219 Oberlin Rd	0794919981	
	227	Hillsborough Street (Brooks to Logan)	Various	100
	228	1437 Chester Rd	1704077846	111
	229	2604 Hillsborough St	0794728039	134
	230	Hillsborough Street (Oberlin to Furches)	Various	153
	239	2 Dixie Trl	0794621594	253
2912 Hillsborough St		0794621486		
Atlantic	249	3900 Electronics Dr	1715781482	252
Five Points	250	2000 Progress Ct	1714196735	236
Southwest	263	1526 Tryon Rd	0792937871	235
	264	600 Mercury St	1703224730	237
West	267	4110 & 4200 Trinity Rd	0784569220, 0784565495	248

Pending Items

These items, related to heights in the Downtown District, will be discussed at the Planning Commission UDO Work Session on April 2, 2015 at 1 pm, to be held in room 303 of the Raleigh Municipal Building:

CAC	Agenda Item	Address	PIN	Map No.
Central	123	Downtown (Heights)	Various	N/A
	124	105 & 107 Stronachs Aly	1703764707, 1703764743	109
		116 E Cabarrus St	1703764861	
		513 S Wilmington St	1703763636	
	125	512 S Blount St	1703766549	110
	126	121 & 125 E South St	1703765249, 1703766221	138
		600 S Blount St	1703766323	
	127	13, 15 & 19 E Martin St	1703771985, 1703771994, 1703772935	139
	128	8, 12, 16 & 20 E Hargett St	1703781352, 1703781382, 1703782312, 1703782362	140
		206 & 216 S Wilmington St	1703782247, 1703782139	
	129	104, 108, 112, 126, 128, & 212 E Hargett St	1703783371, 1703784204, 1703784275, 1703786238, 1703787208, 1703786254	141
		107, 123, & 135 E Martin St	1703774923, 1703776955, 1703776992	
		212, 214, 216, 218, 222, & 224 S Blount St	1703787212, 1703787106, 1703786156, 1703786096, 1703786091, 1703777908	
205, 209, 211, 215, 217, 219, 223, 225, 227, 233, & 237 S Wilmington St		1703783278, 1703783265, 1703783262, 1703783270, 1703783167, 1703783165, 1703783190, 1703783098, 1703783096, 1703785164, 1703773964		

CAC	Agenda Item	Address	PIN	Map No.
Central	130	112, 114, 120, 122, 124, & 126 S Blount St	1703787607, 1703787602, 1703787517, 1703787521, 1703786536, 1703787444	142
		111, 115, 117, 119, 123, 125, 131, & 133 E Hargett St	1703784458, 1703784494, 1703785456, 1703785485, 1703785436, 1703786434, 1703786472, 1703786492	
		126, 130, & 136 E Morgan St	1703785794, 1703786767, 1703787737	
		101, 105, 113, 117, 135, & 137 S Wilmington St	1703784761, 1703784713, 1703784622, 1703785518, 1703783478, 1703783482	
	131	101, 105, & 109 S Blount St	1703788787, 1703788771, 1703789654	143
		201 & 207 E Hargett St	1703789468, 1703881448	
	135	421, 423, 427 S Blount St	1703778034, 1703768939, 1703768933	5
		209, 213, 215, 219, 223, 225, 227 E Cabarrus St;	1703769918, 1703769958, 1703860906, 1703860945, 1703860985, 1703861981, 1703861935	
		424, 426, 430 S Person St	1703861989, 1703861987, 1703861984	
	136	225 E Davie St	1703871564	69
		226, 228, & 230 E Martin St	1703871749, 1703871762, 1703872717	
	137	425 S Person St	1703862986	102

CAC	Agenda Item	Address	PIN	Map No.
Central	138	111, 115, 117, 119, & 123 E Hargett St	1703784458, 1703784494, 1703785456, 1703785485, 1703785436	104
		135 & 137 S Wilmington St	1703783478, 1703783482	
	139	18 Commerce Pl	1703573695	105
		319 W Martin St	1703573758	
		328 W Davie St	1703573589	
	140	323 W Davie St	1703574387	106
		416 & 418 S Dawson St	1703575293, 1703575147	
	141	404 & 406 S Dawson St	1703576349, 1703576333	107
	142	220 E Morgan Street	1703881970	128
	143	210, 214, 218, 224, 226, & 228 S Bloodworth St	1703886184, 1703886088, 1703887004, 1703877908, 1703876995, 1703876991	129
		304, 306, 314, & 330 E Hargett St	1703883244, 1703883284, 1703884280, 1703886253	
		313, 317, 319, 323, 325, & 327 E Martin St	1703874995, 1703875954, 1703886024, 1703876933, 1703876953, 1703876898	
		215, 219, & 227 S Person St	1703884007, 1703874926, 1703873964	
	241	436 S Salisbury St	1703675033	231
	242	302 Dupont Cir	1703472505	249
	243	324, 328, & 330 Dupont Cir	1703473624, 1703472668, 1703472722	250
	244	211 W Martin St	1703670823	257
	245	518 & 600 W Cabarrus St	1703477144, 1703475257	264
		400 S West St	1703478178	
	246	517 W Cabarrus St	1703466858	265
518 S West St		1703467736		
Hillsborough	247	612 W Johnson St	1704413718	259
N. Central	134	300 Hillsborough St	1703596392	103

These items related to Vehicle Fuel Sales and frontage designations, will be discussed at a future UDO Work Session:

CAC	Agenda Item	Address	PIN	Map No.
North	10	5620 Atlantic Ave	1716990129	160
	12	6601 Falls of Neuse Rd	1717127972	162
Northeast	18	2744 Capital Blvd	1715829585	161
Atlantic	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
Five Points	48	1942 Wake Forest Rd	1714193080	169
East	102	1809 New Bern Ave	1713497184	170
South	104	1960 Rock Quarry Rd	1712498642	165
Northwest	174	6712 Glenwood Ave	0786681528	157
	193	5808, 5900, 5910 Duraleigh Rd	0786573160, 0786572402, 0786573672	211
Glenwood	175	4120 & 4123 Glenwood Ave	0796700071, 0795698823	158
Southwest	176	2516 S Saunders St	1702470709	164
Wade	177	3411 Hillsborough St	0794339499	155
	178	3611 Hillsborough St	0794336646	167
	179	3614/3616 Hillsborough St	0794337981	172
West	180	5633 Western Blvd	0784202723	173

These items, related to active, privately-initiated Zoning Cases, are deferred until those cases are resolved, or until the final agenda of the Planning Commission Work Sessions, whichever occurs first:

CAC	Agenda Item	Address	PIN	Map No.	
Z-1-14	North	280	1500 & 1540 Dunn Rd	1729223012, 1729216967	30
Z-40-14	Glenwood	282	3700 Glenwood Ave 3701, 3717, 3725, & 3733 National Dr	0795879441 0795879708, 0795887501, 0795887960, 0795990214	174
		283	3700, 3716, & 3739 National Dr	0795889173, 0795889544, 0795993108	175



Planning Commission March 31, 2015, 9:00 AM
Z-27-14 Citywide UDO Remapping
Yonkers Rd & Additional Items

Review of the proposed citywide rezoning is organized around public comment change requests received between May and September 2014. To facilitate public participation, comments are 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.

Comments related to IH Zoning along Yonkers Road

The area bounded by I-440, New Bern Avenue, railroad tracks, and Capital Boulevard is designated as a General Industrial area on the Future Land Use Map. The current zoning in this area is a blend of Industrial-1 (IND-1) and Industrial-2 (IND-2). A range of uses is present, including retail, office, warehouse, and recreation fields. The initial rezoning recommendation for this area was Heavy Industrial (IH) as a translation of current zoning and in response to the Future Land Use Map. A number of comments from property owners in this area prompted staff to review the proposal. Additional conversations with property owners, as well as field survey indicate that Industrial Mixed Use (IX-) zoning would better accommodate established use by creating no use-based non-conformities; IX zoning is a close comparative district to existing IND-1 and IND-2 zoning. Staff also suggests revisiting the Future Land Use Map designation in this area as part of the five-year update to the 2030 Comprehensive Plan.

88.	<i>Address:</i> 3600 Yonkers Rd
	<i>PIN:</i> 1724147666
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 192 / WEB-39042
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Outdoor Recreation
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commenter requests zoning that would support current use as outdoor playing fields. Outdoor recreation is not a permitted use in the IH district. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial on the Future Land Use Map.

Recommendation: Planning Commission recommended during the January 6, 2015 work session that this property's base district be revised to IX-3. It remains on this agenda for reference as related to the remainder of the Yonkers Road area.

89.	<i>Address:</i> 2004 Yonkers Rd
	<i>PIN:</i> 1715600424
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 188 / WEB-37447
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Retail Sales
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Near Frontage on Transit Emphasis Corridor

The commenter requests zoning that would support current use of property for retail and office. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial. Staff proposes to bring forward a text change that would incorporate office as an allowable use in the IH district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. To avoid the creation of a use-based nonconformity, the property should be zoned IX-3 w/SHOD-2.

90.	<i>Address:</i> 2021 N Raleigh Blvd
	<i>PIN:</i> 1714797820
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 189 / WEB-38084
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Retail Sales
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Urban Thoroughfare

The commenter requests zoning that would support current partial use of property for office. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial. Staff proposes to bring forward a text change that would incorporate office as an allowable use in the IH district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. For consistency with other proposed zoning in the vicinity, the property should be zoned IX-3 w/SHOD-2.

91.	<i>Address:</i> 2620 Yonkers Rd
	<i>PIN:</i> 1714887754
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 190 / WEB-38403
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Retail Sales
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center

The commenter requests zoning that would support current partial use of property for office. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial. Staff proposes to bring forward a text change that would incorporate office as an allowable use in the IH district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. For consistency with other proposed zoning in the vicinity, the property should be zoned IX-3 w/SHOD-2.

92.	<i>Address:</i> 0, 2900, 3000 Yonkers Rd
	<i>PIN:</i> 1724063635
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 191 / WEB-37763
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commenter requests zoning that would support current partial use of property for office. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial. Staff proposes to bring forward a text change that would incorporate office as an allowable use in the IH district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. For consistency with other proposed zoning in the vicinity, the property should be zoned IX-3 w/SHOD-2.

93.	<i>Address:</i> 2020 & 2400 Yonkers Rd
	<i>PIN:</i> 1715606648, 1715608461
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 126 / GEN-0490; WEB-38083
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> IX-3 (or Text Change)
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center

The commenter requests zoning that would support current partial use of property for office. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial. Staff proposes to bring forward a text change that would incorporate office as an allowable use in the IH district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. For consistency with other proposed zoning in the vicinity, the property should be zoned IX-3 w/SHOD-2.

240.	<i>Address:</i> 2512 / 2610 Yonkers Rd
	<i>PIN:</i> 1714892280
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 262 / PC-0117
	<i>Existing Zoning:</i> IND-2 w/SHOD-2
	<i>Current Use:</i> Retail Sales, Warehouse, Distribution
	<i>Proposed Zoning:</i> IH w/SHOD-2
	<i>Requested Zoning:</i> Unclear
	<i>Future Land Use Designation:</i> General Industrial
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center

The commenter requests zoning that would support current use of property for retail and office. Staff initially proposed IH as a close comparative district that would advance implementation of the Future Land Use Map. This is one of the few areas designated General Industrial. Staff proposes to bring forward a text change that would incorporate office as an allowable use in the IH district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. For consistency with other proposed zoning in the vicinity, the property should be zoned IX-3 w/SHOD-2.

284.	<i>Address:</i>	3301 New Bern Ave; 0, 2010, 2011, 2013, 2016, 2021, & 2113 N Raleigh Blvd; 0, 2004, 2010, 2020, 2100, 2400, 2412, 2416, 2420, 2424, 2506, 2512, 2610, 2610, 2618, 2620, 2630, 2640, 2700, 2810, 2820, 2900, 2930, 3000, 3000, 3204, 3210, 3300, 3400, 3410, 3500, 3600, & 3850 Yonkers Rd
	<i>PIN:</i>	1724233771, 1714799741, 1714787949, 1714793327, 1714793693, 1714798343, 1714797820, 1714795753, 1724063635, 1715600424, 1715603419, 1715606648, 1715700931, 1715608461, 1715703511, 1715702060, 1715705047, 1714791725, 1714799533, 1714892280, 1714885952, 1714887754, 1714888493, 1714981077, 1714975609, 1714977392, 1724070273, 1724061957, 1724069112, 1724155505, 1724157542, 1724250405, 1724252035, 1724246864, 1724247496, 1724147666, 1724248007
	<i>CAC:</i>	East
	<i>Change Request/Comment ID:</i>	282 / PC-0164
	<i>Existing Zoning:</i>	IND-1 & IND-2 w/SHOD-2
	<i>Current Use:</i>	Retail Sales, Manufacturing, Distribution
	<i>Proposed Zoning:</i>	IH w/SHOD-2
	<i>Requested Zoning:</i>	Unclear
	<i>Future Land Use Designation:</i>	General Industrial
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	City Growth Centers (NW of 2630 Yonkers & SE of 2900 Yonkers) Frontage on Urban Thoroughfare (Raleigh Blvd)

With the exception of 2810 Yonkers Road, these properties represent the remainder of parcels in the Yonkers Road area and should be zoned IX- instead of IH to avoid the creation of use-based non-conformities and for consistency of approach in rezoning in the vicinity. The property at 2810 Yonkers Road is used for industrial sign manufacturing, a use that is non-conforming in all districts except IH.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. For consistency with other proposed zoning in the vicinity, these properties should be zoned IX-3 w/SHOD-2, with the exception of 2810 Yonkers Road, which should be zoned IH w/SHOD-2.

