

PLANNING COMMISSION'S UDO REMAPPING WORK SESSION AGENDA

March 3, 2015 – 9:00 a.m.

City Council Chambers– Municipal Building

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

- A. UDO Remapping Public Comment – Change Requests**
Requests are grouped by CAC and Change Request Map Number.
Property address and PIN are included for reference.

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

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

CAC	Agenda Item	Address	PIN	Map No.
Southwest	149	2916, 3000, 3020, 3040, & 3100 S Wilmington St	1702346427, 1702346225, 1702346005, 1702335897, 1702335750	176
	157	2916, 3000, 3020, 3040, & 3100 S Wilmington St	1702346427, 1702346225, 1702346005, 1702335897, 1702335750	77
Five Points	168	829 Washington St	1704331517	215
		900 St. Mary's St	1704332305	
East	87	1053 E Whitaker Mill Rd	1714292486	177
Glenwood	207	3925 & 3929 Arrow Dr	0795695468, 0795696528	227
	208	3933 Arrow Dr	0795696783	228
North	171	6125 Six Forks Rd	1706699894	201

These items, deferred from previous work sessions and related to Vehicle Fuel Sales and frontage designations, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
North	10	5620 Atlantic Ave	1716990129	160
	12	6601 Falls of Neuse Rd	1717127972	162
Northeast	18	2744 Capital Blvd	1715829585	161
Atlantic	34	2823 Capital Blvd	1715936330	159
	35	2929 Capital Blvd	1725031568	156
Midtown	36	4101 Wake Forest Rd	1715494776	163
	37	2837 Wake Forest Rd	1715133422	166

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

These items, related to Special R-30 zoning, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
Five Points (Glenwood-Brooklyn Neighborhood)	63	Glenwood-Brooklyn Neighborhood (SP R-30)	Various	180.1
	64	940 N Boylan Ave	1704432648	180.2
		806, 807, 813, 815, 817, & 819 Clay St	1704338053, 1704336154, 1704335178, 1704335220, 1704334262, 1704334212	
		601 Devereux St	1704424530	
		1117, 1205, 1207, & 1209 Filmore St	1704531912, 1704541232, 1704541247, 1704541352,	
		722 & 727 Gaston St	1704329607, 1704327853	
		810, 812, 814, 816, 818, 830, 832, 834, 836, & 838 Gaston Wood Ct	1704430153, 1704430110, 1704339068, 1704339048, 1704339018, 1704338195, 1704338069, 1704338130, 1704338101, 1704337172	

CAC	Agenda Item	Address	PIN	Map No.
Five Points (Glenwood-Brooklyn Neighborhood)	64	704, 710, 712, 810, 900, 901, & 1020 Glenwood Ave	1704427350, 1704427474, 1704427581, 1704428921, 1704438032, 1704436115, 1704438657	180.2
		1220 Pierce St	1704547412	
		510 Tilden St	1704439045	
		501, 600, 611, 615, & 625 Washington St	1704533419, 1704530884, 1704439684, 1704439634, 1704439504	
		614 Wills Forest St	1704435119	
	65	1110, 1114, 1218 Glenwood Ave; 607 Adams St	1704439925, 1704449012, 1704449358, 1704449080	180.3
	66	806 Clay St	1704338053	180.4
		1117 & 1205 Filmore St	1704531912, 1704541232	
		810, 812, 814, 816, 818, 830, 832, 834, 836, & 838 Gaston Wood Ct	1704430153, 1704430110, 1704339068, 1704339048, 1704339018, 1704338195, 1704338069, 1704338130, 1704338101, 1704337172	
		710, 712, 810, 900, & 901 Glenwood Ave	1704427474, 1704427581, 1704428921, 1704438032, 1704436115	
		510 Tilden St	1704439045	
		611 & 615 Washington St	1704439684, 1704439634	
		614 Wills Forest St	1704435119	
	67	722 Gaston St	1704329607	180.5
	68	809 Brooklyn St	1704325892	180.6
69	601 Devereux St	1704424530	180.7	
70	1220 Pierce St	1704547412	22	
71	1220 Pierce St	1704547412	23	
72	1315 Filmore St	1704541874	114 & 180.8	

CAC	Agenda Item	Address	PIN	Map No.
Five Points (Glenwood- Brooklyn Neighborhood)	73	1307 Filmore St	1704542749	115
	75	502 & 504 Washington St	1704534811, 1704534891	31
	76	501 Washington St	1704533419	42
	77	704 Glenwood Ave	1704427350	82
	167	807 Clay Street	1704336154	214
	232	700 & 708 Glenwood Ave	1704427159, 1704427379	232
	233	1223 Pierce St	1704545444	233
Hillsborough (Pullen Park Neighborhood)	78	Pullen Park Neighborhood	Various	112
	79	106 Wakefield Ave	1703195540	88
	80	216 Dexter Pl	1703099689	72
	83	212, 214, & 216 Cox Ave	1703095947, 1703095943, 1703095849	113

These items, from the Glenwood, Northwest & Wade CACs, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
Glenwood	181	2550/2600 Glenwood Ave	1705029420	178
	234	3309 & 3921 Arrow Dr	0795694079, 0795695218	254
	235	1800, 1900, 2020, 2021, & 2100 Century Dr	0795899856, 0796804080, 0796802211, 0795890962, 0796709200	258
	236	2609 & 2615 Glenwood Ave	1705022325, 1705021421	277
Northwest	182	2511 TW Alexander Dr	0758990749	14
	183	4600 Crabtree Valley Ave	0796305907	29
	184	10501 Little Brier Creek Ln	0768184675	47
	185	5732 Westgate Rd	0778536990	80
	188	7331 Acc Blvd	0778065480	7
	189	5608 & 5612 Rush Springs Ct	0778746588, 0778746520	11
		8970 Ebenezer Church Rd	0778748776	
		9112 Willow Valley Ct	0778847913	
5418 Windy Gap Ct		0778858161		
190	9910, 9911, 9930, 9931, 9932, & 9951 Sellona St	0758636098, 0758626652, 0758630092, 0758624475, 0758622858, 0758614856	44	

CAC	Agenda Item	Address	PIN	Map No.
Northwest	191	10701 Globe Rd	0758719148	46
	192	9655 Collingdale Way	0758643319	48
	195	10310 Moncreiffe Rd	0768128681	218
	196	10370 Lumley Rd	0768233280	219
		0, 8011, 8115, 8121, 8161, 8331, 8341, & 8801 Brier Creek Pkwy	0768431808, 0768464394, 0768460198, 0768369074, 0768454921, 0768440719, 0768356389, 0768239018	
	197	7980, 7990, 8010, & 8020 Arco Corporate Dr	0768555829, 0768557740, 0768553790, 0768551384	220
	198	8045, 8051, 8080, & 8081 Arco Corporate Dr	0768642550, 0768547190, 0768435332, 0768531315	221
	201	4325 & 4601 Glenwood Ave	0796502569, 0796418378	230
		4530 & 4550 Creedmoor Rd	0796412584, 0796415629	
	212	6339 Glenwood Ave	0786679150	17
	213	10594 Sporting Club Dr	0768084863	21
	214	5151 & 5171 Glenwood Ave	0796220746, 0796126886	37
	215	7601 Glenwood Ave	0787212125	41
	216	0 & 11109 Glenwood Ave	0759910693, 0759813420	45
		2501 TW Alexander Dr	0759809897	
	217	9600 & 9650 Brier Creek Pkwy	0758836853, 0758833743	73
	218	8750 Barefoot Industrial Rd	0777586532	75
	219	Aquinas Ave, Bessborough Dr, Caversham Way, Ladbrooke St, Marleybone Dr, Terregles Dr, Water Willow Dr	All PINs	84
		3351 Shady Grove Rd	0779008130	
	220	11700/11710 New Leesville Blvd	0779605493, 0779604458	123
237	0 / 1900 Blue Ridge Rd	0784786489	261	

CAC	Agenda Item	Address	PIN	Map No.
Wade	202	3800 Hillsborough St (Meredith Campus)	0794261272	59
	209	3514 Wade Ave	0794372031	43
	210	2550/2600 Glenwood Ave	1705029420	81
	211	1209, 1213, & 1215 Ridge Rd	0794275267, 0794275314, 0794274423	151
	221	3801 Hillsborough St	0794243022	39
	222	3101, 3105, & 3107 Hillsborough St	0794524349, 0794523298, 0794523525	86
		3112 Stanhope Ave	0794522382	
		5 & 7 Rosemary St	0794522408, 0794522403	
	223	20, 101, 104, 105, 106, 107, 108, 110, 111, 112, & 113 Turner St	0794338124, 0794337020, 0794337187, 0794336065, 0794337241, 0794336009, 0794337203, 0794336266, 0794335143, 0794336229, 0794335107	87
		3415 Hillsborough St	0794337401	
		407 Gorman St	0794335496	
	224	0, 2209, 2211, & 2301 Everett Ave	0794937185, 0794938125, 0794937135, 0794936184, 0794936104	95
		501, 503, & 505 Oberlin Rd	0794928863, 0794928879, 0794937042	
		2204, 2206, 2208, & 2302 Stafford Ave	0794927847, 0794927807, 0794926827, 0794925857	
	225	601, 609, 611, 615, 617, 619, 625, & 629 Oberlin Rd	0794938323, 0794938449, 0794938491, 0794938568, 0794938657, 0794939743, 0794938891, 0794939962	98
		614, 620, & 622 Tower St	0794937545, 0794937792, 0794937758	

CAC	Agenda Item	Address	PIN	Map No.
Wade	226	103, 106, 113, 115, 117, 119, 123, 125, 191, 201, 203, 204, 206, 208, 210, 216, & 220 Chamberlain St	0794817914, 0794910915, 0794828023, 0794829100, 0794829143, 0794829186, 0794920129, 0794920262, 0794920295, 0794921239, 0794921394, 0794921068, 0794922102, 0794922146, 0794922253, 0794923363, 0794923368	99
		2305, 2307, 2403, 2405, & 2407 Clark Ave	0794925305, 0794924356, 0794920367, 0794829385, 0794829324	
		6, 10, 12, 14, 15, 16, 17, 21, 25, 29, & 101 Enterprise St	0794917624, 0794917724, 0794917820, 0794917835, 0794915886, 0794917934, 0794915980, 0794915986, 0794925082, 0794925088, 0794925270	
		2204, 2205, 2208, 2209, 2216, & 2217 Garden Pl	0794924283, 0794924085, 0794924214, 0794924015, 0794923222, 0794923026	
		0 Ferndell Ln	1704012515	
		0, 2206, 2207, 2208, 2209, 2210, & 2212 Hope St	0794912950, 0794915901, 0794914755, 0794914952, 0794914705, 0794914902, 0794913922	
		16, 18, 100, 106, 108, 114, & 118 Horne St	0794825070, 0794826016, 0794826182, 0794827158, 0794828202, 0794828245, 0794828390	

CAC	Agenda Item	Address	PIN	Map No.
Wade	226	102, 104, & 106 Logan Ct	0794911970, 0794912907, 0794921093	99
		2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, & 20 Maiden Ln	1704010469, 1704010578, 0794918631, 0794919677, 0794918635, 0794919773, 0794918730, 0794918734, 0794919779, 0794918738, 0794918815, 0794919885, 0794918964	
		219 Oberlin Rd	0794919981	
	227	Hillsborough Street (Brooks to Logan)	Various	100
	228	1437 Chester Rd	1704077846	111
	229	2604 Hillsborough St	0794728039	134
	230	Hillsborough Street (Oberlin to Furches)	Various	153
	238	2008 Hillsborough St	1704011308	247
	239	2 Dixie Trl	0794621594	253
		2912 Hillsborough St	0794621486	

Pending Items

These items, related to zoning on Yonkers Rd, have been deferred for further discussion:

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

These items, related to heights in the Downtown District, have been deferred for further discussion:

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

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

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



**Planning Commission March 3, 2015
Z-27-14 Citywide UDO Remapping
Glenwood, Northwest & Wade 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 are grouped by Citizens Advisory Council (CAC) area for review. Staff has identified each public comment change request as falling in one of these three categories:

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

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

Items deferred from previous agendas:

149. & 157.	<i>Address:</i>	2916, 3000, 3020, 3040, & 3100 S Wilmington St
	<i>PIN:</i>	1702346427, 1702346225, 1702346005, 1702335897, 1702335750
	<i>CAC:</i>	Southwest
	<i>Change Request/Comment ID:</i>	77, 176 / WEB-15362, GEN-0566 thru 0570
	<i>Existing Zoning:</i>	IND-1
	<i>Current Use:</i>	Vacant (Billboard)
	<i>Proposed Zoning:</i>	IX-3
	<i>Requested Zoning:</i>	CX-3 & IX-3 (property owner); something else (neighbor)
	<i>Future Land Use Designation:</i>	Community Mixed Use
	<i>Area Plan Guidance:</i>	Southern Gateway Corridor (Under Study)
<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridor	

The property owner requests split zoning instead of IX- zoning. Another commentor (not the property owner) asks for alternate zoning for better compatibility with the residential development to the west. Staff considered IX- and CX- zoning for these vacant parcels. CX- zoning was considered as a possibility to advance implementation of the Future Land Use Map. Staff recommended IX- zoning because it is the closest comparative district to existing zoning and it would not render the existing outdoor advertising off-premise sign non-conforming. The property owner requests split zoning of IX- to preserve allowed use for outdoor advertising on a portion of the site and CX- to allow ground floor residential use.

Recommendation: Further discussion.

168.	<i>Address:</i> 829 Washington St; 900 St. Mary's St
	<i>PIN:</i> 1704331517; 1704332305
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 215 / PC-0023/0024; WEB-29762
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Athletic Field
	<i>Proposed Zoning:</i> OX-3 / R-10
	<i>Requested Zoning:</i> OX-3
	<i>Future Land Use Designation:</i> Public Facilities
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

Discussion of 829 Washington Street during the Planning Commission’s work sessions on December 2 and 16 prompted the property owner of same to comment on 900 St. Mary’s Street, of which they are a joint owner with the City of Raleigh. Wake County Public School System requests that 900 St. Mary’s Street be zoned OX-3 instead of R-10. City of Raleigh is also a partial owner and agrees with Wake County’s request.

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

87.	<i>Address:</i> 1053 E Whitaker Mill Rd
	<i>PIN:</i> 1714292486
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 177 / GEN-0571
	<i>Existing Zoning:</i> IND-2
	<i>Current Use:</i> Warehouse & Distribution
	<i>Proposed Zoning:</i> IX-3-PL
	<i>Requested Zoning:</i> IX-7-PL
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> Capital Blvd Plan
	<i>Urban Form Designation:</i> City Growth Center
	Within Transit Stop Half-Mile Buffer
	Frontage on Urban Thoroughfare (Atlantic)

The commentor requests IX-7-PL zoning. Staff initially proposed IH since it is the closest comparative district and would not result in the creation of non-conforming uses. The property owner requests instead that the height guidance of the Capital Boulevard Corridor Study be implemented and requests IX zoning to preserve the currently allowed, but as yet not established use of a brewery.

Recommendation: Further discussion.

207.	<i>Address:</i> 3925 & 3929 Arrow Dr
	<i>PIN:</i> 0795695468, 0795696528
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 227 / PC-0055, -0056
	<i>Existing Zoning:</i> O&I-2 w/SHOD-2
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> OP-4 w/SHOD-2
	<i>Requested Zoning:</i> CX-4 w/SHOD-2
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> City Growth Center

The property owner requests CX- zoning instead of OP. OP- zoning was recommended as it reflects the Future Land Use Map designation of Office/Research & Development (not Office & Residential Mixed Use). The property owner requests CX zoning to preserve the currently allowed, but as yet not established use of hotel. Staff is proposing a text change to the UDO that would make a hotel a permitted use in the OP district. It is currently listed as a special use.

Recommendation: Further discussion.

208.	<i>Address:</i> 3933 Arrow Dr
	<i>PIN:</i> 0795696783
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 228 / PC-0058
	<i>Existing Zoning:</i> O&I-2 w/SHOD-2
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> OP-4 w/SHOD-2
	<i>Requested Zoning:</i> CX-12
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> City Growth Center

The property owner requests CX-12 zoning instead of OP-4 w/SHOD-2. OP- zoning was recommended as it accommodates the current use for office and is consistent with the Future Land Use Map designation of Office/Research & Development (not Office & Residential Mixed Use). The property owner requests CX zoning to preserve the currently allowed, but as yet not established use of hotel. There is no specific policy guidance, nor is there existing context that would suggest height greater than 4 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Overlay districts are not proposed to change as part of the proposed remapping effort, with the exception of SHOD-3 and 4, PBOD, PDD and DOD. Staff is proposing a text change to the UDO that would make a hotel a permitted use in the OP district. It is currently listed as a special use.

Recommendation: Further discussion.

234.	<i>Address:</i> 3309 & 3921 Arrow Dr
	<i>PIN:</i> 0795694079, 0795695218
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 254 / PC-0098 & -0099
	<i>Existing Zoning:</i> O&I-2 w/SHOD-2
	<i>Current Use:</i> Overnight Lodging
	<i>Proposed Zoning:</i> OP-4 w/SHOD-2
	<i>Requested Zoning:</i> CX-12
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> City Growth Center

The property owner requests CX-12 zoning instead of OP-4 w/ SHOD-2. OP zoning was recommended as it reflects the Future Land Use Map designation of Office/Research & Development. The property owner requests CX zoning since there is a hotel on one of the properties that would not meet the use standards for hotel/motel in an OP district. Staff is proposing a text change to the UDO that would make a hotel a permitted use in the OP district; it is currently listed as a special use. The property owner also requests CX zoning to preserve the currently allowed, but as yet not established use of multi-family living. There is no specific policy guidance nor is there existing context that would suggest height greater than 4 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Overlay districts are not proposed to change as part of the proposed remapping effort, with the exception of SHOD-3 and 4, PBOD, PDD and DOD.

Recommendation: Further discussion

171.	<i>Address:</i> 6125 Six Forks Rd
	<i>PIN:</i> 1706699894
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 201 / PC-0001
	<i>Existing Zoning:</i> CUD NB & CUD SC
	<i>Current Use:</i> Retail Sales, Outdoor Storage
	<i>Proposed Zoning:</i> NX-3-PL-CU
	<i>Requested Zoning:</i> NX-4-PL
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner is requesting additional height and removal of zoning conditions. Existing zoning conditions restrict use and specify a protective yard. There is no specific policy guidance that would specify height greater than 3 stories; sloping topography may allow an additional story to be built on the lower portion of the lot. Staff recommends that legal and enforceable conditions should be retained to maintain continuity between the Part 10 code and the UDO. Staff believes that the conditions are specific enough to merit retention. Current conditions are

included at the end of this report for reference. This item was previously discussed at the January 20 UDO Work Session; the property owner was not able to attend asked to address the Planning Commission directly.

Recommendation: The proposed zoning is consistent with the Future Land Use Map and it would be reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. No change to the proposed map.

Comments Related to Vehicle Fuel Sales & Frontage Requirements

A number of public comments identified concerns with the application of Parking Limited frontage combined with established use for Vehicle Fuel Sales. Specifically, property owners expressed a conflict between the need to regularly reinvest in Vehicle Fuel Sales facilities and the development requirements of Parking Limited frontage

Small buildings, like those typically associated with Vehicle Fuel Sales, cannot satisfy the building width requirement in the build-to area. To address this issue, staff evaluated a potential text change to the Parking Limited frontage that would include alternate building width requirements for small scale buildings; if a building is too small to satisfy the building width requirement then it could comply by locating 100% of the building façade width within the street-facing build-to area.

Recommendation: Further discussion.

10.	<i>Address:</i> 5620 Atlantic Avenue
	<i>PIN:</i> 1716990129
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 160 / GEN-0541
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center; Frontage on Urban Thoroughfare; Within Half-Mile Transit Buffer

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

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

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

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

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

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

48.	<i>Address:</i> 1942 Wake Forest Rd
	<i>PIN:</i> 1714193080
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 169 / GEN-0551
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> NX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

In addition to the question of frontage, the commentor requests CX- instead of NX- zoning. NX- is the closest comparative base district to existing zoning and the most consistent district with the Future Land Use Map designation of Neighborhood Mixed Use. Staff disagrees with the request for CX- zoning.

102.	<i>Address:</i> 1809 New Bern Ave
	<i>PIN:</i> 1713497184
	<i>CAC:</i> East
	<i>Change Request/Comment ID:</i> 170 / GEN-0552
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Repair (Major)
	<i>Proposed Zoning:</i> NX-3-UL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> New Bern Corridor
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The property owner is requesting CX to preserve the currently allowed and active use of vehicle repair (major). NX zoning would make the current use nonconforming. Staff agrees with this portion of the request.

104.	<i>Address:</i> 1960 Rock Quarry Rd
	<i>PIN:</i> 1712498642
	<i>CAC:</i> South
	<i>Change Request/Comment ID:</i> 165 / GEN-0547
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Transit Emphasis Corridor Frontage on Urban Thoroughfares

174.	<i>Address:</i> 6712 Glenwood Ave
	<i>PIN:</i> 0786681528
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 157 / GEN-0538
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Transit Emphasis Corridor Frontage on Urban Thoroughfare

193.	<i>Address:</i> 5808, 5900, 5910 Duraleigh Rd
	<i>PIN:</i> 0786573160, 0786572402, 0786573672
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 211 / PC-0019
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Vehicle Fuel Sales, Retail Sales, Eating Establishments
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Urban Thoroughfares

175.	<i>Address:</i> 4120 & 4123 Glenwood Ave
	<i>PIN:</i> 0796700071, 0795698823
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 158 / GEN-0539, -0543
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> City Growth Center Frontage on Transit Emphasis Corridor

176.	<i>Address:</i> 2516 S Saunders St
	<i>PIN:</i> 1702470709
	<i>CAC:</i> Southwest
	<i>Change Request/Comment ID:</i> 164 / GEN-0546
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> Southern Gateway Corridor Study (Under Study)
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

177.	<i>Address:</i> 3411 Hillsborough St
	<i>PIN:</i> 0794339499
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 155 / GEN-0536
	<i>Existing Zoning:</i> NB w/SRPOD
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> NX-3-UL w/SRPOD
	<i>Requested Zoning:</i> CX-3 w/SRPOD
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

In addition to the question of frontage, the commentor requests CX- instead of NX- zoning. NX- is the closest comparative base district to existing zoning and the most consistent district with the Future Land Use Map designation of Neighborhood Mixed Use. Staff disagrees with the request for CX- zoning.

178.	<i>Address:</i> 3611 Hillsborough St
	<i>PIN:</i> 0794336646
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 167 / GEN-0549
	<i>Existing Zoning:</i> NB w/SRPOD
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> NX-3-UL w/SRPOD
	<i>Requested Zoning:</i> CX-3 w/SRPOD
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Transit Emphasis Corridor Frontage on Urban Thoroughfare Within Half-Mile Transit Buffer

In addition to the question of frontage, the commentor requests CX- instead of NX- zoning. NX- is the closest comparative base district to existing zoning and the most consistent district with the Future Land Use Map designation of Neighborhood Mixed Use. Staff disagrees with the request for CX- zoning.

179.	<i>Address:</i> 3614 / 3616 Hillsborough St
	<i>PIN:</i> 0794337981
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 172 / GEN-0554
	<i>Existing Zoning:</i> NB w/SRPOD
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> NX-3-PL w/SRPOD
	<i>Requested Zoning:</i> CX-3 w/SRPOD
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Transit Emphasis Corridor Frontage on Urban Thoroughfare Within Half-Mile Transit Buffer

In addition to the question of frontage, the commentor requests CX- instead of NX- zoning. NX- is the closest comparative base district to existing zoning and the most consistent district with the Future Land Use Map designation of Neighborhood Mixed Use. Staff disagrees with the request for CX- zoning.

180.	<i>Address:</i> 5633 Western Blvd
	<i>PIN:</i> 0784202723
	<i>CAC:</i> West
	<i>Change Request/Comment ID:</i> 173 / GEN-0555
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Vehicle Fuel Sales
	<i>Proposed Zoning:</i> NX-3-GR
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Jones Franklin Small Area Study
	<i>Urban Form Designation:</i> Transit Oriented District Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

In addition to the question of frontage, the commentor requests CX- instead of NX- zoning. NX- is the closest comparative base district to existing zoning and the most consistent district with the Future Land Use Map designation of Neighborhood Mixed Use. Staff disagrees with the request for CX- zoning.

