

PLANNING COMMISSION'S UDO REMAPPING WORK SESSION AGENDA

October 21, 2014 – 9:00 A.M.

City Council Chambers– Municipal Building

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

UDO Remapping Public Comment – Change Requests
Requests are grouped by level of staff support, CAC, and Change Request Map Number. Property address and PIN are included for reference.

Pending zoning cases will not be discussed.

Staff Agrees with Request	CAC	Address	PIN	Map No.
	North	5501 Departure Dr	1716966976	127 (IX-3-PL)
	Northeast	4700 Louisburg Rd	1726725484	91 (CX-3)
		5001 Spring Forest Rd	1736173184	147 (CX-3-CU)
	5405 Oak Forest Rd	1726585352	58 (IX-3)	
Staff Requests Additional Discussion	North	11555 Common Oaks Dr	1830524664	50 (CX-3-PK)
		2730 Wakefield Pines Dr	1729988780	49 (CX-3)
		2801 Wakefield Pines Dr	1739084787	49 (CX-3)
	Northeast	3241 Lake Woodard Dr	1724272353	13 (IX-3)
		3301 Terminal Dr	1724262468	13 (IX-3)
		3900 Sumner Blvd	1726681771	57 (CX-4)
Staff Disagrees with Request	Forestville	7308 Capital Blvd	1727767622	76 (IX-3)
		7324 Capital Blvd	1727768891	76 (IX-3)
	North	5620 Atlantic Ave	1716990129	160 (CX-3)
	6204 Falls of Neuse Rd	1717205910	38 (CX-6[7])	
	6601 Falls of Neuse Rd	1717127972	162 (CX-3)	

**Staff Disagrees
with Request**

CAC	Address	PIN	Map No.
North	7400 Stonecliff Dr	0797599310	4 (R-10)
	8116 Creedmoor Rd	0798417918	185 (Unclear)
	8200 Creedmoor Rd	0798428116	185 (Unclear)
	8210 Creedmoor Rd	0798427247	185 (Unclear)
	8410 Old Lead Mine Rd	1708207421	61 (OX-4)

Northeast	1451 S New Hope Rd	1724965306	53 (IX-3)
	2500, 2600 & 2620 Brentwood Rd	1725005965	137 (CX-7)
	2744 Capital Blvd	1715829585	161 (CX-3)
	3249 Lake Woodard Dr	1724273393	197
	4428 James Rd	1726722301	130 (CX)
	4428 James Rd	1726722301	130 (CX)
	5201 Sinclair Dr	1736289965	20 (R-6)
	5409 Oak Forest Dr	1726581335	182 (IX-3)
	5413 Oak Forest Dr	1726489327	182 (IX-3)
	5710 & 5720 Capital Blvd	1726492472	52 (IX-4/5)



**Planning Commission October 21, 2014
 Z-27-14 Citywide UDO Remapping
 North, Northeast, and Forestville CAC Areas**

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

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

Each comment is numbered below and sorted by category. Staff has provided basic information related to the property which includes existing and proposed zoning, requested zoning and applicable Comprehensive Plan guidance. Each request contains a staff recommendation. Correspondence related to these requests is included at the end of the report for reference.

A. Staff agrees with the following Public Comment Change Requests:

1.	Address	5501 Departure Drive
	PIN	1716966976
	CAC	North
	Change Request/Comment ID	27 / GEN-0154 - 0158
	Existing Zoning	IND-1
	Current Use	Vacant
	Proposed Zoning	CX-3-PL
	Requested Zoning	IX-3-PL
	Future Land Use Designation	Community Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	Transit Oriented District Within Transit Stop Half-Mile Buffer Corner frontage on two Urban Thoroughfares

Staff considered both CX and IX as potential base districts for this vacant parcel. While IX is the closest comparative district, staff initially proposed CX as the base district to advance implementation of the Future Land Use Map. Neither CX nor IX would create any new non-conformity. Since IX is the closest comparative district and would create no new non-conformity, staff agrees with this request.

Recommendation: The property should be zoned IX-3-PL.

2.	Address	4700 Louisburg Road
	PIN	1726725484
	CAC	Northeast
	Change Request/Comment ID	91 / WEB-28482
	Existing Zoning	SC w/ SHOD-4
	Current Use	Vacant
	Proposed Zoning	NX-3
	Requested Zoning	CX-3
	Future Land Use Designation	Neighborhood Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	Frontage on Parkway Corridor

Staff considered both NX and CX as potential base districts for this vacant parcel. While CX is the closest comparative district, staff initially proposed NX as the base district to advance implementation of the Future Land Use Map. Neither NX nor CX would create any new non-conformity. Since CX is the closest comparative district and would create no new non-conformity, staff agrees with this request.

Recommendation: The property should be zoned CX-3.

3.	Address	5001 Spring Forest Rd
	PIN	1736173184
	CAC	Northeast
	Change Request/Comment ID	147 / GEN-0519
	Existing Zoning	CUD TD
	Current Use	Vacant
	Proposed Zoning	RX-5-PK-CU
	Requested Zoning	CX-3-CU
	Future Land Use Designation	Neighborhood Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	Frontage on Parkway Corridor

Staff agrees with the request to change the base district recommendation for this parcel from RX to CX. This property is part of a larger conditional use zoning case. The zoning conditions specify a maximum of 300 dwelling units for the rezoned area. An adjacent property within the conditional use zoned area has already constructed the maximum number of units. Staff also agrees with the request to reduce the height designation from 5 stories to 3 stories given that the current conditions limit height to the lesser of thirty feet or two stories. However, staff does not agree with the request to remove the frontage designation. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements.

Recommendation: The property should be zoned CX-3-PK-CU.

4.	Address	5405 Oak Forest Rd
	PIN	1726585352
	CAC	Northeast
	Change Request/Comment ID	58 / GEN-0429
	Existing Zoning	TD
	Current Use	Vacant
	Proposed Zoning	CX-3-UL
	Requested Zoning	IX-3
	Future Land Use Designation	Community Mixed Use
	Area Plan Guidance	Triangle Town Center
	Urban Form Designation	City Growth Center Within Transit Stop Half-Mile Buffer

Staff considered both CX and IX as potential base districts for this vacant parcel, staff initially proposed CX as the base district to advance implementation of the Future Land Use Map. Staff agrees with this request since IX is a reasonable translation of TD, would create no new non-conformity, and adjacent parcels to the west are also recommended for IX-3-PL.