Items deferred or remaining from previous agendas:

195.	<i>Address:</i> 10310 Moncreiffe Rd
	<i>PIN:</i> 0768128681
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 218 / PC-0029
	<i>Existing Zoning:</i> CUD TD
	<i>Current Use:</i> Retail Sales, Eating Establishment, Grocery
	<i>Proposed Zoning:</i> CX-3-PK
	<i>Requested Zoning:</i> CX-5-PL
	<i>Future Land Use Designation:</i> Regional Mixed Use
	<i>Area Plan Guidance:</i> Brier Creek Village Center Plan
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor Frontage on Main Street

The property owner requests greater height and alternate frontage designation. 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. Parkway frontage was recommended for the parcel in response to existing TD zoning and Urban Form Map designation of Brier Creek Parkway as a Parkway Corridor. 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. Note that the parcel is located in a City Growth Center and also has frontage on Bruckhaus St which is designated as a Main Street on the Urban Form Map; policy that would suggest a Parking Limited frontage.

Planning Commission discussed this item at the March 17th work session and recommended split-zoning the property with respect to frontage. A diagram is available in your packet to demonstrate what this might look like. Parkway frontage would remain on portions of the property that front on designated parkway corridors, Lumley Rd and Brier Creek Pkwy, with Parking Limited frontage applied on the interior lot that fronts on Bruckhaus St and Rink Rd.

Recommendation: Further discussion.

201.	<i>Address:</i>	4325 & 4601 Glenwood Ave; 4530 & 4550 Creedmoor Rd
	<i>PIN:</i>	0796502569, 0796418378; 0796412584, 0796415629
	<i>CAC:</i>	Northwest
	<i>Change Request/Comment ID:</i>	230 / PC-0064 thru -0067
	<i>Existing Zoning:</i>	SC
	<i>Current Use:</i>	Retail Sales, Eating Establishment, Vehicle Service
	<i>Proposed Zoning:</i>	CX-12-UL
	<i>Requested Zoning:</i>	CX-12
	<i>Future Land Use Designation:</i>	Regional Mixed Use
	<i>Area Plan Guidance:</i>	Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i>	City Growth Center Frontage on Urban Thoroughfares Frontage on Transit Emphasis Corridor

The property owner is concerned that current development on the site does not satisfy the development standards of the UL frontage, that property would be made non-conforming by application of frontage, and that it would be difficult to improvement or expand to the frontage standards. 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.

For consistency, the decision made for the above properties should be applied to these proximate properties:

Parcel Identification Number	Address
0795691533	0 Blue Ridge Rd
0795690454	4121 Blue Ridge Rd
0796404276	4601 Crabtree Valley Ave
0796603157	4313 Glenwood Ave
0796602226	4325 Glenwood Ave

Recommendation: Defer to a future work session to allow continued discussion between staff and the commenter.

215.	<i>Address:</i> 7601 Glenwood Ave
	<i>PIN:</i> 0787212125
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 41 / GEN-0307
	<i>Existing Zoning:</i> TD
	<i>Current Use:</i> Vehicle Sales
	<i>Proposed Zoning:</i> CX-3-PK
	<i>Requested Zoning:</i> CX-5
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> US 70 Corridor Plan
	<i>Urban Form Designation:</i> N/A

The property owner requests greater height designation. 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.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned CX-3-PK.

218.	<i>Address:</i> 8750 Barefoot Industrial Rd
	<i>PIN:</i> 0777586532
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 75 / WEB-13442
	<i>Existing Zoning:</i> CUD NB
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> CX-3-CU
	<i>Requested Zoning:</i> RX-3-CU
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commenter (not the property owner) requests more restrictive zoning. Staff considered CX and NX zoning for this site as it has retail entitlements. CX zoning was recommended to advance realization of the Future Land Use Map since conditions to be carried forward prohibit many of the most intense uses allowed in the district.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned CX-3-CU.

219.	<i>Address:</i>	Aquinas Ave, Bessborough Dr, Caversham Way, Ladbroke St, Marleybone Dr, Terregles Dr, Water Willow Dr; 3351 Shady Grove Rd
	<i>PIN:</i>	All PINs; 0779008130
	<i>CAC:</i>	Northwest
	<i>Change Request/Comment ID:</i>	84 / WEB-20179
	<i>Existing Zoning:</i>	CUD O&I-1 (part –AOD)
	<i>Current Use:</i>	Single-Unit Living
	<i>Proposed Zoning:</i>	OX-3-CU (part –AOD)
	<i>Requested Zoning:</i>	R-4
	<i>Future Land Use Designation:</i>	Low Density Residential
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	N/A

The commenter, one of several property owners of the area in question, requests residential zoning. Residential use is prohibited on the portion of the property subject to the Airport Overlay District. While a large portion of the area included in this conditional use zoning case has been developed for residential use, a portion remains undeveloped. Conditions associated with the case specify limited office use. OX- zoning is proposed to preserve the office entitlements.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned OX-3-CU (part –AOD).

220.	<i>Address:</i>	11700 / 11710 New Leesville Blvd
	<i>PIN:</i>	0779605493, 0779604458
	<i>CAC:</i>	Northwest
	<i>Change Request/Comment ID:</i>	123 / GEN-0481, -0504; WEB-38100
	<i>Existing Zoning:</i>	CUD SC
	<i>Current Use:</i>	Vehicle Fuel Sales
	<i>Proposed Zoning:</i>	CX-3-CU
	<i>Requested Zoning:</i>	Unclear
	<i>Future Land Use Designation:</i>	Neighborhood Mixed Use
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	N/A

Six comments from five individuals (not owners of the property in question) expressed concern about the proposed zoning for this property. CX- base district zoning was proposed as a direct translation of existing SC zoning. The conditions are proposed to be carried forward.

Recommendation: While inconsistent with the Future Land Use Map, it would be reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned CX-3-CU.

221.	<i>Address:</i>	3801 Hillsborough St
	<i>PIN:</i>	0794243022
	<i>CAC:</i>	Wade
	<i>Change Request/Comment ID:</i>	39 / GEN-0305
	<i>Existing Zoning:</i>	IND-2 w/SRPOD
	<i>Current Use:</i>	Eating Establishment
	<i>Proposed Zoning:</i>	NX-3-PL w/SRPOD
	<i>Requested Zoning:</i>	NX-5 w/SRPOD
	<i>Future Land Use Designation:</i>	Neighborhood Mixed Use
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

The property owner requests greater height designation. 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.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned NX-3-PL w/SRPOD.

223.	<i>Address:</i>	20, 101, 104-108, & 110-113 Turner St; 3415 Hillsborough St; 407 Gorman St
	<i>PIN:</i>	0794338124, 0794337020, 0794337187, 0794336065, 0794337241, 0794336009, 0794337203, 0794336266, 0794335143, 0794336229, 0794335107; 0794337401; 0794335496
	<i>CAC:</i>	Wade
	<i>Change Request/Comment ID:</i>	87 / WEB-20823
	<i>Existing Zoning:</i>	IND-2 w/SRPOD
	<i>Current Use:</i>	Single-Unit Living, Two-Unit Living, Office, Vacant
	<i>Proposed Zoning:</i>	NX-3 w/SRPOD and NX-3-UL w/SRPOD
	<i>Requested Zoning:</i>	NX-12
	<i>Future Land Use Designation:</i>	Neighborhood Mixed Use
	<i>Area Plan Guidance:</i>	Cameron Village and Hillsborough Street Small Area Plans (Under Study)
	<i>Urban Form Designation:</i>	Mixed-Use Center Frontage On Urban Thoroughfare Within Half-Mile Transit Buffer

The commenter, one of several property owners of the area in question, requests greater height designation. There is no specific policy guidance, nor is there existing context 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned NX-3 w/SRPOD and NX-3-UL w/SRPOD.

224.	<i>Address:</i>	0, 2209, 2211, & 2301 Everett Ave; 501, 503, & 505 Oberlin Rd; 2204, 2206, 2208, & 2302 Stafford Ave
	<i>PIN:</i>	0794937185, 0794938125, 0794937135, 0794936184, 0794936104; 0794928863, 0794928879, 0794937042; 0794927847, 0794927807, 0794926827, 0794925857
	<i>CAC:</i>	Wade
	<i>Change Request/Comment ID:</i>	95 / WEB-32002
	<i>Existing Zoning:</i>	O&I-1 w/SRPOD (part NCOD)
	<i>Current Use:</i>	Single-Unit Living, Multi-Unit Living, Office
	<i>Proposed Zoning:</i>	OX-3 & OX-3-UL w/SRPOD (part NCOD)
	<i>Requested Zoning:</i>	NX-5 & NX-5-UL w/SRPOD (part NCOD)
	<i>Future Land Use Designation:</i>	Neighborhood Mixed Use
	<i>Area Plan Guidance:</i>	Wade/Oberlin Small Area Plan Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i>	Frontage on Main Street Frontage on Transit Emphasis Corridor

The commenter, not the property owner, requests NX-5 zoning instead of OX-3. OX- zoning was proposed as the base district for these properties as it is the closest comparative district to the existing O&I-1 zoning. There is no specific policy guidance, nor is there existing context 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned OX-3 & OX-3-UL w/SRPOD (part NCOD).

225.	<i>Address:</i>	601, 609, 611, 615, 617, 619, 625,&629 Oberlin Rd; 614, 620, & 622 Tower St
	<i>PIN:</i>	0794938323, 0794938449, 0794938491, 0794938568, 0794938657, 0794939743, 0794938891, 0794939962; 0794937545, 0794937792, 0794937758
	<i>CAC:</i>	Wade
	<i>Change Request/Comment ID:</i>	98 / WEB-32322, -36178
	<i>Existing Zoning:</i>	O&I-1 w/SRPOD
	<i>Current Use:</i>	Office
	<i>Proposed Zoning:</i>	OX-3 & OX-3-UL w/SRPOD
	<i>Requested Zoning:</i>	NX-5 / OX-5
	<i>Future Land Use Designation:</i>	Office & Residential Mixed Use
	<i>Area Plan Guidance:</i>	Wade/Oberlin Small Area Plan Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i>	Part Frontage on Main Street Frontage on Transit Emphasis Corridor

The commenter, not the property owner, requests NX-5 zoning instead of OX-3. OX- zoning was proposed as the base district for these properties as it is the closest comparative district to the existing O&I-1 zoning. There is no specific policy guidance, nor is there existing context 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned OX-3 & OX-3-UL w/SRPOD.

226.

<i>Address:</i>	103, 106, 113, 115, 117, 119, 123, 125, 191, 201, 203, 204, 206, 208, 210, 216, & 220 Chamberlain St; 2305, 2307, 2403, 2405, & 2407 Clark Ave; 6, 10, 12, 14, 15, 16, 17, 21, 25, 29, & 101 Enterprise St; 2204, 2205, 2208, 2209, 2216, & 2217 Garden Pl; 0 Ferndell Ln; 0, 2206, 2207, 2208, 2209, 2210, & 2212 Hope St; 16, 18, 100, 106, 108, 114, & 118 Horne St; 102, 104, & 106 Logan Ct; 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, & 20 Maiden Ln; 219 Oberlin Rd
<i>PIN:</i>	0794817914, 0794910915, 0794828023, 0794829100, 0794829143, 0794829186, 0794920129, 0794920262, 0794920295, 0794921239, 0794921394, 0794921068, 0794922102, 0794922146, 0794922253, 0794923363, 0794923368; 0794925305, 0794924356, 0794920367, 0794829385, 0794829324; 0794917624, 0794917724, 0794917820, 0794917835, 0794915886, 0794917934, 0794915980, 0794915986, 0794925082, 0794925088, 0794925270; 0794924283, 0794924085, 0794924214, 0794924015, 0794923222, 0794923026; 1704012515; 0794912950, 0794915901, 0794914755, 0794914952, 0794914705, 0794914902, 0794913922; 0794825070, 0794826016, 0794826182, 0794827158, 0794828202, 0794828245, 0794828390; 0794911970, 0794912907, 0794921093; 1704010469, 1704010578, 0794918631, 0794919677, 0794918635, 0794919773, 0794918730, 0794918734, 0794919779, 0794918738, 0794918815, 0794919885, 0794918964; 0794919981
<i>CAC:</i>	Wade
<i>Change Request/Comment ID:</i>	99 / WEB-32642
<i>Existing Zoning:</i>	R-20 w/SRPOD
<i>Current Use:</i>	Single-Unit Living, Two-Unit Living, Multi-Unit Living, Church, Fraternity
<i>Proposed Zoning:</i>	RX-3 w/SRPOD
<i>Requested Zoning:</i>	RX-5 w/SRPOD
<i>Future Land Use Designation:</i>	Moderate Density Residential
<i>Area Plan Guidance:</i>	Cameron Village & Hillsborough Street Small Area Plan (Under Study)
<i>Urban Form Designation:</i>	Within Half-Mile Transit Buffer

The commenter, not the property owner, requests greater height designation. 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: Comments from the property owner of 2 and 4 Maiden Lane were discussed on February 3, 2015 and the Planning Commission voted to recommend OX-3 w/SRPOD to continue the currently allowed and established use of the site as a Commercial Parking Facility. For the balance of the properties, it would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned RX-3 w/SRPOD.

227.	<i>Address:</i> Hillsborough Street (Brooks to Logan)
	<i>PIN:</i> Various
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 100 / WEB-32658
	<i>Existing Zoning:</i> NB & CUD SC w/PBOD & SRPOD
	<i>Current Use:</i> Commercial
	<i>Proposed Zoning:</i> NX-4-SH & NX-4-SH-CU
	<i>Requested Zoning:</i> NX-5+
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Frontage on Main Street Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

The commenter, not the property owner, requests greater height designation. 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: No action.