Comments Related to Special R-30 Zoning Areas

A group of residents of the Glenwood Brooklyn Neighborhood have requested several changes to the initial proposed rezoning for their neighborhood.

63.	<i>Address:</i> Glenwood-Brooklyn Neighborhood (SP R-30)
	<i>PIN:</i> Various
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 180.1 / GEN-0574, -0577
	<i>Existing Zoning:</i> SP R-30
	<i>Current Use:</i> Single-, Two-, & Multi-Unit Living
	<i>Proposed Zoning:</i> R-10 / RX-3
	<i>Requested Zoning:</i> R-10 w/NCOD, RX-3 w/ NCOD
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Part Within Transit Stop Half-Mile Buffer

The neighborhood group requests that a Neighborhood Conservation Overlay District be adopted for their neighborhood. The majority of the neighborhood is currently zoned Special Residential-30 (SP R-30), a legacy district that allows up to 30 dwelling units an acre with a number of design standards. The commenters request that the SP R-30 design requirements be directly translated to NCOD standards and an NCOD be created for the neighborhood as part of the UDO remapping process, without the public process required by the Unified Development Ordinance.

Staff has met with residents about this possibility on multiple occasions. Given that the NCOD option was not presented in the initial staff proposal, mailed notice was sent to properties zoned SP R-30 in the Glenwood-Brooklyn Neighborhood that this possibility would be discussed on March 3 and informational materials were posted online, www.RaleighUDO.us.

Recommendation: Further discussion.

64.	<i>Address:</i>	940 N Boylan Ave; 806, 807, 813, 815, 817, & 819 Clay St; 601 Devereux St; 1117, 1205, 1207, & 1209 Filmore St; 722 & 727 Gaston St; 810, 812, 814, 816, 818, 830, 832, 834, 836, & 838 Gaston Wood Ct; 704, 710, 712, 810, 900, 901, & 1020 Glenwood Ave; 1220 Pierce St; 510 Tilden St; 501, 600, 611, 615, & 625 Washington St; 614 Wills Forest St
	<i>PIN:</i>	1704432648, 1704338053, 1704336154, 1704335178, 1704335220, 1704334262, 1704334212, 1704424530, 1704531912, 1704541232, 1704541247, 1704541352, 1704329607, 1704327853, 1704430153, 1704430110, 1704339068, 1704339048, 1704339018, 1704338195, 1704338069, 1704338130, 1704338101, 1704337172, 1704427350, 1704427474, 1704427581, 1704428921, 1704438032, 1704436115, 1704438657, 1704547412, 1704439045, 1704533419, 1704530884, 1704439684, 1704439634, 1704439504, 1704435119
	<i>CAC:</i>	Five Points
	<i>Change Request/Comment ID:</i>	180.2 / GEN-0574, -0578
	<i>Existing Zoning:</i>	R-30, CUD R-30, O&I-1, CUD O&I-1, NB, IND-2 (Z-46-97, Z-70-97, Z-94-98)
	<i>Current Use:</i>	Various uses
	<i>Proposed Zoning:</i>	RX-3, RX-3-CU, OX-3, OX-3-CU, NX-3 (all with NCOD)
	<i>Requested Zoning:</i>	Apply NCOD
	<i>Future Land Use Designation:</i>	Various
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	Part Within Transit Stop Half-Mile Buffer

The neighborhood group's second request is to apply an NCOD to properties not currently zoned SP R-30. The request is to apply the NCOD without the process required by the Unified Development Ordinance. These properties are neither currently zoned SP R-30 nor subject to SP R-30 standards or any other design standards. The request was not submitted by owners of these properties. Staff disagrees with the request.

Recommendation: No change to the map.

65.	<i>Address:</i>	1110, 1114, 1218 Glenwood Ave; 607 Adams St
	<i>PIN:</i>	1704439925, 1704449012, 1704449358, 1704449080
	<i>CAC:</i>	Five Points
	<i>Change Request/Comment ID:</i>	180.3 / GEN-0574, -0579
	<i>Existing Zoning:</i>	SP R-30
	<i>Current Use:</i>	Single-, Two- and Multi-Family Residential
	<i>Proposed Zoning:</i>	RX-3
	<i>Requested Zoning:</i>	R-10 (w/ NCOD)
	<i>Future Land Use Designation:</i>	Moderate Density Residential
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	N/A

The third part of the neighborhood group's request is to rezone the base zoning district for four properties from SP R-30 to R-10 instead of RX-3 as recommended by Staff. Staff has proposed RX-3 as the properties primarily due to existing density; 1110 and 1218 Glenwood would be made non-conforming by R-10 zoning. The other two parcels, 1114 Glenwood and 607 Adams are recommended to be zoned RX-3 to avoid spotzoning 1110 Glenwood Avenue. . The request was not submitted by the property owners. Staff disagrees with the request.

Recommendation: No change to the map.

66.	<i>Address:</i>	806 Clay St; 1117 & 1205 Filmore St; 810, 812, 814, 816, 818, 830, 832, 834, 836, & 838 Gaston Wood Ct; 710, 712, 810, 900, & 901 Glenwood Ave; 510 Tilden St; 611 & 615 Washington St; 614 Wills Forest St
	<i>PIN:</i>	1704338053, 1704531912, 1704541232, 1704430153, 1704430110, 1704339068, 1704339048, 1704339018, 1704338195, 1704338069, 1704338130, 1704338101, 1704337172, 1704427474, 1704427581, 1704428921, 1704438032, 1704436115, 1704439045, 1704439684, 1704439634, 1704435119
	<i>CAC:</i>	Five Points
	<i>Change Request/Comment ID:</i>	180.4 / GEN-0574, -0580
	<i>Existing Zoning:</i>	R-30 / CUD R-30 (Z-26-97, Z-70-97)
	<i>Current Use:</i>	Single-, Two-, & Multi-Unit Living, Townhouses
	<i>Proposed Zoning:</i>	RX-3 / RX-3-CU
	<i>Requested Zoning:</i>	R-10
	<i>Future Land Use Designation:</i>	Moderate Density Residential
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	Part Within Transit Stop Half-Mile Buffer

The fourth request from the neighborhood group involves rezoning the base zoning district of several properties in and around the Glenwood Brooklyn Neighborhood from the current R-30 to R-10 instead of RX-3 as proposed by Staff. In the case of existing R-30, RX-3 would provide the closest comparative district. The request was not submitted by the property owners. Staff disagrees with the request.

Recommendation: No change to the map.

67.	<i>Address:</i> 722 Gaston St
	<i>PIN:</i> 1704329607
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 180.5 / GEN-0574, -0581
	<i>Existing Zoning:</i> NB
	<i>Current Use:</i> Mixed Use - Commercial with Residential above
	<i>Proposed Zoning:</i> NX-3
	<i>Requested Zoning:</i> RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Within Transit Stop Half-Mile Buffer

The next part of the neighborhood group’s request seeks to rezone a property from NB to RX-3 instead of NX-3. In this case, NX-3 is the closest comparative district. The request was not submitted by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

68.	<i>Address:</i> 809 Brooklyn St
	<i>PIN:</i> 1704325892
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 180.6 / GEN-0574, -0582
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Parking
	<i>Proposed Zoning:</i> OX-3
	<i>Requested Zoning:</i> RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The sixth request from the neighborhood group proposes RX-3 zoning for a property currently zoned O&I-1 instead of the proposed OX-3. In this case, OX-3 is the closest comparative district. This request was not submitted by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

69.	<i>Address:</i> 601 Devereux St
	<i>PIN:</i> 1704424530
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 180.7 / GEN-0574, -0583
	<i>Existing Zoning:</i> O&I-1, CUD O&I-1
	<i>Current Use:</i> Elementary School
	<i>Proposed Zoning:</i> OX-3, OX-3-CU (Z-94-98)
	<i>Requested Zoning:</i> R-10, R-10-CU
	<i>Future Land Use Designation:</i> Public Facilities
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Within Transit Stop Half-Mile Buffer Frontage on Main Street

The seventh request from the neighborhood group proposes R-10 and R-10-CU zoning for a property currently zoned O&I-1 and CUD O&I-1, respectively, instead of the proposed OX-3 and OX-3-CU. In this case, OX-3 and OX-3-CU are the closest comparative districts. This request was not submitted by the property owner. Staff disagrees with the request.

Recommendation: No change to the map.

70.	<i>Address:</i> 1220 Pierce St
	<i>PIN:</i> 1704547412
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 22 / GEN-0081; CC2-0109
	<i>Existing Zoning:</i> SP R-30, IND-2, & O&I-1
	<i>Current Use:</i> Parking
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> OX-3
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests a change to OX-3 for the property, which is currently used as parking and is split zoned between three zoning districts. Staff initially proposed R-10. The property owners, who also own the property directly to the north at 302 Jefferson Street, use the subject parcel as parking for the buildings to the north, a use which is allowed by two of the three zoning districts currently in place on the property. R-10 zoning would make the current use non-conforming. Staff agrees that OX-3 would be a reasonable alternative zoning choice for the property.

Recommendation: The property should be zoned OX-3.

71.	<i>Address:</i> 1220 Pierce St
	<i>PIN:</i> 1704547412
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 23 / GEN-0185, -0485
	<i>Existing Zoning:</i> SP R-30, IND-2, & O&I-1
	<i>Current Use:</i> Parking
	<i>Proposed Zoning:</i> R-10 -> OX-3 (via owner change request)
	<i>Requested Zoning:</i> R-10
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The commentor requests that the property at 1220 Pierce Street be zoned R-10 instead of OX-3 as requested by the property owner. Given the existing development as a parking lot, OX-3 is an appropriate recommendation to avoid creation of a new non-conformity. This request was not submitted by the property owner.

Recommendation: The property should be zoned OX-3.

72.	<i>Address:</i> 1315 Filmore St
	<i>PIN:</i> 1704541874
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 114 & 180.8 / GEN-0435 & GEN-0584
	<i>Existing Zoning:</i> SP R-30
	<i>Current Use:</i> Multi-Unit Living
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

Two separate comments were submitted for this property, both requests for RX-3 zoning instead of R-10. One comment was made on behalf of the property owner; the other comes as the final part of the request from the group representing the Glenwood Brooklyn Neighborhood. The property is currently used as multi-family residential. Staff believes this is an appropriate district and agrees with the requests for RX-3.

Recommendation: The property should be zoned RX-3.

73.	<i>Address:</i> 1307 Filmore St
	<i>PIN:</i> 1704542749
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 115 / GEN-0435
	<i>Existing Zoning:</i> SP R-30
	<i>Current Use:</i> Single-Unit Living
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests rezoning to RX-3 for the property currently zoned SP R-30 instead of the R-10 proposed by Staff. In this case, R-10 would provide the closest comparative district. The property is used as a single-family residence and the density is less than 10 units per acre. Staff disagrees with the request.

Recommendation: No change to the map.

75.	<i>Address:</i> 502 & 504 Washington St
	<i>PIN:</i> 1704534811, 1704534891
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 31 / GEN-0209
	<i>Existing Zoning:</i> SP R-30
	<i>Current Use:</i> Single-Unit Living & Vacant
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests rezoning to RX-3 for the properties currently zoned SP R-30 instead of the R-10 proposed by Staff. Staff agrees that RX-3 would be a reasonable alternative zoning choice for the properties, as one of the two properties is vacant, the two properties are under common ownership, the properties are located adjacent to IX-3 and NX-3 zoning, and the properties are bordered by a street, alleyways, and a railroad right of way.

Recommendation: The properties should be zoned RX-3.

76.	<i>Address:</i> 501 Washington St
	<i>PIN:</i> 1704533419
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 42 / GEN-0313
	<i>Existing Zoning:</i> SP R-30 & NB
	<i>Current Use:</i> Indoor Recreation
	<i>Proposed Zoning:</i> R-10 & NX-3
	<i>Requested Zoning:</i> NX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests that the lot, which is split zoned between SP R-30 and NB, be rezoned in its entirety to NX-3. Staff believes that the current recommendation of split zoning of R-10 and NX-3 provides the best interpretation of existing zoning entitlements and current land use and development context. A significant portion of the property is adjacent to parcels recommended for R-10 zoning. While this parcel may be rezoned in the future to expand the neighborhood business/neighborhood mixed use designation, 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.

77.	<i>Address:</i> 704 Glenwood Ave
	<i>PIN:</i> 1704427350
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 82 / WEB-20178
	<i>Existing Zoning:</i> SP R-30 & NB
	<i>Current Use:</i> Single-Unit Living w/Home Occupation
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> NX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on a Main Street Within Transit Stop Half-Mile Buffer

The property owner requests that the property, currently split-zoned SP R-30 and NB, be rezoned entirely to NX-3. Staff initially proposed to address the split zoning with R-10; Wake County tax information pointed to single family residential use for property. The property owners operate a business on the property in addition to residing there. There are no approved site plans or active permits for either a home occupation or home-based business. However, the owners do hold a privilege license for the business.

Staff is concerned about the precedent of extending NX zoning on Glenwood Avenue north of Peace Street as part of the remapping effort. The property is located outside the Peace Street Mixed Use Center.

Recommendation: Further discussion.

167.	<i>Address:</i> 807 Clay Street
	<i>PIN:</i> 1704336154
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 214 / PC-0022
	<i>Existing Zoning:</i> R-30
	<i>Current Use:</i> Multi-Unit Living
	<i>Proposed Zoning:</i> RX-3
	<i>Requested Zoning:</i> RX-3 (keep staff recommendation-no NCOD)
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

Property owner is supportive of staff recommendation for RX-3 zoning.

Recommendation: No action for individual parcel; recommendation to be made as part of Glenwood-Brooklyn Neighborhood discussion.

232.	<i>Address:</i> 700 & 708 Glenwood Ave
	<i>PIN:</i> 1704427159, 1704427379
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 232 / PC-0061 & -0062
	<i>Existing Zoning:</i> NB w/PBOD; SP R-30
	<i>Current Use:</i> Office; Multi-Unit Living
	<i>Proposed Zoning:</i> NX-3-UG; R-10
	<i>Requested Zoning:</i> No NCOD
	<i>Future Land Use Designation:</i> Moderate Density Residential & Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Main Street Within Half-Mile Transit Buffer

Property owner spoke at January 6 Planning Commission Work Session in opposition to application of a Neighborhood Conservation District (-NCOD).

Recommendation: Further discussion

233.	<i>Address:</i>	1223 Pierce St
	<i>PIN:</i>	1704545444
	<i>CAC:</i>	Five Points
	<i>Change Request/Comment ID:</i>	233 / PC-0063
	<i>Existing Zoning:</i>	SP R-30
	<i>Current Use:</i>	Single-Unit Living
	<i>Proposed Zoning:</i>	R-10
	<i>Requested Zoning:</i>	No NCOD; Not RX-
	<i>Future Land Use Designation:</i>	Moderate Density Residential
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	Part Within Half-Mile Transit Buffer

Property owner spoke at January 6 Planning Commission Work Session in opposition to application of a Neighborhood Conservation District (-NCOD) and in favor of proposed R-10 zoning.

Recommendation: Further discussion

Pullen Park

Staff has proposed a combination of R-10 and RX-3 zoning to replace the current SP R-30 zoning in the Pullen Park neighborhood. Numerous comments and requests regarding zoning for the neighborhood were received during the public comment period. Some comments advocate residential zoning for the neighborhood, while some support RX-3 for the area. Included below are related requests for individual properties or groups of parcels within the Pullen Park neighborhood. Staff recommends further discussion on these items.

78.	<i>Address:</i>	Pullen Park Neighborhood
	<i>PIN:</i>	Various
	<i>CAC:</i>	Hillsborough
	<i>Change Request/Comment ID:</i>	112 / GEN-0114
	<i>Existing Zoning:</i>	SP R-30, R-20, R-30, O&I-2, IND-2
	<i>Current Use:</i>	Single-, Two-, & Multi-Unit Living; Warehouse; Fraternity
	<i>Proposed Zoning:</i>	R-10 & RX-3
	<i>Requested Zoning:</i>	Various
	<i>Future Land Use Designation:</i>	Moderate / Medium Density Residential
	<i>Area Plan Guidance:</i>	Part in Downtown Plan Update (in progress)
	<i>Urban Form Designation:</i>	Within Transit Stop Half-Mile Buffer

Recommendation: Further discussion.

79.	<i>Address:</i>	106 Wakefield Ave
	<i>PIN:</i>	1703195540
	<i>CAC:</i>	Hillsborough
	<i>Change Request/Comment ID:</i>	88 / WEB-21762
	<i>Existing Zoning:</i>	IND-2 w/SRPOD
	<i>Current Use:</i>	Warehouse
	<i>Proposed Zoning:</i>	RX-3 w/SRPOD
	<i>Requested Zoning:</i>	RX-2 (25ft height) w/SRPOD
	<i>Future Land Use Designation:</i>	Medium Density Residential
	<i>Area Plan Guidance:</i>	West Morgan Area Study Downtown Plan Update (in process)
	<i>Urban Form Designation:</i>	Downtown Within Transit Stop Half-Mile Buffer Part Frontage on Main Street

The commentor requests a 2 story (25 foot) height limit be placed on the zoning for the property at 106 Wakefield Ave to address concerns about the development of this parcel. Staff proposes RX-3 for the property, which is currently IND-2. The recommendation follows the Future Land Use designation, and is a downzoning from a more intensive district. The minimum height under the UDO is 3 stories. Any mixed use district, including RX-3, would require neighborhood transitions adjacent to R-10 zoning at the time of redevelopment. The SPROD would be retained from the existing zoning code.

Recommendation: Further Discussion.

80.	<i>Address:</i>	216 Dexter Pl
	<i>PIN:</i>	1703099689
	<i>CAC:</i>	Hillsborough
	<i>Change Request/Comment ID:</i>	72 / WEB-9922
	<i>Existing Zoning:</i>	SP R-30 w/SRPOD
	<i>Current Use:</i>	Multi-Unit Living
	<i>Proposed Zoning:</i>	R-10 w/SRPOD
	<i>Requested Zoning:</i>	RX-3 w/SRPOD
	<i>Future Land Use Designation:</i>	Moderate Density Residential
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	Within Transit Stop Half-Mile Buffer

The property owner requests RX-3 zoning instead of R-10. Current zoning is SP R-30. While the current use of the property is multi-unit living with a density in excess of 10 units per acre, Staff believes R-10 is a more appropriate district under the UDO. If the property were to be rezoned to RX-3 and its neighbors R-10, its small, non-conforming lot size and the neighborhood transition requirements would place limit redevelopment potential of the property for multifamily use. The current multi-unit living use of the property could continue as a legal nonconformity. As such, Staff disagrees with the request.

Recommendation: No change to the map.

83.	<i>Address:</i> 212, 214, & 216 Cox Ave
	<i>PIN:</i> 1703095947, 1703095943, 1703095849
	<i>CAC:</i> Hillsborough
	<i>Change Request/Comment ID:</i> 113 / GEN-0436, -0437, -0438
	<i>Existing Zoning:</i> SP R-30 w/SRPOD
	<i>Current Use:</i> Single- & Two-Unit Living
	<i>Proposed Zoning:</i> R-10 w/SRPOD
	<i>Requested Zoning:</i> RX-3 w/SRPOD
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Within Transit Stop Half-Mile Buffer

The commentor requests RX-3 zoning for the three properties. They are currently zoned SP R-30 and contain two single family homes and a duplex. Staff believes that R-10 provides the closest comparative district to the existing zoning and development pattern of the properties; existing development would conform to R-10 standards. If zoned RX-3, the individual properties would be limited to the same redevelopment opportunities, single or two-unit living, as R-10 zoning due to lot sizes and widths. This request was submitted by one of the three property owners. Staff disagrees with the request.

Recommendation: No change to the map.

A. Staff agrees with the following Public Comment Change Request in the Glenwood, Northwest & Wade CAC Areas:

181.	<i>Address:</i> 2550 / 2600 Glenwood Ave
	<i>PIN:</i> 1705029420
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 178 / GEN-0572
	<i>Existing Zoning:</i> O&I-2
	<i>Current Use:</i> Multi-Unit Living
	<i>Proposed Zoning:</i> RX-7-PL
	<i>Requested Zoning:</i> OX-7-PL
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The property owner requests OX-7-PL zoning. Another commentor (not the property owner) asks that the zoning remain unchanged, see item 210. Initial proposal was for RX- as the base district since the parcel is developed as multi-unit living; staff agrees with the request for OX- as it is the closest comparative district to existing zoning and consistent with the Future Land Use Map. The Planning Commission recently approved a site plan for a 75 foot building for this site.

Recommendation: The requested zoning is consistent with the Future Land Use Map and it would be reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned OX-7-PL.

210.	<i>Address:</i> 2550 / 2600 Glenwood Ave
	<i>PIN:</i> 1705029420
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 81 / WEB-18242
	<i>Existing Zoning:</i> O&I-2
	<i>Current Use:</i> Multi-Unit Living
	<i>Proposed Zoning:</i> RX-7-PL
	<i>Requested Zoning:</i> No Change
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The commentor (not the property owner) asks that the zoning of the property remain unchanged. O&I-2 is not a district per the Unified Development Ordinance.

See agenda item 181 for comment from the property owner.

Recommendation: No action; addressed as item 181.

236.	<i>Address:</i> 2609 & 2615 Glenwood Ave
	<i>PIN:</i> 1705022325, 1705021421
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 277 / PC-0155 & -0156
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> OX-3-GR
	<i>Requested Zoning:</i> OX-3-UL
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

At a previous meeting, a recommendation was made to approve a change from a -GR frontage to a -UL frontage for 2607 Glenwood Ave. This creates an inconsistent frontage along the adjacent properties to the West, 2609 & 2615 Glenwood Ave. These properties should be assigned -UL frontage for continuity. At approval of the 2607 request, it was asked that staff reach out to the property owners of 2609 & 2615. Staff has spoken with the property owner at 2615 who voiced no objection. Note that all property owners will receive direct mail notice prior to the City Council Public Hearing. This notice will include an alert if the proposal has changed since the Public Review draft was released.

Recommendation: For consistency of frontage designation among adjacent parcels, the property should be zoned OX-3-UL.

182.	<i>Address:</i> 2511 TW Alexander Dr
	<i>PIN:</i> 0758990749
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 14 / CC5-0177; GEN-0392
	<i>Existing Zoning:</i> CUD TD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> NX-3-PK
	<i>Future Land Use Designation:</i> Low Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests NX-3-PK zoning instead of R-10. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of multi-family residential and institutional, as well as Future Land Use Map designation. While staff has recommended that the conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. Current zoning would allow retail use of the property and frontage on an Avenue 6-Lane, Divided would support this use. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

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

183.	<i>Address:</i> 4600 Crabtree Valley Ave
	<i>PIN:</i> 0796305907
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 29 / GEN-0002
	<i>Existing Zoning:</i> CUD SC
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> CX-12-UL-CU
	<i>Requested Zoning:</i> CX-5-CU
	<i>Future Land Use Designation:</i> Regional Mixed Use
	<i>Area Plan Guidance:</i> Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Urban Thoroughfares Frontage on Main Street

The property owner requests removal of the frontage designation as it is in conflict with current zoning conditions on the property. The property owner also requests a height designation of 5 stories instead of 12 stories. A 12 story height designation requires a minimum building height of 2 stories, a requirement that the property is currently not subject to. Staff agrees with both aspects of the request.

Recommendation: The requested zoning is consistent with the Future Land Use Map and it would be reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned CX-5 conditional use.

184.	<i>Address:</i> 10501 Little Brier Creek Ln
	<i>PIN:</i> 0768184675
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 47 / GEN-0354; GEN-0526
	<i>Existing Zoning:</i> CUD TD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> R-4
	<i>Requested Zoning:</i> R-6
	<i>Future Land Use Designation:</i> Private Open Space
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center

The property owner requests R-6 zoning instead of R-4. This parcel is currently zoned CUD TD and the conditions indicate this area for residential use. The parcel is adjacent to areas proposed to be zoned R-4, R-6, and RX-. The areas proposed to be zoned R-6 and RX- are currently developed for residential use. The nearby parcels proposed to be zoned R-4 are open space and a golf course. Staff agrees with the request.

Recommendation: It would be consistent with the Future Land Use Map and it would be reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned R-6.