Recommendation: The property should be zoned IX-3-PL.

B. Staff requests discussion of the following Public Comment Change Requests:

5.	Address	11555 Common Oaks Drive
	PIN	1830524664
	CAC	North
	Change Request/Comment ID	50 / GEN-0373
	Existing Zoning	CUD TD w/UWPOD
	Current Use	Vacant
	Proposed Zoning	NX-3-PK w/UWPOD
	Requested Zoning	CX-3-PK
	Future Land Use Designation	Neighborhood Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	Frontage on Parkway Corridor

Staff considered both NX and CX as potential base districts for this vacant parcel as neither would create any non-conformity. While CX is the closest comparative district, staff initially proposed NX as the base district to advance implementation of the Future Land Use Map (FLUM). The FLUM associates this parcel with a multi-family residential area to the north designated as Neighborhood Mixed Use and establishes a transition in intensity between areas designated as Community Mixed Use and Low Density Residential. There is also inconsistency between the FLUM designation and the citizen request.

Recommendation: Further discussion.

6.	Address	2730 and 2801 Wakefield Pines Drive
	PIN	1729988780, 1739084787
	CAC	North
	Change Request/Comment ID	49 / GEN-0366
	Existing Zoning	CUD SC w/UWPOD
	Current Use	Vacant
	Proposed Zoning	NX-3 w/UWPOD
	Requested Zoning	CX-3
	Future Land Use Designation	Neighborhood Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	N/A

Staff considered both NX and CX as potential base districts for this vacant parcel as neither would create any non-conformity. While CX is the closest comparative district, staff initially proposed NX for this and surrounding parcels as the base district to advance implementation of the Future Land Use Map (FLUM) designation of Neighborhood Mixed Use (NMU). All other properties with this designation in the area are recommended for NX. Zoning these two parcels, particularly 2730 Wakefield Pines Drive, as CX would be incongruous with other parcels of similar disposition. There is also inconsistency between the FLUM designation and the citizen request.

Recommendation: Further discussion.

7.	Address	3301 Terminal Drive & 3241 Lake Woodard Drive
	PIN	1724262468, 1724272353
	CAC	Northeast
	Change Request/Comment ID	13 / CC3-0039; GEN-0059
	Existing Zoning	IND-2
	Current Use	Office
	Proposed Zoning	IH
	Requested Zoning	IX-3
	Future Land Use Designation	Community Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	City Growth Center Frontage on Parkway Corridor

Staff considered both IX and IH as potential base districts for this parcel and believed IH to be necessary to avoid the creation of a non-conformity. As a result of citizen comment and field investigation, staff believes that IX would be an appropriate designation. However, the citizen requested zoning was not put forth by the property owner. The property owner was contacted and encouraged to comment, but has offered no input.

Recommendation: Further discussion.

8.	Address	3900 Sumner Boulevard
	PIN	1726681771
	CAC	Northeast
	Change Request/Comment ID	57 / GEN-0428; GEN-0450
	Existing Zoning	TD
	Current Use	Vacant
	Proposed Zoning	CX-3-UL
	Requested Zoning	CX-4
	Future Land Use Designation	Community Mixed Use
	Area Plan Guidance	Triangle Town Center
	Urban Form Designation	City Growth Center Within Transit Stop Half-Mile Buffer Corner frontage on Main Street and Urban Thoroughfare

The Triangle Town Center area plan does not offer guidance that would suggest height greater than 3 stories. Staff finds the request for 4 stories instead of 3 stories to be outside administrative purview and to merit discussion. Staff recommended UL frontage for this parcel because of its corner frontage on a Main Street (Triangle Town Boulevard) and an Urban Thoroughfare (Sumner Boulevard). The property owner believes that existing topography on the site would make development to UL standards difficult. Staff disagrees with this aspect of the request.

Recommendation: Further discussion.

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

9.	Address	7308 and 7324 Capital Boulevard
	PIN	1727767622, 1727768891
	CAC	Forestville
	Change Request/Comment ID	76 / WEB-14402
	Existing Zoning	IND-1
	Current Use	Tow Yard
	Proposed Zoning	IH
	Requested Zoning	IX-3
	Future Land Use Designation	Moderate Density Residential
	Area Plan Guidance	N/A
	Urban Form Designation	Frontage on Parkway Corridor

Staff considered both IX and IH as potential base districts for this parcel and determined IH to be necessary to avoid the creation of a non-conformity. The property is currently used as a tow yard (special use permit granted in 2009), a use allowed by special use permit only in IH. The citizen requested zoning was not put forth by the property owner. Staff disagrees with the request.

Recommendation: No change to the map. Providing a zoning category other than IH for this property would make the existing use non-conforming.

10.	Address	5620 Atlantic Avenue
	PIN	1716990129
	CAC	North
	Change Request/Comment ID	160 / GEN-0541
	Existing Zoning	SC
	Current Use	Gas Station
	Proposed Zoning	CX-3-PL
	Requested Zoning	CX-3
	Future Land Use Designation	Community Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	City Growth Center Frontage on Urban Thoroughfare

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

Recommendation: No change to the map.

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

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. Staff disagrees with the request.

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

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

RX is the closest comparative district to existing zoning. The citizen requested zoning was not put forth by the property owner. Neighbor does not feel that non-residential should be allowed on the property. Staff disagrees with the request.

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

15.	Address	8410 Old Lead Mine Road
	PIN	1708207421
	CAC	North
	Change Request/Comment ID	61 / GEN-0445
	Existing Zoning	CUD O&I-1
	Current Use	Two Family Residential
	Proposed Zoning	OX-4-CU
	Requested Zoning	OX-4
	Future Land Use Designation	Office & Residential Mixed Use
	Area Plan Guidance	N/A
	Urban Form Designation	Mixed Use Center Frontage on Urban Thoroughfare

Existing zoning conditions are extensive and specify a landscaped street yard; limit use, building height, office square footage, and residential density; and establish materials, parking, and open space requirements. Staff believes that the conditions are specific enough to merit retention.

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

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

IX is the closest comparative district to existing zoning. There is no specific policy guidance that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Staff finds the request for height greater than 3 stories to be beyond administrative purview. Staff disagrees with the request.