228.	<i>Address:</i> 1437 Chester Rd
	<i>PIN:</i> 1704077846
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 111 / WEB-35202
	<i>Existing Zoning:</i> R-4
	<i>Current Use:</i> Single-Unit Living
	<i>Proposed Zoning:</i> R-4
	<i>Requested Zoning:</i> R-6
	<i>Future Land Use Designation:</i> Low Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commenter requests R-6 instead of R-4 zoning. 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 action.

229.	<i>Address:</i> 2604 Hillsborough St
	<i>PIN:</i> 0794728039
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 134 / GEN-0503
	<i>Existing Zoning:</i> NB w/PBOD & SRPOD
	<i>Current Use:</i> Multi-Unit Living, Eating Establishment
	<i>Proposed Zoning:</i> NX-4-SH w/SRPOD
	<i>Requested Zoning:</i> NX-5-GR w/SRPOD
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Frontage on Main Street Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

The property owner requests greater height and an alternate frontage designation. 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. NX-4-SH w/SRPOD

230.	<i>Address:</i> Hillsborough Street (Oberlin to Furches)
	<i>PIN:</i> Various
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 153 / GEN-0531
	<i>Existing Zoning:</i> Various
	<i>Current Use:</i> Commercial
	<i>Proposed Zoning:</i> NX/OX/CX
	<i>Requested Zoning:</i> CX-
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Frontage on Main Street Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

The commenter, one of several property owners of the area in question, requests greater use entitlements. Base district recommendations were made on a combination of considerations, including existing use, zoning entitlements, and Future Land Use Map designations.

Recommendation: No action.

239.	<i>Address:</i> 2 Dixie Trl; 2912 Hillsborough St
	<i>PIN:</i> 0794621594, 0794621486
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 253 / PC-0096 & -0097
	<i>Existing Zoning:</i> NB w/PBOD & SRPOD, R-6
	<i>Current Use:</i> Vehicle Service; Retail Sales
	<i>Proposed Zoning:</i> NX-4-SH / NX-3
	<i>Requested Zoning:</i> NX-5-SH
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor Frontage on Main Street Within Half-Mile Transit Buffer

The property owners request greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than the staff proposed 3 and 4 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. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year, offering specific policy guidance on height.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property at 2 Dixie Trail should be zoned NX-3. The property at 2912 Hillsborough Street should be zoned NX-4-SH.

249.	<i>Address:</i> 3900 Electronics Dr
	<i>PIN:</i> 1715781482
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 252 / PC-0095
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Manufacturing / Office Currently appears Vacant with Outdoor Storage
	<i>Proposed Zoning:</i> IH
	<i>Requested Zoning:</i> CX-5-PL
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Transit Oriented District Frontage on Urban Thoroughfares Within Half-Mile Transit Buffer

The property owner requests CX-5-PL instead of IH zoning. Staff considered IX, IH, or CX zoning for this site. IX or IH would be the closest comparative districts to the existing zoning. Given the most recent use of the site for manufacturing, staff recommended IH zoning to avoid the creation of any non-conformity. Staff agrees with the request for CX, as this zoning would advance implementation of the Future Land Use Map. However, there is no specific policy guidance that would suggest height greater than 3 stories.

Recommendation: Further discussion

250.	<i>Address:</i> 2000 Progress Ct
	<i>PIN:</i> 1714196735
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 236 / PC-0070
	<i>Existing Zoning:</i> R-10 & IND-2
	<i>Current Use:</i> Parking, Outdoor Storage
	<i>Proposed Zoning:</i> R-10 & IX-3
	<i>Requested Zoning:</i> IX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests the entire parcel be rezoned to IX-3. The property is currently split zoned with the majority of the site zoned R-10. A smaller portion of the site to the east is zoned IND-2. Staff has proposed rezoning the IND-2 portion to IX-3 and keeping the R-10 as is. The Future Land Use Map identifies the property as Medium Density Residential.

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 disagrees with the request.

Recommendation: While inconsistent with the Future Land Use Map, it would be reasonable and in the public to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned R-10 and IX-3.

263.	<i>Address:</i> 1526 Tryon Rd
	<i>PIN:</i> 0792937871
	<i>CAC:</i> Southwest
	<i>Change Request/Comment ID:</i> 235 / PC-0069
	<i>Existing Zoning:</i> O&I-1 w/SRPOD
	<i>Current Use:</i> Fraternity
	<i>Proposed Zoning:</i> RX-3 w/SRPOD
	<i>Requested Zoning:</i> OX-4 w/SRPOD
	<i>Future Land Use Designation:</i> Institutional
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests OX-4 w/ SRPOD instead of RX-3 w/ SRPOD. In making its determination, Staff chose RX-3 since the RX district allows fraternity houses as a permitted use. As the current zoning is O&I-1, a rezoning to OX would also provide a comparative district in the UDO.

Though Staff agrees that OX is an acceptable base district, it does not feel 4 stories is an appropriate height designation. There is no policy guidance or existing context to suggest additional height for the property. In addition, the property is a Raleigh Historic Landmark, a designation which would limit redevelopment of the site.

Recommendation: Further discussion.

264.	<i>Address:</i> 600 Mercury St
	<i>PIN:</i> 1703224730
	<i>CAC:</i> Southwest
	<i>Change Request/Comment ID:</i> 237 / PC-0072
	<i>Existing Zoning:</i> R-6 & IND-2
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> IX-3
	<i>Requested Zoning:</i> R-6
	<i>Future Land Use Designation:</i> Low Density Residential
	<i>Area Plan Guidance:</i> Southern Gateway Corridor Study (Under Study)
	<i>Urban Form Designation:</i> N/A

The property is located on the north side of Mercury Street east of Lake Wheeler Road. In addition to Mercury Street the lot also has frontage on Daladams Street to the north. The property is split zoned, with the majority IND-2. A small portion of the site fronting on Daladams Street is zoned R-6. Staff proposed zoning the entire parcel to IX-3 to remedy the split zoning.

The property owner requests the property remain split zoned, retaining R-6 zoning for a portion fronting on Daladams Street, in order to develop this portion of the site in accordance with R-6 standards. The property owner proposes a split different than that of the existing zoning.

Staff feels that the request to retain some R-6 zoning along Daladams Street has merit, as the original subdivision lot lines indicate residential lots were intended for this part of the site. Staff has concerns though that the property owner's proposed split zoning line could create a non-conforming lot. Staff recommends deferring this item in order for Staff and the property owner's representative to further explore an optimal location for the split.

Recommendation: Defer the item to a future agenda.

267.	<i>Address:</i> 4110 & 4200 Trinity Rd
	<i>PIN:</i> 0784569220, 0784565495
	<i>CAC:</i> West
	<i>Change Request/Comment ID:</i> 248 / PC-0087 & -0088
	<i>Existing Zoning:</i> CUD O&I-2 w/SHOD-1
	<i>Current Use:</i> Single-Unit Living, Vacant
	<i>Proposed Zoning:</i> OX-12-GR-CU w/SHOD-1
	<i>Requested Zoning:</i> CX-12-CU
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> Blue Ridge Corridor Study
	<i>Urban Form Designation:</i> City Growth Center Frontage on Urban Thoroughfare Part Within Half-Mile Transit Buffer

The property owner requests a change to CX-12-CU instead of OX-12-GR-CU w/SHOD-1. The property owner requests CX zoning to preserve the currently allowed, but as yet not established use of hotel. Hotel is a special use in the OX district. The frontage recommendation was made in response to parcel frontage on an Urban Thoroughfare. SHOD-1 designations are not proposed to change as part of the citywide remapping effort.

Recommendation: Further discussion.

Sink & Potter, LLP
Attorneys at Law
1020 Washington Street
Raleigh, N.C. 27605

PC-0117--2512-2610 Yonkers Rd.pdf
Received 2/6/15

Henry H. Sink (1918-1989)
Henry H. Sink, Jr.
William H. Potter, Jr.

Mailing Address
P. O. Box 12197
Raleigh, NC 27605

Area Code 919
Telephone 828-0684
Fax 828-5386

February 4, 2015

Remapping Raleigh
City of Raleigh Planning Commission
P.O. Box 590
Raleigh, NC 27602

Re: 2512/2610 Yonkers Road: Proposed Rezoning Map

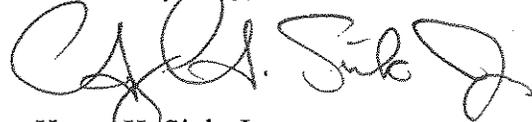
Gentlemen:

In my capacity as Co-Trustee for the Thomas A. Williams Trust and the Richard A. Williams Trust and the John A. Williams, Jr. Revocable Trust, I am the owner of the property located at 2512-2610 Yonkers Road, which is presently leased to ProBuild. I note that the proposed rezoning map indicates a proposed zoning for this property of IH (Heavy Industrial) with SHOD-2 Overlay.

I am of the opinion that there is a clear mismatch between the existing land use and the proposed rezoning. I believe the property is currently being used for retail sales, distribution, as well as manufacturing, with office. At the very least, I believe that the current retail sales on the property would not be permitted under the proposed rezoning classification. I request that any rezoning not render this property nonconforming.

Thank you for your consideration.

Yours very truly,



Henry H. Sink, Jr.
For the Firm

HHSJr/bsm

AMERICAN ASSET CORPORATION

7990 Arco Corporate Drive
Suite 119
Raleigh, North Carolina 27617

Telephone: 919-821-2700
Facsimile: 919-755-2200
Internet: www.aacosa.com

December 15, 2014

Bynum Walter
Department of City Planning & Development
One Exchange Plaza, Suite 304
Raleigh, NC 27601

Re: Remapping for:

-0029	10310 Moncreiffe Road (0768-12-8681)	7980 Arco Corporate Drive (0768-55-5829)	-0039
-0030	10370 Lumley Road (0768-23-3280)	7990 Arco Corporate Drive (0768-55-7740)	-0040
-0031	0 Brier Creek Parkway (0768-43-1808)	8010 Arco Corporate Drive (0768-55-3790)	-0041
-0032	8331 Brier Creek Pkwy (0768-44-0719)	8020 Arco Corporate Drive (0768-55-1384)	-0042
-0033	8115 Brier Creek Pkwy (0768-46-0198)	8030 Arco Corporate Drive (0768-44-5641)	-0047
-0034	8161 Brier Creek Pkwy (0768-45-4921)	8040 Arco Corporate Drive (0768-54-0402)	-0048
-0035	8341 Brier Creek Pkwy (0768-35-6389)	8045 Arco Corporate Drive (0768-64-2550)	-0043
-0036	8801 Brier Creek Pkwy (0768-23-9018)	8051 Arco Corporate Drive (0768-54-7190)	-0044
-0037	8011 Brier Creek Pkwy (0768-46-4394)	8080 Arco Corporate Drive (0768-43-5332)	-0045
-0038	8121 Brier Creek Pkwy (0768-36-9074)	8081 Arco Corporate Drive (0768-53-1315)	-0046

Dear Ms. Walter:

On behalf of the owner(s) of the above referenced properties, we are submitting this letter in response to the City's proposed rezoning designations for the properties.

The property located at 10310 Moncreiffe Rd is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property CX-3-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and the height designation. The owner requests that this property be rezoned to CX-5-PL, which would permit up to five stories in height. The five story height request is consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center. Also, the owner requests the frontage to be rezoned as PL given the mixed-use designation for the property, its location in the core of a regional growth center, the surrounding infrastructure and is compatible with the surrounding zoning, notably the adjacent Brier Creek Village Center (MP-2-04) planned development district (PDD) which allows for reduced setbacks with development closer to the street.

PC-0029

The properties located at 10370 Lumley Road, 0 Brier Creek Parkway, 8331 Brier Creek Pkwy, 8115 Brier Creek Pkwy, 8161 Brier Creek Pkwy, 8341 Brier Creek Pkwy, 8801 Brier Creek Pkwy, 8011 Brier Creek Pkwy and 8121 Brier Creek Pkwy are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property as CX-5-PK. The owner agrees with the proposed CX district and height designation, but disagrees with the PK Frontage type. The owner requests that this property be rezoned with a PL frontage designation which is consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center and is compatible with surrounding zoning, uses and infrastructure.

PC-0030
through
PC-0038

The properties located at 7980 and 7990 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property as CX-5-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and the height designation. The owner requests that this property be rezoned to CX-7-PL, which would permit up to seven stories in Height. The seven story height request and request for PL frontage is consistent with the Comprehensive

PC-0039
and
PC-0040

Plan guidance for this property located within the core of a regional growth center and is compatible with surrounding zoning, uses and infrastructure.

The properties located at 8010 Arco Corporate Drive and 8020 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone these properties as CX-5-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and the height designation. The owner requests that this property be rezoned to CX-7-PL, which would permit up to seven stories in Height. The seven story height request and request for PL frontage is consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center and is compatible with surrounding zoning, uses and infrastructure.

PC-0041
and
PC-0042

The properties located at 8045 Arco Corporate Drive, 8051 Arco Corporate Drive, 8080 Arco Corporate Drive and 8081 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone the properties as OP-5-PK. The owner disagrees with these proposals, and requests that the City rezone these properties OX-7-PL. The OX district is the most appropriate district for these properties based on current zoning entitlements, and is compatible with surrounding zoning, uses and infrastructure. Similarly, the seven story height and frontage requests are consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center and are compatible with surrounding zoning, uses and infrastructure.

