



## *City of Raleigh* *North Carolina*

To: Mayor Nancy McFarlane  
Members of City Council

From: Bynum Walter, Senior Planner

Date: 20 April 2016

Re: Z-27D-14 Public Hearing

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The City Council conducted a work session on Monday, March 28, 2016 to discuss the last remaining parcels associated with the UDO zoning map. The City Council adopted a new UDO zoning map on November 15, 2015. During the Council adoption, several areas were identified and referred back to the Planning Commission for further review. These remaining 19 areas (65 total parcels) were reviewed by the Planning Commission during multiple public meetings and at the March 28 Council work session. During the work session, Council set a Public Hearing date of May 3, 2016 to consider several items identified for less restrictive zoning.

### What is included in the Public Hearing?

At the public hearings on July 7<sup>th</sup> and 21<sup>st</sup>, some property owners expressed a desire for less restrictive zoning. The City Council identified certain comments as reasonable and referred these items back to the Planning Commission. At this point, both Planning Commission and Council have completed review. A public hearing can be conducted and the City Council can consider these requests for additional entitlements. Council identified 17 of the 19 areas for less restrictive zoning. A table and maps of the less restrictive items are included for reference. Four of these items will be rezoned with new or amended conditions; copies of the conditions are also included.

### What about the other 2 areas?

During the recent review of 2 of the remaining areas, neither Planning Commission nor City Council identified alternate zoning to what was advertised for the July 7<sup>th</sup> and 21<sup>st</sup> public hearings. These two areas do not require a new public hearing. However, they do require legislative action by the Council to apply a UDO zoning district. A table and maps of these two items are included for reference.

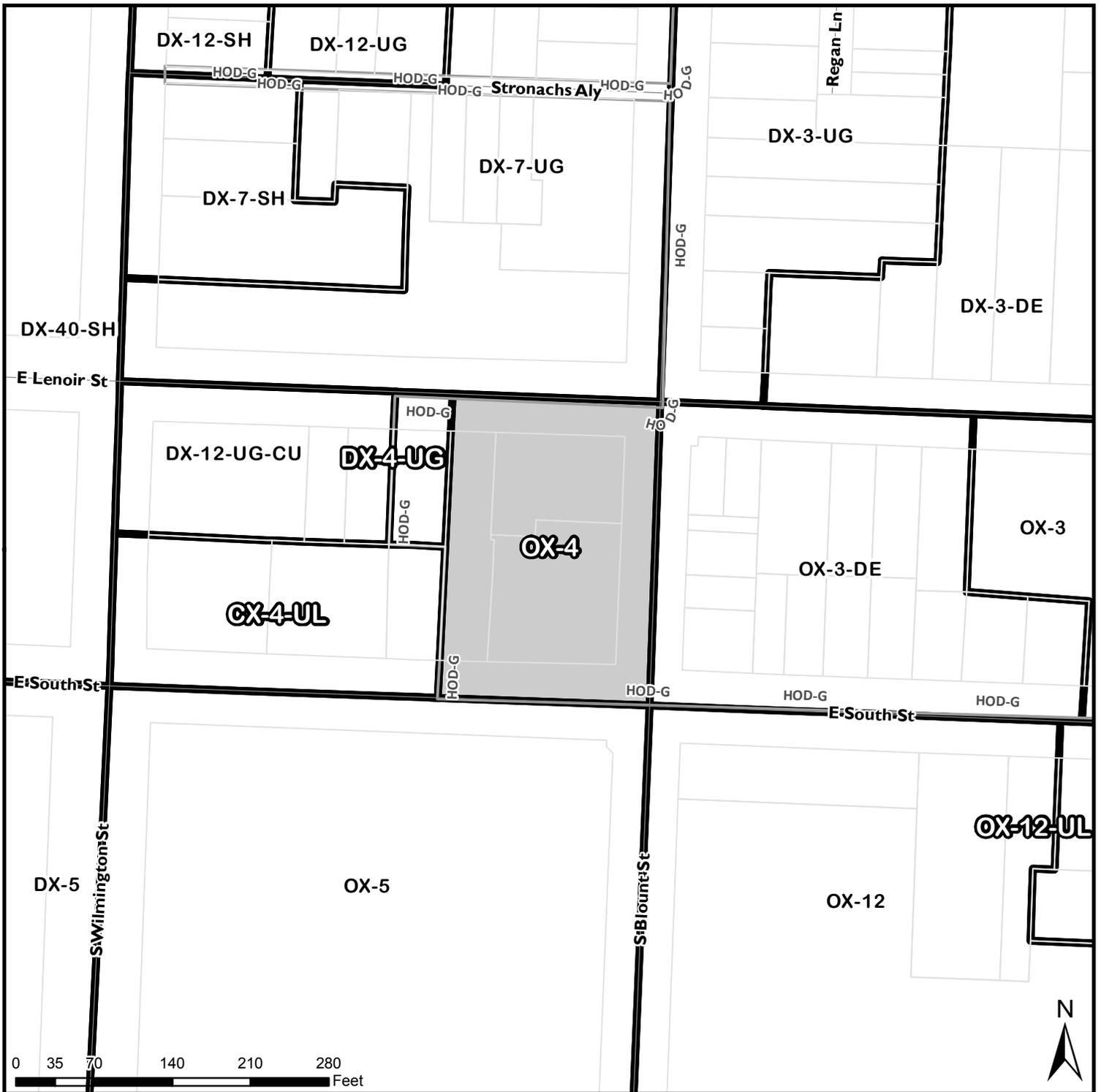
### What are the next steps in this process?

At the public hearing, the Council may then choose to close the hearing and act the same day. The City Council can continue to consider the rezoning request after the public hearing is closed. The zoning districts can be altered after the public hearing, but only to a more restrictive zoning district.

## Summary of City Council Recommendations – Z-27D-14

Item	Site Address	Current Zoning	Public Hearing (July 2015) Zoning	Planning Commission Recommendation	City Council Public Hearing Recommendation (5/3/16)
1	600 S Blount St	NB w/HOD-G & DOD	OX-4-SH w/HOD-G	OX-4 w/HOD-G	OX-4 w/HOD-G
	121 & 125 E South St	NB w/HOD-G			
2	401 N Harrington St	IND-2 w/DOD	DX-12-SH	DX-20-SH	DX-20-SH
3	6301 Mt Herman Rd	TD w/AOD	IX-3-PK w/AOD	IH-CU w/AOD	IH-CU w/AOD
4	8024 Glenwood Ave	CUD NB	OX-3-CU	NX-3-CU	NX-3-CU
7	4208 New Bern Ave	IND-1 w/SHOD-3	IX-3-PK	IX-3-PL	IX-3-PL
8	1900 Blue Ridge Rd	O&I-1 & AP	CX-5-UL, CX-12-UL, OX-3	CX-12-UL	CX-12-UL
9	3312 & 3600 New Bern Ave	CUD TD w/SHOD-1	CX-3-PK-CU & RX-3-PK-CU w/SHOD-1	CX-3-CU w/SHOD-1	CX-3-CU w/SHOD-1
10	10100 & 10200 Lumley Rd	CUD TD w/SHOD-2 & AOD	OP-5-PK w/SHOD-2 & AOD	OX-7-PL w/SHOD-2 & AOD	OX-7-PL w/SHOD-2 & AOD
	10211 Lumley Rd	CUD TD w/SHOD-2	CX-3-PK w/SHOD-2	CX-3-PL w/SHOD-2	CX-3-PL w/SHOD-2
	10370 Lumley Rd	CUD TD	CX-5-PK	CX-5-PL	CX-5-PK
	10310 Moncreiffe Rd	CUD TD	CX-3-PL & CX-3-PK	CX-5-PL	CX-5-PL, CX-5-PK
	8811 & 8851 Ellstree Ln	CUD TD w/SHOD-2 & AOD	CX-3-PK w/SHOD-2 & AOD	CX-3-PL w/SHOD-2 & AOD	CX-3-PL w/SHOD-2 & AOD
	0 Brier Creek Pkwy	CUD TD w/SHOD-2 & AOD	CX-5-PK w/SHOD-2 & AOD	CX-5-PL w/SHOD-2 & AOD	CX-5-PK w/SHOD-2 & AOD
	8001 Brier Creek Pkwy	TD	CX-5-PK	CX-5-PL	CX-5-PL
	8011, 8101, 8115, & 8121 Brier Creek Pkwy	CUD TD	CX-5-PK	CX-5-PL	CX-5-PK
	8161 Brier Creek Pkwy	TD	CX-5-PK	CX-5-PL	CX-5-PL
	8331 Brier Creek Pkwy	TD & CUD TD w/SHOD-2 & AOD	CX-5-PK w/ part SHOD-2 & AOD	CX-5-PL w/ part SHOD-2 & AOD	CX-5-PK w/ part SHOD-2 & AOD
	8341 & 8401 Brier Creek Pkwy	CUD TD	CX-5-PK	CX-5-PL	CX-5-PK
	8611 Brier Creek Pkwy	CUD TD w/AOD	CX-5-PK w/AOD	CX-5-PL w/AOD	CX-5-PK w/AOD
	8651 Brier Creek Pkwy	CUD TD w/SHOD-2 & AOD	CX-5-PK w/SHOD-2 & AOD	CX-5-PL w/SHOD-2 & AOD	CX-5-PK w/SHOD-2 & AOD
	8701 & 8741 Brier Creek Pkwy	CUD TD	CX-5-PK	CX-5-PL	CX-5-PK
	8811 Brier Creek Pkwy	CUD TD w/SHOD-2 & AOD	CX-5-PK w/SHOD-2 & AOD	CX-5-PL w/SHOD-2 & AOD	CX-5-PK w/SHOD-2 & AOD
	8901 & 8911 Brier Creek Pkwy	CUD TD	CX-3-PK	CX-5-PL	CX-5-PK
	7980 & 7990 Arco Corporate Dr	CUD TD w/AOD	CX-5-PK w/AOD	CX-7-PL w/AOD	CX-7-PL w/AOD
	8001 Arco Corporate Dr	CUD TD w/SHOD-2 & AOD	OP-7 w/SHOD-2 & AOD	OX-7 w/SHOD-2 & AOD	OX-7 w/SHOD-2 & AOD
8010 & 8020 Arco Corporate Dr	CUD TD w/AOD	CX-7-PL w/AOD	CX-7-PL w/AOD	CX-7-PL w/AOD	
8021 Arco Corporate Dr	CUD TD w/SHOD-2 & AOD	OP-7-PL w/SHOD-2 & AOD	OX-7-PL w/SHOD-2 & AOD	OX-7-PL w/SHOD-2 & AOD	
8041, 8045, 8051, 8061, 8080, & 8081 Arco Corporate Dr	CUD TD w/SHOD-2 & AOD	OP-5-PL w/SHOD-2 & AOD	OX-7-PL w/SHOD-2 & AOD	OX-7-PL w/SHOD-2 & AOD	