185.	<i>Address:</i> 5732 Westgate Rd
	<i>PIN:</i> 0778536990
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 80 / GEN-0038, WEB-16642
	<i>Existing Zoning:</i> CUD IND-1 w/AOD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> IH-CU w/AOD
	<i>Requested Zoning:</i> Remove AOD
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center

The commentor requests removal of the Airport Overlay District. The overlay was removed as part of rezoning case Z-10-12, but continues to be shown as the result of a mapping error. Staff agrees with the request.

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

188.	<i>Address:</i> 7331 ACC Blvd
	<i>PIN:</i> 0778065480
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 7 / CC2-0144, GEN-0131
	<i>Existing Zoning:</i> TD w/AOD & SHOD-2
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> IX-3-PK w/AOD & SHOD-2
	<i>Requested Zoning:</i> IX-5-PK w/AOD & SHOD-2
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor

The commentor requests a five story height designation. Five story height was requested since TD permits this much height and the 50-foot protective yard required by SHOD-1 limits developable site area. The parcel is large in size, and could accommodate a tall building in the TD district.

Recommendation: The requested zoning is consistent with the Future Land Use Map and it would be reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned IX-5-PK w/AOD & SHOD-2.

B. Staff requests discussion of the following Public Comment Change Requests in the Glenwood, Northwest & Wade CAC Areas:

189.	<p>Address: 5608 & 5612 Rush Springs Ct; 8970 Ebenezer Church Rd; 9112 Willow Valley Ct; 5418 Windy Gap Ct</p> <p>PIN: 0778746588, 0778746520; 0778748776; 0778847913; 0778858161</p> <p>CAC: Northwest</p> <p>Change Request/Comment ID: 11 / CC1-0170, GEN-0116 & -0325</p> <p>Existing Zoning: CUD TD, R-6-CU, R-10-CU</p> <p>Current Use: Single-Unit Living; HOA Open Space</p> <p>Proposed Zoning: OX-3-CU, R-6-CU, R-10-CU</p> <p>Requested Zoning: R-6</p> <p>Future Land Use Designation: Low Density Residential</p> <p>Area Plan Guidance: N/A</p> <p>Urban Form Designation: N/A</p>
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The commenters request R-6 zoning to remove split zoning from these parcels. Staff's recommendations represent comparative districts to current split zoning and preserve the conditions currently regulating the parcels. Boundaries of conditional use districts cannot be altered administratively and residential districts R-1, R-2, R-4, R-6, and R-10 are not proposed to be rezoned as part of the citywide remapping process. As of September 2013 these districts are regulated by the Unified Development Ordinance.

Recommendation: Further discussion.

190.	<p>Address: 9910, 9911, 9930, 9931, 9932, & 9951 Sellona St</p> <p>PIN: 0758636098, 0758626652, 0758630092, 0758624475, 0758622858, 0758614856</p> <p>CAC: Northwest</p> <p>Change Request/Comment ID: 44 / GEN-0337 thru -0341; GEN-0526</p> <p>Existing Zoning: CUD TD</p> <p>Current Use: Vacant</p> <p>Proposed Zoning: OX-3-PK</p> <p>Requested Zoning: CX-5 (CX-5-PK)</p> <p>Future Land Use Designation: Office & Residential Mixed Use</p> <p>Area Plan Guidance: Brier Creek Village Center Plan</p> <p>Urban Form Designation: City Growth Center Frontage on Parkway Corridor</p>
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The commentator requests CX- zoning instead of OX-. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96 and development context of multi-family residential and a school. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

Recommendation: Further discussion.

191.	<i>Address:</i> 10701 Globe Rd
	<i>PIN:</i> 0758719148
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 46 / GEN-0345; GEN-0526
	<i>Existing Zoning:</i> CUD TD w/SHOD-2
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> RX-3-PK w/SHOD-2
	<i>Requested Zoning:</i> CX-5 (CX-3-PK) w/SHOD-2
	<i>Future Land Use Designation:</i> Medium Density Residential
	<i>Area Plan Guidance:</i> Brier Creek Village Center Plan
	<i>Urban Form Designation:</i> City Growth Center

The commentor requests CX- zoning instead of RX-. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of multi-family residential, and Future Land Use Map designation. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

Recommendation: Further discussion.

192.	<i>Address:</i> 9655 Collingdale Way
	<i>PIN:</i> 0758643319
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 48 / GEN-0355, -0210, -0336; GEN-0526
	<i>Existing Zoning:</i> CUD TD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> R-6
	<i>Requested Zoning:</i> CX-3 (CX-3-PK)
	<i>Future Land Use Designation:</i> Low Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Parkway Corridor

The commentor requests CX- zoning instead of R-6. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of single- and multi-family residential, and Future Land Use Map designation. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

Recommendation: Further discussion.

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

The property owner requests greater height and alternate frontage designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Parkway frontage was recommended for the parcel in response to existing TD zoning and Urban Form Map designation of Brier Creek Parkway as a Parkway Corridor. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements. Note that the parcel is located in a City Growth Center and also has frontage on Moncreiffe Road which is designated as a Main Street on the Urban Form Map; policy that would suggest a Parking Limited frontage.

Recommendation: Further discussion.

196.	<i>Address:</i>	10370 Lumley Rd; 0, 8011, 8115, 8121, 8161, 8331, 8341, & 8801 Brier Creek Pkwy
	<i>PIN:</i>	0768233280; 0768431808, 0768464394, 0768460198, 0768369074, 0768454921, 0768440719, 0768356389, 0768239018
	<i>CAC:</i>	Northwest
	<i>Change Request/Comment ID:</i>	219 / PC-0030 thru -0038
	<i>Existing Zoning:</i>	CUD TD / TD
	<i>Current Use:</i>	Retail Sales, Eating Establishment, Vacant
	<i>Proposed Zoning:</i>	CX-5-PK
	<i>Requested Zoning:</i>	CX-5-PL
	<i>Future Land Use Designation:</i>	Regional Mixed Use
	<i>Area Plan Guidance:</i>	US 70 Corridor Plan
	<i>Urban Form Designation:</i>	City Growth Center Frontage on Parkway Corridors

Property owner requests an alternate frontage designation. Parkway frontage was recommended for the parcels in response to existing TD zoning and Urban Form Map designation of Brier Creek Parkway and Glenwood Avenue as a Parkway Corridors. 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. The zoning districts are not concurrent with property lines in this request and portions of 8161 and 8331 Brier Creek Parkway were not initially recommended for Parkway frontage along Glenwood Avenue. Upon further review, staff recommends that if the Parkway frontage designation is upheld the same should be added to the general use TD zoned area.

Recommendation: No action on 8331 Brier Creek Parkway; this parcel is the subject of a privately initiated rezoning. Further discussion of all other parcels.

197.	<i>Address:</i> 7980, 7990, 8010, & 8020 Arco Corporate Dr
	<i>PIN:</i> 0768555829, 0768557740, 0768553790, 0768551384
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 220 / PC-0039 thru -0042
	<i>Existing Zoning:</i> CUD TD / TD
	<i>Current Use:</i> Office, Medical, Personal Service
	<i>Proposed Zoning:</i> CX-5-PK
	<i>Requested Zoning:</i> CX-7-PL
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> US 70 Corridor Plan
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor

Property owner requests an alternate frontage designation. Parkway frontage was recommended for the parcels in response to existing TD zoning and Urban Form Map designation of Glenwood Avenue and I-440 as a Parkway Corridors. 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. The zoning districts are not concurrent with property lines in this request and portions of 8010 and 8020 Arco Corporate Drive were not initially recommended for Parkway frontage along Glenwood Avenue. Upon further review, staff recommends that if the Parkway frontage designation is upheld the same should be added to the general use TD zoned area.

Recommendation: Further discussion.

198.	<i>Address:</i> 8045, 8051, 8080, & 8081 Arco Corporate Dr
	<i>PIN:</i> 0768642550, 0768547190, 0768435332, 0768531315
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 221 / PC-0043 thru -0046
	<i>Existing Zoning:</i> CUD TD
	<i>Current Use:</i> Office, Vacant
	<i>Proposed Zoning:</i> OP-5-PK
	<i>Requested Zoning:</i> OX-7-PL
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> US 70 Corridor Plan
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridors

Property owner requests alternate zoning of OX-7-PL instead of OP-5-PK. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of office, and Future Land Use Map designation of Office/Research & Development (not Office and Residential Mixed Use). While staff has recommended that the conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. There is no specific policy guidance that would suggest height greater than 5 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Parkway frontage was recommended for the parcels in response to existing TD zoning and Urban Form Map designation of Glenwood Avenue and I-440 as a Parkway Corridors. 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. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

Recommendation: Further discussion.

201.

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

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

Recommendation: Further discussion.

202.	<i>Address:</i> 3800 Hillsborough St (Meredith Campus)
	<i>PIN:</i> 0794261272
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 59 / GEN-0441
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> College
	<i>Proposed Zoning:</i> OX-4
	<i>Requested Zoning:</i> OX-5/7
	<i>Future Land Use Designation:</i> Institutional
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Part within Mixed-Use Center Frontage on Transit Emphasis Corridor Frontage on Parkway Corridor Part Within Half-Mile Transit Buffer

The property owner, Meredith College, is requesting additional height (5 or 7 stories). There is no specific policy guidance that would suggest height greater than 4 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Since it is a qualifying institution, the university may also pursue a Campus (CMP) District.

Recommendation: Further discussion.

235.	<i>Address:</i> 1800, 1900, 2020, 2021, & 2100 Century Dr
	<i>PIN:</i> 0795899856, 0796804080, 0796802211, 0795890962, 0796709200
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 258 / PC-0109 thru -0113
	<i>Existing Zoning:</i> O&I-2 w/SHOD-2
	<i>Current Use:</i> Minor Utility (Sustainable Energy System); Vacant
	<i>Proposed Zoning:</i> OX-5 w/SHOD-2
	<i>Requested Zoning:</i> OX-7
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor

The property owner requests OX-7 zoning instead of OX-5 with SHOD-2. There is no specific policy guidance, nor is there existing context that would suggest height greater than 5 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. Overlay districts are not proposed to change as part of the proposed remapping effort, with the exception of SHOD-3 and 4, PBOD, PDD and DOD.

Recommendation: Further discussion

237.	<i>Address:</i> 0 / 1900 Blue Ridge Rd
	<i>PIN:</i> 0784786489
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 261 / PC-0116
	<i>Existing Zoning:</i> O&I-1; AP
	<i>Current Use:</i> Parking; Vacant
	<i>Proposed Zoning:</i> CX-5-UL; CX-12-UL; OX-3
	<i>Requested Zoning:</i> CX-5/12-UL
	<i>Future Land Use Designation:</i> Public Facilities & Institutional
	<i>Area Plan Guidance:</i> Blue Ridge Road District Study
	<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor Frontage on Urban Thoroughfare

The property owner requests the portion of the property proposed for OX-3 be zoned either CX-5-UL or CX-12-UL instead. The property, which is currently split zoned O&I-1 and AP, falls within the Blue Ridge Road District Study area. The study provides UDO zoning recommendations for the western portion of the property, with CX-12-UL at the intersection of Blue Ridge Road and Wade Avenue and CX-5-UL further north along Blue Ridge Road. Since the study recommendations do not address the eastern portion of the site along Wade Avenue, Staff proposed OX-3 as the closest comparative district to the current O&I-1. The AP zoning has been removed as there is no longer an agricultural use on the property.

Staff feels the request to rezone the remainder of the property to a base zoning of CX with a UL frontage has merit. However, Staff does not have clear policy guidance to support this, nor does it have guidance for recommending height greater than 3 stories.

Recommendation: Further discussion

C. Staff disagrees with the following Public Comment Change Requests in the Glenwood, Northwest & Wade CAC Areas:

209.	<i>Address:</i> 3514 Wade Ave
	<i>PIN:</i> 0794372031
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 43 / GEN-0334
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Retail Sales, Eating Establishment, Grocer, Bar
	<i>Proposed Zoning:</i> CX-3
	<i>Requested Zoning:</i> CX-7
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

211.	<i>Address:</i> 1209, 1213, & 1215 Ridge Rd
	<i>PIN:</i> 0794275267, 0794275314, 0794274423
	<i>CAC:</i> Glenwood
	<i>Change Request/Comment ID:</i> 151 / GEN-0525
	<i>Existing Zoning:</i> O&I-1, CUD O&I-1
	<i>Current Use:</i> Personal Service, Office, Multi-Unit Living, School
	<i>Proposed Zoning:</i> OX-3, OX-3-CU
	<i>Requested Zoning:</i> OX-5
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

212.	<i>Address:</i> 6339 Glenwood Ave
	<i>PIN:</i> 0786679150
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 17 / GEN-0033
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Church
	<i>Proposed Zoning:</i> CX-7-PL
	<i>Requested Zoning:</i> CX-7
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The 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: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into the closest comparative district in the UDO. The property should be zoned CX-7-PL.

213.	<i>Address:</i> 10594 Sporting Club Dr
	<i>PIN:</i> 0768084863
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 21 / GEN-0072
	<i>Existing Zoning:</i> CUD TD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> NX-3-PK
	<i>Requested Zoning:</i> R-10 or RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center

The commentor (not the property owner) request residential zoning. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of single- and multi-family residential, and frontage on an Avenue 6-Lane Divided. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

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

214.	<i>Address:</i> 5151 & 5171 Glenwood Ave
	<i>PIN:</i> 0796220746, 0796126886
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 37 / GEN-0303
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> OX-3-PK / OX-4-PK
	<i>Requested Zoning:</i> OX-7
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 and 4 stories. While the parcels may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

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

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

WITHDRAWN	216.	<i>Address:</i> 0 & 11109 Glenwood Ave; 2501 TW Alexander Dr
	<i>PIN:</i> 0759910693, 0759813420; 0759809897	
	<i>CAC:</i> Northwest	
	<i>Change Request/Comment ID:</i> 45 / GEN-0342 thru -0344; GEN-0526	
	<i>Existing Zoning:</i> CUD TD	
	<i>Current Use:</i> Vacant	
	<i>Proposed Zoning:</i> RX-3-PK-CU, OX-3-PK	
	<i>Requested Zoning:</i> RX-5-PK-CU (initially CX-3-PK)	
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use	
	<i>Area Plan Guidance:</i> US 70 Corridor Plan	
	<i>Urban Form Designation:</i> Frontage on Parkway Corridor	

217.	<i>Address:</i> 9600 & 9650 Brier Creek Pkwy
<i>PIN:</i> 0758836853, 0758833743	
<i>CAC:</i> Northwest	
<i>Change Request/Comment ID:</i> 73 / WEB-11842	
<i>Existing Zoning:</i> CUD TD	
<i>Current Use:</i> Vacant	
<i>Proposed Zoning:</i> CX-3-PK	
<i>Requested Zoning:</i> NX-3-PK	
<i>Future Land Use Designation:</i> Regional Mixed Use	
<i>Area Plan Guidance:</i> N/A	
<i>Urban Form Designation:</i> City Growth Center Frontage on Parkway Corridor	

The commentor (not the property owner) requests zoning that she believes to be more compatible with nearby Brier Creek Elementary School. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96; development context of single- and multi-family residential, retail, office, and institutional use; Future Land Use Map designation; and frontage on an Avenue 6-Lane Divided. While staff has recommended that the zoning conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. (Items 182, 190, 191, 192, 198, 213, and 217 are all related to Z-65-96/Brier Creek.)

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

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

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

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

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

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

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

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

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

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

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

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

222.	<i>Address:</i>	3101, 3105, & 3107 Hillsborough St; 3112 Stanhope Ave; 5 & 7 Rosemary St
	<i>PIN:</i>	0794524349, 0794523298, 0794523525; 0794522382; 0794522408, 0794522403
	<i>CAC:</i>	Wade
	<i>Change Request/Comment ID:</i>	86 / WEB-20163, -20802, -20818, -21442, -20820, -20821, -20822
	<i>Existing Zoning:</i>	NB & IND-2 w/SRPOD
	<i>Current Use:</i>	Office, Vacant, Parking
	<i>Proposed Zoning:</i>	NX-3-UG & OX-3 w/SRPOD
	<i>Requested Zoning:</i>	CX-3/5
	<i>Future Land Use Designation:</i>	Office & Residential Mixed Use
	<i>Area Plan Guidance:</i>	Stanhope Village Small Area Plan
	<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

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

The commentor, one of several property owners of the area in question, requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcels may be rezoned in the future to allow

for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

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

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

The commentor, not the property owner, requests NX-5 zoning instead of OX-3. OX- zoning was proposed as the base district for these properties as it is the closest comparative district to the existing O&I-1 zoning. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcels may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

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

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

The commentor, not the property owner, requests NX-5 zoning instead of OX-3. OX- zoning was proposed as the base district for these properties as it is the closest comparative district to the existing O&I-1 zoning. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcels may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

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

226.

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

The commentor, not the property owner, requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

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

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

The commentor, not the property owner, requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

Recommendation: It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned NX-4-SH & NX-4-SH-CU.

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

The property owner requests greater height and an alternate frontage designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on these questions.

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

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

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

Recommendation: No action.

238.	<i>Address:</i> 2008 Hillsborough St
	<i>PIN:</i> 1704011308
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 247 / PC-0086
	<i>Existing Zoning:</i> BC w/PBOD & SRPOD
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> NX-4-UG w/SRPOD
	<i>Requested Zoning:</i> Remove -UG
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor Frontage on Main Street Within Half-Mile Transit Buffer

The property owner requests removal of the UG frontage designation given the irregular shape of the lot resulting from construction of the Hillsborough Street-Pullen Road roundabout. Given the recent conditional use rezoning and plans for redevelopment of 1912 Hillsborough Street which has a similar disposition, staff disagrees with the request.

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

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

The property owners request greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than the staff proposed 3 and 4 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Furthermore the Cameron Village and Hillsborough Street Area Plans are in progress and expected to be completed later this year. They will offer specific policy guidance on the question of additional height for this property.

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

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

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

Recommendation: No action.



City of Raleigh North Carolina

To: Planning Commission members

From: Carter Pettibone, Planner II

Date: 2/11/15

Re: Application of Parking Limited frontage on vehicle fuel sales properties

A number of public comments expressed concerns with the application of Parking Limited frontage combined with established use for Vehicle Fuel Sales. Specifically, property owners expressed a conflict between the need to regularly reinvest in Vehicle Fuel Sales facilities and the development requirements of Parking Limited frontage. Staff has completed additional analysis to inform the discussion.

There are approximately 140 sites currently used for Vehicle Fuel Sales, of those, 71 have been recommended for application of Parking Limited 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. While staff will be proposing a text change to clarify any issue of non-conformity of existing development, redevelopment of a site would trigger the requirement for compliance with frontage regulations.

Parking Limited frontage requires a build-to minimum/maximum of 0 feet/100 feet from the property line on primary and side streets. It also requires a minimum building width of 50% of the lot width in the primary street build-to area and 25% in the side street build-to area. For example, a corner lot measuring 100 feet by 100 feet would require a building to be at least 50 feet by 25 feet.

Small buildings, like those typically associated with Vehicle Fuel Sales, cannot satisfy the building width requirement in the build-to area. To address this issue, staff is evaluating a potential text change to the Parking Limited frontage that would include alternate building width requirements for small scale buildings; if a building is too small to satisfy the building width requirement then it could comply by locating 100% of the street-facing building facade(s) within build-to areas. These buildings would also need to have the longer side of the building oriented toward the primary frontage.

At the February 17 work session staff will provide a presentation summarizing its analysis and recommendations for a potential text change to the Parking Limited frontage requirements.



Remapping Raleigh

Vehicle Fuel Sales and UDO
Frontages

Issues

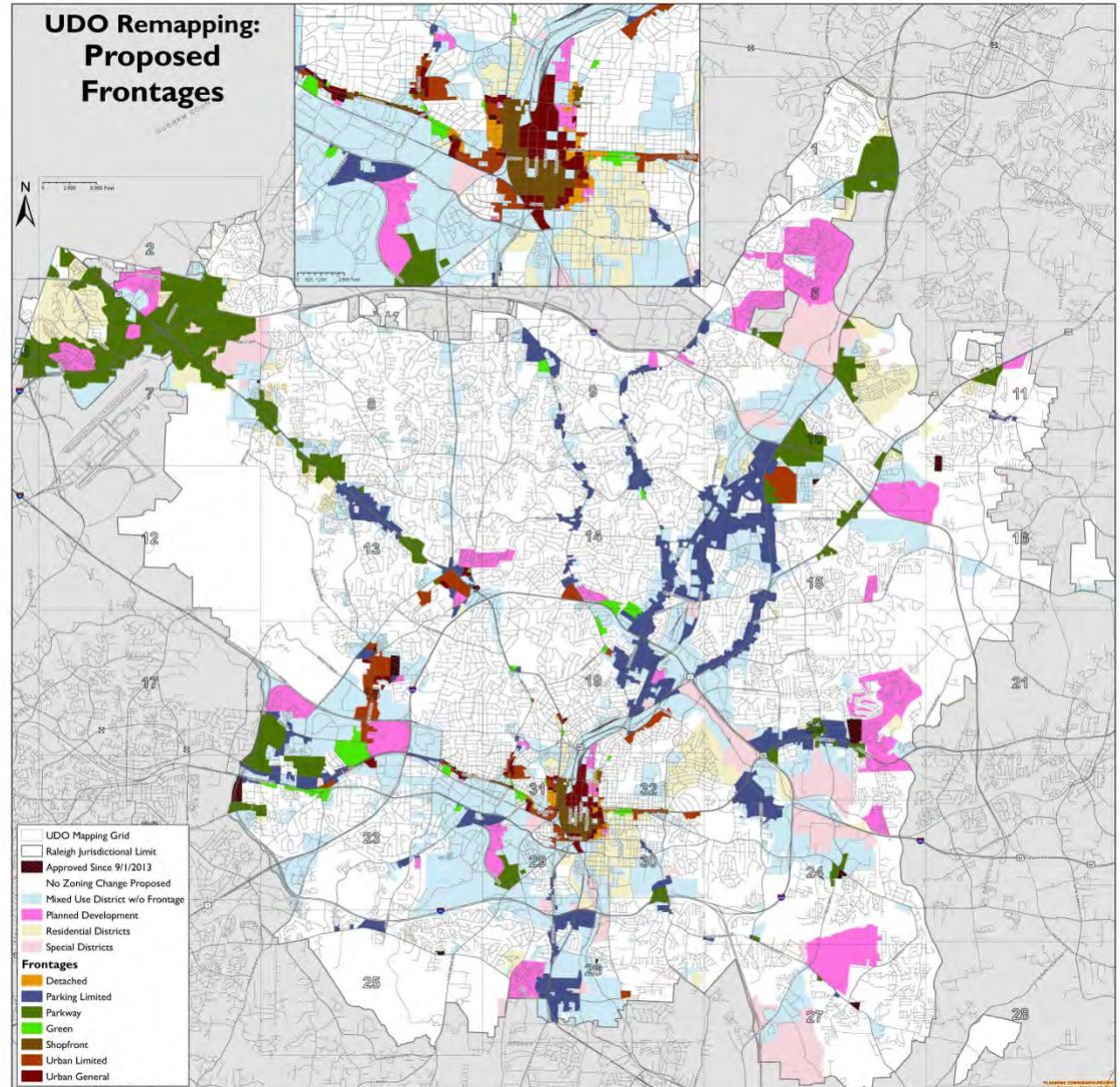
- Frontage standards applied on major corridors throughout the City
- Difficulty for vehicle fuel sales properties to conform to frontage requirements
- Buildings associated with use tend to occupy small portion of site