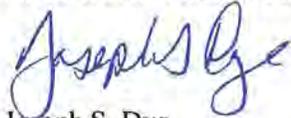
PC-0043
through
PC-0046

The properties located at 8030 Arco Corporate Drive and 8040 Arco Corporate Drive are currently zoned as a planned development district (PDD) via matters MP-2-11|Z-16-11. With this, our understanding is that these properties will remain with the entitlements set forth for each referenced matter.

PC-0047
and
PC-0048

Please do not hesitate to contact me with any questions or comments. I can be reached at 919.821.2700 or by email at jdye@aacusa.com.

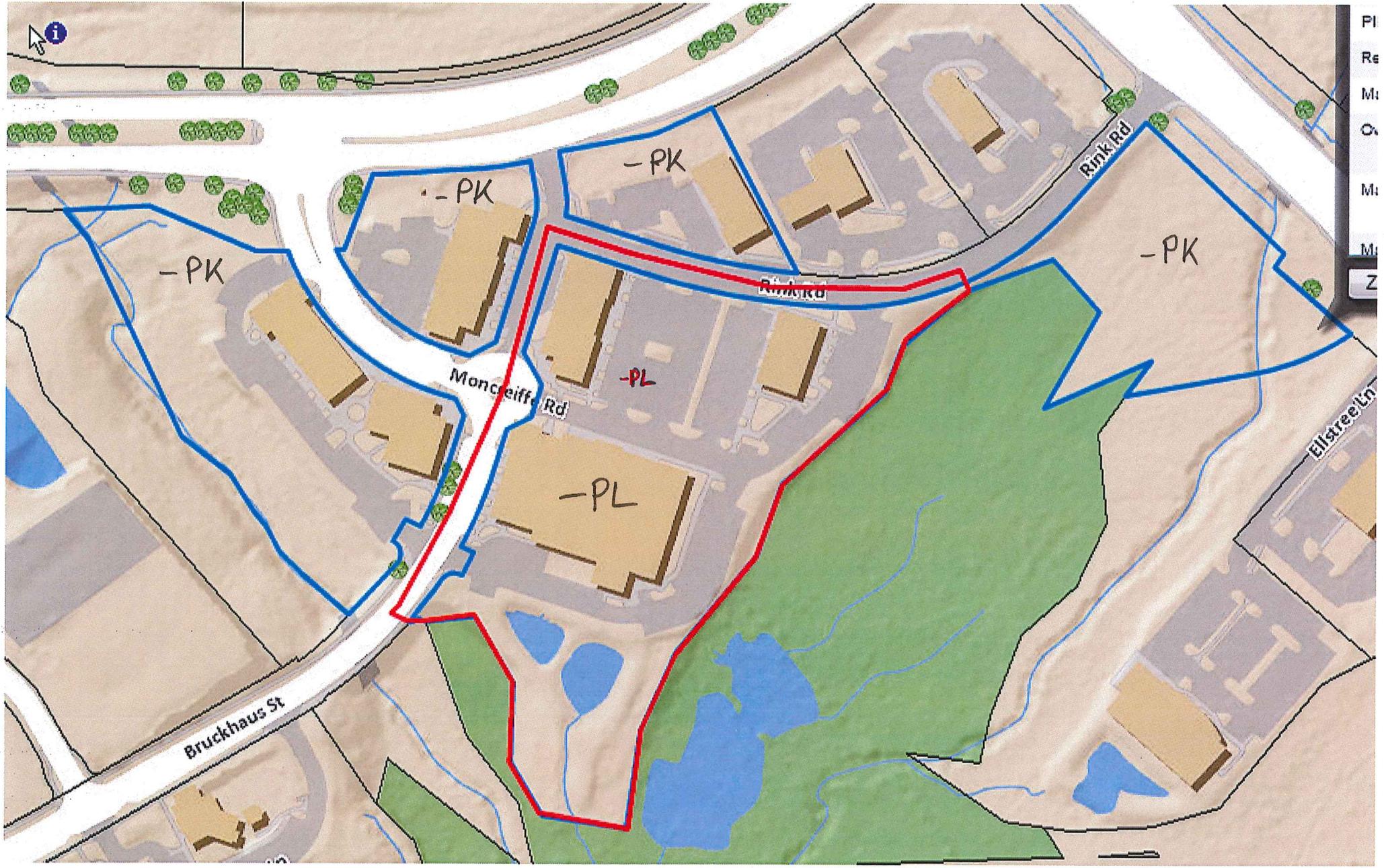
Very truly yours,
AMERICAN ASSET CORPORATION



Joseph S. Dye
Executive Vice President

#19510310 Monceiffe Rd

PIN 0768128681



ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 19, 2015

Mr. Steve Schuster, Chairman
Raleigh Planning Commission
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
One Exchange Plaza, Suite 300
Raleigh, NC 27601

Re: Crabtree Valley Mall, 4325 Glenwood Avenue
PIN 0796502569 and PIN 0796415629
Macy's Store PIN 0796412584
Sears Store PIN 0796418378

Dear Chairman Schuster:

As counsel for CVM Holdings, LLC, owner or operator of the above described properties, I write to convey our concerns about the proposed remapping for this property.

The proposed rezoning is CX-12-UL. The Urban Limited Frontage designation is problematic in that it precludes parking areas between the building(s) and public street. This designation does not accommodate the existing mall in its current configuration or its future expansion.

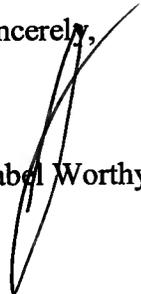
The Crabtree Valley Mall dominates its block on Glenwood and it is hard to imagine a situation where the Mall or other properties in this area are constructed and operated in a way which is consistent with the Urban Limited Frontage. The Crabtree Valley Mall is not a dilapidated shopping mall in need of redevelopment in accordance with the mandates of the Urban Limited Frontage. It is one of the most successful malls in the Southeast and in the top 5% of malls in the USA based on sales per square foot as well as the most highly valued (assessed value) parcel in Wake County. In order to stay vibrant and viable Crabtree needs to be able to nimbly adapt and adjust to market trends without having to address this Urban Limited Frontage zoning classification, which in this instance is both inappropriate and onerous.

We also note that sites of the Macy's store and Sears store owned by The May Department Stores Co. (PIN 0796412584) and U.S. Bank Trust National Association (PIN 0796418378), respectively, but operated as a part of Crabtree Valley Mall, also have the proposed Urban Limited Frontage rezoning. Because these properties are connected to the shopping mall and are operated according to the terms of a Reciprocal Easement Agreement between the parties, we register our objection to the UL designation for these properties as well.

We request that you reconsider the proposed zoning and revise it to CX-12.

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

Sincerely,



Isabel Worthy Mattox

cc: Mr. Rick Rowe
Mr. Neil Rudolph
Mr. Thomas C. Worth, Jr.

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]

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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

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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: 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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Property Description	Street Address	City	State	Owned or Managed	original zoning	new zoning	recommended zoning
Beta Center	5151 and 5171 Glenwood Ave	Raleigh,	NC	Managed	O&I-1	OX-3-PK	OX-7
North State Bank	6204 Falls of Neuse Rd.	Raleigh,	NC	Managed	SC	CX-3-PL	CX-6
Royal Bakery	3801 Hillsborough St.	Raleigh,	NC	Managed	IND-2	NX-3-PL	NX-5
616 Oberlin	616 Oberlin Rd.	Raleigh,	NC	Owned	CUD O&I-2	OX-5-UG-CU	OX-6
Auction Direct USA	7601 Glenwood Ave.	Raleigh,	NC	Owned	TD	CX-3-PK	CX-5
Oberlin Place	702 Oberlin Rd.	Raleigh,	NC	Owned	O&I-1	OX-4-UL	OX-6

From: mmcguire002@nc.rr.com
To: [Rezoning](#)
Cc: mmcguire002@nc.rr.com
Subject: 11700 New Leesville Road
Date: Monday, September 29, 2014 11:23:55 AM

Hello,

I wish to express a few concerns regarding the rezoning of the property which is currently the Circle K gas station, located at 11700 New Leesville Road.

LAND ELEVATION

What is the elevation of this property? Is it adequate enough to support the rezoning of the parcel, to support a three story structure?

DRAINAGE

There currently exists a minor flooding problem just before the intersection of Leesville Road into New Leesville Road which has existed for 20 years, since I moved into this neighborhood. Will that be addressed and fixed prior to rezoning? Our neighbors on Stannary Place have been living with damage to their homes and property since the land behind them was rezoned for multiple homes. The builder, along with the city has chosen to just ignore this problem. I recently installed a dry creek bed on my property to resolve a minor drainage problem that has only recently developed. I do not wish to have my minor drainage problem develop into a flooding problem such as the one my neighbors are currently dealing with today and also to be ignored by the city. The residents of Harrington Grove do not need another eyesore created via rezoning, which will devalue our homes.

TRAFFIC

What plans are in place for upgrading the traffic flow to accomdate the additional traffic generated by the new residents and retail customers? Hickory Grove Church Road is a single lane with a traffic light. This is currently a very busy intersection during morning travel. Exiting onto New Leesville Road will require all drivers to make a U-turn at the Radner/North Radner intersection increasing the morning congrestion at this intersection.

NOISE POLLUTION

There is more than enough noise today from the garbage trucks (sometimes at 4am), the oil tankers delivering oil, and the cars with music so loud that it vibrates the windows in my home. The orignal windows in the home were replaced within the last 7 years. The rezoning of ths property will only add to the noise pollution problem. I bought my home in Harrington Grove because it was a QUIET residential neighborhood.

Thank you for your time.

Sincerely,

Maureen McGuire
11700 Stannary Place
Raleigh, NC 27613
(919) 846-8382
Raleigh, NC 27613

From: [Jim Zanoni](#)
To: [Rezoning](#)
Subject: 2604 Hillsborough / UDO Zoning & Height Designation
Date: Tuesday, September 30, 2014 3:27:51 PM

This property should be designated NX-5-GR. Hillsborough Street is a Priority Transit Corridor per Map T-2 of the Comprehensive Plan. Thus and also, per page 36, properties along Hillsborough Street are in a Core/Transit Area and per Table LU-2 Core/Transit Area height ranges from Min of 2 to max. of 5 stories for the NX designation. Five (5) is the appropriate story height to allow for 1 level of concealed parking with active uses along the street for that level (below grade is cost prohibitive and unrealistic for moderate mixed use developments of 5 stories) and 4 levels of active uses above. This property sits directly across from the main campus library and student cafeteria of NC State University. If density such as 5 stories on one of the few Priority Transit Corridors in Raleigh, especially directly across the street from the approx. 35,000 student North Carolina State University is not appropriate, where is it appropriate? Thank you for your consideration in this matter.

Jim Zanoni
jim@fmwrealestate.com

PS We recently completed the 2604 4-story mixed-use student housing project with street level coffee shop and containing no parking, which won the 2014 Sir Walter Raleigh award for best residential development. Sadly and mystifyingly, we could not redevelop / replicate that project on this site under the UDO due to the Transitional Protective Yard requirements, which I believe is an unintended and very unfortunate consequence, especially for such key corridor yet smaller in depth lots such as these,

From: [Cary Joshi](#)
To: [Rezoning](#)
Subject: UDO Comments
Date: Tuesday, September 30, 2014 10:23:58 PM
Attachments: [CAC presentation on remapping.pdf](#)

Here are a couple comments on the UDO remapping for Hillsborough Street:

(1) Comment One - Proposed remapping conflicts with its own guidelines
In February 2014, city staff made a presentation titled "Remapping Raleigh" (attached for your convenience). The presentation outlines the guiding principles on slide 9. The first two are:

- (a) "maintain or enhance the existing property value"
- (b) "avoid putting land uses in districts where they are not permitted"

The remapping of properties from NB (Neighborhood Business) to NX-4 conflicts with both statements since the property owners permitted uses under NX-4 are more restrictive than the existing NB. An example of such a use is that bars and nightclubs are permitted under NB, but not under NX.

(2) Comment Two - Uniformity.

Classifying all of the area between Dixie Trail and Oberlin along Hillsborough as NX, but distinguishing North Hall as RX, Aloft Hotel as CX, and a small strip center as CX conflicts with the last point from the above presentation found on slide 9; it creates issues with context, since the intensity and use can be jarring from adjacent properties.

It would appear that a uniform remapping to CX would be more appropriate, predictable, consistent, and create a better user experience.

(3) Comment Three: CX is better fit than NX.

- (a) All of the uses currently permitted under NB are permitted under CX.

(4) Comment Four: CX Designation for Hillsborough street is consistent with the 2030 Comprehensive Plan and its authors(everyone) intent. On page 33 and 34 of the Comprehensive Plan is the definition of mixed use categories. The definition of CX is as follows: "...CX is the primary corresponding zoning district for these areas. Appropriate urban form standards for frontage should be applied, recognizing that some of the designated areas are established neighborhood "main streets" and others are suburban auto-oriented shopping plazas or strip centers fronting on high-volume arterial roadways."

Main Streets

If you review the 2030 Comprehensive Plan revisions, the term "main streets" was specifically removed from the NX category definition and placed in the CX definition. This modification appears is a result of deliberate discussion and deliberate action on part of the staff and council.

If you review the legend in the Urban Form Map, you will notice the definition of the term "main street." The definition specifically calls out Hillsborough Street as the only existing "Main Street"

which appears to indicate that the authors

Lastly, if you read the definition of NX in the 2030 Comprehensive Plan on Page 33, it is clear that Hillsborough Street (between Oberlin and Dixie Trail) do not meet the definition. The definition of NX more aptly describes grocery anchored neighborhood shopping center dotted all across Raleigh.