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

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

IX is the closest comparative district to existing zoning. Any other district would result in a significant change or reduction in entitlement the citizen requested zoning was not put forth by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

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

CX is the closest comparative district to existing zoning. The request is for a district that is much less intense than the existing or proposed district. Rezoning to R-6 would result in a significant reduction in entitlement. The citizen requested zoning was not put forth by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

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

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

Recommendation: No change to the map.

From: [Walter, Bynum](#)
To: hloveiii@aol.com; [Rezoning](#)
Subject: RE: City of Raleigh Response Ref #6721
Date: Wednesday, August 27, 2014 3:48:39 PM

Dear Mr. Love –

The City of Raleigh is undergoing a broad remapping process to update the official zoning map to reflect the new zoning districts adopted in the Unified Development Ordinance (UDO). The UDO is a complete rewrite of the existing zoning code, which governs land use. More information is available online: <http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/ZoningRemapping.html>

The initial recommendations for application of the new zoning districts was made by staff. In this particular instance, staff's belief that this site was already being used for Heavy Industrial (IH)uses guided the recommendation. Based on your comment and further research we have determined that IH uses are not currently present, which is why we have contacted the property owner and encouraged them to weigh in on the matter.

Please let me know if you have further questions – Bynum

From: hloveiii@aol.com [mailto:hloveiii@aol.com]
Sent: Tuesday, August 26, 2014 2:51 PM
To: Walter, Bynum; [Rezoning](#)
Subject: Re: City of Raleigh Response Ref #6721

Mr. Walter,

Since it has been so long and the final date is closing in on us, it occurred to me to clarify my questions.

Was the rezoning of this property requested by the City Planning Commission or by the property owner?

If the request came from the City itself, I would ask why since this is the only piece of property on this side of the beltline to be so altered?

If requested by the owner, I'm concerned about their plans for the property.

If you can help with any clarification on this matter, I would appreciate it.

Regards,

Hobie Love III
3241 Lake Woodard Dr
Raleigh, NC 27604
(919) 231-7228

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

From: Walter, Bynum <Bynum.Walter@raleighnc.gov>
To: [hloveiii <hloveiii@aol.com>](mailto:hloveiii@aol.com); [Rezoning <Rezoning@raleighnc.gov>](#)
Sent: Mon, Aug 25, 2014 4:37 pm
Subject: RE: City of Raleigh Response Ref #6721

Dear Mr. Love –

Thanks for your follow up message.

I am very sorry for the delay; it has taken a long time for us to successfully contact the property owner of 3301 Terminal Drive. I was only able to speak with a representative of the property last week. They are evaluating the rezoning recommendation made by the City and we are hopeful that they will choose to comment before the end of the public comment period on September 30.

Regardless of whether or not the property owner chooses to comment, this issue will be discussed by the Planning Commission as part of their review of the remapping recommendations and comments. Their review will begin on October 14. You can sign up to receive more detailed information as it becomes available about the schedule of issues for discussion on the City's website: <http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/ZoningRemapping.html>. Click on the link in the green box called "MyRaleigh Subscriptions" in the upper right hand corner of the page.

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

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

From: hloveiii@aol.com [<mailto:hloveiii@aol.com>]
Sent: Monday, August 25, 2014 4:23 PM
To: Rezoning; Walter, Bynum
Cc: hloveiii@aol.com
Subject: Re: City of Raleigh Response Ref #6721

I was hoping for an update sooner than this? It has been over 2 months! Is there anything you can tell me about the rezoning changes proposed for 3301 Terminal Dr.

Regards,

Hobart V. Love III

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

From: rezoning <rezoning@raleighnc.gov>
To: hloveiii <hloveiii@aol.com>
Sent: Thu, Jun 26, 2014 4:25 pm
Subject: City of Raleigh Response Ref #6721

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

Feedback Received June 2nd 2014, 5:34 pm

Reference #: 6721

Location: 3301 TERMINAL DR

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: I live at 3241 Lake Woodard and am concerned that this property which I can see from my front window is being rezoned " IH heavy industry" which by it's definition is incompatible with nearby residential. The only access to this property is via Lake Woodard Dr which is already overloaded with pass through traffic and utility vehicles from the City Operation Center. There is already a bottle neck of traffic at Lake Woodard and Brentwood Road. This rezoning, I assume, would allow for heavy vehicles

which could only be a greater load and threat to existing traffic. I am also concerned that this is the only nearby property on this side of the beltline being rezoned to "IH". That makes me wonder if someone doesn't already have plans for a significant change to the use of the property which currently is only office and vehicle parking by the City.

City Response on June 26th 2014, 04:25 pm

We are reaching out to the owner of this property to discuss our proposal and your concerns with them. We will get back to you when we have more information.

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

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

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

Mr. and Mrs. Johnston,

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

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

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

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

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

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

Please feel free to contact me with any questions.

Thank you.

Carter Pettibone, AICP

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

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

From: Linda Johnston [<mailto:jjohnston4@nc.rr.com>]
Sent: Wednesday, June 04, 2014 7:15 PM
To: Rezoning
Subject: : Address 5120 Six Point Trail - Rezoning comments
Importance: High

Dear Sirs:

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

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

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

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



Michael Birch | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

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

September 30, 2014

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

Re: 2730 Wakefield Pines Drive (1729-98-8780)
2801 Wakefield Pines Drive (1739-08-4787)
11555 Common Oaks Drive (1830-52-4664)

Dear Bynum:

On behalf of CK Wakefield Properties LLC, the owner of the above-referenced properties, we are submitting this letter in response to the City's proposed rezoning designation for the properties.

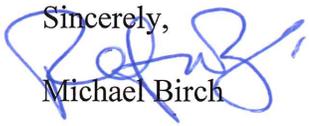
The property located at 2730 Wakefield Pines Drive is currently zoned Shopping Center Conditional Use (Z-102-96). The City is proposing to rezone this property to NX-3. The owner disagrees with this proposal, and requests that the City rezone this property to CX-3. The Commercial Mixed Use district is the most similar district to the current Shopping Center district, as it permits many of the same land uses.