■ By the Numbers

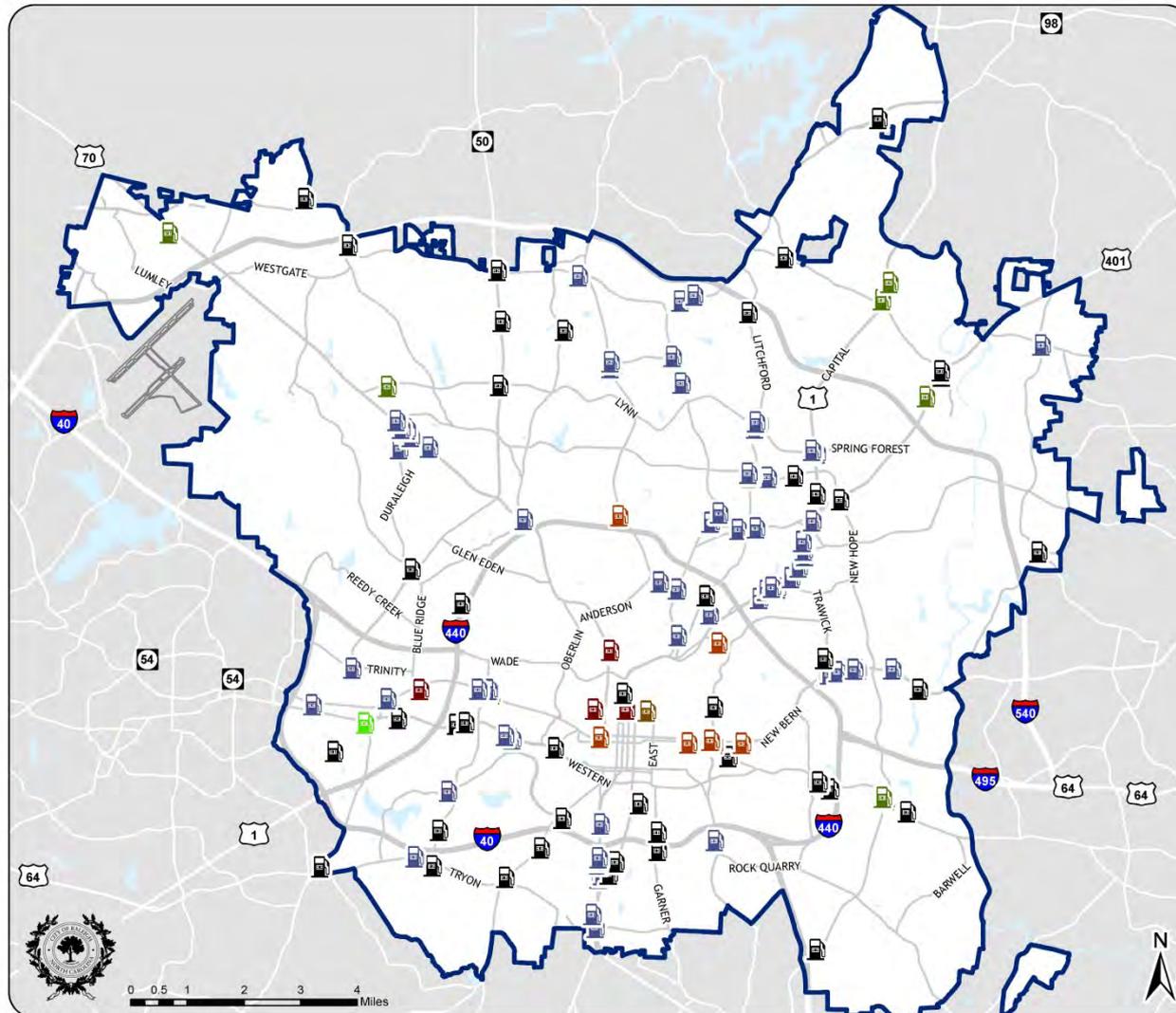
- 141 vehicle fuel sales properties within the City's jurisdiction
- 96 have frontage proposed
- 71 are proposed for Parking Limited (PL)
- Others frontages:
 - Parkway (PK) – 7 properties
 - Green (GR) – 1
 - Urban Limited (UL) – 11
 - Urban General(UG) – 5
 - Shopfront (SH) – 1

Parking Limited Frontage

- Parking Limited (PL) generally applied along transit emphasis corridors



Vehicle Fuel Sales

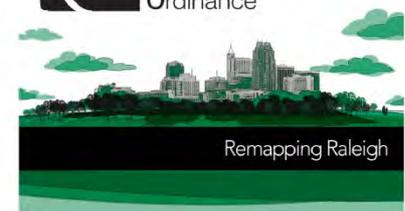


Vehicle Fuel Sales Locations

-  No Frontage Designation (45)
-  Parking Limited (71)
-  Parkway (7)
-  Green (1)
-  Shopfront (1)
-  Urban Limited (11)
-  Urban General (5)

 Raleigh Jurisdiction Limit

RALEIGH Unified Development Ordinance



■ **Parking Limited Frontage**

- Intended for areas where access to buildings by automobiles is desired but where some level of walkability is maintained.
- A maximum of 2 bays of on-site parking with a single drive aisle between the building and the street right-of-way.

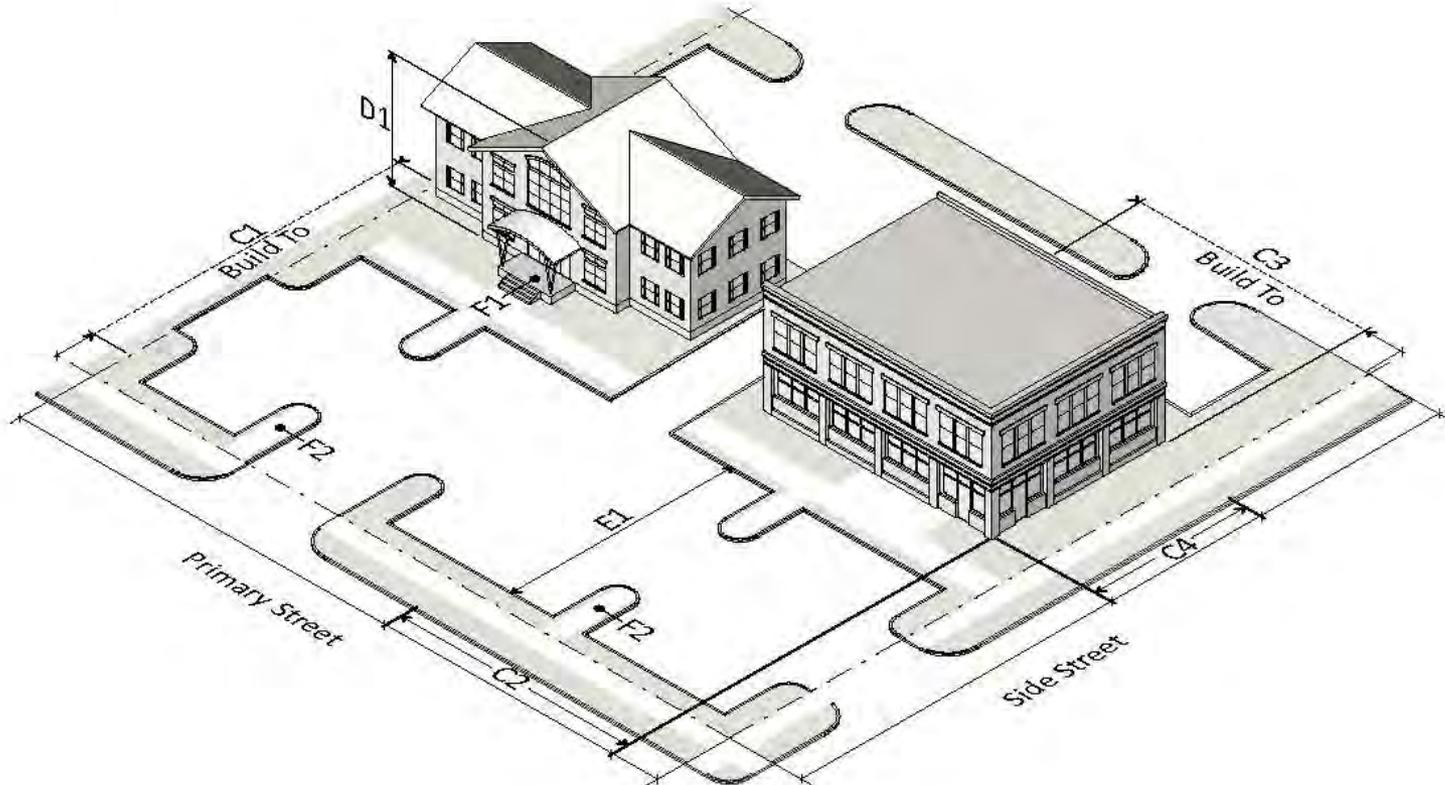
■ Parking Limited Frontage

- Primary and side street build-to:
 - 0' minimum
 - 100' maximum
- Minimum building width in primary build-to is 50%
- Minimum building width in side build-to is 25%

Parking Limited Frontage

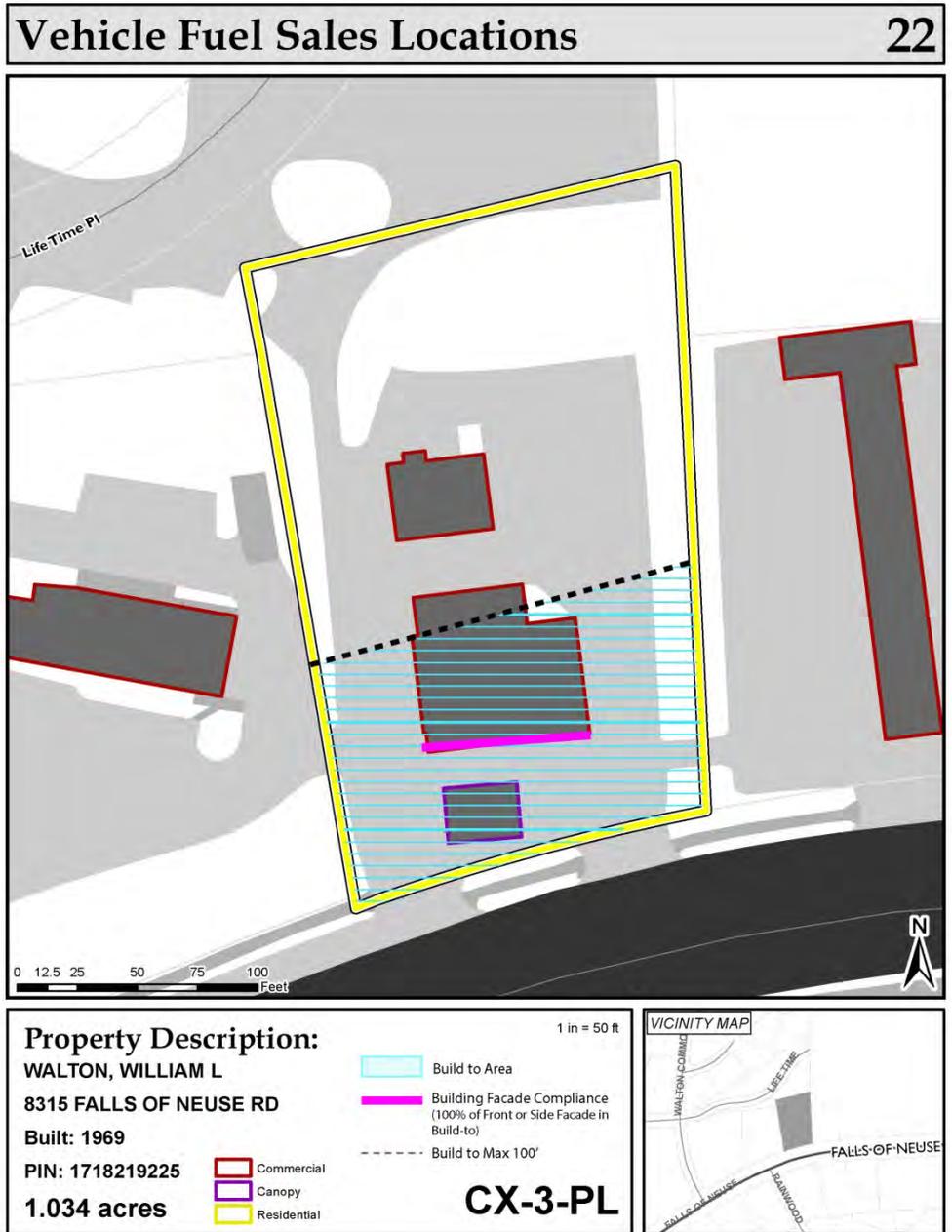
CHAPTER 3. MIXED USE DISTRICTS | Article 3.4. Frontage Requirements
Sec. 3.4.5. Parking Limited (-PL)

Sec. 3.4.5. Parking Limited (-PL)



Examples

- 8315 Falls of Neuse Rd



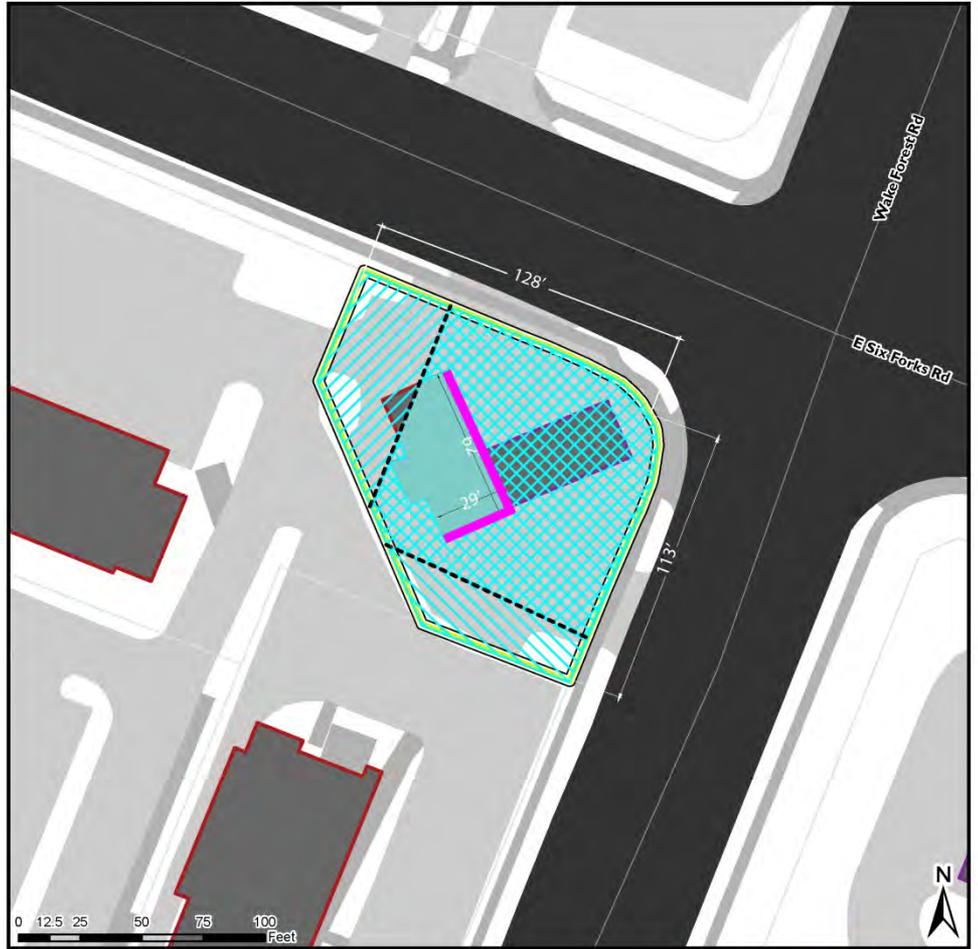
Examples

- 3320 Capital Boulevard



Examples

- 2837 Wake Forest Rd



Property Description:
SAMPSON BLADEN OIL CO INC
2837 WAKE FOREST RD
Built: 1961
PIN: 1715133422
0.331 acres

1 in = 50 ft

CX-3-PL

Build to Area
 Building Facade Compliance (100% of Front or Side Facade in Build-to)
 - - - - - Build to Max 100'

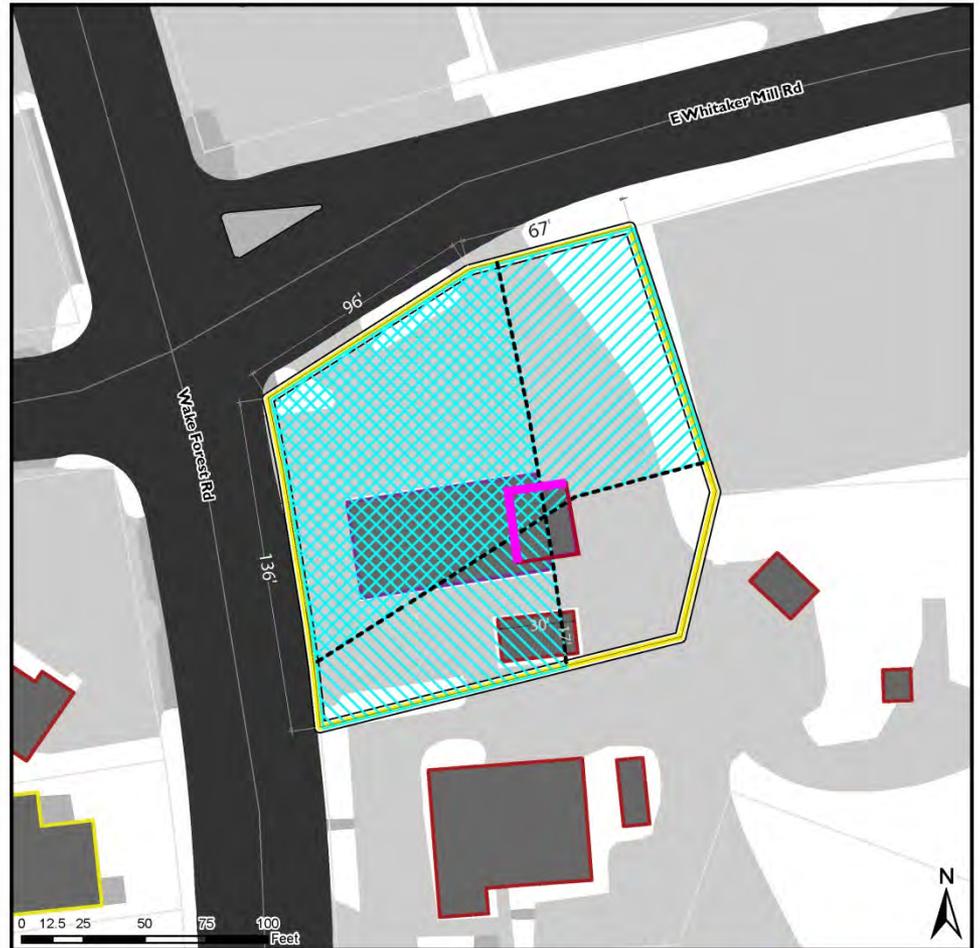
Commercial
 Canopy
 Residential

VICINITY MAP

 A vicinity map showing the site location at the intersection of Wake Forest Rd and Six Forks Rd. The site is marked with a red dot and labeled 'site'. Surrounding roads include Rucker, Wake Forest, Six Forks, and Hill OX. Zoning districts R-4, RX, and CX are indicated.

Examples

- 1942 Wake Forest Rd



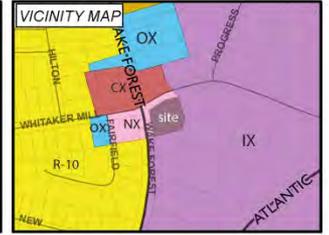
Property Description:
SAMPSON BLADEN OIL CO INC
1942 WAKE FOREST RD
Built: 1982
PIN: 1714193080
0.601 acres

- Commercial
- Canopy
- Residential

1 in = 50 ft

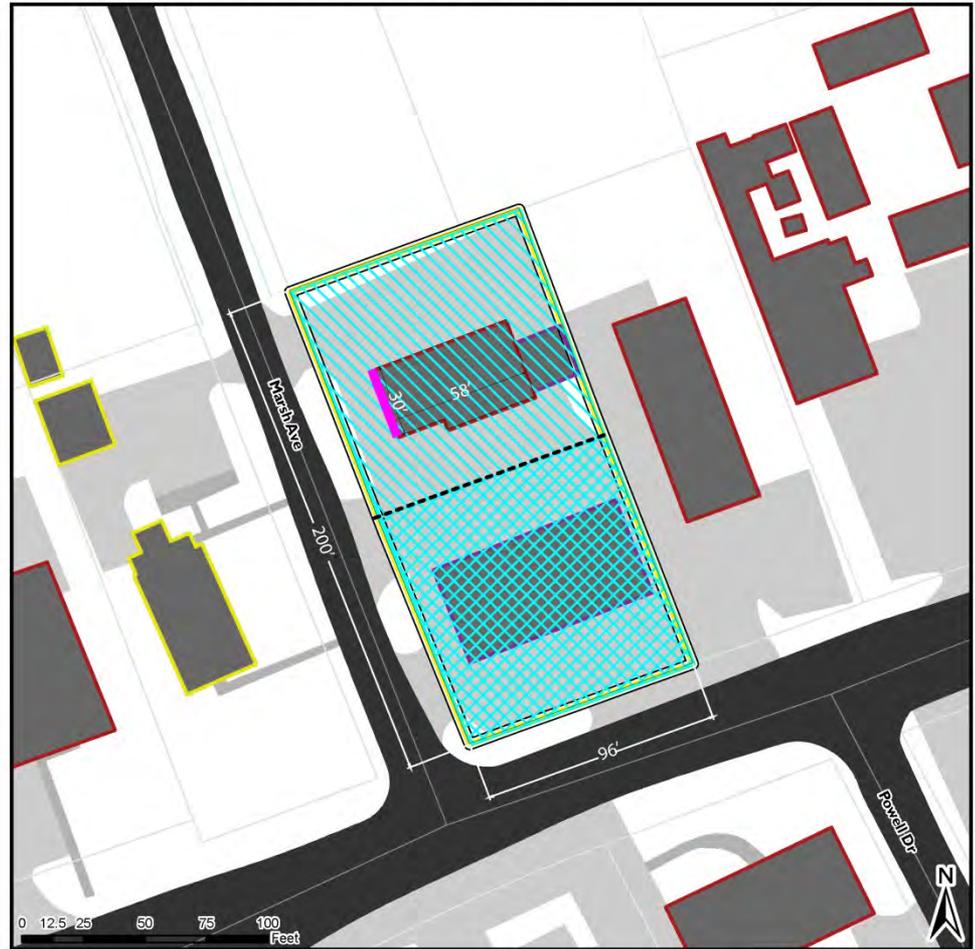
- Build to Area
- Building Facade Compliance (100% of Front or Side Facade in Build-to)
- Build to Max 100'

NX-3-PL



Examples

- 5308 Hillsborough St



Property Description:

ALLRED, ANNIE ADAMS NICHOLS, JEAN ADAMS

5308 HILLSBOROUGH ST

Built: 1985

PIN: 0784433014

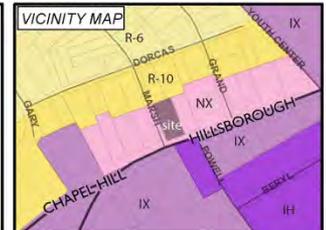
0.45 acres

- Commercial
- Canopy
- Residential

- Build to Area
- Building Facade Compliance (100% of Front or Side Facade in Build-to)
- Build to Max 100'

1 in = 50 ft

NX-3-PL

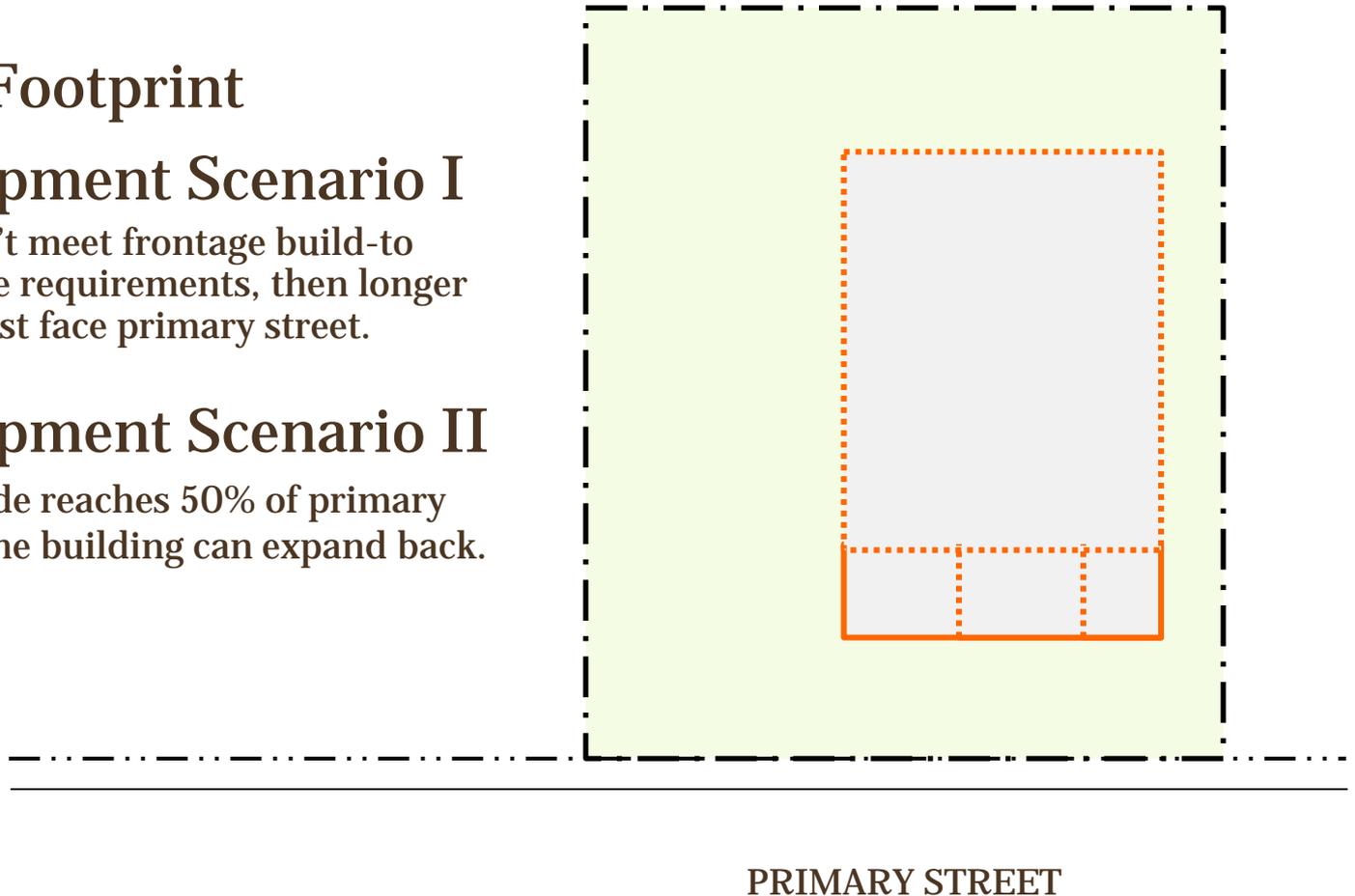


■ Recommendation

- Only for Parking Limited frontage
- Small buildings - buildings that cannot meet building width in primary and side build-to areas (50% and 25% respectively)
- 100% of each street-fronting building facade would need to be located within build-to areas (0 to 100 feet)
- Longer building side would face primary street

Recommendation

- Existing Footprint
- Redevelopment Scenario I
 - If it doesn't meet frontage build-to percentage requirements, then longer facade must face primary street.
- Redevelopment Scenario II
 - Once facade reaches 50% of primary frontage the building can expand back.