(5) Comment Five. Land Use matches CX

The 2008 Bid Formation Report completed by Downtown Professional Network describes the uses and target market (or users/consumers) for Hillsborough Street. The commercial properties principally serve NC State faculty, staff, and students from all parts of Raleigh. This stretch of Hillsborough Street between Dixie Trail and Oberlin is more than a neighborhood center. This piece of roadway broadly appeals to the entire city of Raleigh, the State, and country as a front door to NC State.

(a) Almost every marathon highlights Hillsborough Street and NC State campus in their courses. Hillsborough Street is most often, the longest stretch of city roadway used by these races.

(b) Packapoolaza is now one of Raleigh's largest events.

From: [Alley, Elizabeth](#)
To: [Cary Joshi \(caryjoshi@gmail.com\)](mailto:Cary.Joshi@gmail.com)
Cc: [Rezoning](#)
Subject: RE: UDO comment GEN-0531
Date: Monday, October 06, 2014 3:02:13 PM

Cary

I wanted to follow up with you regarding your UDO comments on Hillsborough Street. Staff met today and determined that they do not support the map changes that you have requested, as the proposed NX category is consistent with Future Land Use Map guidance and creates no nonconformities. Please note that the upcoming Hillsborough Street/Cameron Village area study will be examining appropriate height and use designations in this area in detail, and I hope that you will be an active participant in that initiative.

Thank you,
Elizabeth

Elizabeth Alley, AICP
Urban Designer + Planner
Raleigh Urban Design Center
An Office of the Planning & Development Department
220 Fayetteville Street, Suite 200 Raleigh, NC 27601
919.996.4639
Elizabeth.Alley@raleighnc.gov
www.raleighnc.gov/urbandesign

From: Alley, Elizabeth
Sent: Thursday, October 02, 2014 5:45 PM
To: Cary Joshi (caryjoshi@gmail.com)
Cc: Rezoning
Subject: UDO comment GEN-0531

Cary,

Thank you for your comments regarding proposed UDO remapping near the properties on Hillsborough Street. I will be taking the comments to our internal team meeting on Monday for discussion and will respond with additional information afterward.

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.

Elizabeth



February 5, 2015

Mr. Steve Schuster, Chair
Remapping Raleigh
Raleigh Planning Commission
PO Box 590
Raleigh, NC 27602

Dear Mr. Schuster,

I am writing to you at the request of the owner of the property listed below in accordance with the requirements for the City of Raleigh UDO Remapping process. We are requesting that the proposed zoning district for the parcel be NX-5-SH.

The site is an existing auto repair shop. The 2030 Comprehensive Plan designates this site as Neighborhood Mixed Use. The Urban Form Designation lists no specifics for this area. The City is proposing street improvements to Hillsborough Street that will take a significant portion to an already small site and the ability to go up with development will be critical to any future development of this tract. There is precedent for this designation in the immediate area.

We feel that this 0.21 acre site has potential for a mixed use project with high density residential with shop front retail uses on the first floor.

Thank you for your consideration.

Sincerely,

Tony M. Tate, RLA, ASLA

Current Owner:	Donald Lewis Coates
PIN:	0794-62-1486
Address:	2912 Hillsborough Street, Raleigh
Current Zoning:	NB Neighborhood Business
Raleigh Proposed Zoning	NX-4-SH
Requested Zoning	NX-5-SH
Area:	0.21 Acres



Tony M. Tate Landscape Architecture, P.A.

PC-0097--2 Dixie Trail.pdf

February 5, 2015

Mr. Steve Schuster, Chair
Remapping Raleigh
Raleigh Planning Commission
PO Box 590
Raleigh, NC 27602

Dear Mr. Schuster,

I am writing to you at the request of the owner of the property listed below in accordance with the requirements for the City of Raleigh UDO Remapping process. We are requesting that the proposed zoning district for the parcel be NX-5.

The site is an existing retail store on a very small 0.10 site only 40 feet wide. The 2030 Comprehensive Plan designates this site as Neighborhood Mixed Use. The Urban Form Designation lists no specifics for this area. The City is proposing street improvements to Hillsborough Street that will affect the future development of the parcel and the ability to go up with development will be critical to any future development of this tract. There is precedent for this designation in the immediate area.

We feel that this 0.1 acre site has potential for a mixed use project with high density residential with shop front retail uses on the first floor. The building height adjacent to existing R-6 residential will be protected via the residential transitions section of the newly adopted UDO.

Thank you for your consideration.

Sincerely,

Tony M. Tate, RLA, ASLA

Current Owner:	James Wilson Jr.
PIN:	0794-62-1594
Address:	2 Dixie Trail, Raleigh
Current Zoning:	NB Neighborhood Business
Raleigh Proposed Zoning	NX-3
Requested Zoning	NX-5
Area:	0.1 Acres

5011 Southpark Dr., Suite 200 • Durham, North Carolina 27713
Telephone: (919) 484-8880 • Fax: (919) 484-8881 • Email:

tony@tmtla.com



Tony M. Tate Landscape Architecture, P.A.

PC-0095--3900 Electronics Dr.pdf

February 6, 2015

Mr. Steve Schuster, Chair
Remapping Raleigh
Raleigh Planning Commission
PO Box 590
Raleigh, NC 27602

Dear Mr. Schuster,

I am writing to you at the request of the contract purchaser of the property listed below in accordance with the requirements for the City of Raleigh UDO Remapping process. We are requesting that the proposed zoning district for the parcel be CX-5-PL.

The site was formerly an industrial facility and the continuation of industrial uses is what is proposed by the City at this time. We do not feel that the continuation of heavy industrial use on this property is appropriate. The 2030 Comprehensive Plan designates this site as Community Mixed Use. The Urban Form Designation lists this site as a potential Fixed Guideway Transit Stop and all within the ½ mile Transit Stop Buffer.

With the previous accolades in mind, we feel that this 32 acre site has enormous potential for a mixed use project with high density residential, office, retail and a great transit stop location with the adjacent railroad all along the western side of the property.

Thank you for your consideration.

Sincerely,

Tony M. Tate, RLA, ASLA

Current Owner:	AVX Corporation
PIN:	1715-78-1482
Address:	3900 Electronics Drive, Raleigh
Current Zoning:	IND-1
Raleigh Proposed Zoning	IH Heavy Industrial
Requested Zoning	CX-5-PL
Area:	32.55 Acres

5011 Southpark Dr., Suite 200 • Durham, North Carolina 27713
Telephone: (919) 484-8880 • Fax: (919) 484-8881 • Email:

tony@tmtla.com

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 29, 2015

Mr. Steve Schuster, Chairman
Raleigh Planning Commission
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
One Exchange Plaza, Suite 300
Raleigh, NC 27601

Re: 2000 Progress Court, PIN# 1714196735
Client: Progress Court Park, LLC

Dear Bynum:

As counsel for Progress Court Park, LLC, owner of the above described property, I write to convey our concerns about the proposed zoning for this split zoned property.

The R-10 Zoning is not proposed to be changed under the remapping however the portion of the property that is zoned I-2 is proposed to be rezoned to IX. We disagree with this designation for several reasons. First, this property, as indicated, is split-zoned R-10 and I-2. Although the Future Land Use Map designates this property as Moderate Density Residential, the entire property has been used as a commercial parking lot for some years and is a likely candidate for grandfather status. Due to a petroleum spill years ago, the lot may be used only for industrial/commercial purposes per the attached Notice Of Residual Petroleum recorded in Book 11079, Pages 2749-2752, Wake County Registry, filed 10/29/2004.

In addition, a substantial portion of the property is adjacent to I-2 zoning which is proposed to be IX. We believe the subject property should be zoned in a similar fashion, particularly given the restrictive covenant on the property and therefore we request that you reconsider the proposed zoning of the entire property and revise it to IX-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: Thomas C. Worth, Jr.

BK011079PG02749

WAKE COUNTY, NC 616
LAURA N RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/29/2004 AT 13:28:36

BOOK:011079 PAGE:02749 - 02752

Excise Tax: <input checked="" type="checkbox"/>	Recording Time, Book and Page
Tax Lot No: 71860	Parcel Identifier No. 1714.05-19-6735-000
Verified by _____	County on the _____ day of _____, 20____.
By: _____	

Mail after recording to Everette Noland, ROD Box 146
 This instrument was prepared by: Everette Noland
 Brief description for the Index: 2020 Progress Court, Raleigh, NC 27608

NOTICE OF RESIDUAL PETROLEUM

2020 Progress Court, Wake County, North Carolina

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N. C. G. S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N. C. G. S. section 143-B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N. C. G. S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N. C. G. S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the

Wake County

Register of Deed's office Book _____, Page _____.

BK011079PG02750

Source Property

M. Craig West and Tommy H. West of Raleigh, North Carolina are the owners in fee simple of all of the Site, which is located in the County of Wake, State of North Carolina, and is known and legally described as:

BEING all of Lot B as shown on map entitled "Property of Verdie H. Tyner, and recorded in Book of Maps 1978, Page 904, Wake County Registry.

PERPETUAL LAND USE RESTRICTIONS

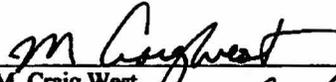
Soil: The Site shall be used for industrial/commercial use only. Industrial/commercial use means a use where exposure to soil contamination is limited in time and does not involve exposure to children or other sensitive populations such as the elderly or sick. The real property shall not be developed or utilized for residential purposes including but not limited to: primary or secondary residences (permanent or temporary), schools, daycare centers, nursing homes, playgrounds, parks, recreation areas and/or picnic areas.

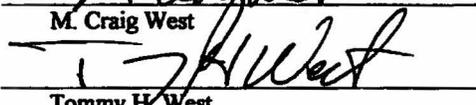
Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, M. Craig West and Tommy H. West have caused this Notice to be executed pursuant to N. C. G. S. Sections 143B-279.9 and 143B-279.11, this 16 day of Sept, 2004



M. Craig West


Tommy H. West

BK011079PG02751

STATE OF NORTH CAROLINA
WAKE COUNTY

I, Donna G. Taylor, a Notary Public of said County and State, do hereby certify that M. Craig West and Tommy H. West personally appeared before me this day and each of them acknowledged that each of them is an owner of a one-half undivided fee ownership of the Site and that by authority duly given, and as the act of each of them, the foregoing instrument was signed by each of them for such purposed expressed therein.



my hand and seal this the 16 day of September 2004.

Donna G. Taylor
Notary Public

My Commission Expires: 6-7-05

Approved for the purposes of N. C. G. S. 143B-279.11

Robert K. Davies
(signature of Regional Supervisor)

Robert K. Davies Regional Supervisor
(printed name of Regional Supervisor)

Raleigh Regional Office
(name of Region)

UST Section
Division of Waste Management
Department of Environment and Natural Resources

STATE OF NORTH CAROLINA
Wake COUNTY

I, Karen N. Moore, a Notary Public of said County and State, do hereby certify that Robert K. Davies did personally appear and sign before me this the 4 day of Oct 2004.



Karen N. Moore
Notary Public

My Commission Expires: 2/16/08



BOOK:011079 PAGE:02749 - 02752

Yellow probate sheet is a vital part of your recorded document. Please retain with original document and submit for rerecording.



Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina - Wake County

The foregoing certificate S of KAREN M. MOORE
Donna G. Taylor

Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds
By: Frederick C. Simpson
Assistant/Deputy Register of Deeds

This Customer Group
1 # of Time Stamps Needed

This Document
4 New Time Stamp
4 # of Pages

THOMAS C. WORTH, JR.

Attorney
Certified Mediator
Professional Building
127 W. Hargett Street, Suite 500
Post Office Box 1799
Raleigh, North Carolina 27602
Phone: (919) 831-1125 Fax: (919) 831-1205
curmudgtcw@earthlink.net

January 29, 2015

Mr. Steve Schuster, Chairman
Raleigh Planning Commission
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
One Exchange Plaza, Suite 300
Raleigh, NC 27601

Re: 1526 Tryon Road
PIN# 0792937871

Dear Ms. Walter:

As counsel for RHO Chapter of Delta Sigma Phi Fraternity of North Carolina State University, I write to convey our concerns about the proposed zoning for this property.

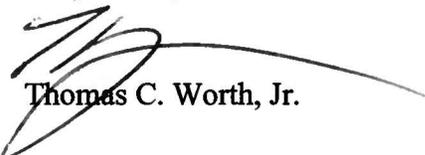
The subject property is proposed to be rezoned to RX-3 with SRPOD to which I object in behalf of my client.

This property is presently zoned O&I-1 (without Conditions) with SRPOD and comprises approximately 7.32 acres upon which is located a large house which is the home of the RHO Chapter of Delta Sigma Phi. In view of the size of this house and the size of the tract upon which it is located, it is my opinion that a more appropriate rezoning category is OX-4, which UDO Zoning Category more closely approximates the present O&I-1 Zoning in the context of the aforementioned physical aspects of the house and tract.

I will welcome the opportunity to meet with you or other Planning Staff members designated by you to discuss further this matter.

Thank you for your consideration.

Respectfully submitted,



Thomas C. Worth, Jr.

TCWjr/dsw

cc: Mr. Allen James
Isabel Worthy Mattox

THOMAS C. WORTH, JR.

Attorney
Certified Mediator
Professional Building
127 W. Hargett Street, Suite 500
Post Office Box 1799
Raleigh, North Carolina 27602
Phone: (919) 831-1125 Fax: (919) 831-1205
curmudgtcw@earthlink.net

February 2, 2015

Mr. Steve Schuster, Chairman
Raleigh Planning Commission
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
One Exchange Plaza, Suite 300
Raleigh, NC 27601

VIA ELECTRONIC
AND
US MAIL

Re: 600 Mercury Street
PIN# 1703224730

Dear Ms. Walter:

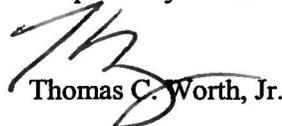
In connection with the above referenced property I write in behalf of our client JPB Holdings, LLC to inform you that the subject property is split zoned Industrial-2 (I-2) and Residential-6 (R-6) as confirmed by the attached letter of December 15, 2014 to Mr. Ed Sconfienza from the Department of City Planning and the attached "600 Mercury Street Zoning Map".