The property located at 2801 Wakefield Pines Drive is currently zoned Shopping Center Conditional Use (Z-102-96). The City is proposing to rezone this property to NX-3. The owner disagrees with this proposal, and requests that the City rezone this property CX-3. The Commercial Mixed Use district is the most similar district to the current Shopping Center district, as it permits many of the same land uses.

The property at 11555 Common Oaks Drive is currently zoned Thoroughfare District Conditional Use (Z-69-95). The City is proposing to rezone this property to NX-3-PK. The owner disagrees with this proposal, and requests that the City rezone this property CX-5-PK. The CX district is the most similar district to the current Thoroughfare District zoning classification. Importantly, the current zoning permits a hotel use, but the City's proposed NX district does not. The requested CX district preserves hotel as a permitted use. Also, the requested height of five stories is consistent with the height that could be achieved on the property under current zoning, is compatible with surrounding zoning and land uses, and is consistent with Comprehensive Plan guidance.

Please feel free to call me should you have any questions or comments.

Sincerely,


Michael Birch

From: [Walter, Bynum](#)
To: [Dean Marion](#)
Cc: patc@crown-companies.com
Subject: RE: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way
Date: Thursday, August 28, 2014 3:08:36 PM

Dear Dean –

Thanks for your voicemail. I know you have ongoing conversations with other folks about these other properties and so I wanted to give you information in advance of your meeting next week so that it could inform your discussion. No requests will be forwarded to the Planning Commission before October 14. Please keep me apprised of any changes to your requests that may develop during the public comment period which lasts until September 30 so that staff can be sure to present your request to the Commission as accurately as possible.

Thanks – Bynum

From: Walter, Bynum
Sent: Thursday, August 28, 2014 2:34 PM
To: 'Dean Marion'
Cc: patc@crown-companies.com
Subject: RE: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Dear Dean –

Thanks for sharing the list of properties in question. I have had a chance to review this list with other members of the planning staff and wanted to provide you with some additional information.

Of the Wakefield area properties you identified as having an interest in, you asked for different zoning than what was recommended for three:

2801 Wakefield Pines Dr
11555 Common Oaks Dr
2730 Wakefield Pines Dr

Your request was for CX-3 instead of NX-3; proposed parkway (PK) frontage for the Common Oaks Drive parcel was not requested to change. In each of the three instances, staff felt that your request is outside of administrative purview and merits review by the Planning Commission. These requests will be forwarded to the Planning Commission for their consideration without a staff recommendation.

Of the Brier Creek area properties you identified as having an interest in, you asked for different zoning than what was recommended for twelve. Six of these parcels have addresses on Sellona Street: 9951, 9911, 9931, 9932, 9930, and 9910. The staff recommendation for these parcels was OX-3-PK; the base district recommendation was made based on the conditions set forth in zoning case Z-65-96. While staff has recommended that these conditions be removed, the zoning recommendations were intended to carry forward the balance/mix of land uses established by the conditions. For these parcels you requested CX-3-PK instead of OX-3-PK zoning. Staff felt that this batch of requests is outside of administrative purview and merits review by the Planning Commission. These requests will be forwarded to the Planning Commission for their consideration. Staff will recommend denial of this alternate request since it is in conflict with the current zoning conditions that apply to the parcels in question.

For 9655 Collingdale Way you requested CX-3-PK instead of the proposed R-6. Staff feels that this request is outside of administrative purview and merits review by the Planning Commission. This request will be forwarded to the Planning Commission for their consideration without a staff recommendation.

For 10701 Globe Road you requested CX-3-PK instead of the proposed RX-3-PK-CU. Staff felt that

this request is outside of administrative purview and merits review by the Planning Commission. This request will be forwarded to the Planning Commission for their consideration without a staff recommendation.

For 10501 Little Brier Creek Lane you requested for R-6 instead of the proposed R-4. This request will be forwarded to the Planning Commission for their consideration. Staff will recommend approval of this alternate request since the parcel in question will be adjacent to parcels zoned R-4 as well as parcels zoned R-6.

The remaining requests in the Brier Creek vicinity include:

2501 TW Alexander Dr
0 Glenwood Ave (PIN 075904910693)
11109 Glenwood Ave

The entirety of the parcels at 0 Glenwood Ave and 2501 TW Alexander and a portion of 11109 Glenwood Ave are currently zoned as a conditional use district that prohibits commercial uses of all types and office use. You requested CX-3-PK for these parcels instead of RX-3-PK-CU. These requests will be forwarded to the Planning Commission for their consideration. Staff will recommend denial of the alternate requests since they are in conflict with the current zoning conditions that apply to the parcels in question. Staff recommends that the conditional use district be carried forward as part of the remapping since the conditions cannot be realized with general use zoning.

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

Sincerely – Bynum

From: Dean Marion [<mailto:jdandmt@aol.com>]
Sent: Thursday, August 21, 2014 8:43 AM
To: Walter, Bynum
Cc: patc@crownc-companies.com
Subject: Re: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Bynum,

Per your suggestion, attached are 2 spreadsheets, one for the Brier Creek properties and one for the Wakefield properties. As I mentioned on my phone call, these are subject to change given we have an ownership group meeting coming up on September 8th to discuss all of these properties in more detail. Please call me with any initial questions or comments. I look forward to talking with you soon.

Dean Marion
The Crown Companies, LLC
2740 NC Hwy 55, Suite 200
Cary, NC 27519

919-303-9448 (office)
919-303-9449 (fax)

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

From: Walter, Bynum <Bynum.Walter@raleighnc.gov>
To: Dean Marion <jdandmt@aol.com>; Pettibone, Carter <Carter.Pettibone@raleighnc.gov>
Cc: Rezoning <Rezoning@raleighnc.gov>; patc <patc@crownc-companies.com>; timd <timd@crownc-companies.com>
Sent: Thu, Jul 31, 2014 4:37 pm

Subject: RE: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Thanks, Dean. I look forward to hearing from you. I wanted to let you know that I will be out of the office next week, but please go ahead and send the list of properties of interest.

Sincerely, Bynum

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: Dean Marion [<mailto:jdandmt@aol.com>]
Sent: Thursday, July 31, 2014 4:35 PM
To: Pettibone, Carter
Cc: Walter, Bynum; Rezoning; patc@crow-companies.com; timd@crow-companies.com
Subject: Re: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Thanks Carter. I will be putting a list of the properties together next week and will email to all.