Remapping Brier Creek

Planning Commission

17 February 2015



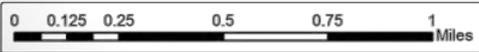
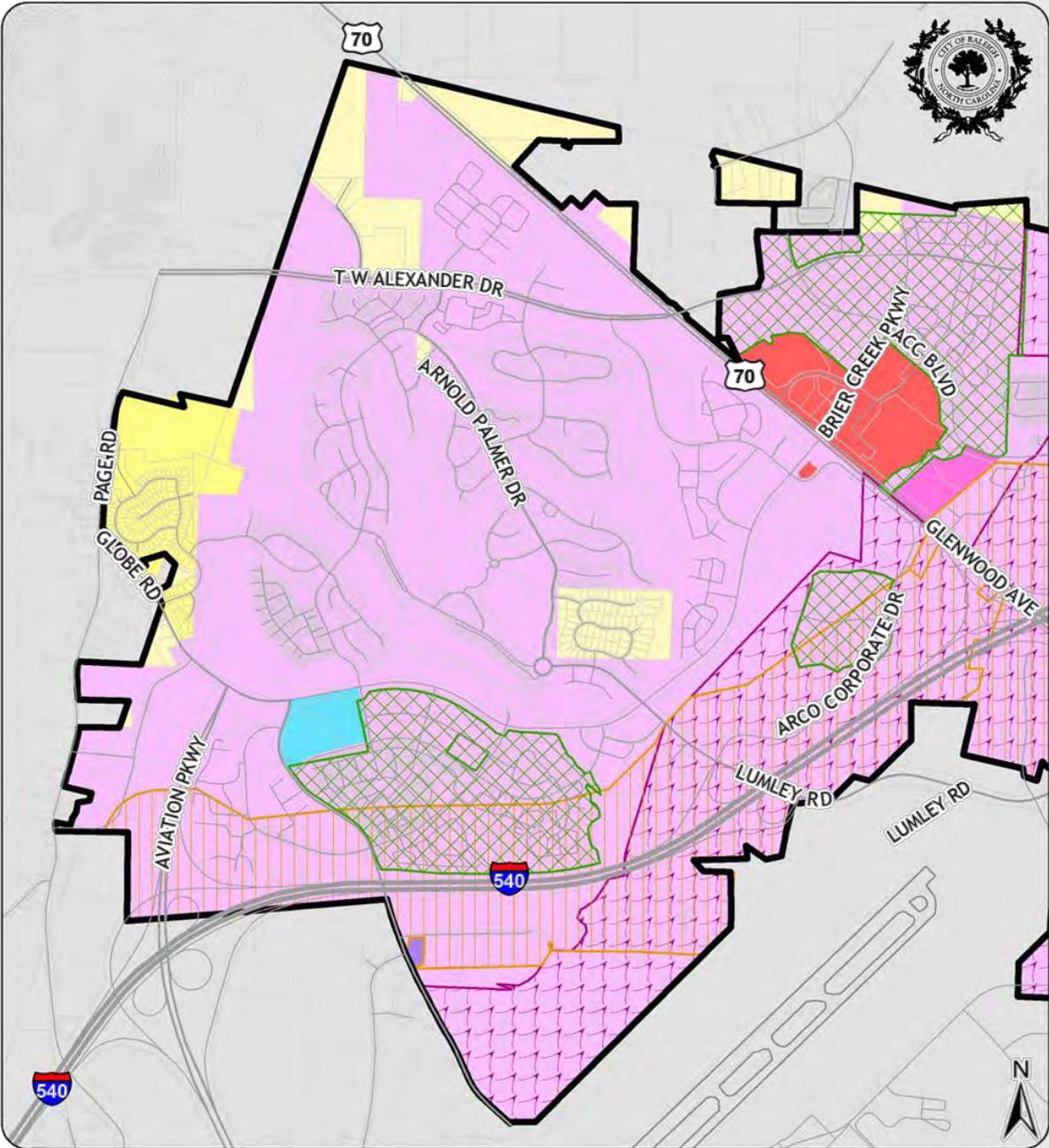
Unified
Development
Ordinance



Brier Creek: Existing Zoning



-  -AOD
-  -SHOD-2
-  PDD
-  UDO Zoning
-  R-4
-  R-6
-  CUD O&I-2
-  CUD SC
-  TD
-  CUD TD
-  CUD IND-2



Z-65-1996; Airport Assemblage

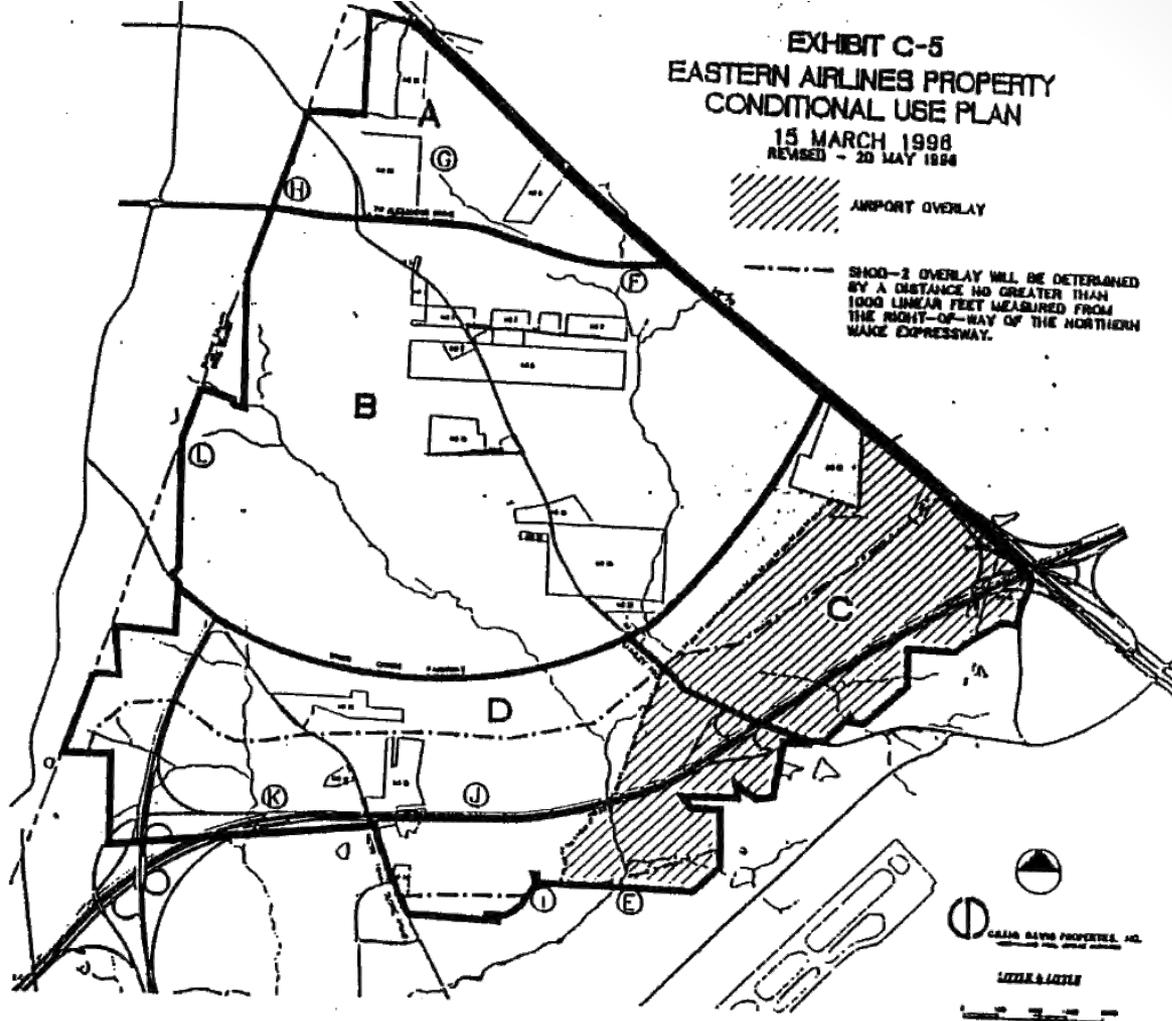
- ~2,000 acres rezoned to CUD TD
- Set limits on mix of uses for most of what is Brier Creek today

ORDINANCE (1996) 929 ZC 392
Effective: July 2, 1996

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

EXHIBIT C-5
 EASTERN AIRLINES PROPERTY
 CONDITIONAL USE PLAN

15 MARCH 1998
 REVISED - 20 MAY 1994

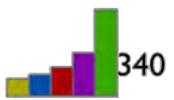


LAND USE BY AREA

MAXIMUM

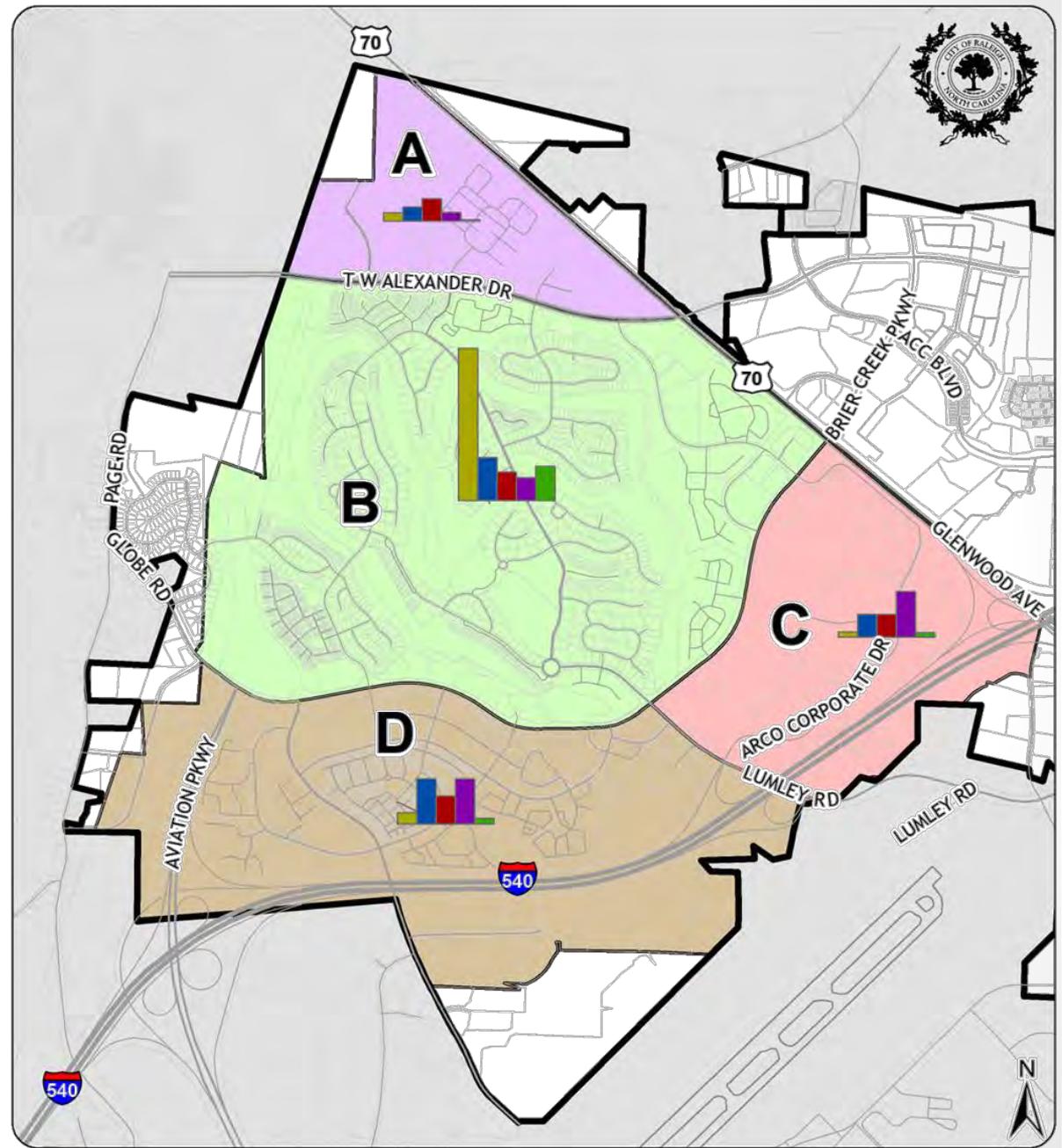
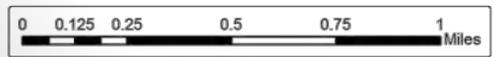
LAND USE AREA	ACTUAL ACREAGE	RESIDENTIAL	DWELLING UNITS	OFFICE/ INSTITUTION/ CIVIC/SERVICE	COMMERCIAL	INDUSTRIAL	MINIMUM OPEN SPACE/ BUFFERS & RECREATION
A	148	37	1,362	62.5	100	40	5
B	942	670	3,550	187.5	125	100	150
C	298	23	338	100	100	200	20
D	611	50	1,250	200	125	200	25
TOTALS	1,999*	780	6,500**	550	450	540	200

Brier Creek: Z-65-1996 Area Allowances

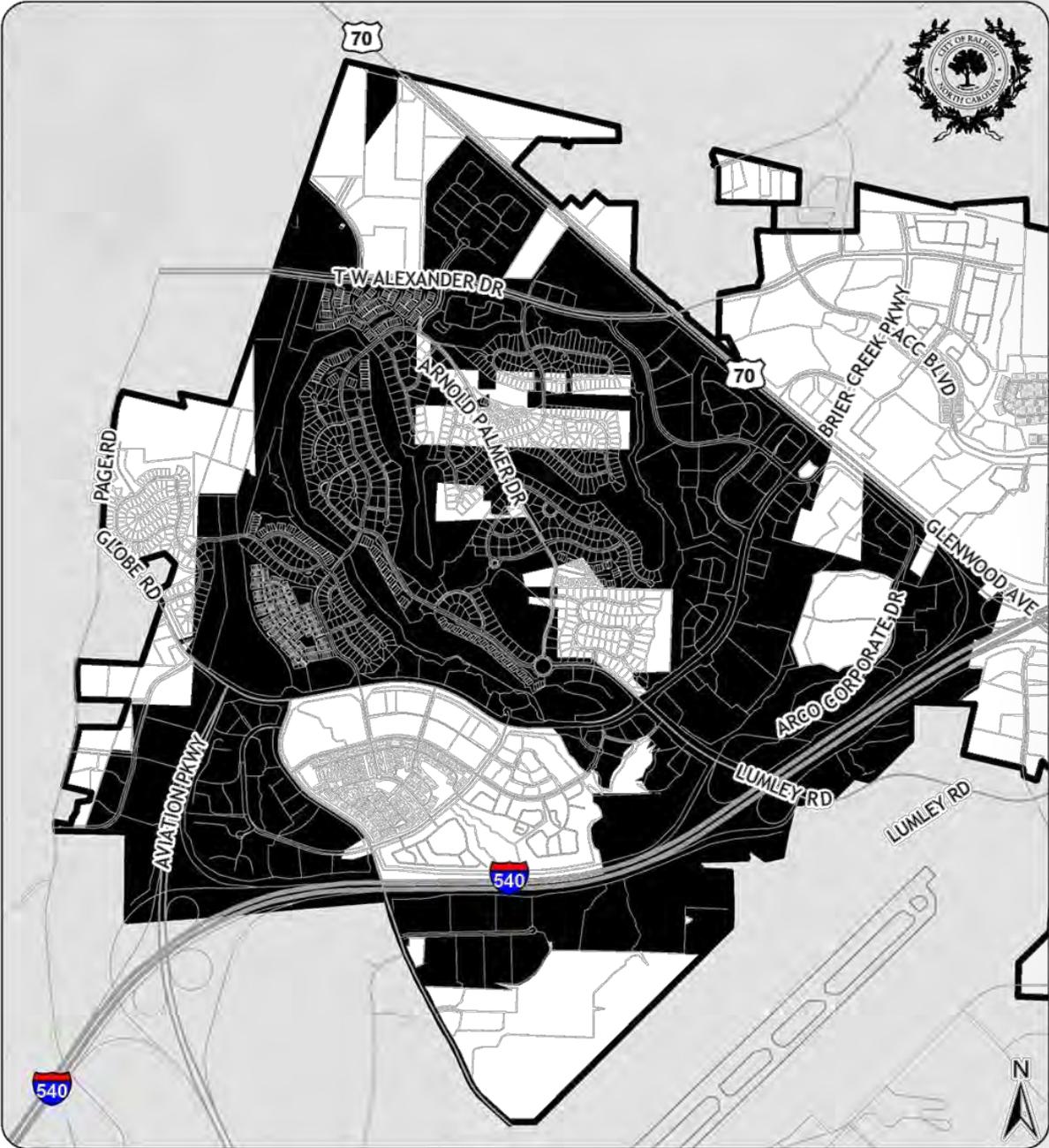


- RES_ACRES
- OICS_ACRES
- COMM_ACRES
- IND_ACRES
- OSREC_ACRES

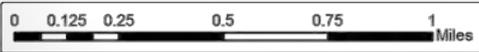
- Area A
- Area B
- Area C
- Area D



Brier Creek: Z-65-1996 Remaining Area



 Z-65-96 Case



Brier Creek:

Filling in the Gaps

 Planned Development (PD)

 Z-65-96 Case (CUD TD)

Other CU Cases

 Z-106-1985 (CUD TD)

 Z-87-1986 (CUD TD)

 Z-19-1991 (CUD TD)

 Z-76-1998 (CUD TD)

 Z-86-1998 (CUD TD)

 Z-12-2000 (CUD TD)

 Z-11-2001 (CUD TD)

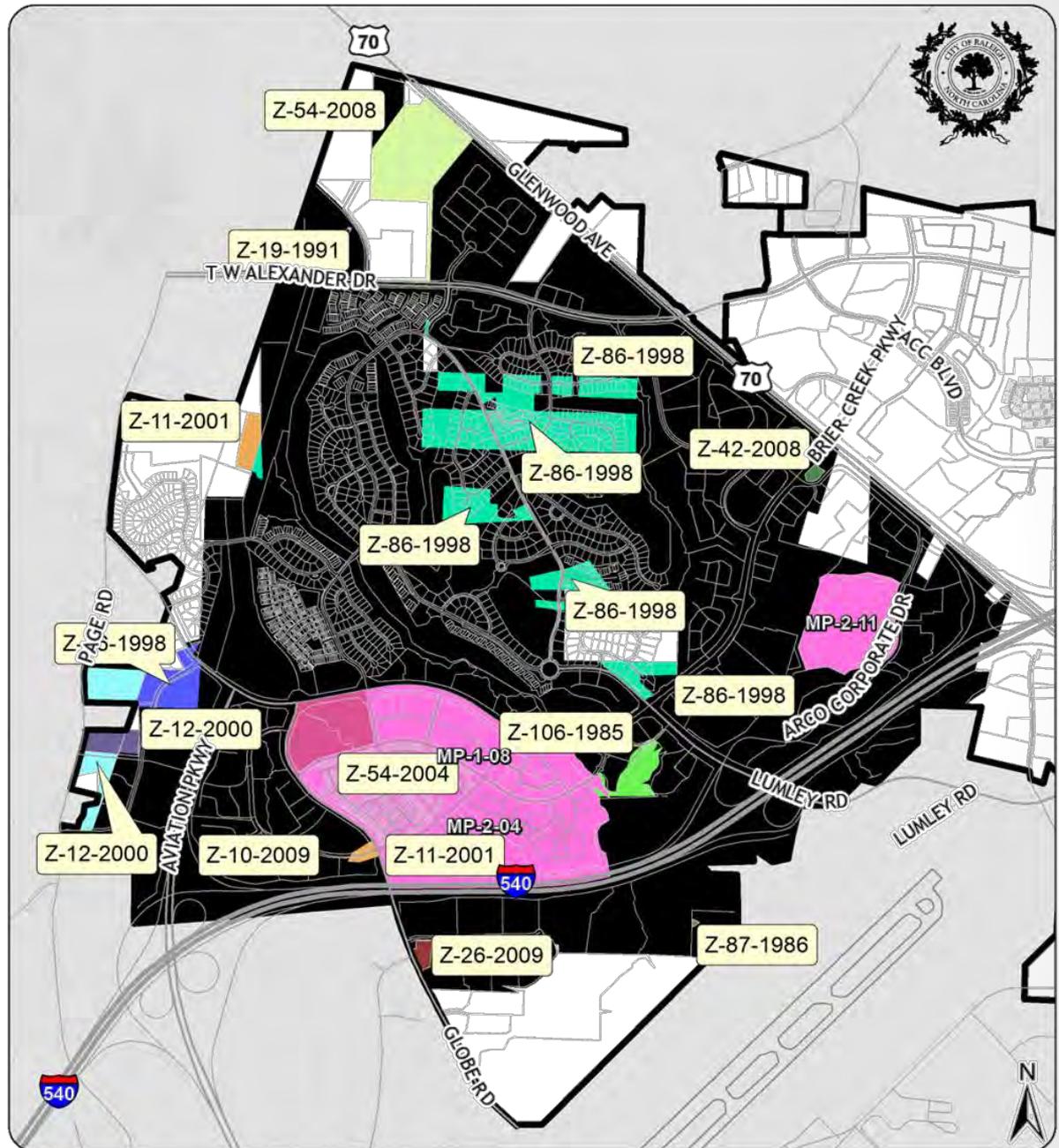
 Z-54-2004 (CUD O&I-2)