It appears from the UDO Zoning Remapping graphics attached dated 11/26/2014 that a portion of this property presently zoned I-2 is proposed to be rezoned to UDO Zoning Category IX-3 which is inappropriate not only due to severe topographic considerations but also due to the fact that this portion of the lot intrudes into and is incompatible with an R-6 zoned area adjacent to Daladams Street.

The client represented by me and also by Mr. Sconfienza desires to preserve its right to develop its property on Daladams Street in accordance with its current R-6 zoning and I therefore request that the portion of this property north of the dotted line shown upon the attached graphic for 600 Mercury Street not be rezoned to IX-3 as presently proposed. The IX-3 Zoning now proposed for the great majority of the area of this Lot is appropriate.

The favorable consideration of this request by the Planning Commission will be appreciated and I will welcome any questions or comments which you or your designee may have in this matter.

Respectfully submitted,


Thomas C. Worth, Jr.

cc: Mr. Toby Boyles
Mr. Ed Sconfienza



City of Raleigh
North Carolina

December 15, 2014

Ed Sconfienza
1111 Oberlin Road
Raleigh, NC 27605

Re: 600 Mercury Street, PIN: 1703224730

This letter is to verify that according to our records the referenced property is zoned:

Industrial - 2 (IND-2)
Residential-6 (R-6)

With the following overlay districts (if any):

None

This is all the information that I am able to provide on this property. The City of Raleigh does not provide zoning compliance letters. If you have questions regarding zoning code violations, enforcement, special use permits, setbacks or variances, please contact the Development Services Center at (919) 996-2495.

If you have any additional questions, please feel free to call the Department of City Planning at (919) 996-2626.

Sincerely,
Department of City Planning
Planning and Development Services
City of Raleigh

UDO Zoning Remapping

(<http://www.raleighnc.gov>)

Compare the current zoning with the proposed UDO zoning.

Search by address or PIN or click on the map

222 West Hargett Street

Selected Address: 809 MERCURY ST

Give Feedback

Current Zoning

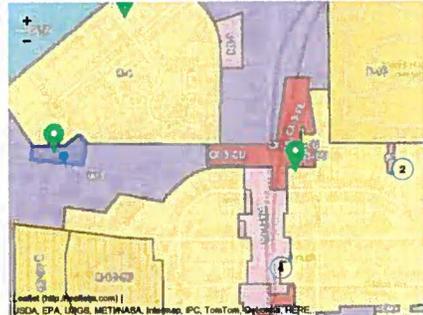


IND-2

Description
Industrial-2 (IND-2)

Zoning

Proposed Zoning



IX-3

Description
Industrial Mixed Use (IX-) with Height up to 3 Stories

Base Zoning

file:///C:/Users/EDSCON-1/AppData/Local/Temp/Low/PERUT145.htm

11/26/2014

IND-2 (Industrial-2): This district is the same as Industrial-1 except that there are no minimum setback requirements. Consequently in the IND-2 district buildings can be constructed right up to property lines. This district was traditionally used only for industrial development close to downtown. Though other scenarios are possible, these areas will generally be rezoned to IH, or IX- under the UDO. [Learn More](http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.htm) (<http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.htm>)

IX- (Industrial Mixed Use): This district is intended to provide for a variety of light industrial and manufacturing uses while allowing for retail, service and commercial activity and limited housing opportunities. To help ensure that land is reserved for manufacturing and employment, residential uses are limited to the upper stories of mixed use buildings. IX- is not intended to provide for areas exclusively dominated by light industrial or manufacturing but provide for developments that incorporate commercial uses with housing, retail and service-related activity. IX- can serve as a land use transition between heavy industrial areas and mixed use districts. [Learn More](http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#60/) (<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#60/>)

Height
3 stories / 50 feet max [Learn More](http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#70/) (<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#70/>)



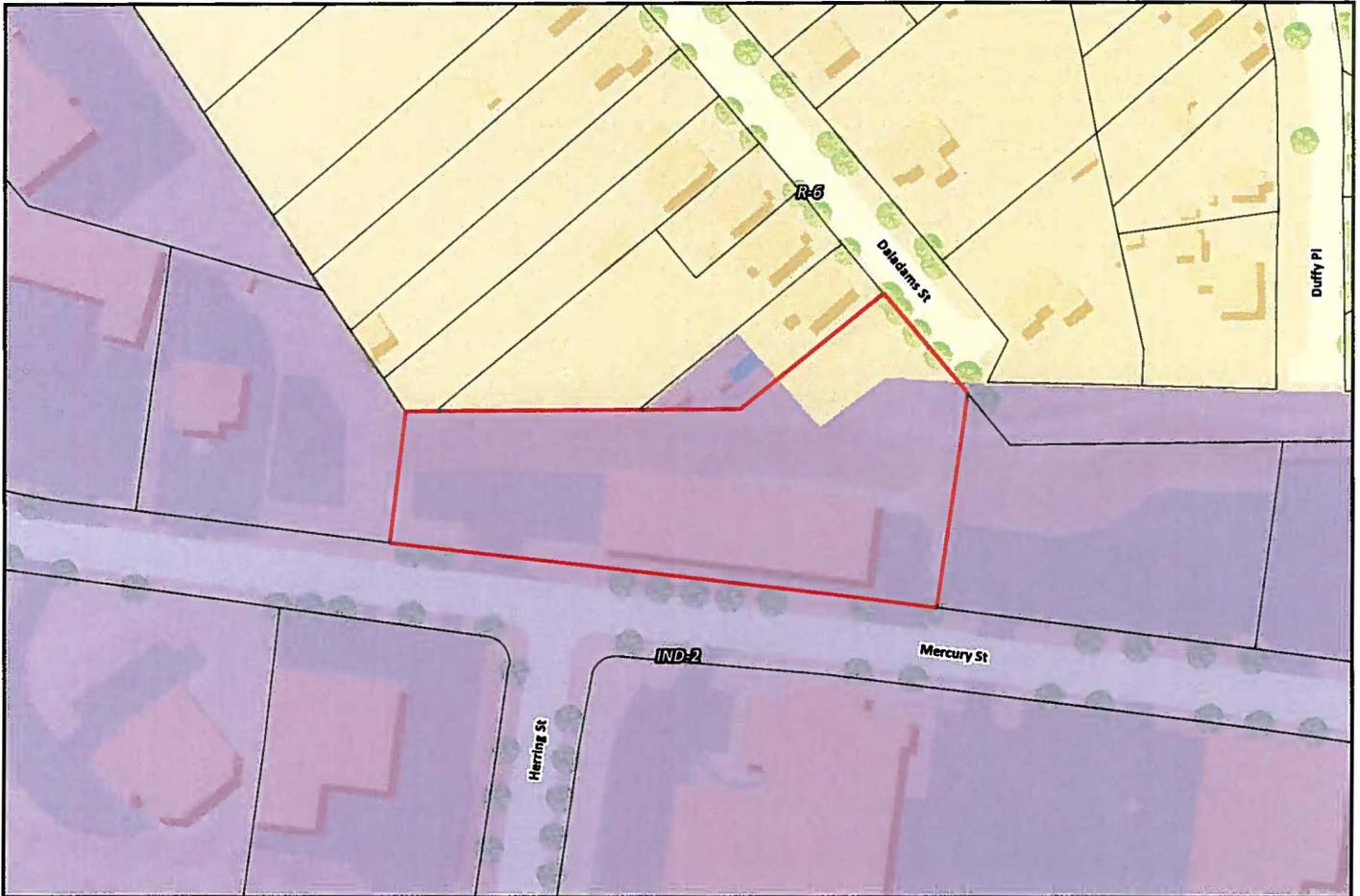
Application developed by the City of Raleigh Geographic Information Services (<http://www.raleighnc.gov/business/content/TechAdmin/Articles/GeographicInformationServices.html>) division.
Application developed for the City of Raleigh Planning and Development (<http://www.raleighnc.gov/planning>) department.



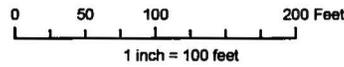
© 2014

file:///C:/Users/EDSCON-1/AppData/Local/Temp/Low/PERUT145.htm

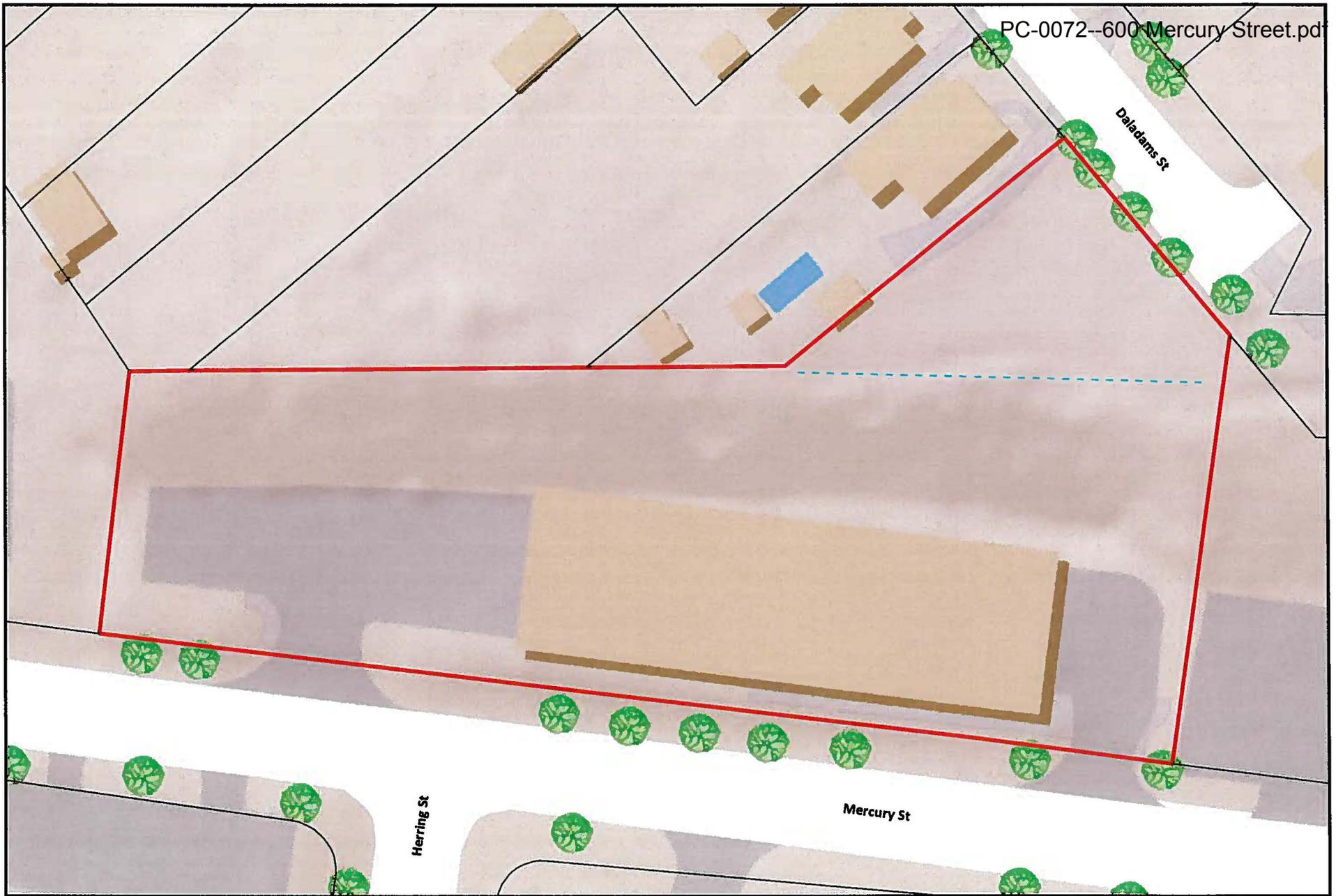
11/26/2014



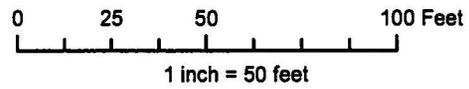
600 Mercury Street Zoning Map



Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



600 Mercury Street



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ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

February 9, 2015

Mr. Steve Schuster, Chairman
Raleigh Planning Commission
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
One Exchange Plaza, Suite 300
Raleigh, NC 27601

Re: 4200 Trinity Road PIN 0784565495, John W. Wardlaw, Jr. and Martha C.W.
Stuhmer, Heirs of Martha Wardlaw
4110 Trinity Road PIN 0784569220, John P. Medlin, Thomas F. Roberts and
Frank B. Medlin

Dear Chairman Schuster:

As counsel for John W. Wardlaw, Jr., and Martha C. W. Stuhmer, Heirs of Martha Wardlaw and John P. Medlin, Thomas F. Roberts and Frank B. Medlin, owners of the above described properties, we write to convey our concerns about the proposed remapping for these properties. These properties are owned by members of the same family and will most likely be developed together.

The proposed zoning for both properties is OX-12-UG-CU. These properties were rezoned some years ago to O&I-2 to accommodate a hotel. The proposed hotel fell victim to the poor economy but under the proposed rezoning a hotel would not be permitted without a Special Use Permit. We also note that these properties are in a City Growth Center and are designated as Commercial Mixed Use under the Comprehensive Plan. For these reasons, we request that the remapping designate these properties for CX to honor the current entitlement for a hotel.