Dean Marion
The Crown Companies, LLC
2740 NC Hwy 55, Suite 200
Cary, NC 27519

919-303-9448 (office)
919-303-9449 (fax)

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

From: Pettibone, Carter <Carter.Pettibone@raleighnc.gov>
To: jdandmt <jdandmt@aol.com>
Cc: Walter, Bynum <Bynum.Walter@raleighnc.gov>; Rezoning <Rezoning@raleighnc.gov>
Sent: Thu, Jul 31, 2014 4:25 pm
Subject: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Dean,

Thank you for your comment regarding 9655 Collingdale Way. In speaking with you today, you mentioned wanting to meet to discuss the proposed UDO zoning for a number of properties in addition to the one on Collingdale.

I recommend replying all to this email with a list of the properties (with addresses and/or pin numbers) you'd like to discuss, along with the desired UDO zoning category for each (if known). That will give Staff a chance to do a little research prior to getting together.

Bynum Walter will be your contact going forward. She'll work with you to schedule a meeting in the coming weeks.

Thanks.

Carter Pettibone, AICP

Urban Planner
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220 Fayetteville Street, Suite 200, Raleigh, NC 27601
919.996.4643

carter.pettibone@raleighnc.gov

www.raleighnc.gov/urbandesign

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From: [Walter, Bynum](#)
To: [Dean Marion](#)
Cc: patc@crowd-companies.com
Subject: RE: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way
Date: Thursday, August 21, 2014 3:53:03 PM

Thanks, Dean. I'll be back in touch after I've had a chance to review with some other folks here. –
Bynum

From: Dean Marion [mailto:jdandmt@aol.com]
Sent: Thursday, August 21, 2014 8:43 AM
To: Walter, Bynum
Cc: patc@crowd-companies.com
Subject: Re: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Bynum,

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919-303-9449 (fax)

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

From: Walter, Bynum <Bynum.Walter@raleighnc.gov>
To: Dean Marion <jdandmt@aol.com>; Pettibone, Carter <Carter.Pettibone@raleighnc.gov>
Cc: Rezoning <Rezoning@raleighnc.gov>; patc <patc@crowd-companies.com>; timd <timd@crowd-companies.com>
Sent: Thu, Jul 31, 2014 4:37 pm
Subject: RE: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

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Sincerely, Bynum

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: Dean Marion [<mailto:jdandmt@aol.com>]
Sent: Thursday, July 31, 2014 4:35 PM
To: Pettibone, Carter
Cc: Walter, Bynum; Rezoning; patc@crow-companies.com; timd@crow-companies.com
Subject: Re: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Thanks Carter. I will be putting a list of the properties together next week and will email to all.

Dean Marion
The Crown Companies, LLC
2740 NC Hwy 55, Suite 200
Cary, NC 27519

919-303-9448 (office)
919-303-9449 (fax)

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

From: Pettibone, Carter <Carter.Pettibone@raleighnc.gov>
To: jdandmt <jdandmt@aol.com>
Cc: Walter, Bynum <Bynum.Walter@raleighnc.gov>; Rezoning <Rezoning@raleighnc.gov>
Sent: Thu, Jul 31, 2014 4:25 pm
Subject: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

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Bynum Walter will be your contact going forward. She'll work with you to schedule a meeting in the coming weeks.

Thanks.

Carter Pettibone, AICP
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From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: Fwd: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way
Date: Thursday, August 21, 2014 8:46:32 AM
Attachments: [CIP Brier Creek 2014.xlsx](#)
[ATT00001.htm](#)
[CK Wakefield Properties LLC 2014.xlsx](#)
[ATT00002.htm](#)

Dean is already in the spreadsheet, but this list of properties is not.

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](tel:919-996-2178) (v); [919-516-2684](tel:919-516-2684) (f)
<http://www.raleighnc.gov>

Begin forwarded message:

From: Dean Marion <jdandmt@aol.com>
Date: August 21, 2014 at 8:43:12 AM EDT
To: <Bynum.Walter@raleighnc.gov>
Cc: <patc@crown-companies.com>
Subject: Re: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

Bynum,

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Dean Marion
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2740 NC Hwy 55, Suite 200
Cary, NC 27519

919-303-9448 (office)
919-303-9449 (fax)

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

From: Walter, Bynum <Bynum.Walter@raleighnc.gov>
To: Dean Marion <jdandmt@aol.com>; Pettibone, Carter

<Carter.Pettibone@raleighnc.gov>

Cc: Rezoning <Rezoning@raleighnc.gov>; patc <patc@crownc-companies.com>; timd <timd@crownc-companies.com>

Sent: Thu, Jul 31, 2014 4:37 pm

Subject: RE: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

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Sincerely, Bynum

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: Dean Marion [<mailto:jdandmt@aol.com>]

Sent: Thursday, July 31, 2014 4:35 PM

To: Pettibone, Carter

Cc: Walter, Bynum; Rezoning; patc@crownc-companies.com; timd@crownc-companies.com

Subject: Re: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

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Dean Marion
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2740 NC Hwy 55, Suite 200
Cary, NC 27519

919-303-9448 (office)

919-303-9449 (fax)

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

From: Pettibone, Carter <Carter.Pettibone@raleighnc.gov>

To: jdandmt <jdandmt@aol.com>

Cc: Walter, Bynum <Bynum.Walter@raleighnc.gov>; Rezoning <Rezoning@raleighnc.gov>

Sent: Thu, Jul 31, 2014 4:25 pm

Subject: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way

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(if known). That will give Staff a chance to do a little research prior to getting together.

Bynum Walter will be your contact going forward. She'll work with you to schedule a meeting in the coming weeks.

Thanks.

Carter Pettibone, AICP

Urban Planner

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

Dear Mr. Bailey –

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

Dear Mr. Bailey -

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

Sincerely,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: FW: New UDO and 3900 Sumner Blvd
Date: Friday, September 26, 2014 2:45:45 PM

Offered to meet with Mr. Kelton and Mr. Bailey on Monday. – Bynum

From: Andrew Kelton [mailto:handrewkelton@gmail.com]
Sent: Friday, September 26, 2014 2:42 PM
To: Walter, Bynum
Subject: New UDO and 3900 Sumner Blvd

I am the local representative for the developers of the 3900 Sumner Blvd site that Ed Bailey communicated with you about recently.