<b>11</b>	3900 Sumner Blvd	TD	CX-3-UL	CX-5-UL-CU	<b>CX-5-UL-CU</b>
<b>12</b>	6830 Old Wake Forest Rd	IND-1	IX-3-PL	IX-5-PL	<b>IX-5-PL</b>
	5857 Capital Blvd	IND-1	IX-3	IX-5	<b>IX-5</b>
	5839 & 6001 Capital Blvd	IND-1	CX-3-PL	IX-7-PL	<b>IX-7-PL</b>
<b>13</b>	4205 Pleasantville Dr	CUD SC	CX-3-PL-CU	CX-3-CU	<b>CX-3-CU</b>
	4125 Mitchell Mill Rd	CUD SC	CX-3-PL-CU	CX-3-PL-CU	<b>CX-3-PL-CU</b>
	4133 Mitchell Mill Rd				
<b>14</b>	5420, 5500, & 5510 Capital Blvd	TD	IX-3-PK	IX-3-PL	<b>IX-3-PL</b>
<b>15</b>	0 Gresham Lake Rd	IND-1 w/SHOD-2	IX-3 w/SHOD-2	IX-5 w/SHOD-2	<b>IX-5 w/SHOD-2</b>
<b>16</b>	118 E Lenoir St	NB w/HOD-G & DOD	DX-4-UG w/HOD-G	DX-4-UG w/HOD-G	<b>DX-4-UG w/HOD-G</b>
	101, 111, & 117 E South St	NB w/DOD	CX-4-UG	CX-4-UL	<b>CX-4-UL</b>
<b>17</b>	600 W Hargett St	IND-2 w/DOD	DX-3	DX-12	<b>DX-12</b>
<b>18</b>	230 & 234 E South St	O&I-2	R-10	OX-12-UL	<b>OX-12-UL</b>
	706 S Person St	O&I-2	R-10		
<b>19</b>	9721, 9733, & 9745 Fonville Rd	BC w/UWPOD	NX-3 w/UWPOD	NX-3-CU w/UWPOD	<b>NX-3-CU w/UWPOD</b>