 Z-42-2008 (CUD SC)

 Z-54-2008 (CUD TD)

 Z-10-2009 (CUD TD)

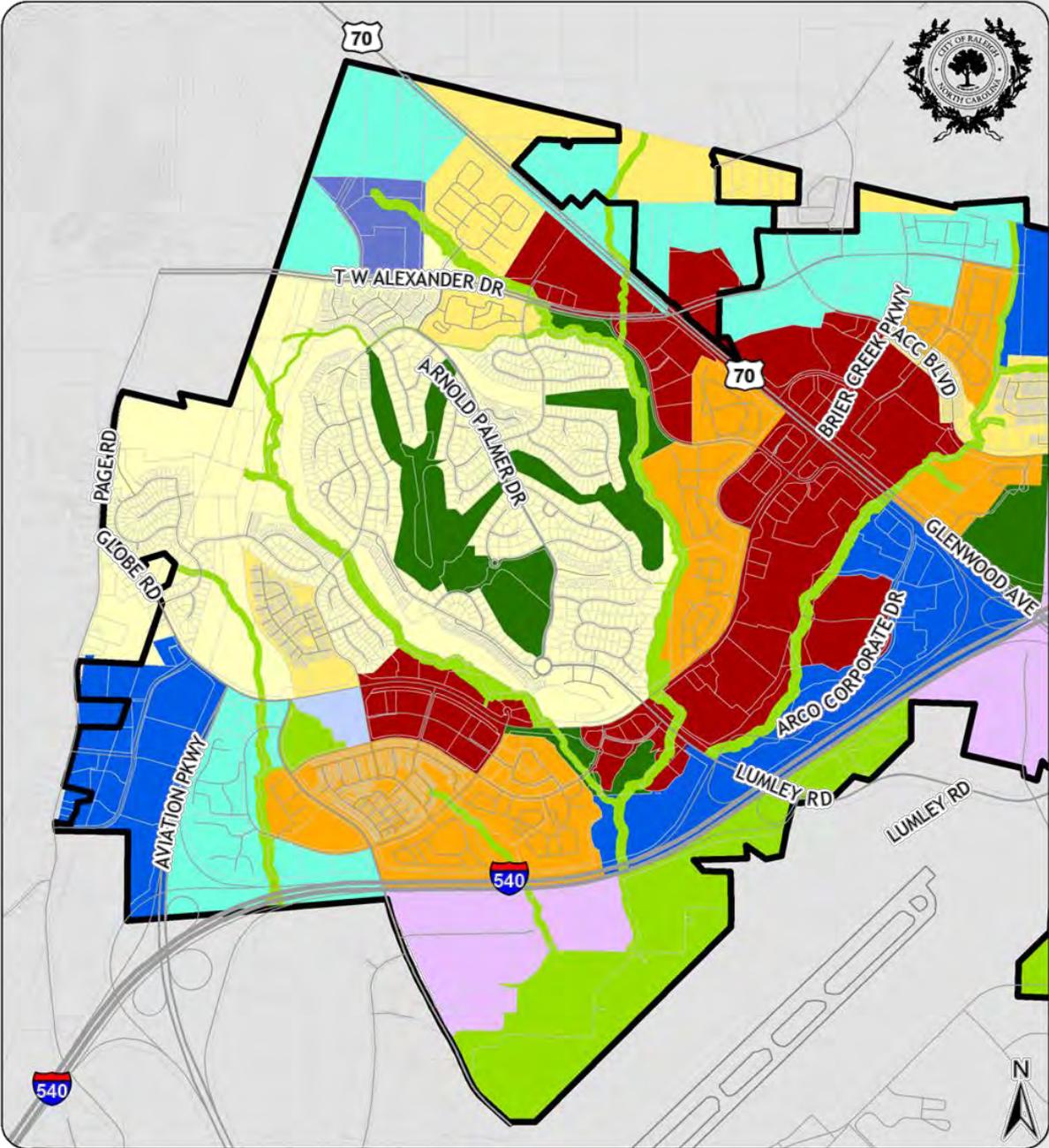
 Z-26-2009 (CUD IND-2)



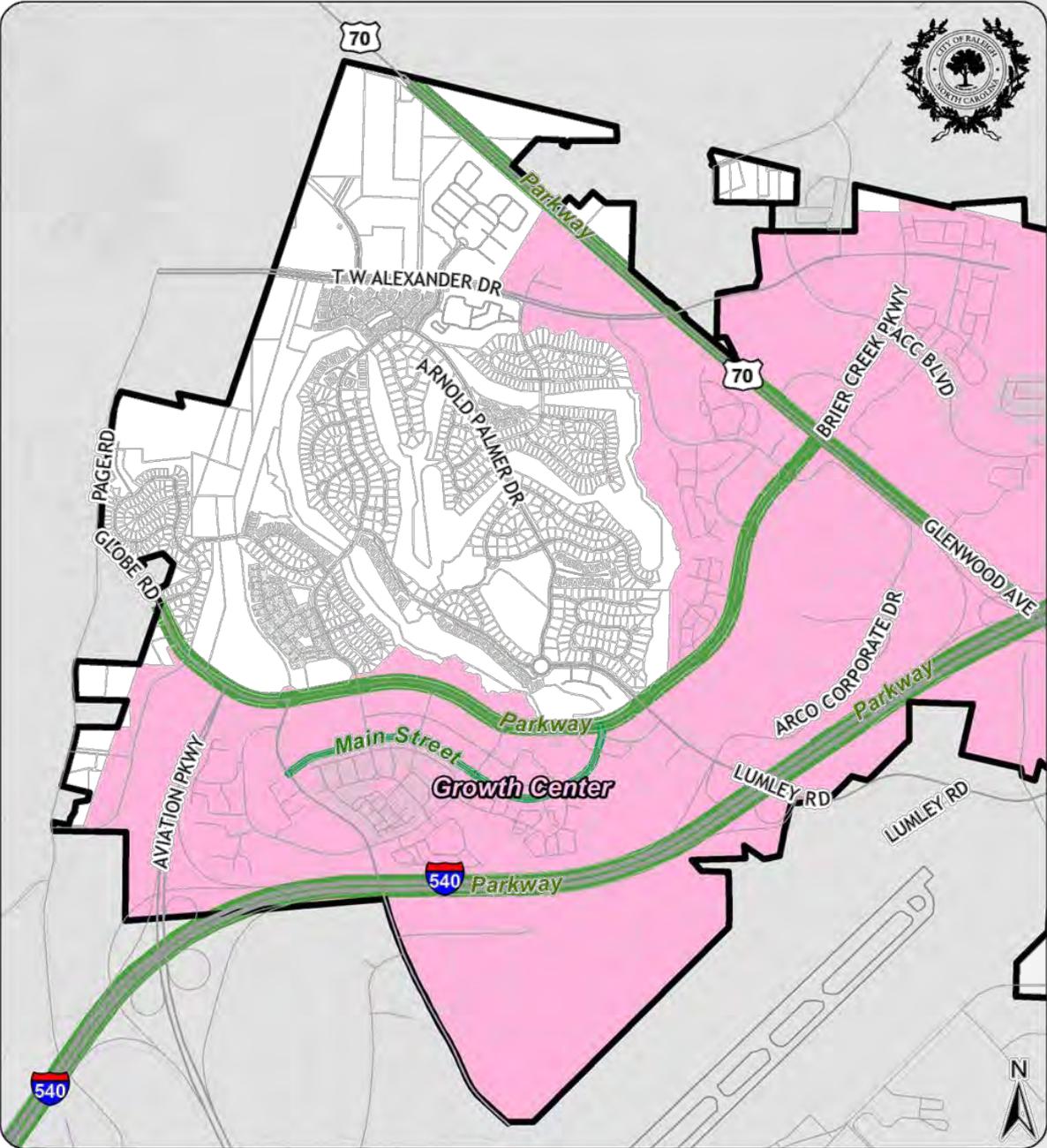
- Z-106-85 (remove conditions)
 - Precursor to Z-65-96
- Z-87-86 (remove conditions)
 - Precursor to Z-65-96
- Z-19-91 (remove conditions)
 - Precursor to Z-65-96
- Z-76-98 (remove conditions – IX-)
 - Conditions allow most uses other than SF Residential
- Z-86-98 (remove conditions – R-4/R-6/R-10)
 - Conditions allow SF & Golf Uses
- Z-12-00 (IX-3-CU)
 - Conditions eliminate SF Resid.
- Z-11-01 (remove conditions – R-6/RX/OP)
 - Conditions eliminate some industrial uses
- Z-54-04 (OX-3-PK-CU)
- Z-42-08 (remove conditions – CX-5)
- Z-54-08 (RX-3-PK-CU)
 - Conditions eliminate commercial uses, including office; and set dwelling unit cap of 416 units
- Z-10-09 (IX-3-CU)
 - Conditions on disallowed uses; height restrictions; buffering
- Z-26-09 (IX-3-CU)
 - Conditions prohibit some additional industrial uses

Brier Creek: Future Land Use

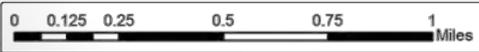
- Low Density Residential
- Moderate Density Residential
- Medium Density Residential
- Office & Residential Mixed Use
- Regional Mixed Use
- Office/Research & Development
- Business & Commercial Services
- Public Facilities
- Institutional
- Public Parks & Open Space
- Private Open Space



Brier Creek: Urban Form Map

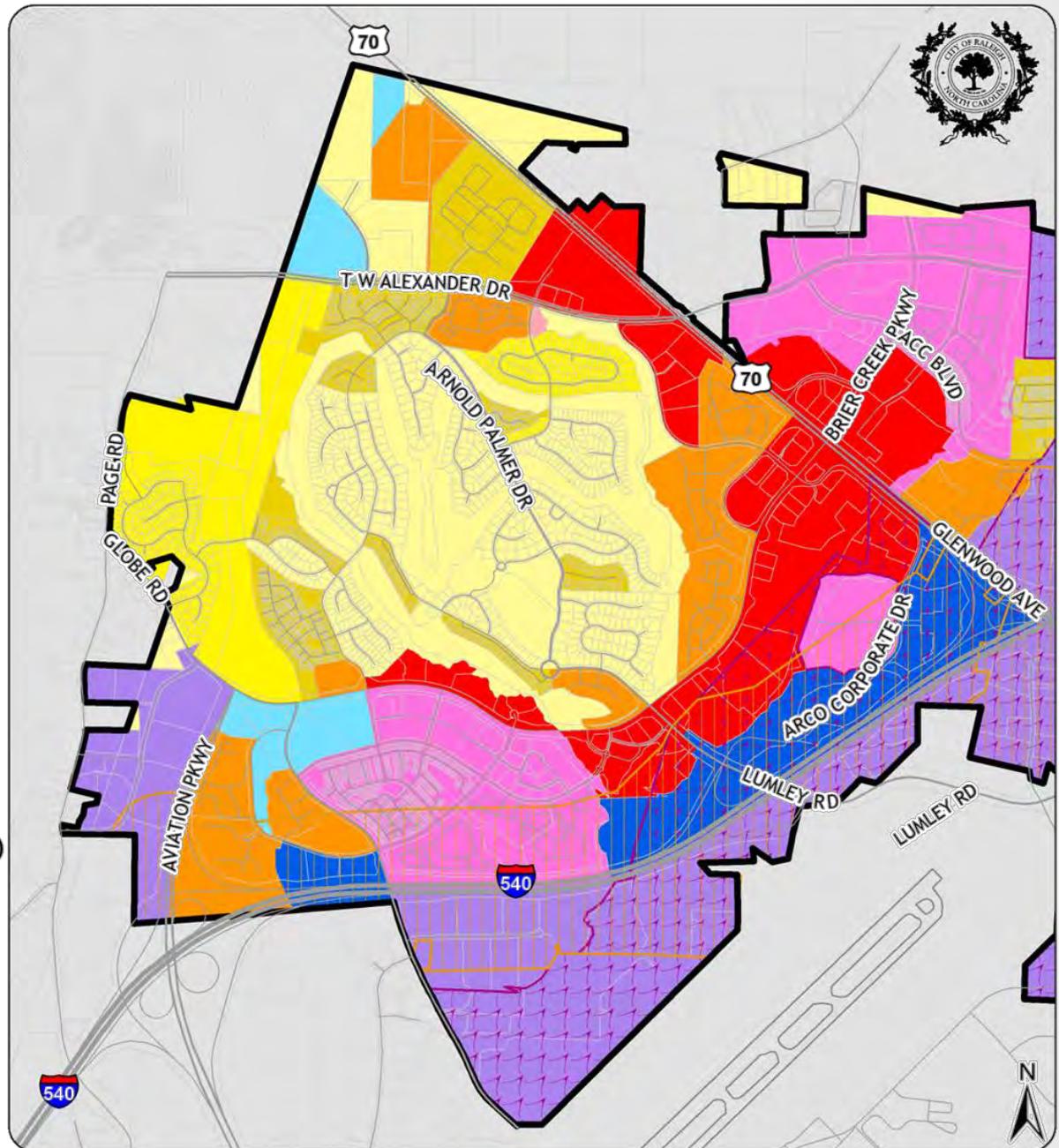
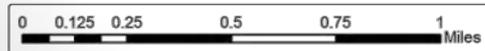


-  Main Streets
-  Parkway Corridors
-  City Growth Centers



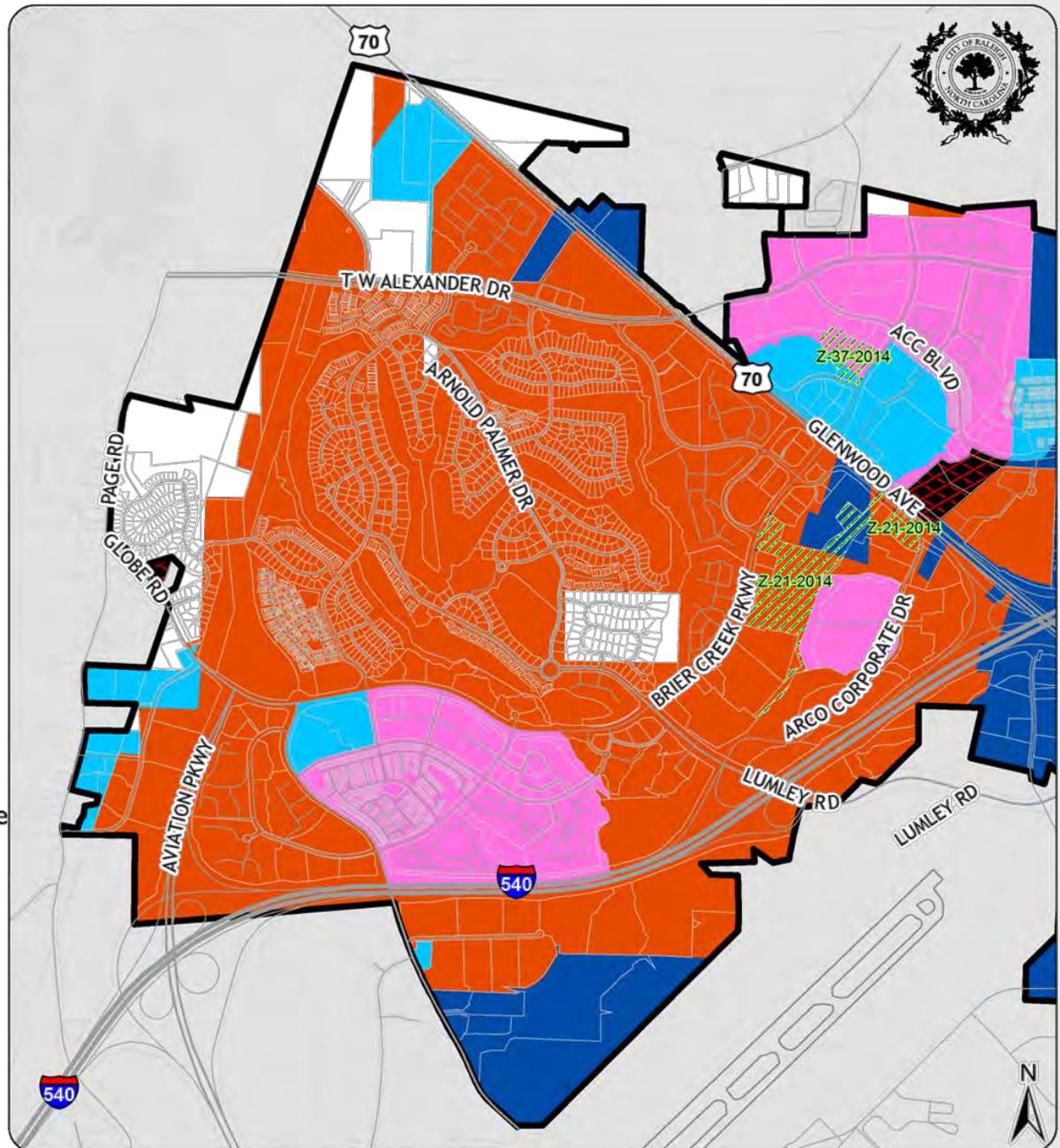
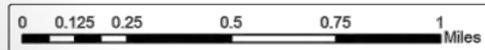
Brier Creek: Proposed Zoning

-  -AOD
-  -SHOD-2
-  Residential-4 (R-4)
-  Residential-6 (R-6)
-  Residential-10 (R-10)
-  Residential Mixed Use (RX-)
-  Office Park (OP-)
-  Office Mixed Use (OX-)
-  Neighborhood Mixed Use (NX-)
-  Commercial Mixed Use (CX-)
-  Industrial Mixed Use (IX-)
-  Planned Development (PD)

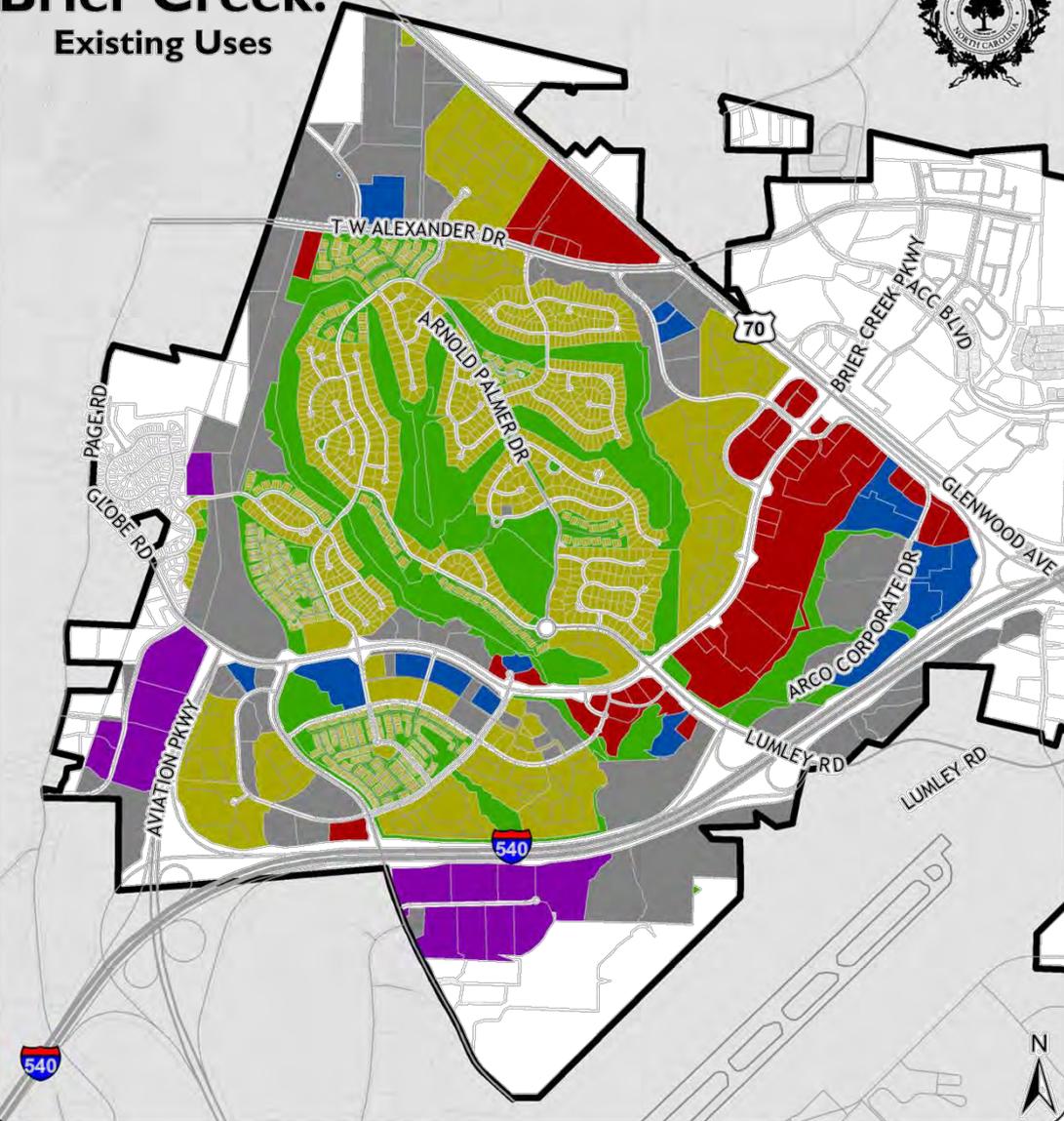


Brier Creek: Proposed Zoning Change Summary

-  Approved Since 9/1/2013
-  Pending Petition Rezoning
-  General Use-General Use
-  Conditional Use-Conditional Use
-  Conditional Use-General Use
-  Plan Development
-  No Change Proposed

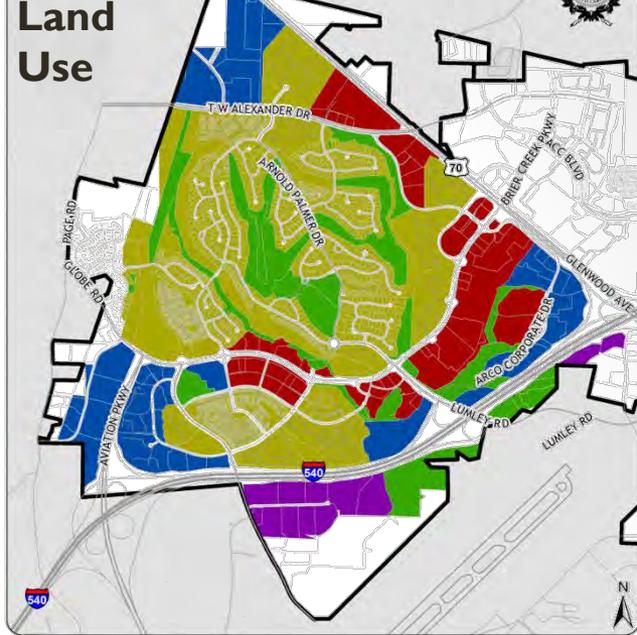


Brier Creek: Existing Uses

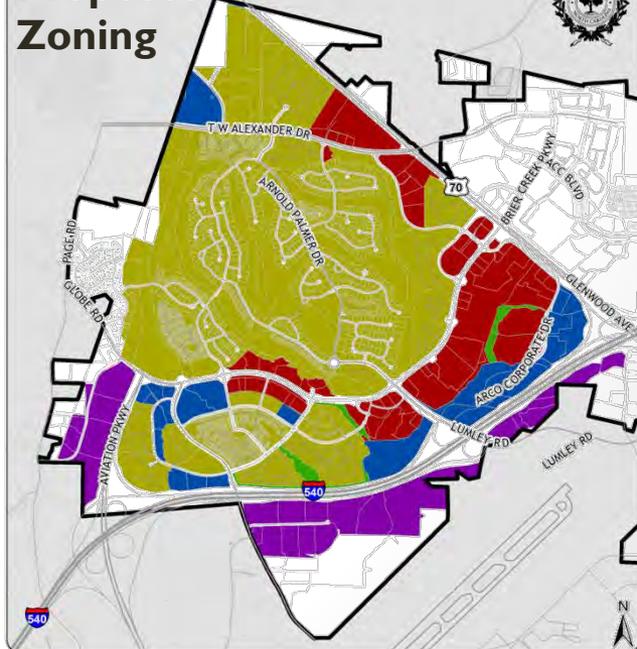


- | | | | |
|--|---------------------------------|---|--------------------------------|
|  | Vacant |  | Commercial |
|  | Residential |  | Industrial |
|  | Office / Inst / Civic / Service |  | Min Open Space / Buffers & Rec |

Future Land Use



Proposed Zoning



Use Allocation Comparison

	Acreage	Residential	Dwelling Units	Office / Institution / Civic / Service	Commercial	Industrial	Minimum Open Space / Buffers & Recreation	Vacant
Z-65-1996	1999	780	6500	550	450	540	200	
Z-65-1996 Existing	1471	460	3787	57	184	113	305	352
Z-65-1996 Proposed Zoning	1471	881	6542†	153	235	203	0	
Z-65-1996 Future Land Use	1471	640	6222‡	263	210	87	271	
Area A								
Area A	148	37	1362	62.5	100	40	5	
Area A Existing	128	50	345	0	29	0	0	49
Area A Proposed Zoning	128	75	958†	24	29	0	0	
Area A Future Land Use	128	55	730‡	44	29	0	0	
Area B								
Area B	942	670	3550	187.5	125	100	150	
Area B Existing	809	359	2790	6	24	5	278	137
Area B Proposed Zoning	809	746	4377†	0	63	0	0	
Area B Future Land Use	809	563	5047‡	0	59	0	187	
Area C								
Area C	298	23	338	100	100	200	20	
Area C Existing	221	0	0	44	111	0	27	39
Area C Proposed Zoning	221	0	0†	74	121	26	0	
Area C Future Land Use	221	0	0‡	69	100	6	45	
Area D								
Area D	611	50	1250	200	125	200	25	
Area D Existing	314	51	652	7	20	108	0	127
Area D Proposed Zoning	314	60	1207†	55	22	177	0	
Area D Future Land Use	314	22	445‡	150	22	81	39	

† Assumes R-zoned properties develop @ respective u/acre; RX- properties develop @ 20 u/acre; Non-residential zoning develops non-residentially

‡ Assumes LDR @ 6 u/acre, MoDR @ 14 u/acre, MDR @ 20 u/acre; Others, non-residential

GEN-0566
-0567
-0568
-0569
-0570

GEN-0566-0570_WEB-15362.pdf

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 29, 2014



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

Re: 2916, 3000, 3100, 3020 and ~~3020~~ S. Wilmington Street
PINs 1702335897, 1702346225, 1702346005, 1702346427 and 1702335750
3040 3000 3020 2916 3100

Dear Mr. Becker:

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

The proposed zoning is IX-3, which does not provide the flexibility to permit the range of uses contemplated by the Comprehensive Plan. The Future Land Use Map designates the subject property as Community Mixed Use which contemplates a broad range of commercial and residential uses. CX zoning does not constrain residential uses in the same way that IX does and it is inappropriate to do so on this property. The location of the subject property, which abuts a shopping center and a large residential development would suggest that maximum flexibility should be allowed for residential uses and that uses other than industrial are appropriate and preferable. For example, we believe that a traditional apartment or shopping center development on the subject property would work well, but that vertical mixed use development is unlikely to be feasible on South Wilmington Street in the near future.