Ed represents the Broughton family and I work with him on a regular basis. I also represent the Broughton's but from the standpoint of the Joint Venture that was formed between them and Strategic Capital Partners.

We have similar concerns that Ed has already expressed regarding the height limitations and the concept of having the buildings along the street frontage and all the parking behind the buildings. Part of this concern is we are currently short listed for a 300,00 sq ft office building requirement at the site that would be developed in 2 buildings and some structured parking. One of the buildings is 4 stories and the other building is 5 stories. I can never see anything built beyond 5 stories but there are concerns. In addition we are talking to some retail users for the front portion of the property and apartment developers for the back of the property. Both of these groups have expressed concerns about what problems the new UDO will have on the site and their ability to operate.

I meet with councilman Gaylord about this whole topic. The councilman and I worked together when I ran Duke Realty East Coast and we developed the Captrust Tower.

The councilman recommended that we meet with you and your team to share what our thoughts and plans are for the 30 acres on Sumner Blvd. We did meet with individuals from most departments back in July and the meeting went about as bad as it could. I think if we could meet with your team and maybe get some direction we could make some progress and eventually develop something that we all can be pleased with.

My contact information is below and I look forward to moving this process along.

Thank you for your time,

Andrew Kelton
Managing Partner
Kelton Consulting, LLC
104 monument View Lane
Cary, 27519
919-395-7081

From: [Walter, Bynum](#)
To: [Ed Bailey](#)
Subject: 3900 Sumner Blvd and 5405 Oak Forest Rd (GEN-0386)
Date: Thursday, September 18, 2014 5:06:12 PM

Dear Mr. Bailey –

Thanks for your inquiry about the proposed zoning of 3900 Sumner Blvd and 5405 Oak Forest Rd. I need to discuss your inquiry with other members of the planning staff. We are scheduled to meet Thursday next week and I will be back in touch with additional information after that meeting.

Sincerely,

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

From: [Ed Bailey](#)
To: [Rezoning](#)
Subject: 5405 Oak Forest Rd; REID #0132744
Date: Thursday, September 18, 2014 1:30:35 PM

Currently the adjacent industrial properties to the west, south and north of the subject property are zoned "TD", as the subject is also zoned. The UDO proposes the adjacent properties to be rezoned "IX-3" and the subject property be rezoned "CX". The appropriate classification for the subject parcel is also "IX-3" instead of the proposed "CX". Below are some additional characteristics of the property which support the classification "IX".

- Subject property has similar physical characteristics with respect to size, shape, topography, etc. as the adjacent properties.
- Same access road (Oak Forest) and identity
- Related ownerships
-

The proposed "UL" frontage isn't practical for physical reasons – very steep topography with a creek and drainage ways, small size and odd shapes which limit a building's footprint and parking. Due to these physical characteristics, much more creativity will be necessary to develop an economic building and parking footprint. The classification "UL" isn't flexible enough and not applicable in an industrial area.

The UDO for the subject parcel should be the same as the immediate neighbors "IX-3" with no "UL".

T. Ed Bailey, CCIM
PO Box 464
Raleigh, NC 27602
919-832-7305
919-832-7315 (F)
bailey@redeagle-co.com

From: [Ed Bailey](#)
To: [Rezoning](#)
Subject: Comments on the proposed Remapping of 30+ Ac at Triangle Town Mall in Raleigh, NC
Date: Thursday, September 18, 2014 1:27:29 PM

(REID #0123825; 3900 Sumner Blvd.)

The suggested remapping (CX) is reasonably compatible with the existing zoning TD and the “existing” land uses already in place. The height restriction to “3” and the frontage designation are inappropriate for the reasons explained below.

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

There isn’t any “magic” about 50’ vs. 80’. Please note the attractive office developments on Six Forks Road just south of the interchange that create Six Forks. Also at Crabtree Valley Mall which is a smaller mall than Triangle.

The traffic on Sumner Blvd. going to the mall requires motorists to pay special attention to traffic movements which reduces peripheral vision. Visibility is important for the motorist to identify the correct driveway to enter. A higher than 3-story building will help with visual problems. The subject property has a “shared” curb cut for 3 parcels which is a traffic handicap in itself. When it is developed, a taller building will provide better visibility for motorists to spot the only access point to the 3 parcels. If the driveway is missed, the motorist has to make a turning movement on busy Sumner Blvd. and return.

There is no height restriction at this time on the subject properties. The UDO limit to 3-story is effectively a “taking”. Why was the adjacent parcel on Sumner labeled “4-CU”?

The “Parkway” frontage designation is inappropriate for the same above reasoning. With respect to the subject property, there is already in place an existing landscape area that is permanent. A denser landscaping is not necessary to ensure “a continuous green corridor along the street right-of-ways”. It’s already there.

The application of “Police Power” as proposed must take into consideration the physical characteristics of the property such as location (next to a regional mall), topography (steep), shape (odd), subsurface (rock): presence of creeks/ponds/wet lands (all present) and the influence of “Mr. Market” regards the land uses. The suggestion of height limits and restricting the frontage will limit the creativity necessary to deal with these multiple physical characteristics and be marketable. The ownership strongly object to the height and frontage proposals.

T. Ed Bailey, CCIM
PO Box 464
Raleigh, NC 27602
919-832-7305
919-832-7315 (F)
bailey@redeagle-co.com

From: [Walter, Bynum](#)
To: [Ed Bailey](#)
Cc: [Odom, John](#)
Subject: RE: 5615 & 5619 Hillsborough St., 5710 & 5720 Capital Blvd, 1453 N. New Hope Road
Date: Wednesday, September 17, 2014 5:40:59 PM

Dear Mr. Bailey –

Thanks for your additional comments about the remapping. I will make sure that this correspondence, along with your earlier email messages, is forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

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: Ed Bailey [mailto:bailey@redeagle-co.com]
Sent: Tuesday, September 16, 2014 12:47 PM
To: Walter, Bynum
Cc: Odom, John
Subject: Re: 5615 & 5619 Hillsborough St., 5710 & 5720 Capital Blvd, 1453 N. New Hope Road

Dear Mr. Bynum,

We are disappointed that the City Staff failed to respond to the specific concerns raised regards the above properties. We thought the Staff would benefit from citizen input especially since we have been involved with the properties for over 20 years and have “experienced” insights into what is physically and market-wise involved in their utilization. Planning patterns for land uses must take into consideration physical characteristics and the desires of the marketplace. Besides failing to address our specific concerns, below are a couple of follow-up points regards the Staff’s reply

Regards 5710 & 5720 Capital Blvd., the reply regards heights was a “hoot”. In essence the City Staff wants to ignore the existing multi-story buildings from Spring Forest to I-540, the huge regional mall and the designation of the area as a major employment node. You have proposed “parcels may be re-zoned in the future.” Isn’t part of the logic for the UDO, and also good planning, to anticipate a need and incorporate it in the UDO?