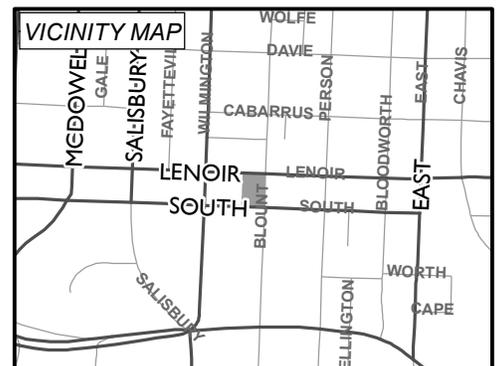


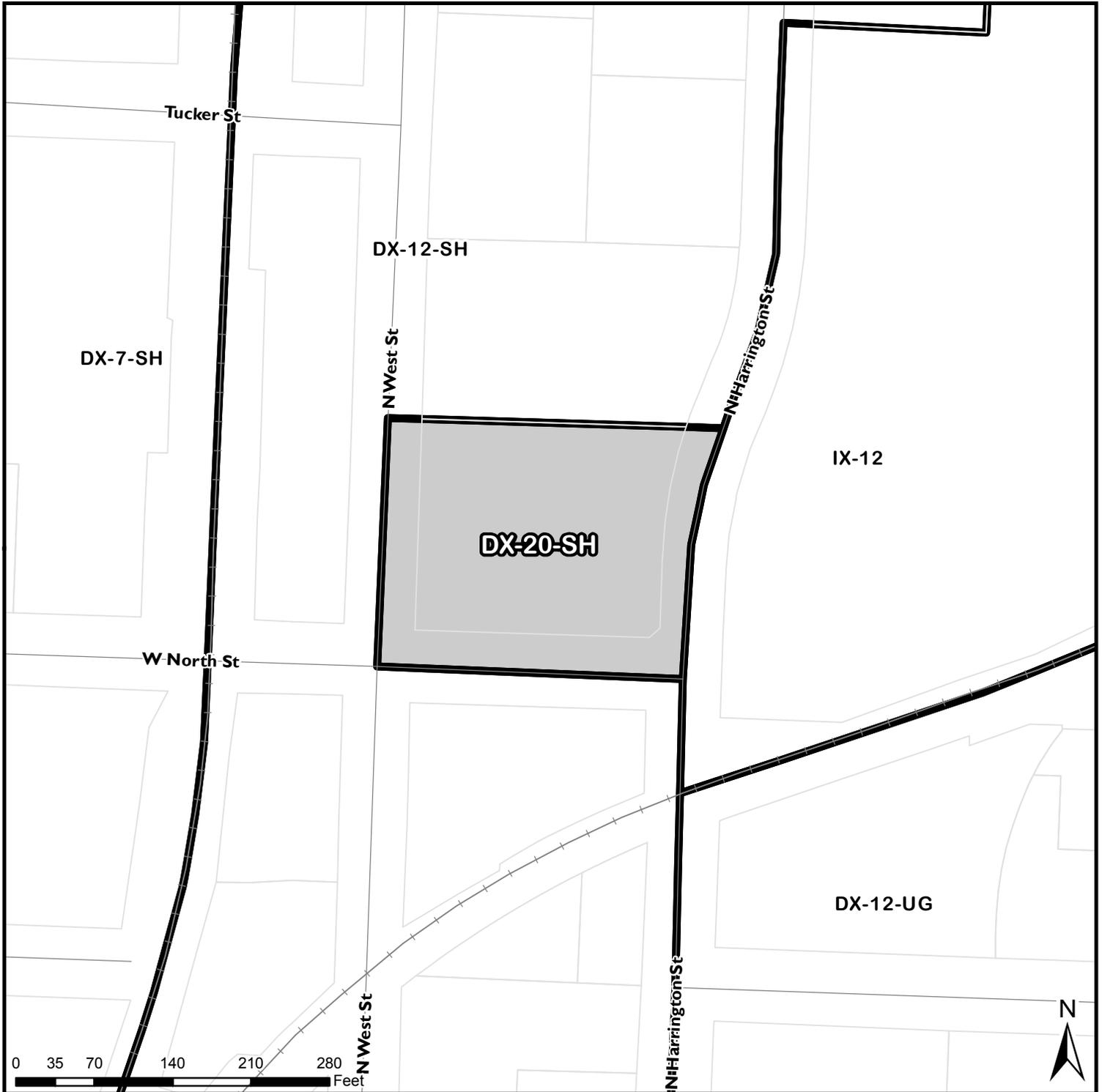
**Council Referral to PC**

10/19/2015

**1.18 acres from  
NB w/HOD-G, part DOD  
to  
OX-4 w/HOD-G**

Z-27-14 Public Hearing:  
OX-4-SH w/HOD-G



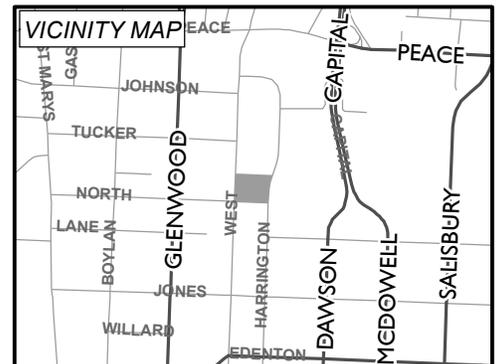


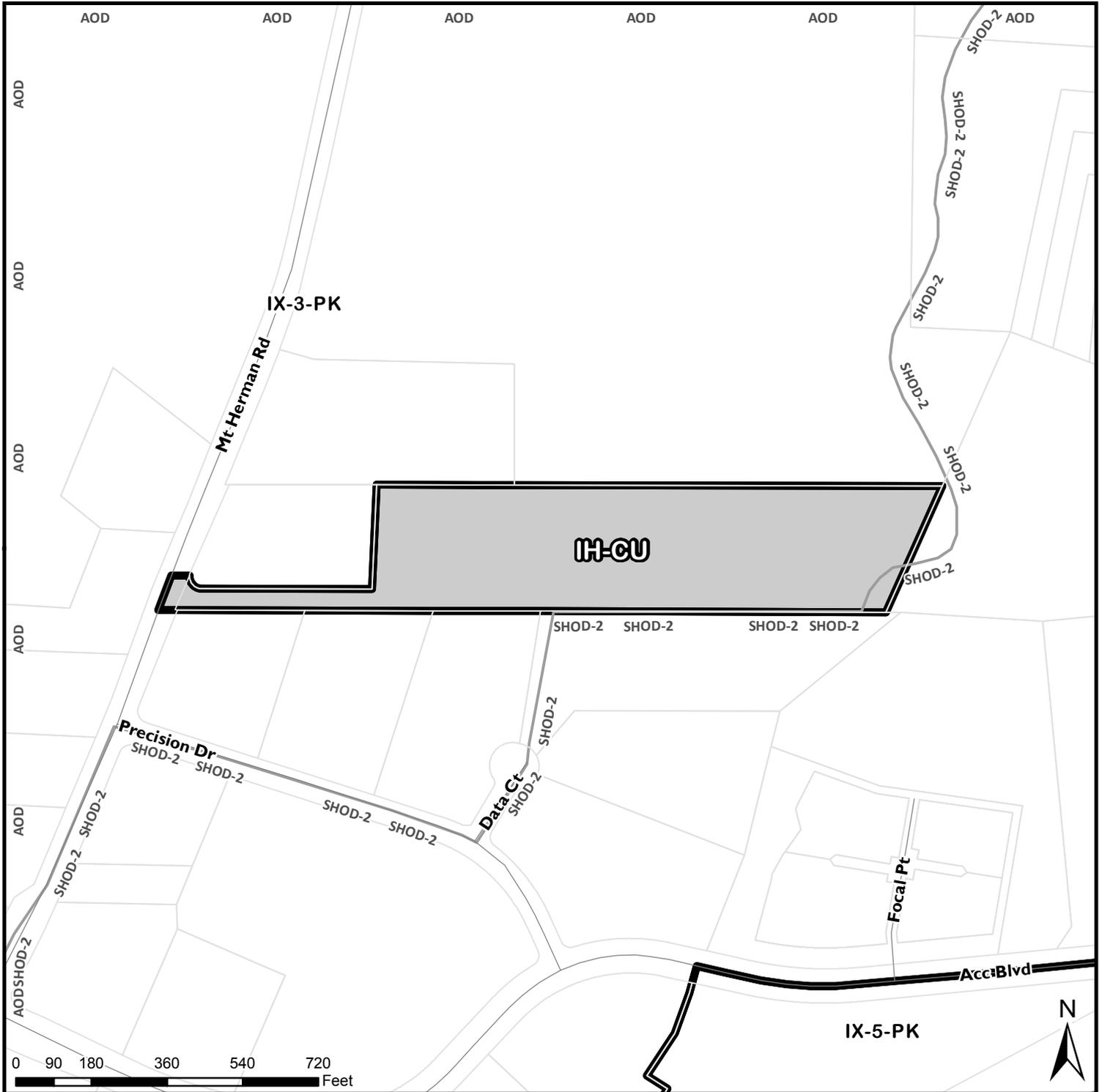
**Council  
Referral  
to PC**

10/19/2015

**1.44 acres from  
IND-2 w/DOD  
to  
DX-20-SH**

Z-27-14 Public Hearing:  
DX-12-SH



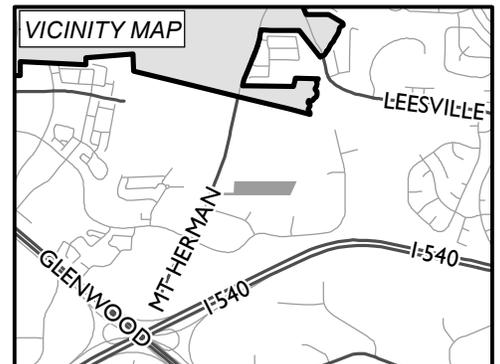


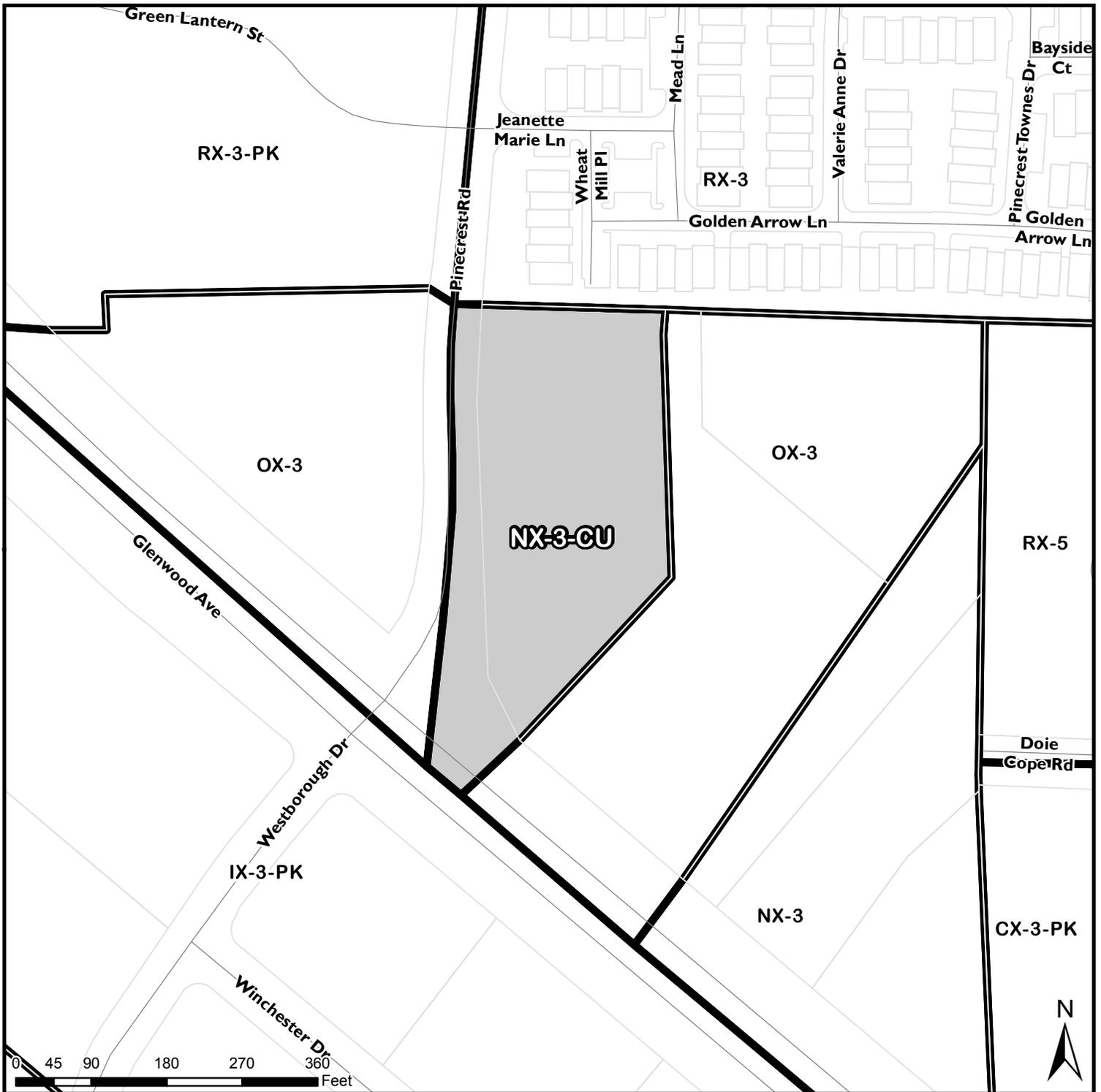
**Council Referral to PC**

9/14/2015

**9.49 acres from  
TD w/AOD  
to  
IH-CU w/AOD**

Z-27-14 Public Hearing:  
IX-3-PK w/AOD



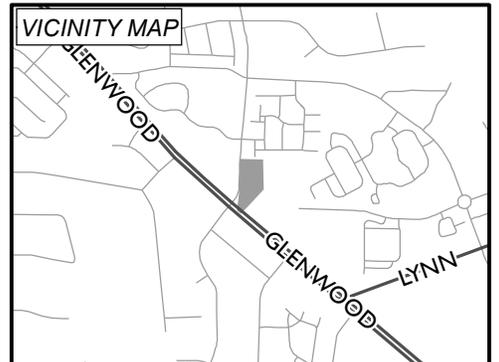


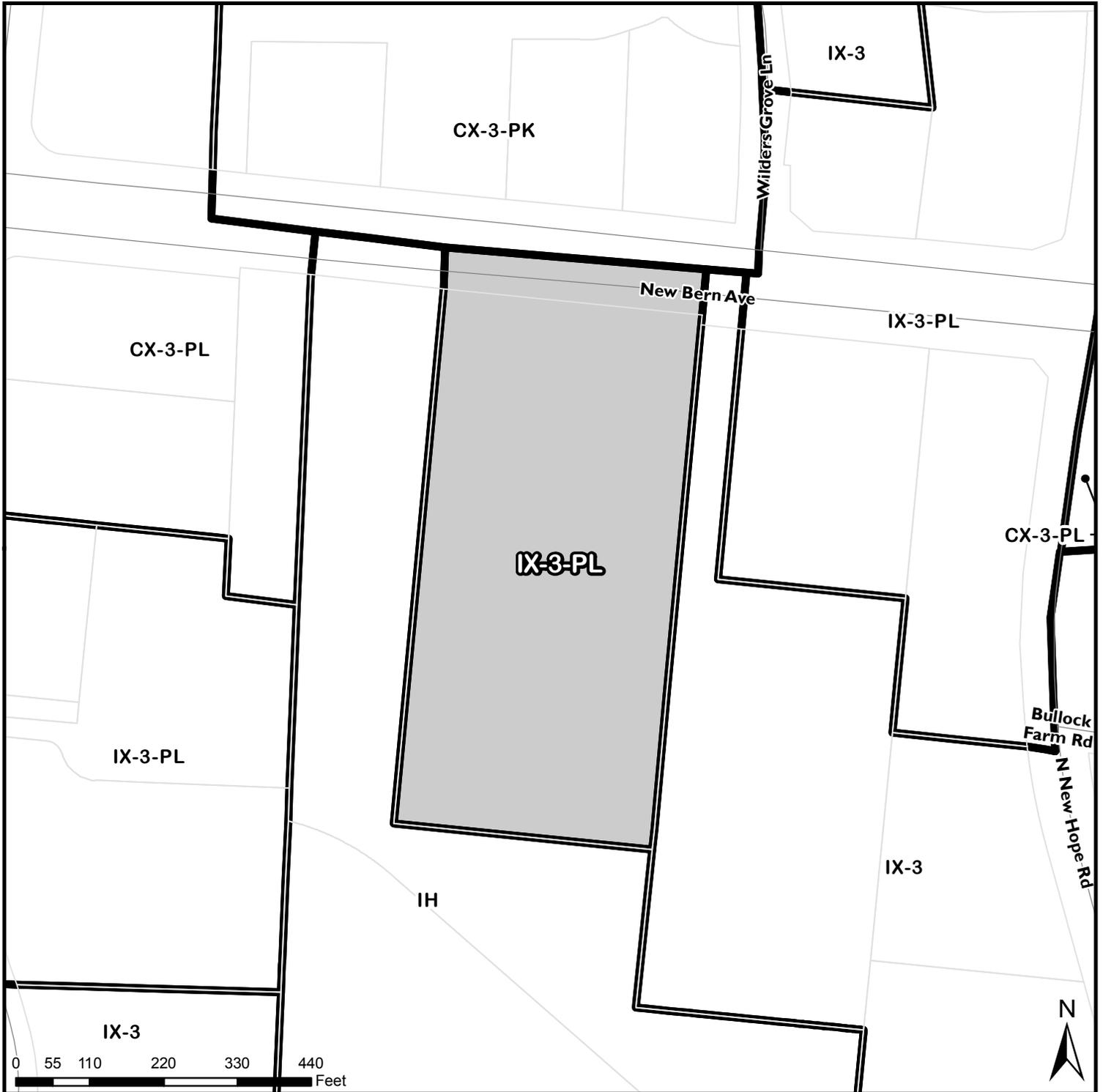