Of equal or greater importance is our concern about the UG frontage proposed for these properties. This frontage would require 70 percent of the building edge to be within 20 feet of the right-of-way. For properties with an aggregate frontage of approximately 900 feet, a building or buildings totaling 630 feet in width would be required to be placed within the 20 foot build-to area. That is an onerous requirement for a non-urban location with so much street frontage.

Therefore we request this property be rezoned to CX-12-CU without a frontage designation.

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,

/s/ Isabel W. Mattox

Isabel Worthy Mattox

cc: John W. Wardlaw, Jr.
Martha W. Stuhmer
John P. Medlin
Thomas F. Roberts
Frank B. Medlin
Sid W. Aldridge

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

February 9, 2015

Mr. Steve Schuster, Chairman
Raleigh Planning Commission
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
One Exchange Plaza, Suite 300
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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,

/s/ Isabel W. Mattox

Isabel Worthy Mattox

cc: John W. Wardlaw, Jr.
Martha W. Stuhmer
John P. Medlin
Thomas F. Roberts
Frank B. Medlin
Sid W. Aldridge

Z-65-96 Airport Assemblage, generally bounded by U.S. 70 on the northeast, property of the Raleigh Durham International Airport on the south, and the Wake County/Durham County line on the west, being various maps and parcels. Approximately 1999 acres rezoned to Thoroughfare District Conditional Use with Special Highway Overlay District-2 and Airport Overlay District.

Conditions: 6/26/96

1. Petitioner's property to be divided into four (4) areas (A, B, C & D) as shown upon map entitled "Eastern Airline Property Conditional Use Plan" dated March 15, 1996, last revised May 20, 1996 (the "Conditional Use Plan") incorporated herein by reference with land use by area as specified upon **Exhibit C-1 attached** hereto and incorporated herein by reference.
2. Allowed Land Uses are as specified upon **Exhibit C-2 attached hereto** and incorporated herein by reference shall apply to the Petitioner's property.
3. General Conditions as specified in **Exhibit C-3 attached** hereto and incorporated herein by reference shall apply to the Petitioner's property.
4. The Conditional Use Plan notes set forth in **Exhibit C-4 attached** hereto and incorporated herein by reference shall apply to Petitioner's property.
5. The Conditional Use Plan as set forth in **Exhibit C-5 attached** hereto and incorporated herein by reference shall apply to Petitioner's property.
6. The Conceptual Roads and Utility Plan as set forth in **Exhibit C-6 attached** hereto and incorporated herein by reference shall apply to Petitioner's property.

(See attachments as indicated)

Z-65-96 Exhibits:
See zoning file for Exhibits C-1, C-5 and C-6

Exhibit C-2
ALLOWED USES BY LAND USE AREA

1. RESIDENTIAL

All residential uses allowed in the Residential 30 District as indicated in Section 10-2071 of the City of Raleigh Zoning Code up to and including 30 units/acre; however, no more than 1500 dwelling units shall be allowed in Area "A", 3550 dwelling units in Area "B", 450 dwelling units in Area "C", and 1000 dwelling units in Area "D". Areas "C" and "D" may not contain single family detached residential dwelling units.

2 OFFICE, INSTITUTIONAL, CIVIC & SERVICES

All Office, Institutional, Civic and Services uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code also including without limitation hospitals, and multi-family (30 through 40 units per acre), and residential uses but excepting single family detached dwellings, which are excluded

3. COMMERCIAL

All Commercial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code. Also all recreation uses as indicated in Sec. 10-2071 of the City of Raleigh Zoning Code, save and except any recreation uses explicitly listed in Land Use Area 5 "Open Space/Buffers & Recreation Areas."

4. INDUSTRIAL

All industrial uses allowed in the thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code.

5. OPEN SPACE/BUFFERS & RECREATION AREAS

Open Space/Buffers & Recreation Areas will include, at the Petitioner's discretion, floodways; public and private park areas; public and private greenways; bike trails; lakes, ponds, streams, and other water features not included in floodways; golf courses and golf related facilities and outdoor tennis facilities.

NOTE A as to above Sections 1, 2, 3, 4 and 5: Allowable uses shall include "accessory uses" and "accessory structures" as permitted in the City of Raleigh Zoning Code. Where a use is allowed and is proposed for development by a mixed-use site plan the dominant use designated by the applicant on said site plan shall determine the Land Use Area to be allocated under Exhibit C-1, Table 1. In non-mixed-use site plan proposals, the applicant shall allocate the land use acreage to a particular Land Use Area as permitted herein. All principal buildings however, which indicate the primary use as being "retail" shall be allocated to the "Commercial" category.

NOTE B as to above Sections 1, 2, 3, 4 and 5: Correctional/Penal facilities and adult establishments are prohibited.

NOTE C as to above Section 5: Land Use Area acreages used for golf courses and golf related facilities will be counted toward the minimum Open Space required and not deducted from any of the other maximum land use by area acreages.

Exhibit C-3

GENERAL CONDITIONS

1. Acreages and number of living units shown in Exhibit C-1, Table 1 are base densities and may, upon request by the Petitioner (i.e. Owner), be adjusted upward or downward by twenty-five (25%) percent by transfer to or from an adjacent Land Use Area, provided that no residential density other than Congregate Care and Congregate Living Facilities shall exceed forty (40) dwelling units or equivalent dwelling units per acre. The Land Use Areas to which and from which transfers may be made must be under the same ownership at the time of the transfers.
2. Site plans and/or subdivision plans shall be submitted for review in accordance with the requirements of the Raleigh City Code and shall show allocations of land use types by Exhibit C-1, dated March 15, 1996, last revised June 14, 1996, and Exhibit C-5 dated March 15, 1996, last revised May 20, 1996. A projection of traffic trip generation, based on guidelines described in the project's Transportation Analysis dated June 6, 1996, will be provided to the City Transportation Department at the time of site plan approval of individual parcels within the property unless waived by the City's Director of Transportation. See Note 2 of Table 1, Exhibit C-1 and Section 6 of the Transportation Report, both which are incorporated herein by reference.
3. Development of the subject property, or subdivided lots thereof, will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.
4. Any additional public road right-of-way needed from Parcels 0758.02-65-0728, 0758.04 93 5713 or 0758.04 82 4852 shall be reimbursed based upon their present zoning of R-4.
5. Recorded subdivision plats will contain reference to this zoning case as follows: "Z-65-96 Thoroughfare District CUD with Special Highway Overlay District-2 and Airport Overlay District."

EXHIBIT C-4 **CONDITIONAL USE NOTES**

1. GENERAL

A. The City Planning Director shall be permitted to administratively approve site plans which reflect modifications to Exhibit C-1, Table 1, entitled "Land Use By Area" dated March 15, 1996, last revised June 14, 1996, Exhibit C-5 dated March 15, 1996, last revised May 20, 1996, and Exhibit C-6, the Petitioner's Conceptual Road and Utility Plan, dated June 3, 1996.

Modifications include:

1. The transfer or expansion of acres and/or uses between land use Areas A, B, C & D as requested by the Petitioner and illustrated on Exhibit C-1, Table 1, and Exhibit C-5, provided no one land use or area is adjusted by more than 25% in any given Land Use Area. The Land Use Areas to which and from which transfers may be made must be under the same ownership at the time of the transfers.

2. Adjustments to the sizes and alignments of utility lines and roads requested by the Petitioner (i.e. Owner) and illustrated on Exhibit C-6, which maintain the same overall level of service.

2. ROADS & UTILITIES (See Exhibit C-6 for Conceptual Roads and Utility Plan)

A. Access to Highway US-70.

1. Access in Area A along US 70 between Alexander Drive and the Durham County line (approximately 4,900 feet) will have no more than one intersection with a Cross-Over on US 70 plus no more than two right-turn-in/right-turn-out access points exclusive of the out-parcels owned by others and located within or contiguous to the boundaries of the rezoned property as of the date of the approval of this Petition by the Raleigh City Council. Such access and/or driveways will be subject to NCDOT review and approval.

2. Access to US-70 between T. W. Alexander Drive and Northern Wake Expressway will be limited to no more than two intersections with Cross-Overs on US-70 and no more than one right-turn-in/right-turn-out access point exclusive of the out-parcels as of the date of the approval of this Petition by the Raleigh City Council, between T.W. Alexander Drive and Northern Wake Expressway. Such access and/or driveways will be subject to NCDOT review and approval.

a. A strip of land 20 feet wide shall be reserved along the US 70 Petitioner's frontage of the property between Alexander Drive and the Durham County line for eventual widening until such time as it is determined that the strip is not needed to accommodate the anticipated improvements. Any reservation by Petitioner of right-of-way in excess of existing right-of-way at the time of approval of this Zoning Petition can be used to meet City of Raleigh requirements for streetscape setbacks and/or buffers along US 70.

B. Access to T.W. Alexander Drive.

Access to T.W. Alexander Drive from Areas A & B will be in accordance with the agreement relating to the construction of Southern Parkway (now Alexander Drive) between NCDOT and Wachovia Bank & Trust, et al, dated December 18, 1986 and as amended June 15, 1987.

C. Brier Creek Parkway.

1. The Petitioner (i.e. Owner) will convey one hundred ten (110') feet of right of way to NCDOT for the construction of Brier Creek Parkway. An additional fifteen (15') feet of land on each side of the initial dedication will be reserved for temporary construction and drainage easements for a period of ten (10) years to accommodate widening unless and until such time as it is determined that the additional fifteen (15') feet on each side is not needed to accommodate the anticipated improvements. If the reservation is not purchased within the ten year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist. The dimensions of any setbacks, buffers and/or landscape yards required on properties adjacent to Brier Creek Parkway will be measured from the boundary of the original one hundred ten (110') foot right of way as conveyed by the Petitioner.

2. The one hundred ten (110') foot conveyed right-of-way for Brier Creek Parkway will qualify for reimbursement to the Petitioner by the City of Raleigh under existing City Road Right-of-Way Reimbursement Policy. Any of the additional reserved slope easements (referred to as construction and drainage easements in Paragraph C[1] above), will also qualify for reimbursement to the Petitioner by the City of Raleigh under existing City road right of way reimbursement policy.

D. Completion of Roads.

Site plans for no more than 50% of the total frontage of any one side of a section of a Collector or Thoroughfare street between two intersections as shown on Exhibit C-6, which provide access from two completely different directions will be approved until a commitment is made to the City of Raleigh pursuant to 10-3013(c)(2) of the Raleigh City Code guaranteeing completion of that section of the street to a cross-section width equal to or greater than the existing completed sections of the street unless otherwise agreed by the City of Raleigh. Open Space shall not be included in the total road frontage.

E. Cross Overs on Thoroughfares and Collectors.

Cross Overs shall be a sum of 660 feet apart on Collectors and on Thoroughfares. Cross Overs on Brier Creek Parkway will be located per the Construction Agreement between the Petitioner and the North Carolina Department of Transportation dated June 19, 1996.

F. Public access to outparcels.

If at the time of subdivision, tracts of land owned by others which adjoin Petitioner's property (sometimes referred to herein as "outparcels"), are affected by the relocation of a street, the subdivision must indicate "equivalent access" to the adjoining outparcels).

G. When US 70 is constructed as a freeway, direct access shall be limited to full service interchanges at Aviation Parkway, T.W. Alexander Drive, and Brier Creek Parkway. Prior to actual construction of such improvements to US 70, direct access to US 70 from the property will be allowed as stated in Exhibit C-4 (2)(A)(1) and Exhibit C-4(2)(A)(2) above.

H. The Petitioner will reserve land, owned by the Petitioner, for full service interchanges at the proposed intersection of Brier Creek Parkway and US 70, at the intersection of T.W. Alexander Drive and US 70, and at the proposed intersection of Aviation Parkway and US 70 for purchase by governmental authorities for up to ten (10) years from the date of final approval by the Raleigh City Council of this zoning petition.

The land reserved at Aviation Parkway and T.W. Alexander Drive will be of a size and location to accommodate the current functional interchange designs illustrated in the US 70 Corridor Study, prepared by BAKK and dated March 1992, or an alternate design mutually acceptable to the Petitioner and NCDOT. The land reserved for the Brier Creek Parkway interchange will be of a size and location to accommodate a functional design which will be developed with the design of Brier Creek Parkway.

If the reservation is not purchased within the ten-year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist.

3. OPEN SPACE

A. Active Recreation - A potential location(s) for park sites of no less than eight (8) acres in size for active recreation totaling no more than fifty acres which will be available for acquisition by the City of Raleigh will be located within the property. With regard to a site for active recreation uses:

1. A map designating the boundaries of the location for the park sites, as determined jointly by the Petitioner and the City Parks and Recreation Director shall be filed with City of Raleigh Parks and Recreation Department prior to approval of site plans for more than a total of 2,000 dwelling units and equivalent dwelling units in Land Use Area B.

2. The park sites shall be reserved for acquisition by the City for a period of two years from date of acceptance of the map by the Parks and Recreation Director. The Parks and Recreation Director shall have two months after the date of submission of the map to respond to the Petitioner as to the acceptability of the site. Failure of the Parks and Recreation Director to respond in writing within two months shall constitute acceptance of the site.

If the reservation is not purchased within this two-year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist.

3. The park sites shall not be designated as floodway, and shall be part of the Petitioner's area(s) for Open Space/Buffers & Recreation to be designated by the Petitioner.

B. Greenways - Up to fifty acres within the Petitioner's property will be reserved to the City of Raleigh for inclusion in the City's Greenway system. If so included, this greenway acreage shall be considered part of Petitioner's area(s) for Open Space/Buffers & Recreation.