Regards 1453 N. New Hope Road, the only germane comment made was inaccurate. Effectively, you proposed “split zoning” for a property made up of 3 small, congruent parcels in one ownership. This is the opposite of “uniform development.”

Raleigh is a relatively new city particularly regards the use of “zoning” to plan. I’m so glad the warehouse district, “Smoky Hollow” and other areas along the train tracks and main arteries were here before the use of zoning to plan; otherwise our cityscape would be very homogenous...boring. The limitations of height, restrictive front yards and

unimaginative landscaping all kill creativity. Now (2014) “Mr. Market” demands creative projects in “community.” Architects, developers and savvy property owners need all the creative help they can get from the City of Raleigh to create attractive, successful projects. I hope the UDO remapping isn’t a “killer” for creativity as I perceive it could be from the reply to our input.

Please insure a copy of this email goes forward to the Planning Committee along with our other comments.

Thank you.

Cc: Councilman John Odum

T. Ed Bailey, CCIM
PO Box 464
Raleigh, NC 27602
919-832-7305
919-832-7315 (F)
bailey@redeagle-co.com

From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: FW: 5615 & 5619 Hillsborough St., 5710 & 5720 Capital Blvd, 1453 N. New Hope Road
Date: Tuesday, September 16, 2014 12:48:29 PM

From: Ed Bailey [mailto:bailey@redeagle-co.com]
Sent: Tuesday, September 16, 2014 12:47 PM
To: Walter, Bynum
Cc: Odom, John
Subject: Re: 5615 & 5619 Hillsborough St., 5710 & 5720 Capital Blvd, 1453 N. New Hope Road

Dear Mr. Bynum,

We are disappointed that the City Staff failed to respond to the specific concerns raised regards the above properties. We thought the Staff would benefit from citizen input especially since we have been involved with the properties for over 20 years and have “experienced” insights into what is physically and market-wise involved in their utilization. Planning patterns for land uses must take into consideration physical characteristics and the desires of the marketplace. Besides failing to address our specific concerns, below are a couple of follow-up points regards the Staff’s reply

Regards 5710 & 5720 Capital Blvd., the reply regards heights was a “hoot”. In essence the City Staff wants to ignore the existing multi-story buildings from Spring Forest to I-540, the huge regional mall and the designation of the area as a major employment node. You have proposed “parcels may be re-zoned in the future.” Isn’t part of the logic for the UDO, and also good planning, to anticipate a need and incorporate it in the UDO?

Regards 1453 N. New Hope Road, the only germane comment made was inaccurate. Effectively, you proposed “split zoning” for a property made up of 3 small, congruent parcels in one ownership. This is the opposite of “uniform development.”

Raleigh is a relatively new city particularly regards the use of “zoning” to plan. I’m so glad the warehouse district, “Smoky Hollow” and other areas along the train tracks and main arteries were here before the use of zoning to plan; otherwise our cityscape would be very homogenous...boring. The limitations of height, restrictive front yards and unimaginative landscaping all kill creativity. Now (2014) “Mr. Market” demands creative projects in “community.” Architects, developers and savvy property owners need all the creative help they can get from the City of Raleigh to create attractive, successful projects. I hope the UDO remapping isn’t a “killer” for creativity as I perceive it could be from the reply to our input.

Please insure a copy of this email goes forward to the Planning Committee along with our other comments.

Thank you.

Cc: Councilman John Odum

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kindest regards,

Danny Eason

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

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

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

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

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

Mr. Eason,

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

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

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

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

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

Best,
Vivian

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

Dan,

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

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

Isabel Mattox

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



Michael Birch | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

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

September 30, 2014

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

Re: Remapping of 5001 Spring Forest Road (1736-17-3184) (the "Property")

Dear Bynum:

On behalf of the owner of the Property, we are submitting this letter in response to the City's proposed rezoning designation for the Property. The City is proposing to rezone the Property to RX-5-PK-CU. The owner disagrees with this proposal.

Based on the following, the owner is requesting that the Property be remapped to CX-3-CU:

1. The Property has been zoned for retail uses for nearly thirty years. Prior to the rezoning in 2008, the Property was zoned TD CUD (Z-14-86), which permitted retail uses similar to those permitted in the Commercial Mixed Use zoning district. The 2008 rezoning (Z-47-08) continued to permit the same retail uses on the Property.
2. The conditions associated with Z-47-08, which the City is proposing to carry forward, limits residential density to 302 dwelling units. However, the parcel immediately north of the Property that was also subject to Z-47-08 was recently redeveloped for 300 dwelling units. Therefore, if the Property was remapped with the City's suggested designation of RX-5-PK-CU, the Property would be limited to two dwelling units.
3. The Property is designated Neighborhood Mixed Use on the Future Land Use Map. The City's proposed designation of RX is inconsistent with this guidance because it does not permit nonresidential uses as principal uses. The requested designation of CX is consistent with the Future Land Use Map guidance.
4. The Parkway frontage type is not appropriate for the Property given the Property's lack of frontage along Louisburg Road. Other properties fronting along Spring Forest Road are not mapped with a Parkway frontage, and the Property should be similarly treated.

Please feel free to call me should you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Birch", is written over the typed name.

Michael Birch

From: [Walter, Bynum](#)
To: [Michael Birch](#)
Cc: [Rezoning](#)
Subject: RE: Remapping Comment re: 5001 Spring Forest Road (GEN-0519)
Date: Thursday, October 09, 2014 10:00:42 AM

Dear Michael -

Thanks for your comment about the proposed rezoning of 5001 Spring Forest Road.