**Council Referral to PC**

9/14/2015

**2.85 acres from  
CUD NB  
to  
NX-3-CU**

Z-27-14 Public Hearing:  
**OX-3-CU**



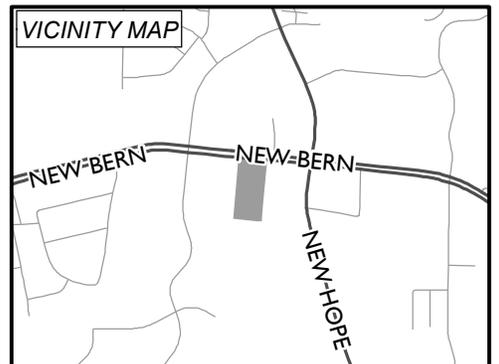


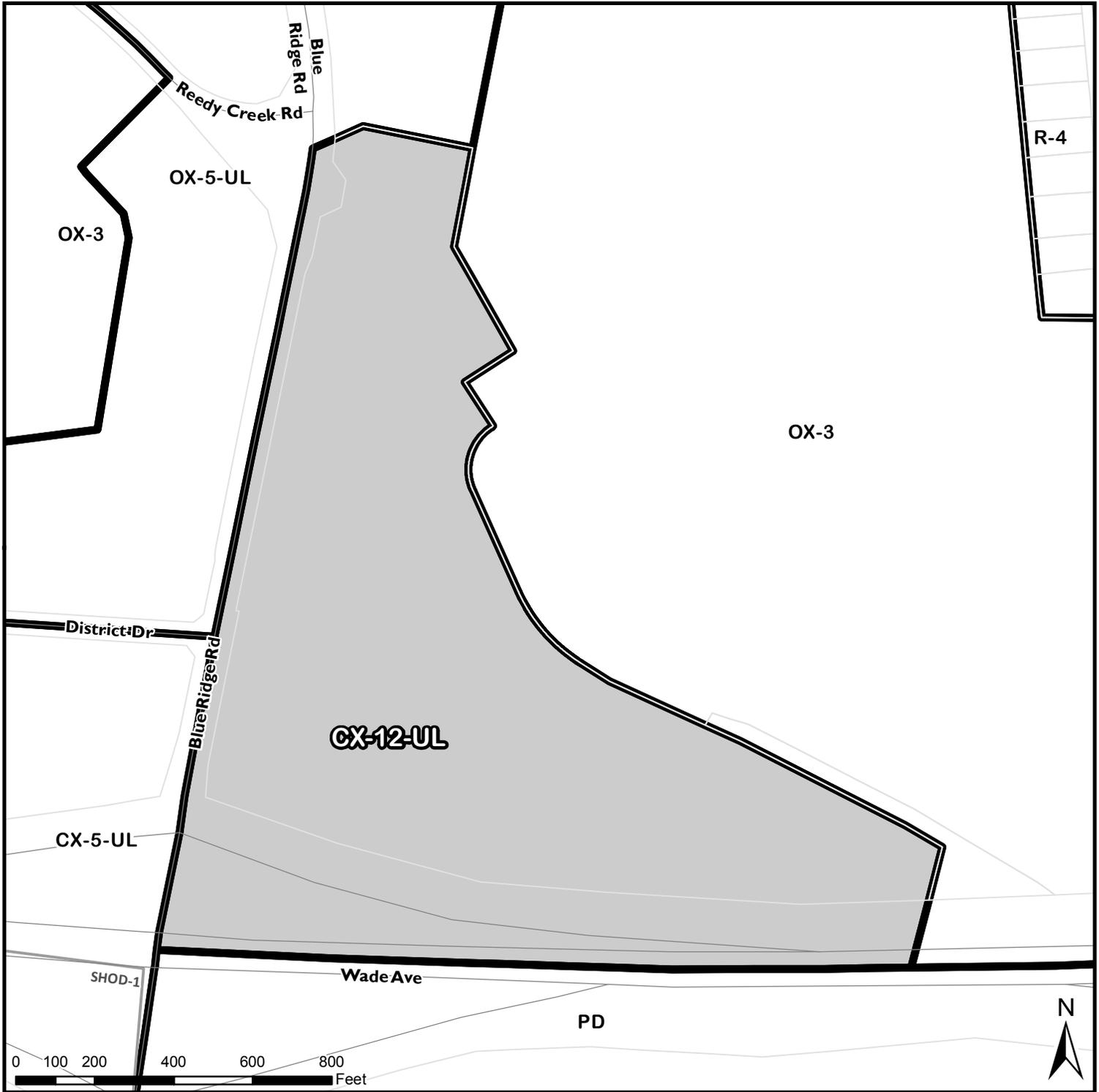
**Council Referral to PC**

10/26/2015

**7.68 acres from  
IND-1 w/SHOD-3  
to  
IX-3-PL**

Z-27-14 Public Hearing:  
IX-3-PK



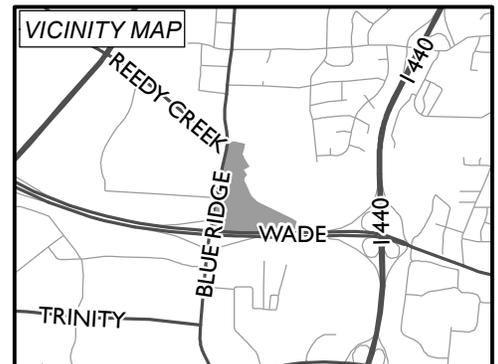


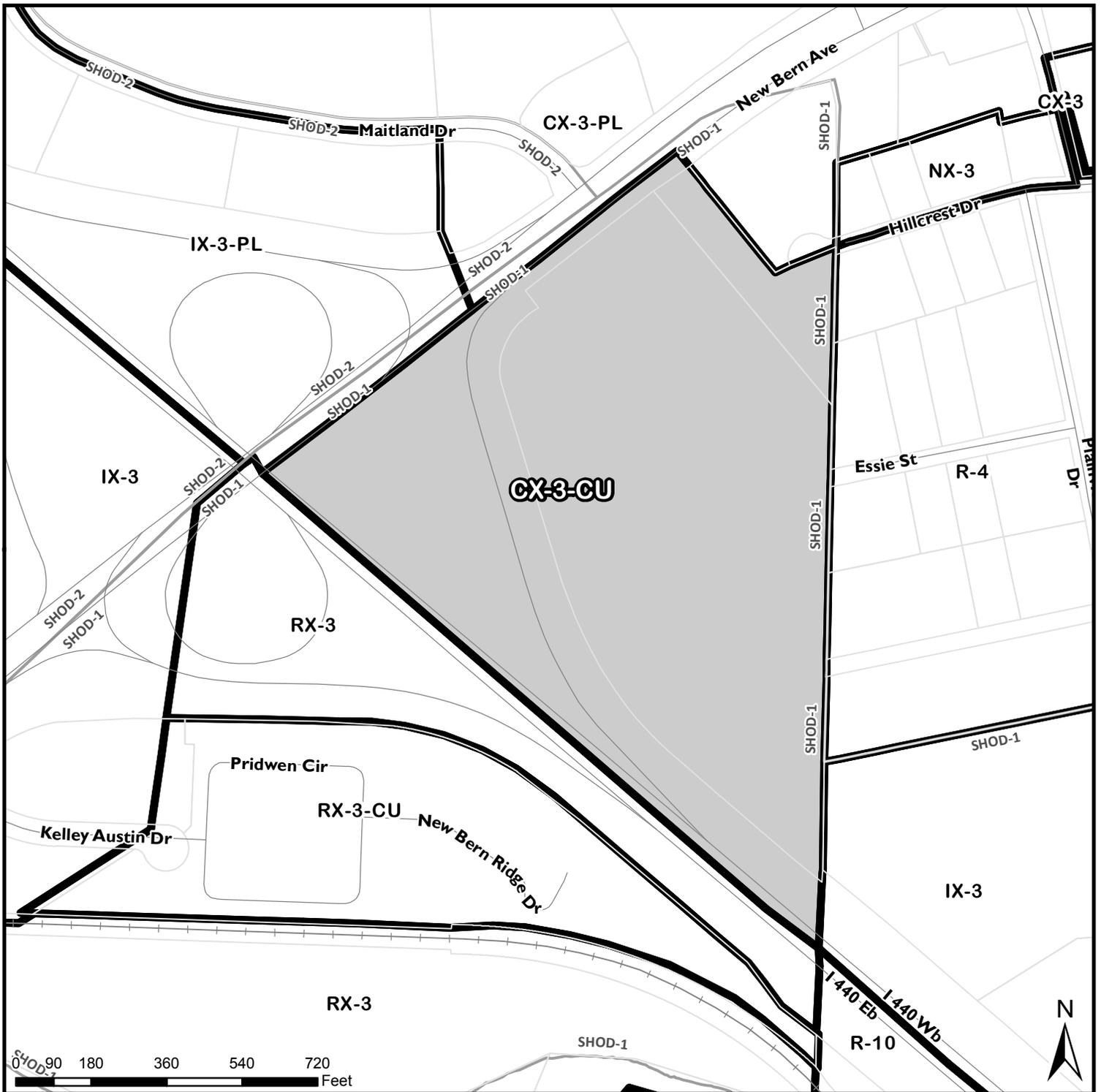
**Council  
Referral  
to PC**

10/19/2015

**46.07 acres from  
O&I-1 & AP  
to  
CX-12-UL**

Z-27-14 Public Hearing:  
CX-5-UL, CX-12-UL, OX-3



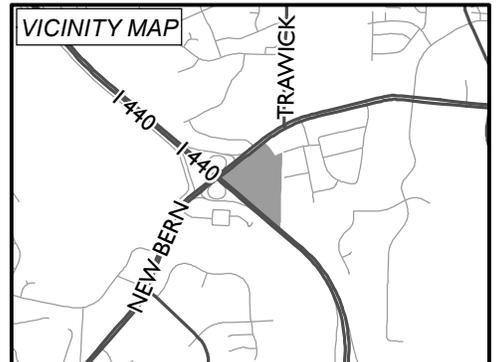


**Council Referral to PC**

10/12/2015

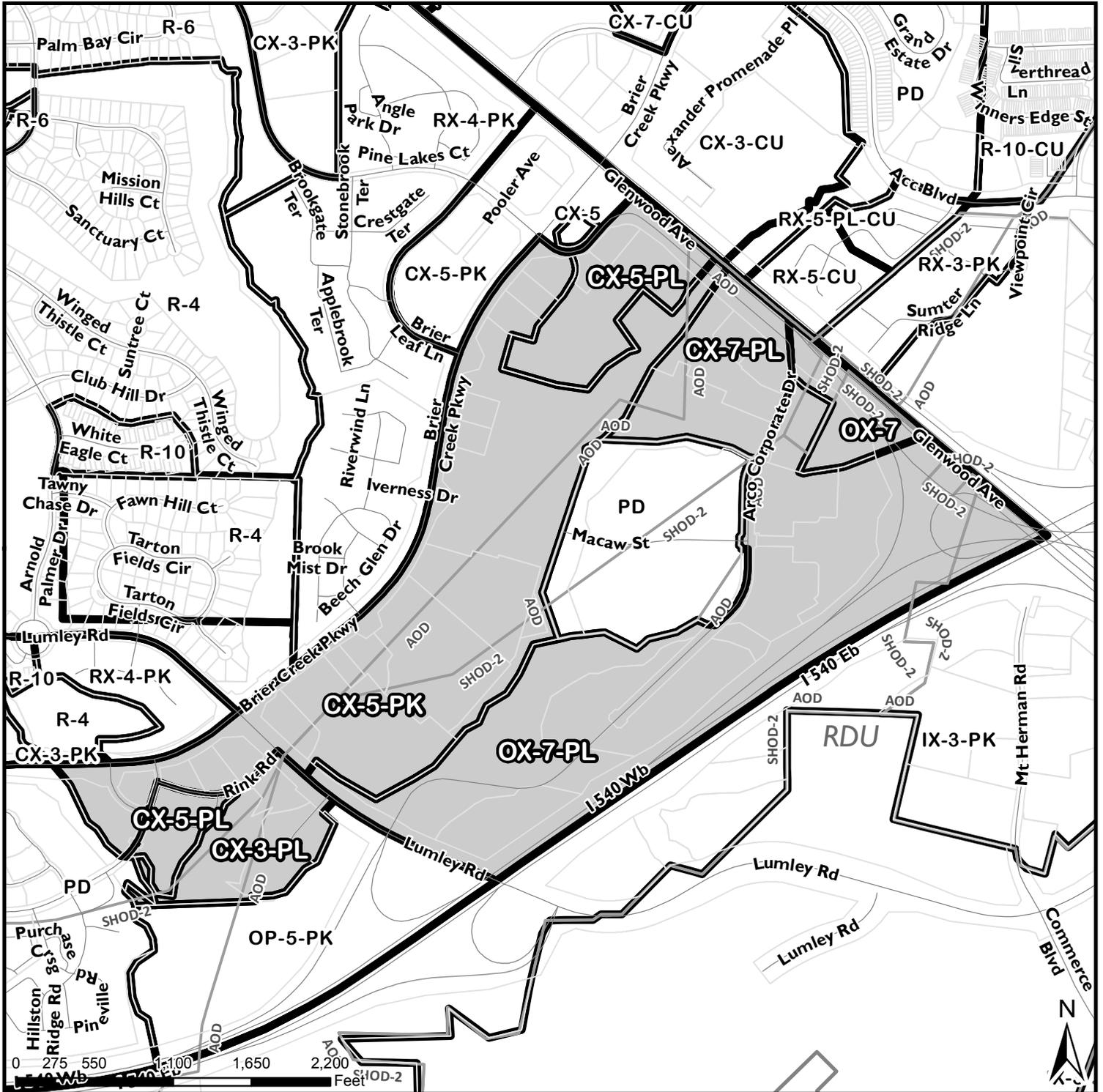
**31.63 acres from  
CUD TD w/SHOD-1  
to  
CX-3-CU w/SHOD-1**