At the earlier time of either site plan approval or subdivision of areas between points E & F, F & G, E & H, I & J and K & L as indicated on the Conditional Use Plan, Greenways will be reserved for purchase from the owner by the City of Raleigh, in accordance with the applicable provisions of the Raleigh City Code. Where not included in public rights of way, the greenways will be reserved to a width as indicated in the City of Raleigh Comprehensive Plan From time of reservation (at subdivision) the City will have two (2) years to purchase the reservation. If the reservation is not purchased within this time, the reservation may, in the sole discretion of Petitioner be abandoned and if so abandoned shall no longer exist.

C. The total acreage of Open Space/Buffers & Recreation Area(s) can be allocated to different areas of the respective land use areas A, B, C and D in Exhibit C-1, Table 1, but the sum total acreage of all Open Space/Buffers & Recreation in each land use area shall be provided. No more than 80% of the acreage within each land use area, as shown on Exhibit C-1, Table 1, dated March 15, 1996, and last revised May 20, 1996 shall be given site plan approval until all the minimum Open Space/Buffers & Recreation for each zoning area is delineated on either approved preliminary subdivisions or site plans.

D. For all Open Space/Buffers & Recreation Area(s) corridors which follow stream, or drainageway alignments, the distance from the boundary of the corridor to the centerline of the stream shall be a minimum of fifty feet.

Z-87-97 Ebenezer Church Road, west side, extending through to U.S. 70 West, being various blocks and parcels, Tax Maps 0777.01 and 02. Approximately 27 acres rezoned to Neighborhood Business Conditional Use.

Conditions: (10/23/97)

1. Development of the Neighborhood Business CUD Zoned Area will comply with the provisions of C.R. 7107 of the Raleigh Planning Commission.
2. Reimbursement values for additional right-of-way on Ebenezer Church Road shall be at the prevailing rate based upon the present R-4 and Thoroughfare District.
3. The following land uses shall be prohibited within the NB CUD zoned area:
 - Non-governmental commercial recreational use-indoor.
 - Non-governmental commercial outdoor stadium/theater/amphitheater/racetrack.
 - Governmental outdoor stadium/theater/amphitheater/racetrack.
 - Riding stable.
 - Rifle range-indoor.
 - Fraternity House.
 - Sorority House
 - Transitional Housing-except supportive housing residence.
 - Civic Club.
 - Civic/convention center and assembly hall.
 - Correctional/penal facility.
 - Orphanage.
 - Schools.
 - Adult Establishments
 - Bar, nightclub, tavern, lounge.
 - Kennel/cattery.
 - Landfill debris from on-site.
 - Transportation uses allowed in section 10-2071.
 - Flea market.
 - Pawn Shop as defined in Chapter 91A of the NC General Statutes.
 - Check cashing store (excluding banks, credit unions, savings & loans.
 - Bail bond office.
 - Vehicle sales and rentals.

Z-35-04 – Shady Grove Road, east side, being Durham County PIN 0779-03-00-6178 and 0779-03-00-7759. Approximately 36.132 acres rezoned to Office and Institution-1 Conditional Use (24.632 acres) and Office and Institution -1 Conditional Use with Airport Overlay District (11.5 acres).

Conditions dated: (8/24/04)

- A. Reimbursement for any public right-of-way dedication will be based on Rural Residential zoning.
- B. Any office development shall be limited to a maximum floor area gross of 200,000 square feet.
- C. Outside dumpsters shall have plastic lids and shall only be emptied between the hours of 7:00 a.m. and 7:00 p.m.
- D. Any recorded subdivision or recombination map of the subject property shall include a notation that the property lies within the Raleigh Durham International Airport "composite 65 DNL noise exposure contour" projected in the RDU Airport's long range facility plans.
- E. Any new residential dwelling[s] on the subject property shall be constructed with material and in a manner sufficient to assure a 25 dB reduction of A-weighted aircraft sound levels reaching the interior of the dwelling resulting in interior sound levels not exceeding 42 dB. A written certification for the Director of the Inspections Department of the City of Raleigh by an architectural acoustician accredited by the Acoustical Society of America, or state Licensed Engineer or Architect shall be deemed to satisfy this condition.
- F. Any site plan or subdivision submitted on this property shall provide for a deed of transit easement to the City of Raleigh for a future bus stop (20' adjoining right-of-way, by 15' deep) along Mt. Herman Road right-of-way, the location of which is subject to the Transit Division.
- G. All hardwood trees within the grove located along Mr. Herman Road measuring five (5) inches or greater d.b.h. as shown on attachment A, shall be preserved and protected.
- H. A natural protective yard, a minimum of thirty-five (35) feet in width shall be provided along the collector street, Mt. Herman Road.
- I. A protective yard a minimum of one hundred (100) feet in width shall be provided above either bank of Sycamore Creek on the property. The seventy-five (75) feet closest to the bank shall be a natural protective yard. The remaining twenty-five feet may be disturbed and replanted; however, no structures of any kind shall be permitted.

- J. Within forty-five (45) days following the adoption of this zoning ordinance a survey of all trees measuring greater than fifteen (15) inches d.b.h. shall be given to the Zoning Inspection Supervisor, and at minimum fifty (50) percent of all trees measuring fifteen (15) inches or greater d.b.h. shall be subject to active tree preservation and protected.
- K. Before grading commences, the tree preservation plan for the site shall be reviewed by the Landscape and Design Committee of the Appearance Commission.
- L. All outdoor area and parking lot lighting fixtures located within two hundred (200) feet of residentially-zoned properties shall be of full cut-off (shielded) design.
- M. At the time of subdivision or site plan approval whichever first occurs, the owner shall dedicate as much of a 75-foot wide greenway easement on each side of Sycamore Creek as is on the property. Reimbursement shall be limited to Rural Residential values.
- N. Any residential development of this property shall be limited to 200 dwelling units.
- O. Vehicular and pedestrian cross-access shall be provided between the office and residential uses for the rezoned property. The pedestrian cross-access may include the proposed greenway along Sycamore Creek.

Z-53-95 New Leesville Boulevard, north side between Hickory Grove Church Road and Radner Way, being Parcel 0894, Block 60, Tax Map 0779.04 to be rezoned to Shopping Center Conditional Use (approx. 3.1 acres) and Residential-10 Conditional Use (approx. 12.7 acres).

Conditions: (1/26/96)

1. In the event that North Radner Way is required to be built to greater than a collector street standard and additional right-of-way is acquired by the City, the acquired right-of-way will be valued as if zoned R-6.
2. Any development of the Property will comply with the provisions of Certified Recommendation 7107 of the City of Raleigh Planning Commission.
3. With respect to that portion of the Property proposed to be zoned Residential-10 District (the "Residential Parcel"), there will be no individual driveway access from dwelling units to New Leesville Boulevard or North Radner Way.
4. The Residential Parcel shall be developed only for single family detached residences. No such residence shall consist of more than two (2) occupied stories and an attic; nor shall any such residence be greater than forty (40) feet in height.
5. The Residential Parcel shall be developed to a density of no more than seven and one-tenth (7.1) units per acre.
6. A landscaped area ten (10) feet in width shall be maintained along the boundary of the Residential Parcel with the right-of-way of North Radner Way. An open wood fence shall be constructed along such boundary and within such area.
7. A landscaped area ten (10) feet in width shall be maintained along the boundary of the Residential Parcel with Tax Parcels 0779.04 61 1402; 0779.04 61 1356; 0779.04 61 2322; 0779.04 61 2289; 0779.04 61 3246; 0779.04 61 4203; 0779.04 61 4159; and 0779.04 61 5106. Such area may contain a drainage ditch and/or other facilities to provide for the drainage of stormwater. Either within or immediately adjacent to such area and parallel to such boundary, there will be planted a single row of evergreen shrubs having a minimum height of twenty-four (24) inches and spaced no greater than five (5) feet on centers.
8. A landscaped area forty (40) feet in width shall be maintained along the boundary of the Residential Parcel with the right-of-way of New Leesville Boulevard. Ninety percent (90%) of the existing plants within such area shall be maintained. The existing grade of such landscaped area shall not be altered within thirty (30) feet of the right-of-way of New Leesville Boulevard.

9. With respect to that portion of the Property proposed to be zoned Shopping Center District (the "Residential Retail Area"), there will be no more than one full access curb cut and one additional right in, right out curb cut allowed on New Leesville Boulevard. With respect to that portion of the Property, no more than two full access curb cuts will be permitted on Hickory Grove Church Road. No point of access shall be within two hundred (200) feet from the intersection of Hickory Grove Church Road and New Leesville Boulevard measured from centerline of intersection to centerline of intersection.

10. A landscaped area thirty (30) feet in width shall be maintained along the boundary of the Residential Retail Area with the right-of-way of New Leesville Boulevard. A landscaped area fifteen (15) feet in width shall be maintained along the boundary of the Residential Retail Area with the right-of-way of Hickory Grove Church Road. A landscaped area of varying width, substantially as shown on the map submitted with these conditions, shall be maintained at the intersection of New Leesville Boulevard and Hickory Grove Church Road. Existing landscaping improvements and neighborhood identification signage within such areas shall be maintained. The existing grades of the landscaped areas provided in this paragraph (10) shall not be altered except where necessary to accommodate curb cuts otherwise authorized by these conditions and slopes associated with those curb cuts.

11. No freestanding sign within the Residential Retail Area shall be greater than fifteen (15) feet in height.

12. No building within the Residential Retail Area shall be greater than fifteen (25) feet in height nor more than one story in height.

13. Utilities, lighting, driveways (as otherwise permitted in these conditions), drainage facilities, and signage may be allowed within the landscaped areas provided in these conditions.

14. In the event that a site plan is submitted to the City of Raleigh for the construction of any improvement within the Residential Retail Area, prior to such submittal a copy of such site plan shall be mailed via first class certified mail, return receipt requested, to the Harrington Grove Homeowners Association.

15. If this petition for rezoning is approved by the Raleigh City Council, prior to any development of the Residential Retail Area, the owner of the Property will request in writing that the North Carolina Department of Transportation install traffic signal at the intersection of New Leesville Boulevard and Hickory Grove Church Road.

16. The following uses shall not be allowed in the Residential Retail Area: (a) adult establishments and (2) businesses that sell tires, batteries, and automobile accessories and provide automotive repairs. The sale of gasoline and petroleum products shall be allowed upon the Property.

17. To supplement the minimum street protective yards otherwise required by the Raleigh City Code with respect to the Residential Retail Area and the landscaped areas otherwise required herein with respect thereto, where there is a vehicular use area between the right-of-way and a permanent building, the streetscape shall provide a semi-opaque screen or barrier between the right-of-way and the vehicular use area. The screen or barrier may consist of plants, earthen berms, fences, walls, or any combination thereof which meets the following requirements:

- a. The screen shall occupy at least 75% of the length of the vehicular use area except for sidewalks and driveways which cut through the screen to connect the vehicular use area to streets and other properties. Plant material shall be at least two feet tall above the ground at the time of installation.
- b. Berms may be used or installed in lieu of or in addition to plantings. If the berms do not meet the performance standards of this paragraph then plant materials shall be installed which meet these performance standards. The installation of additional plant materials will be encouraged so as to enhance the visual and aesthetic qualities of the streetscape.

18. No business establishment within the Residential Retail Area shall operate within the hours of 1:00 a.m. and 5:00 a.m.

19. No building constructed within the Residential Retail Area shall have a floor elevation greater than 524 feet above sea level.

Z-24-09 - Conditional Use Trinity Road - located on the north side of Trinity Road, northwest of its intersection with Blue Ridge Road, being Wake County PIN(s) 0784569220 and 0784585495. Approximately 18.4 acres rezoned to Office & Institution-2 Conditional Use District.

Conditions Dated: 05/22/09

2) Narrative of conditions being requested:

A. ALL BUILDINGS SHALL BE A MAXIMUM HEIGHT OF 140 FEET.

B. THE FOLLOWING USES SHALL BE PROHIBITED;

- 1. CEMETERY**
- 2. FUNERAL HOME**
- 3. EMERGENCY SHELTER TYPE B**
- 4. SINGLE FAMILY DETACHED DWELLING**
- 5. CORRECTIONAL/PENAL FACILITY OF ALL TYPES**

C. SITE PLAN APPROVAL SHALL BE BY CITY COUNCIL.

D. THE SITE SHALL CONTROL THE RATE OF STORMWATER RUNOFF TO THE PREDEVELOPED LEVELS FOR THE 2,10,25,50, AND 100 YEARS STORM EVENTS.

E. THERE SHALL BE NO MORE THAN 2 ACCESS POINTS ONTO TRINITY RD. AND ONE ONTO WESTCHASE RD.

F. DEVELOPMENT SHALL MEET ALL SHOD-I REQUIREMENTS EXCEPT FOR THE HEIGHT LIMIT.

G. ALL HOTEL ROOMS SHALL HAVE INTERIOR ACCESS ONLY.

H. REIMBURSEMENT FOR ALL RIGHT OF WAY DEDICATION SHALL BE AT THE EXISTING RATE OF 0& I-1.

I. ALL PARKING DECKS SHALL HAVE THE SAME ARCHITECTURAL CHARACTER AND MATERIALS AS THAT OF THE BUILDING IT SERVES.

J. THE OWNERS SHALL APPLY FOR A FOUR STAR OR FOUR DIAMOND QUALITY RATING FOR ANY HOTEL USE WITHIN 90 DAYS OF RECEIVING A CERTIFICATE OF OCCUPANCY.

**K. RESIDENTIAL DENSITY SHALL NOT EXCEED THAT ALLOWED
IN O&I-1.**

**L. SHOD-1 LANDSCAPING AND YARD SETBACKS SHALL APPLY TO
TRINITY ROAD ONLY.**