I've had a chance to discuss this request with other members of the planning staff. Staff agrees with your request to change the base district recommendation from RX to CX for this parcel given the current entitlements and conditions and to reduce the height designation from 5 stories to 3 stories, but staff does not agree with your request to remove the frontage designation. The setbacks required by the current TD zoning are replicated by the PK frontage. The alternate recommendation of CX-3-PK-CU will be forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

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.

Please let me know if you have questions or need additional information – Bynum

From: Michael Birch [mailto:mbirch@morningstarlawgroup.com]
Sent: Tuesday, September 30, 2014 4:59 PM
To: Walter, Bynum
Subject: Remapping Comment re: 5001 Spring Forest Road

Bynum,

Please see attached comment letter. Please contact me with any questions.

Thanks,

Michael



R. Michael Birch, Jr.
Morningstar Law Group
630 Davis Drive, Suite 200
Morrisville, NC 27560
Office: (919) 590-0388
Mobile: (919) 208-9427
mbirch@morningstarlawgroup.com
www.morningstarlawgroup.com

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

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



Re: 5620 Atlantic Avenue
PIN# 1716990129

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

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



Re: 2744 Capital Boulevard
PIN# 1715829585

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

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



Re: 6601 Falls of Neuse Road
PIN# 1717127972

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

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

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

Feedback Received September 24th 2014, 3:09 pm

Reference #: 32978

Location: 5409 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

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

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

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

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

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

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

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

Feedback Received September 24th 2014, 3:10 pm

Reference #: 32979

Location: 5409 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

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

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

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

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

Feedback Received September 24th 2014, 3:09 pm

Reference #: 32994

Location: 5409 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

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

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

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Thanks for your time,

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Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

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

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

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

Feedback Received September 24th 2014, 3:11 pm

Reference #: 33010

Location: 5413 OAK FOREST DR

Comment Type: Comment about Proposed Frontage

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

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

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

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

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

From: [Rezoning](#)
To: [Jona](#)
Cc: [Hodge, Eric](#)
Subject: RE: City of Raleigh Response Ref #34965
Date: Monday, October 13, 2014 8:32:00 AM

You were sent the initial response from Eric Hodge on October 6th and he offered to speak with you further if you wished. He is your point of contact if you wish to speak to someone. His contact information is included below.

Eric S. Hodge, AICP
Assistant Planning Administrator
Zoning Division
Planning and Development Department
One Exchange Plaza, Suite 300
P.O. Box 590, Raleigh, NC 27602
(919)996-2639 Office
(919)516-2684 Fax

From: Jona [mailto:jonaricci@aol.com]
Sent: Friday, October 10, 2014 6:06 PM
To: Rezoning
Subject: Re: City of Raleigh Response Ref #34965

Absolute falderal. I have a copy of the Special Use Permit. It clearly says it is NOT to be deemed re-zoning, and is NOT permanent, and REQUIRES conditions (which were not met).

And your own document: ZoningComparisonI-1toIXandOPandIH.pdf shows that "Outdoor Storage Yard for Vehicles" will remain a Special Use situation, and is available to BOTH IX and IH. IX would have significantly less RISK to the homeowners, even if an exception is made for towing storage to continue.

Otherwise you make it acceptable to have hazardous and toxic materials within 25 yards, and uphill of, residential property.

I asked for someone's name and phone number to speak with, and have not received it Please provide.

Jona Marie

LANDLINE: 919. 277. 8433 - After 9am
Raleigh, North Carolina 27616-3163

-----Original Message-----
From: rezoning <rezoning@raleighnc.gov>

To: jonaricci <jonaricci@aol.com>
Sent: Fri, 10 Oct 2014 16:30
Subject: City of Raleigh Response Ref #34965

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

Feedback Received September 26th 2014, 4:59 pm

Reference #: 34965

Location: 7308 CAPITAL BLVD

Comment Type: Comment about Proposed Zoning District

Comment: The fact that the City would contemplate rezoning the area from 7300-7324 Capital to any kind of manufacturing use would directly impact the right to quiet enjoyment of dozens of home sites in the adjoining Smoketree subdivision. The existing use of this property creates noxious smells and noise already, and your proposed rezoning would only give them license to further disregard the residents who pre-existed their usage. I would appreciate knowing just what spurred you to consider rezoning, rather than enforcing existing limitations of the site. To say that you want to rezone to allow the current operators to be lawful in their existing use is tantamount to saying your zoning regulations are meaningless. I would like a personal reply explaining exactly to whom I can speak regarding this proposed change, and substantial advance notice when it will come before the public in a meeting for discussion of same. Thank you.

City Response on October 10th 2014, 04:30 pm

The property in question along Capital Boulevard contains an existing use (towing yard) that is only allowed in the IH district under the new Unified Development Ordinance (UDO). It was approved back in 2009 through a Special Use Permit granted by the Board of Adjustment. One of our foremost guiding principles in the City-wide UDO remapping is to reflect uses already on the property when evaluating the new zoning districts intended for replacement of the districts that are being eliminated (such as Industrial-1). As only the new IH category allows towing yards and the owners legally established that use on the property, our practice (as outlined by the City Council) has been to honor said uses for determination of replacement zoning districts

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

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

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

From: rezoning@raleighnc.gov
To: mcormick@bellsouth.net
Subject: City of Raleigh Response Ref #36805
Date: Friday, October 10, 2014 5:04:23 PM

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

Feedback Received September 30th 2014, 1:07 am

Reference #: 36805

Location: 8210 CREEDMOOR RD

Comment Type: Comment about Proposed Frontage

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

City Response on October 10th 2014, 05:04 pm

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

Thanks for your time,

City of Raleigh Remapping Team

Email: rezoning@raleighnc.gov

Web: www.RaleighUDO.us

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

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

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

Feedback Received September 30th 2014, 1:05 am

Reference #: 36819

Location: 8200 CREEDMOOR RD

Comment Type: Comment about Proposed Frontage

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

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

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

Thanks for your time,

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Web: www.RaleighUDO.us

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

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

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

Feedback Received September 30th 2014, 1:09 am

Reference #: 37123

Location: 8116 CREEDMOOR RD

Comment Type: Comment about Proposed Frontage

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

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

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