**Z-27-14 Public Hearing:  
CX-3-PK-CU, RX-3-PK-CU w/SHOD-1**



# Rezoning Proposal

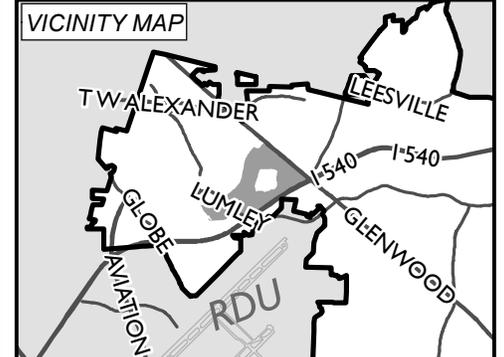
Z-27D-14: Item 10

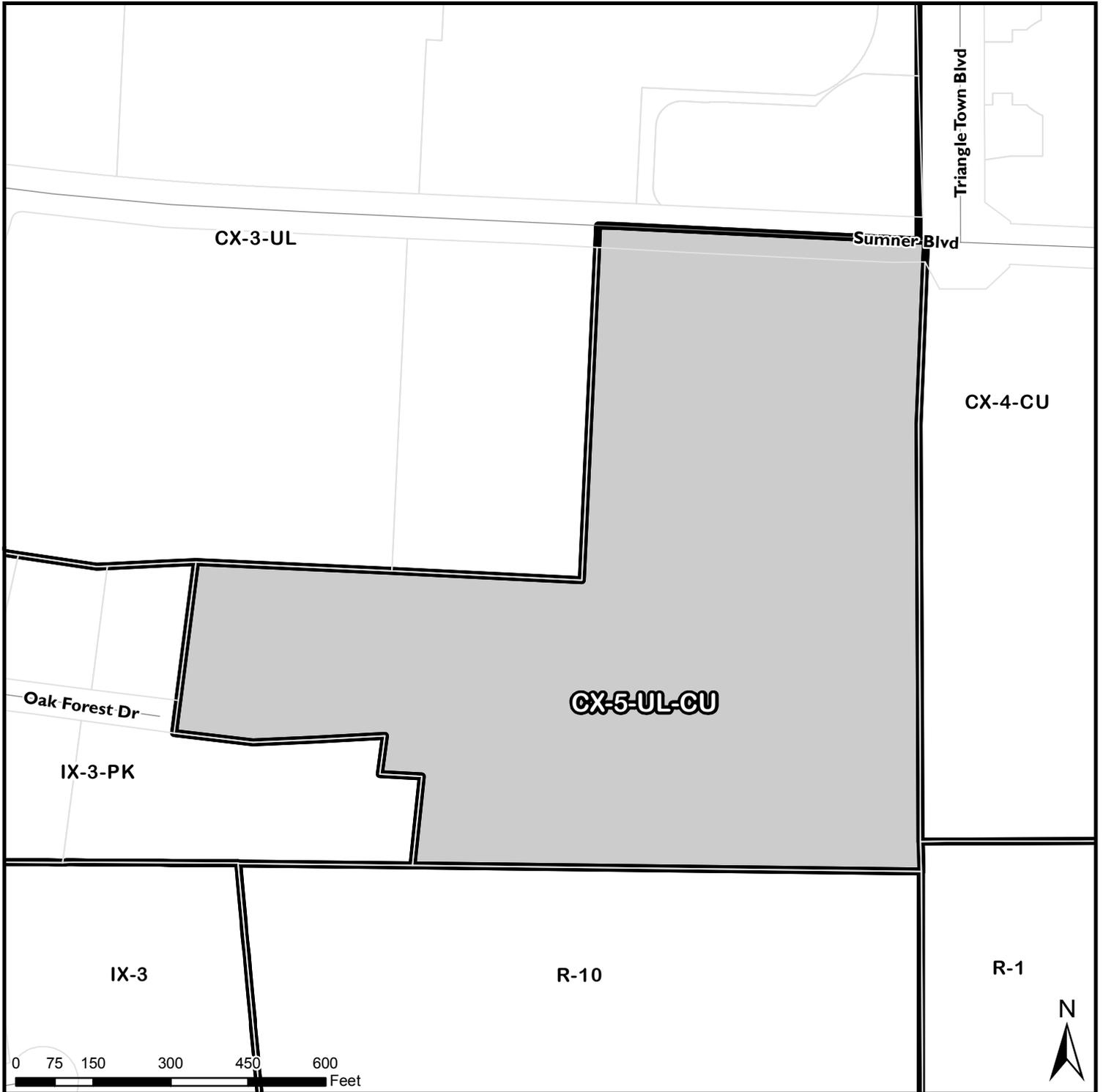



**Council Referral to PC**  
9/14/2015

**297.73 acres from  
TD & CUD TD w/SHOD-2 & AOD  
to  
Various (see Staff Report)**

Z-27-14 Public Hearing:  
Various (see Staff Report)