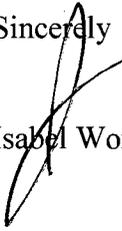
We request that you reconsider the proposed zoning and revise it to CX-3.

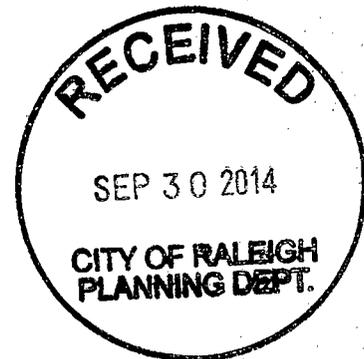
Mr. Dan Becker
September 29, 2014
Page 2

GEN-0566-0570_WEB-15362.pdf

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



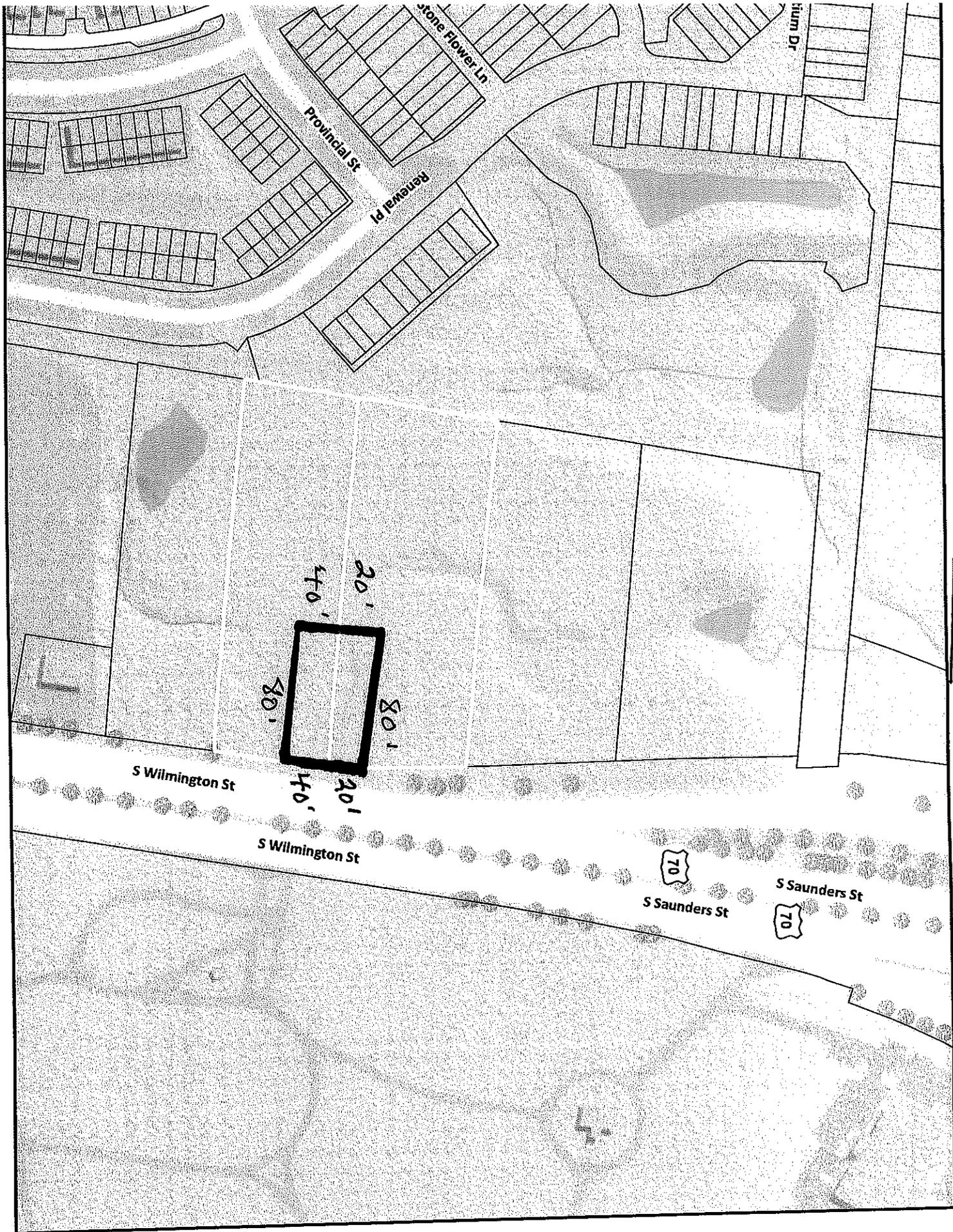


Exhibit C

From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: PC-0023 & -0024- 829 Washington Street & 900 St Marys Street
Date: Monday, December 08, 2014 5:19:46 PM

From: Betty Parker [mailto:bparker@wcpss.net]
Sent: Monday, December 08, 2014 4:21 PM
To: Pettibone, Carter
Cc: Walter, Bynum; Margaret Sutter
Subject: Re: WCPSS property at 829 Washington Street and 900 St. Mary's Street

Hi Carter - I'm sorry we missed each other last week. Bynum Walter brought me up to speed on the options for rezoning. I prefer and support Staff's initial proposal for UDO zoning of Office Mixed Use, 3 Stories (OX-3), which is the closest match for our current Office and Institutional-1 (O&I-1), for the property at 829 Washington Street (PIN 1704331517) and the adjacent property at 900 St. Mary's Street (PIN 1704332305).

If you have any questions, or if I may be of service, please do not hesitate to contact me.

Best regards,
Betty L. Parker
Senior Director, Real Estate Services
Wake County Public Schools System
1429 Rock Quarry Road, Suite 116
Raleigh, NC 27610
Tel. 919-664-5601
Fax. 919-856-8288

From: "Pettibone, Carter" <Carter.Pettibone@raleighnc.gov>
To: Betty Parker/PlanningConstruction/WCPSS@STAFF
Date: 11/25/2014 03:53 PM
Subject: WCPSS property at 829 Washington Street

Good afternoon,

My name is Carter Pettibone and I am with the Raleigh Planning Department. As you're probably aware, the City is in the process of a city-wide rezoning process to implement our new UDO. This remapping affects approximately 30% of the City's jurisdiction. In developing the new zoning map, Staff tried to choose new UDO zoning districts that most closely matched existing zoning, use and entitlements. Staff published the draft zoning map in May with a deadline for September 30 deadline for public comment. We are now going through Planning Commission review, which we hope will be wrapped up by spring or summer of 2015. It will then go on to City Council for review and decision.

One request we received was to consider residential (R-10) zoning for the property at 829 Washington Street (PIN 1704331517) . This property is one of many that make up Fletcher Park, containing a portion of the athletic fields . According to Wake County tax records the school system owns the property. It is my understanding there is a joint use agreement between the school system and the City to use it.

Staff's initial proposal for UDO zoning was Office Mixed Use, 3 Stories (OX-3), which is typically the closest match for Office and Institutional-1 (O&I-1), the current zoning. Following Staff's desire to rezone City parks with non-residential zoning to residential zoning matching surrounding neighborhoods, Staff proposed R-10 zoning for the rest of the park properties. These are City owned parcels, but Staff was hesitant to include 829 Washington since it was not owned by the City. We have since received the request to rezone it to R-10. Staff sees this as an acceptable alternative property due to its use as part of Fletcher Park.

The Planning Commission is scheduled to take up this issue at its next UDO review session on Tuesday, December 2. We wanted to make sure WCPSS had an opportunity to weigh in. You are welcome to attend the meeting on the 2nd. You can also contact me directly to discuss. While Staff agrees that R-10 is acceptable, we respect the wishes of the property owner and want to make sure you are part of the discussion.

Please contact me at your earliest convenience to discuss. More information on the UDO remapping can be found at www.raleighudo.us.

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

“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: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: Fwd: question re: 900 St Mary's Street
Date: Friday, February 06, 2015 8:22:05 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

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: "Bentley, Stephen" <Stephen.Bentley@raleighnc.gov>
Date: February 2, 2015 at 9:41:35 AM EST
To: "Walter, Bynum" <Bynum.Walter@raleighnc.gov>
Cc: "Bailey, Dick" <Dick.Bailey@raleighnc.gov>
Subject: RE: question re: 900 St Mary's Street

Bynum,

After talking with you Friday I am ok with Wake County's request for our jointly owned site at 900 St. Mary's Street.

Thanks,

Stephen C. Bentley
Superintendent
City of Raleigh Parks, Recreation and Cultural Resources Department
Strategic Planning, Communications & Analytics
(919) 996-4784
Parks.raleighnc.gov



From: Walter, Bynum
Sent: Monday, February 02, 2015 8:39 AM
To: Bentley, Stephen

From: [Walter, Bynum](mailto:Walter.Bynum)
To: Isabel@mattoxfirm.com
Subject: RE: 2/17/15 PC Work Session Agenda
Date: Wednesday, February 11, 2015 4:53:48 PM

Thanks, Isabel. We'll plan to put this on the 3/3 agenda for discussion. – Bynum

From: Isabel Mattox [<mailto:Isabel@mattoxfirm.com>]
Sent: Wednesday, February 11, 2015 2:53 PM
To: Walter, Bynum
Subject: RE: 2/17/15 PC Work Session Agenda

No we request IX-7-PL, consistent with other properties in the neighborhood, unless breweries are going to be permitted in CX

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]
Sent: Wednesday, February 11, 2015 2:39 PM
To: Isabel@mattoxfirm.com
Cc: Ekstrom, Vivian
Subject: RE: 2/17/15 PC Work Session Agenda

Dear Isabel –

1053 Whitaker Mill Road is listed on the agenda as a pending item to be discussed at a later date. Would you like for it to be included on the 3/3 agenda? Did you need to confer further with your client on the matter? If so, is there any new information that we should be aware of related to your request?

Please let me know and thanks – Bynum

From: Isabel Mattox [<mailto:Isabel@mattoxfirm.com>]
Sent: Wednesday, February 11, 2015 2:28 PM
To: Walter, Bynum
Cc: Ekstrom, Vivian
Subject: RE: 2/17/15 PC Work Session Agenda

Bynum and Vivian, I spoke to PC about 1053 Whitaker Mill Road several weeks ago. I had initially written a letter requesting CX-5 but then we decided we should go back to IX as suggested by Staff in view of a brewery prospect. I asked PC to consider IX-7 after the PC recommended 7 stories for a property just across the street. My notes indicate Staff was going to bring this back but I did not know when. Can you give me an update?

Thanks, Isabel

STYERS & KEMERAIT

attorneys+counselors@law

1101 Haynes Street, Suite 101
Raleigh, North Carolina 27604
919.600.6270

StyersKemerait.com

gstyers@StyersKemerait.com
919.600.6273

December 23, 2014

Raleigh Planning Commission
Mr. Steve Schuster, Chairman
c/o Mr. Dan Becker
Urban Design Center City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601

Re: 3929 Arrow Drive; PIN# 0795 69 6528 PC-0055
3925 Arrow Drive; PIN# 0795 69 5468 PC-0056
Remapping under UDO

Dear Chairman Schuster:

As counsel for VT/Arrow Properties, LLC (which owns 3929 Arrow Drive), Arrow Drive Development LLC (which owns 3925 Arrow Drive), and Arrow Drive Properties III, LLC, owners of, and parties with an interest in, the above-referenced property, I write to convey our concerns about the proposed remapping for this property under the new City of Raleigh Uniform Development Ordinance (UDO).

This property is proposed to be rezoned from its existing classification of O&I-2 to OP-4 with SHOD-2 Overlay, which does not provide the same entitlements to permit the range of uses allowed now, is not consistent with the usage patterns around these parcels, and would adversely affect the value of the property.

The current use of the property and surrounding area, which is primarily hotels with a few offices and many multi-family residential units in the vicinity, correlates much more closely to the CX district than OP. For reasons explained in greater detail below, the owners of these parcels respectfully request that these parcels be re-mapped and zoned as CX, rather than OP.

Current Entitlements

According to the October 2012 Raleigh Zoning Handbook, the existing O&I-2 classification is "intended for intense development." Under the O&I-2 District, overnight lodging/hotels

M. Gray Styers, Jr.

Karen M. Kemerait

Raleigh Planning Commission
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are allowed as a permitted use. The City of Raleigh remapping resources include "Office & Institutional-2 (O&I-2): Comparison with RX,OX,OP,IX." The chart in that Comparison indicates that "Overnight Lodging" is a permitted use in the OX and OP district; however, Section 6.1.4 of the UDO classifies these uses only as *Special Uses*, requiring a Special Use Permit by the Board of Adjustment. In addition, multi-family living units -- such as has been developed in the vicinity -- are allowed in the O&I-2 district, but not in OP. Restaurants (which could be complementary to a hotel on this site or to the other hotels immediately adjacent and across the street) are allowed in O&I-2, but not in OP. Therefore, rezoning the property to OP would curtail the future development of the property for its highest and best use and eliminate many of the entitlements the owners of the property now enjoy. The uses wider range of permitted uses allowed in the O&I-2 District -- such as hotels and multi-unit residential -- is more consistent with the Crabtree Small Area Plan, whose "goal is for the area to develop more as a mixed-use environment, with people living, working, and shopping within a walkable urban community that serves as the core of this major regional mixed-use area. The area will see an increase in development intensity." It is worth noting that limiting the height of uses on this property to only four stories is not consistent with "an increase in development intensity" -- especially when the intensity of current and most recent construction on Arrow Drive are of 6- and 8-story structures. It is reasonable to expect that future increases in development intensity will involve taller structures than these.

Patterns of Existing Development

The development and re-development of the area between Blue Ridge Road/Crabtree View Place and Highway I-440, along Summit Park Lane and Arrow Drive, has been for hotels. Map AP-C3 of the Crabtree Small Area Plan labels this area "Hotels." The new development further south along Blue Ridge Road, but not immediately next to this area, has been for multi-family residential. These uses have less impact on peak-hour traffic congestion on Glenwood Avenue than additional offices in this area would have. Since my client's proposed hotel development (discussed below) may include a small number of luxury residential condominiums on the top floors of the hotel, and the Crabtree Small Area Plan specifically encourages mixed used development, it seems inappropriate to completely restrict any additional residential uses, particularly in light of the high density residential uses allowed under the existing O&I-2 zoning. Most recently, a 6-story Hampton Inn has been completed on Arrow Drive, and an 8-story Hilton Garden Inn is currently under construction adjacent to the Hampton Inn. Further, the steep topography on this site is inappropriate for significant office building development. Quite simply, these parcels are not appropriately situated for the purposes of the "OP" designation. Such a designation would not serve "as a land use transition between other mixed use districts and residential neighborhoods" and it is not needed, in Crabtree Valley, "to preserve and provide land for office and employment uses." (Sec. 3.1.1.B "OP-Office Park") Given the existing (and taller, newly built) uses on adjacent parcels and development patterns in the area -- and the intent of the owners when they were purchased -- these parcels can and should be redeveloped "to provide for a variety of residential, retail, service, and commercial uses" in which "residential

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uses [whether overnight (i.e. hotel) or longer] is strongly encouraged in order to promote live-work and mixed use opportunities.” (Sec. 3.1.1.E “CX-Commercial Mixed Use”).

Although the Future Land Use Map designation for this property is Office/ Research and Development, it should be noted that the description for Office/ Research and Development in the 2030 Comprehensive Plan lists hotels, ancillary service businesses, and retail uses that support the office economy as principal uses for this designation. Thus, we believe that hotels and eating establishments should be permitted uses for this property. Perhaps an overriding consideration pertaining to this particular area, however, is that the development of hotels, eating establishments, and multi-unit living would have far less impact on peak-hour traffic than a pure office use, which is the intent of the OP designation.

In addition, when evaluating the practical development issues related to these parcels, it does not seem appropriate to impose the SHOD-2 overlay district on this property. The overlay district requires a 25-foot buffer for property fronting on a Major Access Corridor such as the Beltline or other major controlled access highway but this property is several hundred feet from the Beltline ramp. Glenwood Avenue is considered a Major Access Corridor but is not controlled access in this location and other parties that are closer to Glenwood than the subject property are not encumbered by the SHOD-2 overlay. Therefore, there is no practical reason to impose the SHOD-2 overlay district to these parcels.

Intent and Plans of the Owners

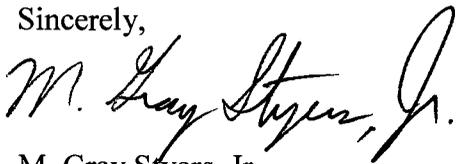
The current owners purchased this property in approximately 2007 with the specific intent of future hotel development. The parcels at 3925 and 3929 Arrow Drive is currently vacant. The parcels at 3921 and 3933 Arrow Drive all have older, existing structures on them that are ripe for redevelopment. Together, these four parcels could be the location for a future landmark, showcase hotel, as the anchor of a mixed use project, which could also include conference facilities and condominiums. As noted above, the owners purchased these parcels for such a project and have coordinated with the owners of the other adjacent parcels for such a hotel development, which would have been a permitted use under the O&I-2 zoning. A market study demonstrating the need for such a hotel/condominium project has been completed, a conceptual design for the site plan of such a project has been developed. Although the project has been delayed during the great recession, the owners and their investors are close to being able to move forward in the near future. Meanwhile, other development in the area has occurred that would be complementary to these plans and underscores the need for development at this site that is sensitive to peak-hour traffic issues. Now that the general economic environment is improving, my clients are far along the path of developing a plan for a major hotel for this site, which would be a highly appropriate use at this location, with low traffic impact and great benefit to the City of Raleigh.

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Mr. Dan Becker
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Re-classifying this property to OP, with its use restrictions discussed above, would not only reduce the flexibility and past entitlements for these parcels and be inconsistent with adjacent development, it would, in essence, constitute "changing the rules in the middle of the game" to the detriment of these landowners. Such a change would not only be bad policy, but would also be inherently unfair. Given the practical realities of other uses in the area and logical land use patterns on this end of Crabtree Valley, the CX designation would be consistent with the permitted hotel/restaurant uses allowed in the O&I-2 district, with the current uses on adjacent parcels, and with the intent and plans of the landowners. For these reasons, we strongly ask that you reconsider the proposed zoning and revise it to the CX-12 classification.

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

Sincerely,



M. Gray Styers, Jr.

Cc: Ms. Bynum Walter, City of Raleigh
Mr. Bill Jackson
Isabel Mattox, Esq.

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 6, 2015

Raleigh Planning Commission
Mr. Steve Schuster, Chairman
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601

Re: 3933 Arrow Drive; PIN# 0795696783

Dear Bynum:

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

This property is proposed to be rezoned to OP-4 with SHOD-2 Overlay, which does not provide the same entitlements to permit the range of uses allowed now. The current use of the property and surrounding area, which is primarily offices and hotels, correlates much more closely to CX than OP, as CX allows for hotels by right rather than special use and eating establishments, which are not permitted at all under OP. In addition to the requirement for a Special Use Permit requirement, OP and OX would require a minimum lot size of 2.5 acres for a hotel. The subject property contains only .60 acres, meaning that even with a SUP, a hotel could not be developed on this property. Although .60 acres seems small, there are several recent examples of even smaller sites supporting a hotel use in Raleigh. In order to achieve density on a small lot, more height is needed. The current zoning would also allow any height with Planning Commission approval and we believe more height is warranted on this property to match the current zoning.

Rezoning the property to OP-4 would curtail the future development of the property for its highest and best use and eliminate many of the entitlements owners of the property now enjoy. Moreover, the Future Land Use Map designation for this property is Office/ Research and Development. The description for Office/ Research and Development in the 2030 Comprehensive Plan lists office buildings, hotels, banks, ancillary service businesses, and retail uses that support the office economy as principal uses for this designation. Thus, we believe that hotels and eating establishments should be permitted uses for this property.

Ms. Bynum Walter
January 6, 2015
Page 2

PC-0058

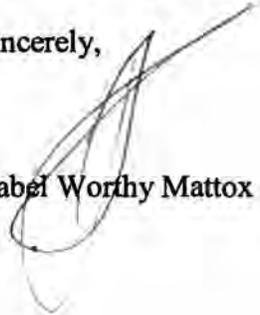
The restrictions on hotel and restaurant uses in OP are in conflict with the current zoning which permits both, the current Comprehensive Plan designation which would also allow both and the current uses in the immediate area which include both hotels and retail uses.

In addition, it does not seem appropriate to impose the SHOD-2 overlay district on this property. The overlay district requires a 25-foot buffer as a property fronts on a Major Access Corridor such as the Beltline or other major controlled access highway but this property is several hundred feet from the Beltline ramp. Glenwood Avenue is considered a Major Access Corridor but is not controlled access in this location and an adjacent property which is closer to Glenwood than the subject property is not encumbered by the SHOD-2 overlay.

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

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

Sincerely,



Isabel Worthy Mattox

cc: Mr. Michael Abbott
Capire, LLC


JERRY TURNER & ASSOCIATES, INC.