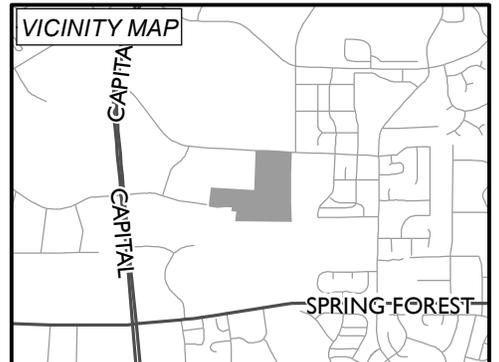


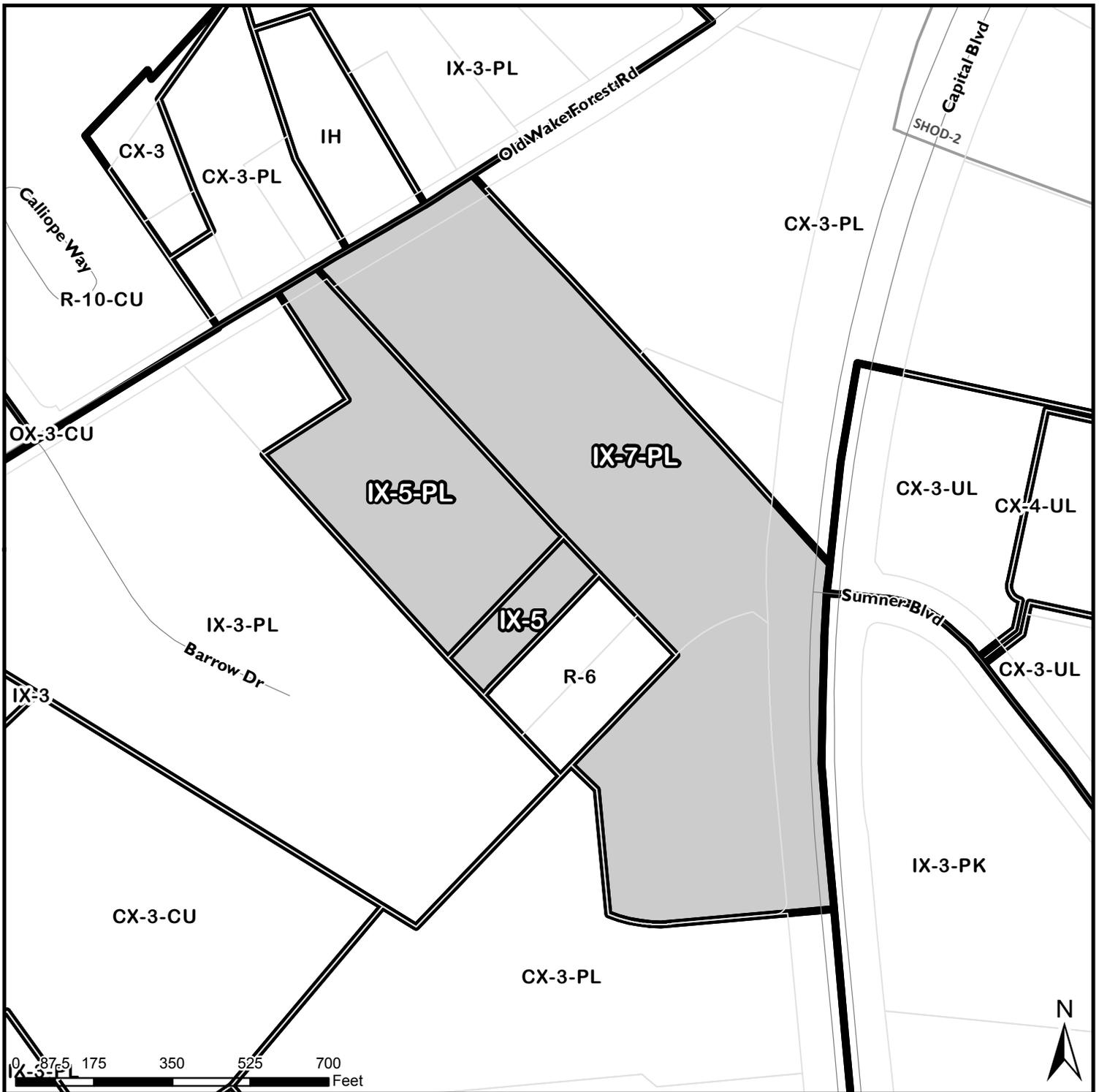
**Council Referral to PC**

10/26/2015

**25.99 acres from TD to CX-5-UL-CU**

Z-27-14 Public Hearing:  
CX-3-UL





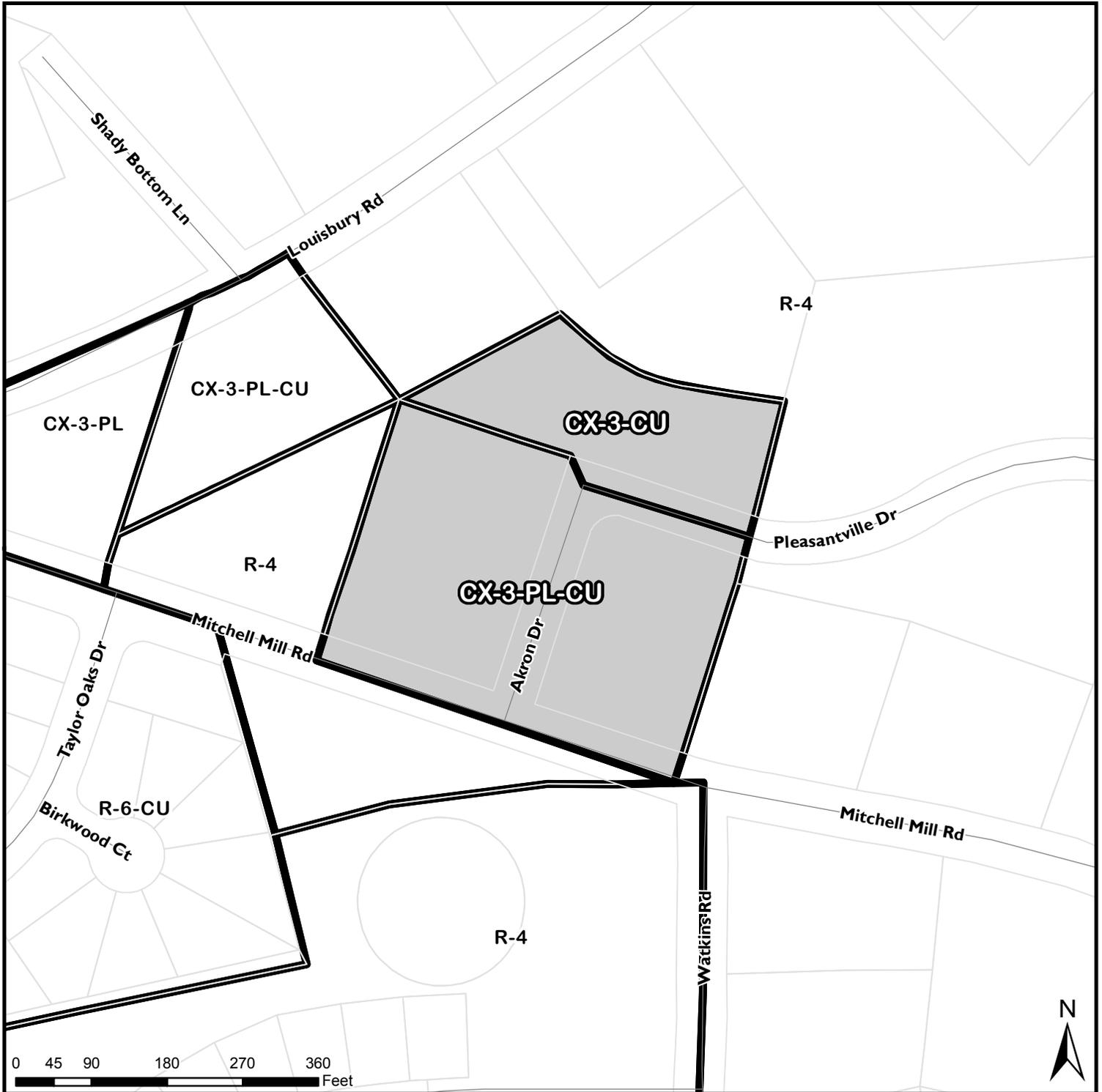
**Council Referral to PC**

11/9/2015

**24.82 acres from  
IND-1  
to  
IX-5-PL, IX-5, IX-7-PL**

Z-27-14 Public Hearing:  
IX-3-PL, IX-3, CX-3-PL

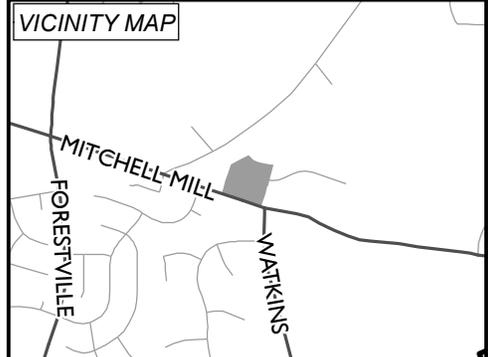




**Council Referral to PC**  
11/9/2015

**4.54 acres from  
CUD SC  
to  
CX-3-CU & CX-3-PL-CU**

Z-27-14 Public Hearing:  
CX-3-PL-CU





**Council Referral to PC**

10/19/2015

**9.1 acres from**

**TD**

**to**

**IX-3-PL**

Z-27-14 Public Hearing:

IX-3-PK

VICINITY MAP





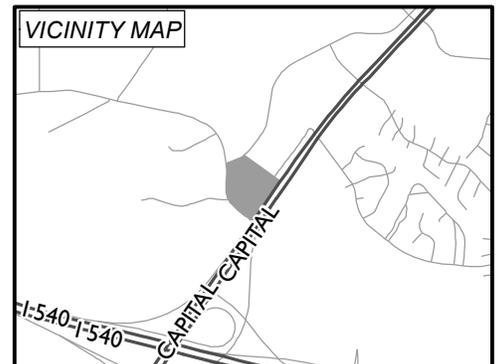
**Council  
Referral  
to PC**

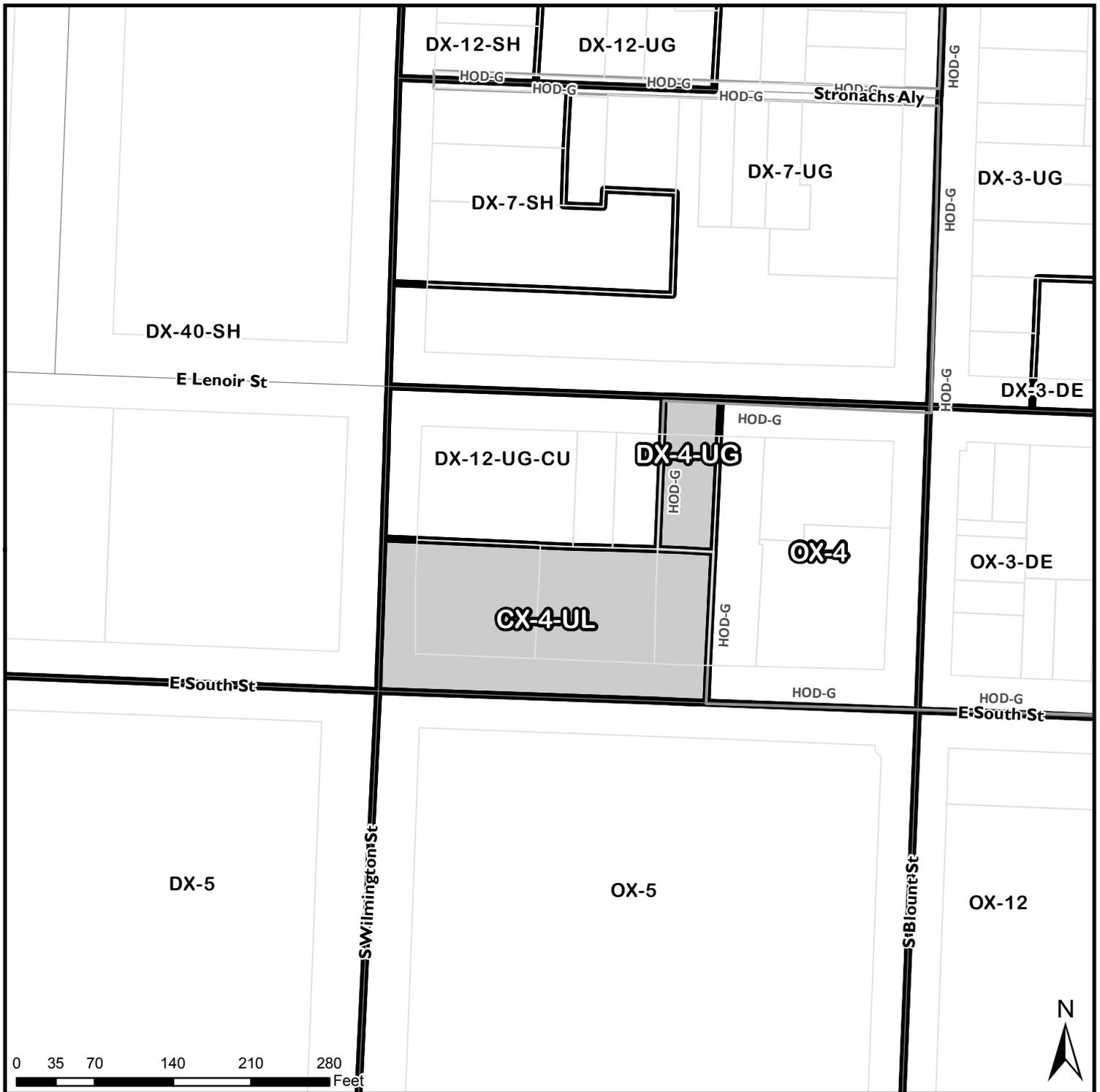
9/14/2015

**9.23 acres from  
IND-1 w/SHOD-2  
to  
IX-5 w/SHOD-2**

Z-27-14 Public Hearing:  
IX-3 w/SHOD-2

VICINITY MAP





**Council  
Referral  
to PC**

10/26/2015

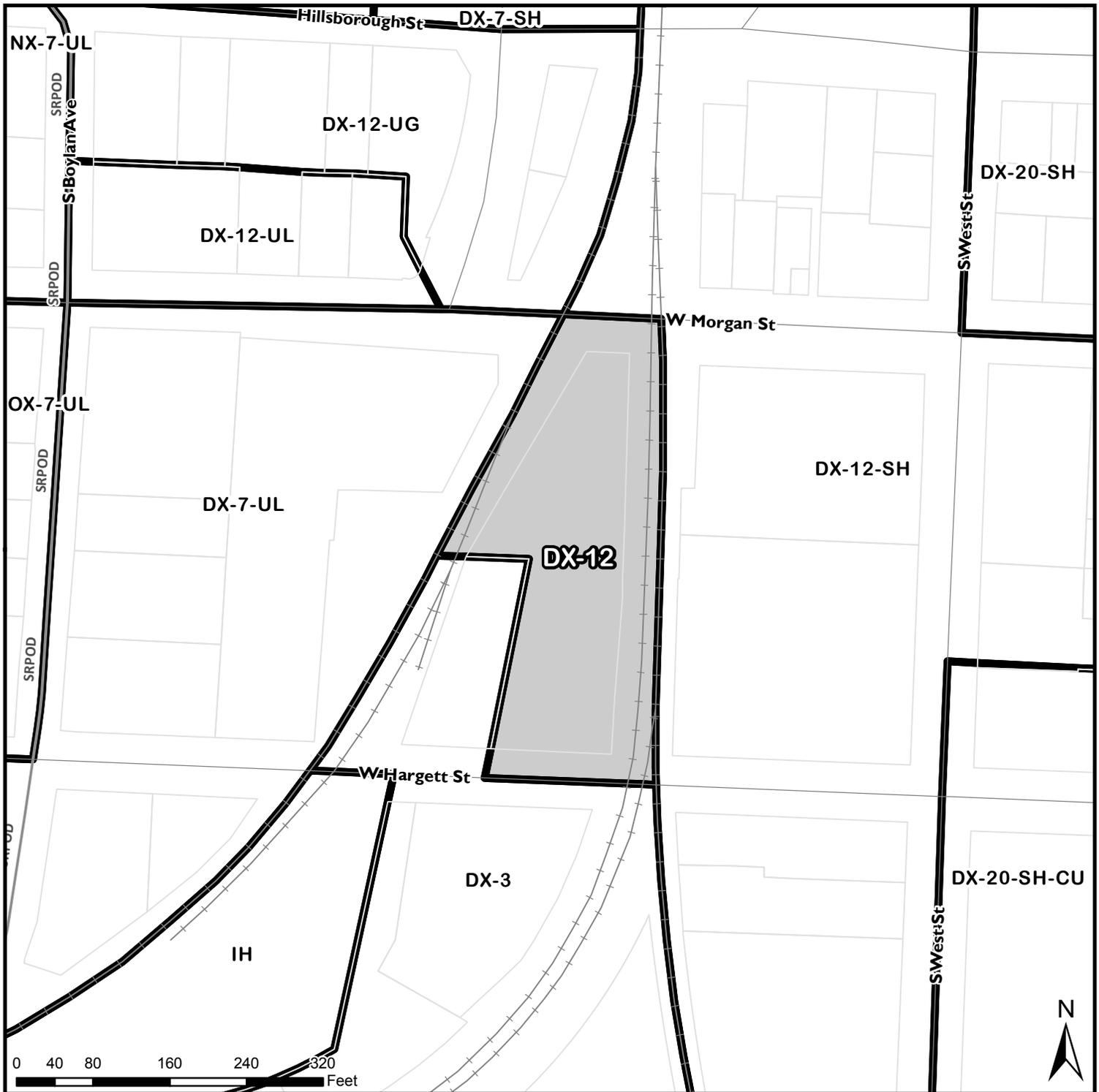
**1.08 acres from  
NB w/DOD (part HOD-G)  
to  
CX-4-UL & DX-4-UG w/HOD-G**

**Z-27-14 Public Hearing:  
CX-4-UG & DX-4-UG w/HOD-G**



# Rezoning Proposal

## Z-27D-14: Item 17



**Council  
Referral  
to PC**

10/19/2015

**1.82 acres from  
IND-2 w/DOD  
to  
DX-12**

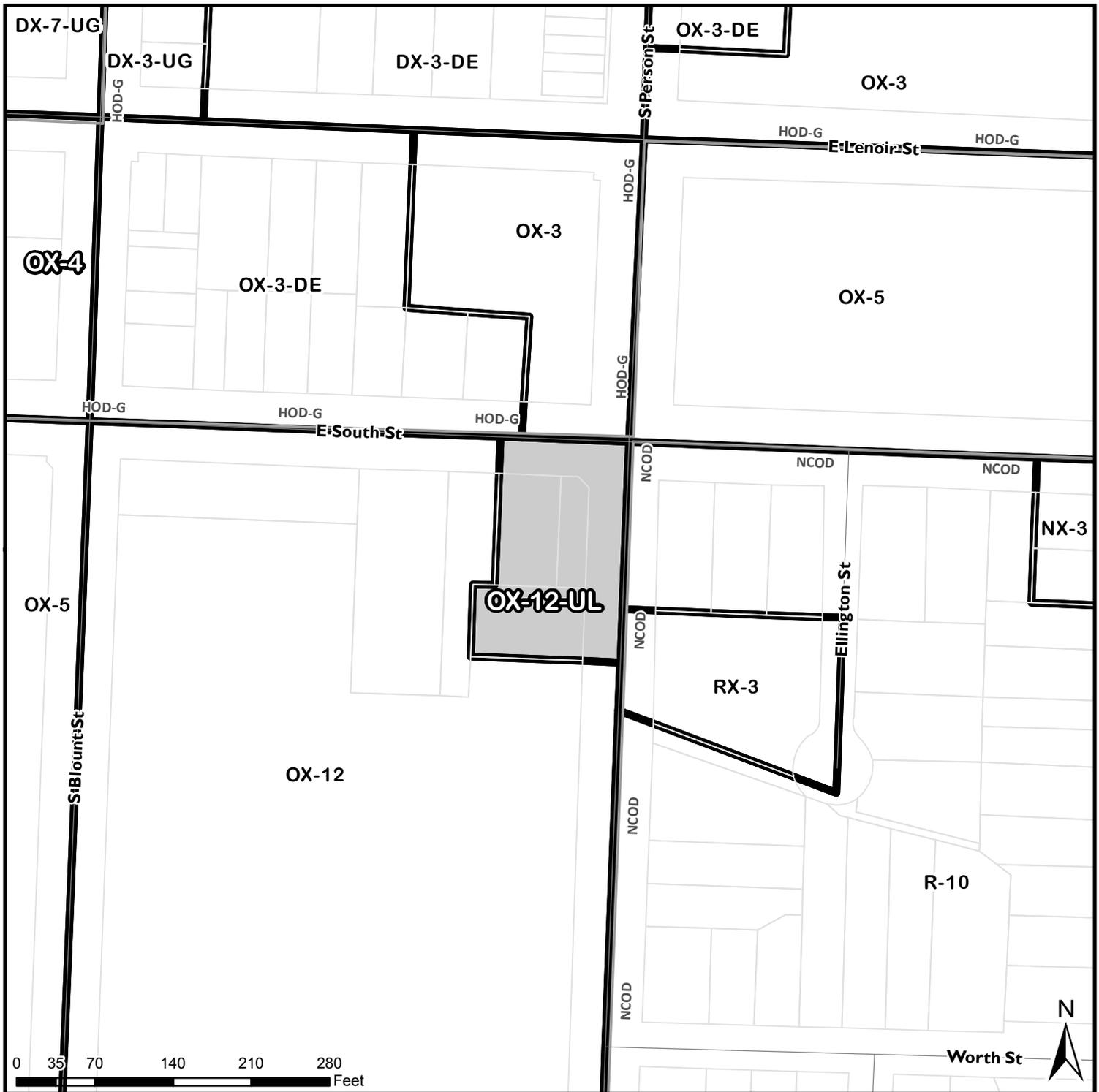
Z-27-14 Public Hearing:  
DX-3

VICINITY MAP



# Rezoning Proposal

Z-27D-14: Item 18

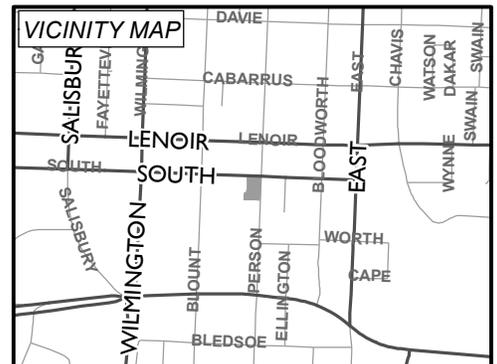


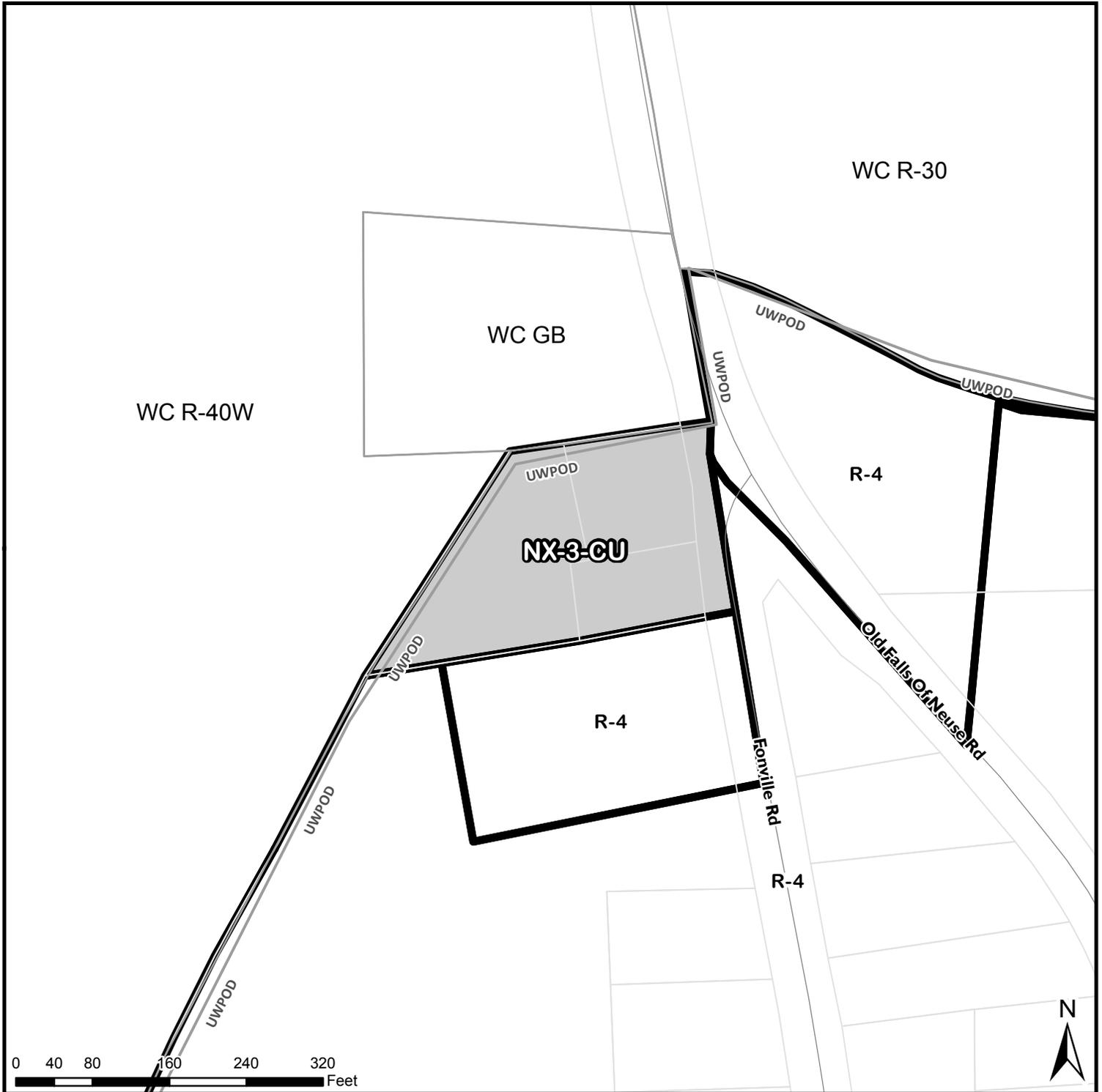
**Council Referral to PC**

9/14/2015

**0.55 acres from  
O&I-2  
to  
OX-12-UL**

Z-27-14 Public Hearing:  
R-10





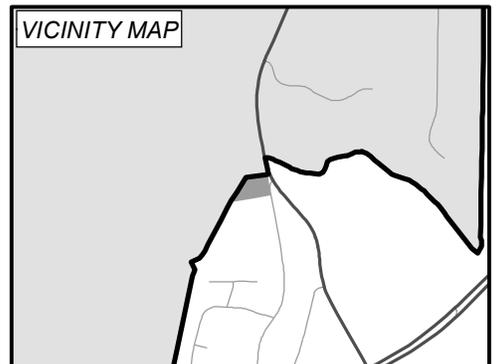
**Council  
Referral  
to PC**

10/26/2015

**1.41 acres from  
BC w/UWPOD  
to  
NX-3-CU w/UWPOD**

Z-27-14 Public Hearing:  
NX-3 w/UWPOD

VICINITY MAP



## Summary of City Council Recommendations – Z-27D-14

The recommendations for the following items are unchanged from the original Z-27-14 Public Hearing in July 2015:

<b>Item</b>	<b>Site Address</b>	<b>Current Zoning</b>	<b>Public Hearing (July 2015) Zoning</b>	<b>Planning Commission Recommendation</b>	<b>City Council Recommendation (5/3/16)</b>
<b>5</b>	900 & 904 Coleman St	R-20	R-10	R-10	<b>R-10</b>
<b>6</b>	1408 Brookside Dr	O&I-1	RX-3	OX-3	<b>RX-3</b>



**Council  
Referral  
to PC**

10/26/2015

**0.88 acres from**

**R-20**

to

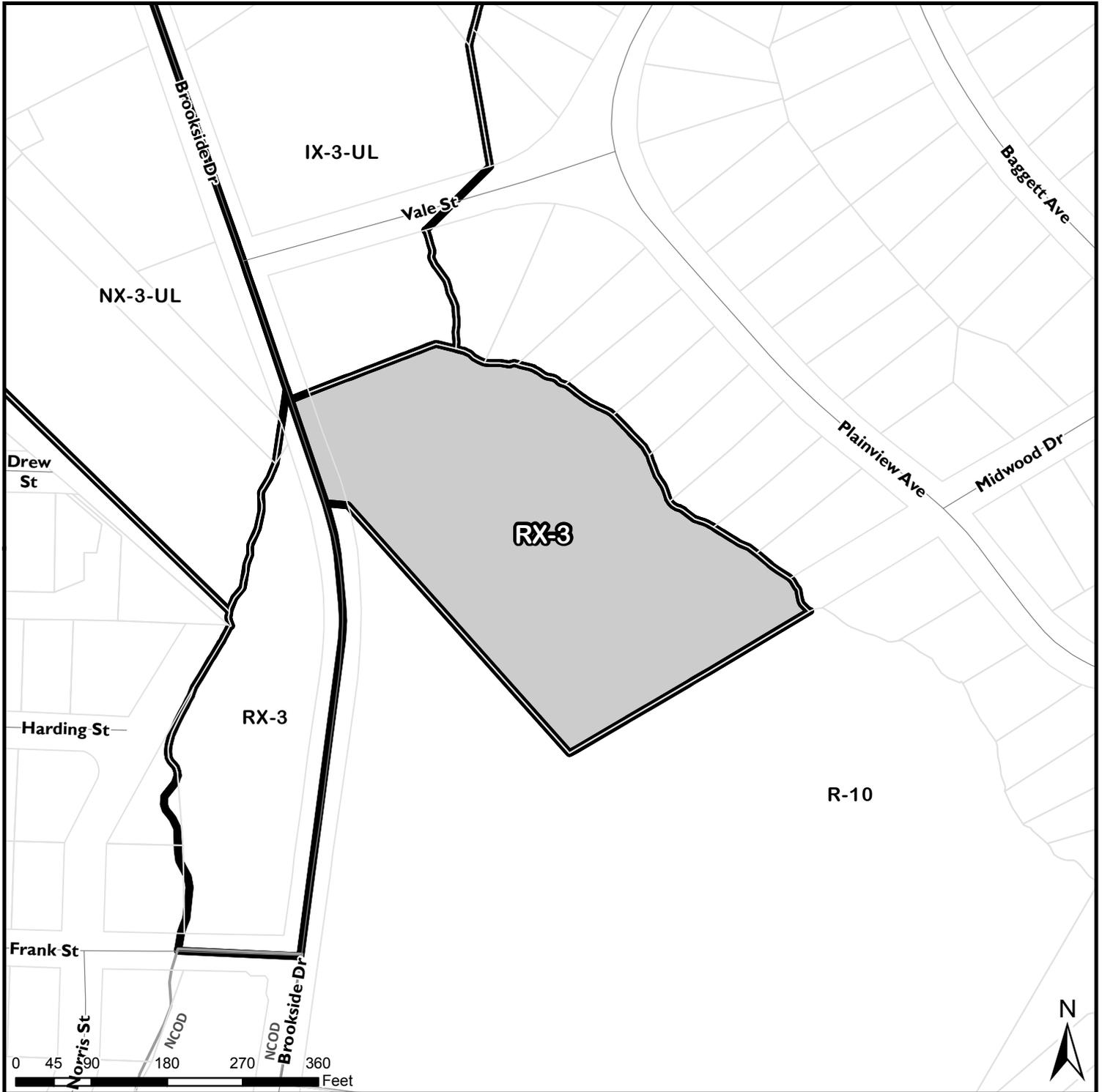
**R-10**

Z-27-14 Public Hearing:

R-10

VICINITY MAP





**Council  
Referral  
to PC**

10/26/2015

**3.53 acres from**

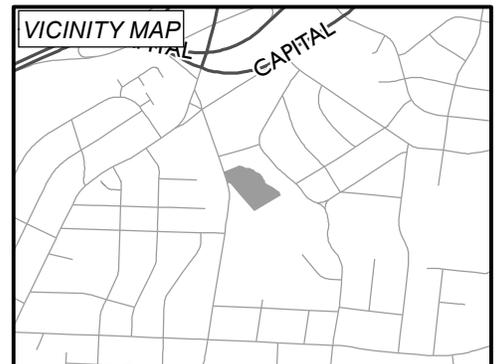
**O&I-1**

to

**RX-3**

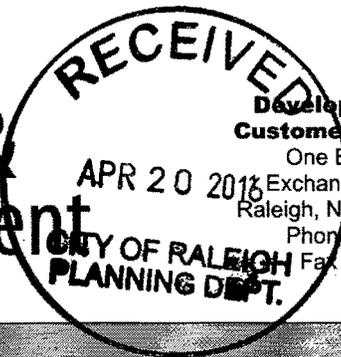
Z-27-14 Public Hearing:

**RX-3**





# Planning & Development



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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-27D-14 (Parcel: 6301 Mt. Herman Rd.; PIN 078-07-3740)		Transaction Number
Date Submitted: April 18, 2016		
Existing Zoning: Thoroughfare District with Airport Overlay District	Proposed Zoning: Heavy Industrial Conditional Use with Airport Overlay District	

**NARRATIVE OF ZONING CONDITIONS OFFERED:** The following uses shall be prohibited upon the parcel of land at 6301 Mt. Herman Road (PIN 0778-07-3740):

1.	Asbestos, radioactive materials;
2.	Animal processing, packing, treating and storage, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing;
3.	Automotive dismantlers and recyclers;
4.	Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products;
5.	Commercial feed lot;
6.	Explosives;
7.	Leather and leather products including tanning and finishing;
8.	Outdoor storage yard for vehicles;
9.	Pulp mill, rubber and plastic products, rubber manufacturing
10.	Scrap metal processors, sawmill, secondary materials dealers;
11.	Tire recapping, tobacco products, transportation equipment;
12.	Detention center, jail, prison;
13.	Animal waste processing;
14.	Landfill;
15.	Manufacture and production of goods from composing organic material;
16.	Outdoor storage of recyclable material;
17.	Scrap materials (outdoor storage); or
18.	Solid or liquid waste transfer station, waste incineration.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature: Eagle Rock Concrete LLC By: <u>J. G. Loftin, Jr.</u> Manager	Print Name <u>J. G. LOFTIN, JR.</u>
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# Planning & Development

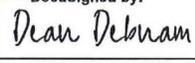
**Development Services  
Customer Service Center**  
 One Exchange Plaza  
 1 Exchange Plaza, Suite 400  
 Raleigh, North Carolina 27601  
 Phone 919-996-2495  
 Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-27D-14		Transaction Number
Date Submitted February 4, 2016		
Existing Zoning TD-CUD w/ SHOD 1	Proposed Zoning CX-3-CU w/ SHOD -1	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	As used herein, the "Property" refers to those certain tracts or parcels of land containing approximately 18.71 acres located in the southeast quadrant of the intersection of Interstate 440 and New Bern Avenue in Raleigh, North Carolina, having Wake County PIN 1724-44-7360 (described in deed recorded at Deed Book 11830, Page 1286) and 1724-44-9824 (described in deed recorded at Deed Book 12133, Page 2356).
2.	The following uses shall be prohibited upon the Property: <ul style="list-style-type: none"> <li>- adult establishment</li> <li>- airfield or landing strip</li> <li>- bar, nightclub, tavern or lounge</li> <li>- correctional/penal facility</li> <li>- riding stable</li> <li>- pawn shop</li> <li>- rifle range--indoor</li> <li>- landfill</li> <li>- movie theater-indoor and outdoor</li> </ul>
3.	Prior to map recordation or issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a offer of cross-access establishing vehicular and pedestrian access over the Property in favor of the owner(s) of all or any portion of the property abutting the eastern boundary of the Property with Wake County Parcel Identification Number 1724-44-9959 and is described by deed recorded at Deed Book 8475, Page 607 of the Wake County Registry.
4.	For the purposes of calculating the amount of residential density allowed on the Property, no more than two hundred and fifty (250) dwelling units, equivalent dwelling units or combination thereof shall be constructed on the Property.
5.	The maximum amount of floor area gross dedicated to commercial land uses, as listed in the Schedule of Permitted Land Uses in Zoning Districts contained in Section 10-2071 of Part 10 of the Raleigh City Code, shall not exceed 50,000 square feet.

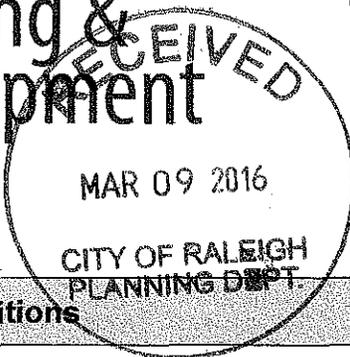
6.	Any commercial use, as listed in the Schedule of Permitted Land Uses in Zoning Districts contained in Section 10-2071 of Part 10 of the Raleigh City Code, shall be located no further than 800 feet from the New Bern Avenue public right-of-way.
7.	The owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential dwelling units and commercial square footage upon the subject property to all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within 30 days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his designee prior to recordation. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.
8.	When any portion of the Property is developed, a pedestrian passage that complies with UDO Section 8.4.8 B shall be located on PIN Number 1724-44-9824 (described in deed recorded in Deed Book 12133, Page 2356), but no pedestrian passage shall be required if disapproved by North Carolina Department of Transportation.
9.	
10.	

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature	DocuSigned by:  C0C3C32029B1421...	Print Name Dean Debnam
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# Planning & Development



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

<b>Conditional Use District Zoning Conditions</b>		<b>OFFICE USE ONLY</b>
Zoning Case Number Z-27D-14 Item 11 (Sumner Blvd.)		Transaction Number
Date Submitted 1/12/16		
Existing Zoning TD	Proposed Zoning CX-5-UL-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	All uses other than those listed below are limited to a maximum height of four stories and 62 feet:
2.	Hotel, Motel, Inn (UDO Section 6.4.6.D)
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

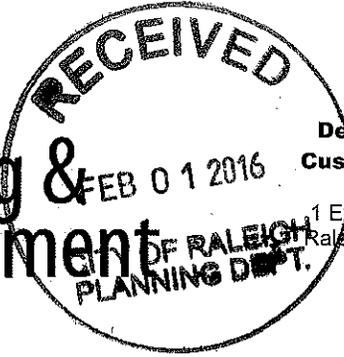
These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature <i>J. Melville Broughton</i>	Print Name J MELVILLE BROUGHTON
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# Planning & Development

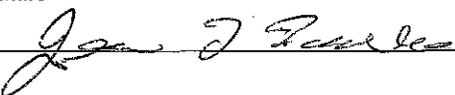


**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-27D-14 Item 19 (Fonville Rd.)		Transaction Number
Date Submitted 1/21/2016		
Existing Zoning BC and R-4	Proposed Zoning NX-3 w/UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	Uses prohibited on the properties to be rezoned: Vehicle Fuel Sales Facilities
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature 	Print Name JOHN T. FONVILLE
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