905 Jones Franklin Road

Landscape Architecture Land Planning Environmental Design

Raleigh, North Carolina 27606

September 30, 2014

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

RE: ID 6125 Six Forks Road
 Z-98-95

We represent the property owner at the above identified location. I have worked with the property owner of this site for almost four decades. After reviewing, the City's rezoning proposal for the property at Lynn Road and Six Forks Road we would like to make the following observations and recommendations.

Suitability of the proposed rezoning NX-3-PL-CU

We agree that the NX – Neighborhood Mixed Use is the appropriate land use designation for zoning and to be compatible with your current options under existing zoning. The parking with limited frontage (PL) is likewise appropriate for this setting.

We recommend that a four story limit be substituted for the three story limit being proposed. We are suggesting this increase due to the site's topography which slopes severely from front to back. In the future a building could be constructed close to Lynn Road and have a lower entrance or parking underneath; increasing the limit to four stories would eliminate any interpretations of floors above or below grade etc.

The proposed rezoning also proposes to carry forth the existing conditions that were approved under the old City code. We believe these conditions should be abandoned because the new UDO adequately addresses the concerns to which the original conditions speak. In addition, other nearby properties have been zoned commercial, and the comprehensive plan has been updated to reflect higher intensity uses for all four intersection quadrants. The following is a list of the existing conditions and our reasons for eliminating them.

Z-98-95 Conditions (11-29-95)

Neighborhood Business CUD Tract

1. The following uses shall not be permitted on this tract; bar, night club, lounge, tavern; automotive service and repair facility; drive-through restaurants; hotel/motel; movie theater; emergency shelter type A or B; landfill; manufacturing; mini-warehouse storage facility; nor any special uses in the Neighborhood Business District which presently require City Council or Board of Adjustment approval.

Response: Most of the uses originally prohibited by the conditions are not permitted in the NX district. The permitted uses in the new NX district are appropriate for the area. In this

JERRY TURNER & ASSOCIATES, INC.

case, eliminating the use conditions would not represent an up- or down-zoning because almost all are addressed in the UDO itself.

The area itself, and the future land use proposed for this area, have changed as well. A parcel across the street has been rezoned to a similar commercial classification, and the comprehensive plan has also been updated since the earlier rezoning. The COR 2030 Comprehensive Plan designates this quadrant, and two of the other three quadrants at this intersection as Neighborhood Mixed Use, which would typically "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." The fourth quadrant is designated as Office and residential mixed use.

The permitted uses in the new Neighborhood Mixed Use are consistent with the comprehensive plan. The new Neighborhood Transition zones, plus new landscaping and screening requirements, will further protect nearby residential areas from permitted uses within the Neighborhood Mixed Use district, as further discussed below.

2. Access to the site shall be limited to the existing driveways; one on Six Forks Road and one on Lynn Road.

Response: This condition is not needed; currently there is an entrance on Six Forks Road and on Lynn Road. The City and NCDOT would have to permit any additional driveways at the time of a site plan. These are major thoroughfares and additional access could not be justified.

3. A 30 foot Type B Transitional use protective yard (existing) shall be provided along the south property line adjacent to Northcliff subdivision, lots 1-11 identified by the following PIN Numbers: 1706.07-79-2541, 1706.07-79-1507, 1706.07-79-0631, 1706.07-69-9665, 1706.07-69-9700, 1706.07-69-8734, 1706.07-69-7778, 1706.07-69-7803, 1706.07-69-6837, 1706.07-79-3419, 1706.07-79-1573.

Response: We believe the new UDO goes further than this condition to provide transitions and protection to adjacent properties to the rear. The UDO not only provides distance buffers and landscaping but also limits uses and graduates massing away from the existing homes.

Shopping Center CUD Tract

The uses permitted on this tract shall be limited to vehicular parking and retail sales (convenience, general, and personal service) and eating establishments (no drive-thru) outdoors or in an accessory structure.

Response: This condition is no longer needed since the tract will no longer be zoned Shopping Center and is no longer split-zoned.

Neighborhood Business CUD Tract and Shopping Center CUD Tract

Any increased storm water runoff resulting from an increase in impervious surface on

JERRY TURNER & ASSOCIATES, INC.

site in excess of ten (10) percent above the presently existing impervious surface (3.1 ac) shall be captured, controlled and released according to CR 7107.

Response: This condition is archaic and has been made obsolete by the newer storm water regulations

In conclusion, we recommend that the City revise its proposed rezoning Category to NX-4-PL; which addresses the topography of this site and eliminate the existing zoning conditions.

We believe this is a better fit considering the updated Comprehensive Plan changes in the area, and the nature of the site itself. Most importantly the new UDO provides almost identical restrictions and protections, and in some cases stronger protections. Eliminating the conditions would not represent up-zoning the site, does away with references to obsolete regulations, and avoids unnecessary redundancies.

Please do not hesitate to contact me if you have any questions.

Sincerely,

JERRY TURNER AND ASSOCIATES, INC.



William B. Hood, RLA, ASLA
Vice President

WBH:ktr

Cc: Rake and Hoe Garden Venture, LLC

ORDINANCE (1995) 791 ZC 379
Effective: December 5, 1995

Z-98-95 Lynn Road, south side, at its western intersection with Six Forks Road, being Map 1706.07, Block 79, Parcels 0853 and 1939, and Map 1707.19, Block 60, Parcel 9055. Approximately 4.9 acres rezoned to Neighborhood Business Conditional Use and Shopping Center Conditional Use.

Conditions: (11/29/95)

Neighborhood Business CUD Tract

1. The following uses shall not be permitted on this tract; bar, night club, lounge, tavern; automotive service and repair facility; drive-through restaurants; hotel/motel; movie theater; emergency shelter type A or B; landfill; manufacturing; mini-warehouse storage facility; nor any special uses in the Neighborhood Business District which presently require City Council or Board of Adjustment approval.

2. Access to the site shall be limited to the existing driveways; one on Six Forks Road and one on Lynn Road.

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The uses permitted on this tract shall be limited to vehicular parking and retail sales (convenience, general, and personal service) and eating establishments (no drive-thru) outdoors or in an accessory structure.

Neighborhood Business CUD Tract and Shopping Center CUD Tract

Any increased storm water runoff resulting from an increase in impervious surface on site in excess of ten (10) percent above the presently existing impervious surface (3.1 ac) shall be captured, controlled and released according to CR 7107.

From: [Walter Bynum](#)
To: [Rezoning](#)
Subject: FW: 6125 Six Forks
Date: Friday, February 20, 2015 5:17:33 PM
Attachments: [6125 SF UDO CHART v1.pdf](#)

Let's include this in the back up when we bring this back on the agenda.

From: Stephen Gurganus [mailto:sjg.gmc@gmail.com]
Sent: Friday, February 20, 2015 1:08 AM
To: Walter, Bynum
Cc: Willie Hood; Pettibone, Carter; Hill, Doug; Bowers, Kenneth
Subject: Re: 6125 Six Forks

Bynum -

I wanted to give you a heads up on our topics for Friday's discussion.

Attached is a table that documents the existing conditions that we would like to discuss tomorrow morning (brrrr...!). If you could print this up for whoever is attending from your side tomorrow, that would be great.

I am withdrawing several of the items and requests that we included in our original letter last fall. We are suggesting those conditions be retained given guidance that I have heard from the PC at meetings I have attended, or other info I have found in the UDO. Those are highlighted in light green.

The balance are those that we have documented as being redundant and adequately covered by the UDO (simply noted in text).

I've tried to make this as easy and straightforward for all if us as possible. The intent is simply to eliminate redundancies moving forward, and not try and attach any entitlements that fall outside of the UDO and the remapping process.

I think we were right on track and ahead of our time when we proactively added the conditions that we did when the property was rezoned back in 1995 -- as indicated in the redundant conditions now covered in the UDO. So much so, that I think there's an argument that the the general use NX-3-PL is a fair zoning classification that would not result in substantial impacts on the neighboring properties, nor stretch infrastructure capacity. Nevertheless, we understand and respect the challenges that the PC, staff, and Council face with the entire UDO process.

It is a process and outcome that I, and we, support. In any case, I do not envy the work that you have put into this, and that you will continue to put into this for some time to come, I am sure.

We will see you tomorrow.

-Steve G

On Mon, Feb 9, 2015 at 9:45 AM, Stephen Gurganus <sjg.gmc@gmail.com> wrote:
Great, thanks.

Recovery is going OK.

We will be there 20th, thanks for getting it set up.

On Mon, Feb 9, 2015 at 9:24 AM, Walter, Bynum <Bynum.Walter@raleighnc.gov> wrote:
Good Morning Steve -

Hope you are beginning to mend and that things are going well.

Conference room 303 in the Raleigh Municipal Building is reserved for our meeting on Friday, February 20 at 10:30 am. The pedestrian walkway from the municipal parking deck connects directly to the third floor. As you come into the building via the walkway, turn onto the hallway to the right and the conference room will be on the right hand side of the hall.

Let me know if you need additional information. See you next week - 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: Stephen Gurganus [mailto:sjg.gmc@gmail.com]
Sent: Saturday, January 31, 2015 6:09 PM
To: Walter, Bynum
Cc: Willie Hood; Pettibone, Carter

Subject: Re: 6125 Six Forks

Friday, 2/20 at 10:30 is confirmed at MB. Thanks all.

On Tue, Jan 27, 2015 at 7:05 PM, Walter, Bynum <Bynum.Walter@raleighnc.gov> wrote:
Steve -

Let's plan on Friday, 2/20 at 10:30. We could meet at the Planning Department in 1 Exchange Plaza, but I worry that this location might be tough for you to access if your walking is limited. I will see if we can reserve a room in the Municipal Building for the meeting, that way you can park in the deck that is connected to the building

and walk/roll in from there.

Let me know if this works for you please – Bynum

From: Stephen Gurganus [<mailto:sjg.gmc@gmail.com>]
Sent: Monday, January 26, 2015 9:42 PM
To: Walter, Bynum; Willie Hood
Cc: Pettibone, Carter

Subject: Re: 6125 Six Forks

Thanks Bynum. I will put March 3 in my calendar.

My surgery is this Thurs, and I will be very laid up for at least 10 days (like chair or sofa bound), then very gradual increase in activity.

I would like to meet face-to-face if possible. Would it work to meet for approx 30 minutes mid-morning (like 10:30) on Wed, Feb 18, or Fri, Feb 20. I think I can swing a brief meeting, and much prefer that to over the phone.

I copy Willie, with whom I have not confirmed his availability for those times, but hopefully it will work for the 3 of us (and maybe Carter too since North Raleigh is sort of his bailiwick...).

-Steve

On Mon, Jan 26, 2015 at 6:16 PM, Walter, Bynum <Bynum.Walter@raleighnc.gov> wrote:
 Steve –

Yes, we can plan that this will be on the Planning Commission agenda on 3/3. Staff can meet with you to discuss the property in advance of that date. Given your upcoming surgery, may I suggest a conference call? I think that we could accomplish the necessary conversation that way and save you some travel. Let me know if this option appeals to you and what dates might be workable. My schedule looks flexible Thursday and Friday of this week if you are wanting to talk soon.

Thanks – Bynum

From: Stephen Gurganus [<mailto:sjg.gmc@gmail.com>]
Sent: Monday, January 26, 2015 10:04 AM
To: Walter, Bynum
Cc: Pettibone, Carter; Hill, Doug; Willie Hood; sschuster@clearscapes.com; Bowers, Kenneth

Subject: Re: 6125 Six Forks

Thanks for the quick reply Bynum. March 3 probably works better -- doesn't look like I'll be wearing normal shoes for a while given post-surgery swelling. Hopefully the recovery will be much faster though ...

Does 3/3 work?

And can we meet with you, Carter, or someone on staff ahead to time?? We'd like to explain our request in a little more detail, and be prepared to modify it (considering the discussion at the Jan 20 PC UDO meeting? I'll probably be wearing a couple of surgery boots, and sitting mostly.

I'm thinking 30 mins would probably be ample -- I know y'all are very busy.

-Steve G

On Sat, Jan 24, 2015 at 8:52 AM, Walter, Bynum <Bynum.Walter@raleighnc.gov> wrote:
 Steve,

We can put this on the agenda again so that you can speak directly to the Planning Commission about it. Given your planned surgery, the next work session on 2/3 does not seem practical. It could be included in the 2/17 work session agenda; please confirm that you would be able to attend or if we need to work together to find another date.

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](tel:919-996-2178)<tel:919-996-2178> (v); [919-516-2684](tel:919-516-2684)<tel:919-516-2684> (f)
http://www.raleighnc.gov/https://mail.raleighnc.gov/owa/redir.aspx?C=9kffQmuWkKiM_Ih4ihYAAx9iadUdSNEIFiPOXIHewlJZ4Z5_AkG58Z10megFekNwEXHq8sDi13A.&URL=http%3a%2f%2fwww.raleighnc.gov%2f
 >

On Jan 23, 2015, at 2:59 PM, Stephen Gurganus <sjg.gmc@gmail.com<<mailto:sjg.gmc@gmail.com>>> wrote:

Bynum -

How many times are y'all going to do differently from what y'all have told me? When I notified y'all in October (like October 2) that our comments were erroneously not submitted by September 30th, I was informed that they would be reviewed by staff and then brought back up for discussion at PC (and that I would be notified). I requested then to be kept in the discussion loop.

After inquiring again, in December I was explicitly told by staff that this topic would not be coming up for *months*, or at the end of the process, or

until *all* CAC's were done, and the loop started over again, or along those lines.

I explicitly asked if I should appear at the beginning of a UDO review meeting to present our request, and was informed "no". I have asked numerous times, and again in December to meet and review our request with staff.

Further, beyond the agenda being published there was *no notice* that this item was coming up on the 20th. I don't think I could even find an agenda as late as Monday the 19th (I could not easily find it -- when was it published?). If I had been informed, I and my consultants would have been there.

I understand the huge workload and timetable facing staff and PC. But as a small business owner and investor, the outcome of this is very important. Yet, staff moved it to the agenda, and the PC addressed it, without conversation with us, or without what seems to be adequate notification.

Ironically, the investment property owners in the Glenwood-Brooklyn area, such as the Ligon Building, certainly appear to have been informed and heard.

What will it take to re-open this so that we can be heard?

-Stephen Gurganus, AICP
 Rake & Hoe Garden Venture, LLC manager (6125 Six Forks Rd.)
 Former member & officer - COR Board of Adjustment
 Former member and chair - COR Appearance Commission
 Former member, Glenwood/Wade Bridge, Western Blvd, and Strickland Six Forks Task Forces

On Fri, Jan 23, 2015 at 1:46 PM, Walter, Bynum <Bynum.Walter@raleighnc.gov><mailto:Bynum.Walter@raleighnc.gov>> wrote:
 Dear Steve –

The Six Forks Road item that you reference below was included in the Planning Commission's agenda for discussion this past Tuesday, January 20. The Planning Commission did receive and review your comment.

They recommended no change to the proposal of NX-3-PL-CU. Existing zoning conditions restrict use and specify a protective yard. The conditions are legal and enforceable and the Planning Commission has recommended retaining them to maintain continuity between the Part 10 code and the UDO. In the absence of specific policy guidance that would suggest a height designation greater than 3 stories Planning Commission has recommended a 3 story height limit. Height measurement regulations of Unified Development Ordinance Sec 1.5.7 may allow an additional story to be built on the lower portion of the lot given the sloping topography.

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

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

From: Stephen Gurganus [mailto:sjg.gmc@gmail.com<mailto:sjg.gmc@gmail.com>]
 Sent: Friday, January 23, 2015 12:04 PM
 To: Pettibone, Carter; Walter, Bynum
 Cc: Hill, Doug; Willie Hood
 Subject: Re: 6125 Six Forks

Please advise if the UDO update regarding new comments is going to prevent our Six Forks comments (6125 Six Forks Rd - corner of SF and Lynn) from being heard in this review process.

As mentioned to Carter, I am undergoing foot surgery next Thurs that is going to impair my mobility for several weeks.

Our comments were submitted, in error, after the original deadline. We have not presented to the PC since staff had those and had committed to address. The last communication was that staff would review, and that they would come back up when the meetings circled back around to the N CAC.

We do not want our comments overlooked.

I request a reply to this email at your very earliest convenience.

The Planning Commission is on pace to finalize review of the UDO zoning map and provide a recommendation to the City Council in the spring of 2015. The Commission continues to receive new comments at the review meetings, referring them to staff for review and discussion on a future agenda. However, with the review meetings possibly wrapping up as soon as March, it is evident that new comments received after February 6, 2015 cannot be addressed via this method.

In order to provide a timely recommendation and in recognition that additional opportunities exist for public comment, the following strategy for addressing new public comments has been established:

- While comments and change requests can be made at any time, Planning Commission will be unable to review new comments received after February 6, 2015.
- Comments received after February 6, 2015 will be forwarded to the City Council for their consideration without the benefit of any Planning Commission review.

-Steve G

On Tue, Dec 16, 2014 at 1:46 PM, Stephen Gurganus <sjg.gmc@gmail.com><mailto:sjg.gmc@gmail.com>> wrote:

Thanks Carter for the update about where PC and staff are regarding certain UDO items (height, existing zoning conditions, etc.).

Please keep me apprised as regards staff review of our comments/request for 6125 Six Forks (currently Summer Classics site). I will be going back over our comments and re-evaluate our original request.

As PC review approaches (not until towards the end, it is my understanding, since North CAC first pass is done), I request that we coordinate and see if we can reach concurrence that is palatable to PC.

-Steve Gurganus
Rake & Hoe Garden Venture LLC
(HO) [919.833.2309](tel:919.833.2309)<tel:919.833.2309>

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Re: 6125 SIX FORKS ROAD		
Steve Gurganus, Owner		
COR or UDO Recommendation	Governing UDO Section	Owner Comment and/or Modified Request
NX-3-PL-CU		
Original Property Owner Request for UDO remapping		
NX-4-PL-CU		<p><u>RETAIN UDO RECOMMENDATION</u></p> <p><u>REQUEST WITHDRAWN</u></p> <p><i>(However – re: Jan 20 meeting comments – staff)</i></p> <p>Topographical conditions –</p> <ul style="list-style-type: none"> • Lynn Road elevation at entrance – 435’ (top of curb) – so approx. 434.5’ • FFE of primary store building - 414.45’ <ul style="list-style-type: none"> ○ <u>Approx. 20’ below road grade</u> • FFE of storage building – 408.45 <ul style="list-style-type: none"> • <u>Approx. 26’ below road grade</u>
Original CU (Use) Conditions (“Z-98-95 Conditions (11-29-95) that owner requests to remove as part of UDO remapping	Governing UDO Section	Owner Comment and/or Modified Request
<p><u>Neighborhood Business CUD Tract</u></p> <p><i>“The following uses shall not be permitted on this tract; bar, night club, lounge, tavern; automotive service and repair facility; drive-through restaurants; hotel/motel;</i></p>		<p><i>These were offered by owner in initial rezoning application and in presentation to CAC and neighbors. <u>Not negotiated, per se.</u></i></p>

<p><i>movie theater; emergency shelter type A or B; landfill; manufacturing; mini-warehouse storage facility; nor any special uses in the Neighborhood Business District which presently require City Council or Board of Adjustment approval.”</i></p>		
<p>Bar, Nightclub, Lounge, Tavern</p>	<p>Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p>
<p>Hotel/motel</p>	<p>Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p>
<p>Emergency Shelter A & B</p>	<p>Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p>
<p>Landfill</p>	<p>Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p>
<p>Manufacturing (light or heavy)</p>	<p>Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p>
<p>Mini-warehouse storage</p>	<p>Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p>
<p>Automotive service and repair</p>	<p>Vehicle Service – Vehicle Repair (major) - Not permitted -- Sec 6.1.4 Allowed Principal Use Table</p> <p><u>Note: Vehicle Service – Vehicle Repair (minor) is a Limited permitted use Sec 6.1.4 Allowed Principal Use Table, and subject to UDO Sec 6.5.6.C use standards.</u></p>	<p><u>Remove redundant condition -- adequately regulated in UDO.</u></p> <p><u>Adequately regulated in UDO.</u></p> <ul style="list-style-type: none"> • Transitional yard requirements of Sec 6.5.6.C exceeded by > 50%.
<p>Movie theatre</p>	<p>Permitted in Sec 6.1.4 Allowed Principal Use Table</p>	<p>Possible substantial impact on neighboring properties.</p> <p><u>RETAIN CONDITION – REQUEST WITHDRAWN</u></p>

Original CU Conditions (“...shall not be permitted...”)	Governing UDO Section	Owner Comment and/or Modified Request
“Drive-through restaurants”	UDO Article 7.2.5.A	Possible substantial impact on neighboring properties. <u>RETAIN CONDITION – REQUEST WITHDRAWN</u>
“...nor any special uses in the Neighborhood Business District which presently require City Council or Board of Adjustment Approval.”		Note: The only two uses in the Current Development Code for the Neighborhood Business District requiring SUP’s are: 1. Animal Care (Indoor) and 2. Telecommunication Towers > 250’
Animal Care (indoor)	Sec 6.4.9.B	<u>Remove redundant condition -- adequately regulated in UDO.</u>
Telecommunications Towner (<250’)	Limited use. UDO Sec 6.3.3.C	<u>Remove redundant condition -- adequately regulated in UDO.</u>
Telecommunications Tower (>250’)	UDO SUP Required – Sec 6.3.3.D	Possible substantial impact on neighboring properties. <u>RETAIN SUP CONDITION – REQUEST WITHDRAWN</u>
Other NB-CUD Tract Conditions	Governing UDO Section	Owner Comment and/or Modified Request
1. Access to the site shall be limited to the existing driveways; one on Six Forks Road and one on Lynn Road.		<u>RETAIN CONDITION – REQUEST WITHDRAWN</u>
2. A 30 foot Type B Transitional use protective yard (existing) shall be provided along the south property line adjacent to Northclift subdivision, lots 1-11 ...	UDO Sec 3.5.2 <ul style="list-style-type: none"> • Zone A ,Type 1 – minimum 10’ with fence or wall • Zone A, Type 2 – average of 20’ with fence or wall • Zone A, 50’ with no wall or fence 	Possible substantial impact on neighboring properties. <u>RETAIN CONDITION – REQUEST WITHDRAWN</u>

<p>OTHER CONDITIONS Shopping Center CUD Tract</p>		
<p><i>“The uses permitted on this tract shall be limited to vehicular parking and retail sales (convenience, general, and personal service) and eating establishments (no drive-thru) outdoors or in an accessory structure”</i></p>		<p><u>Remove Obsolete Zoning Condition</u></p> <p>This tract was split-zoned in response to COR widening of Lynn Road, relocation of owner’s entrance, and construction of large retaining wall.</p> <p>Retaining it provides no protections to neighborhood. Eliminating has minimal effects on owner entitlements.</p>
<p>Neighborhood Business CUD Tract and Shopping Center CUD Tract</p>		
<p><u>Stormwater Condition</u> <i>“Any increased storm water runoff resulting from an increase in impervious surface on site in excess of ten (10) percent above the presently existing impervious surface (3.1 acres) shall be captured, controlled, and released according to CR 7107.</i></p>	<p>UDO Article 9.2 Stormwater Management</p>	<p><u>Remove Obsolete Zoning Condition</u></p> <p>This obsolete condition has been superseded by the more restrictive and effective requirements of Article 9.2 Stormwater Management.</p>

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: 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

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

A handwritten signature in black ink, appearing to read "Isabel Worthy Mattox".

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: 2823 Capital Boulevard
PIN# 1715936330

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

GEN-0537

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

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



Re: 2929 Capital Boulevard

Dear Mr. Becker:

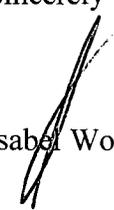
As counsel for Erwin Distributing Corporation, leasehold owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

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

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

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

Sincerely



Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014



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

Re: 4101 Wake Forest Road
PIN# 1715494776

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

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



Re: 2837 Wake Forest Road
PIN# 1715133422

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 29, 2014



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

Re: 1942 Wake Forest Road
PIN# 1714193080

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.

The proposed zoning is NX-3-PL, which does not provide the flexibility to permit the range of uses allowed now. The current use of the property, which is a convenience store with gas sales, correlates much more closely to CX than NX, as CX allows the full range of vehicle service and carwash uses which are typically found in conjunction with fuel sales. Moreover, in view of the changes to NX currently being considered by the City Council, it is even more imperative that this property be zoned CX rather than NX.

We also 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/gas stations.

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

Mr. Dan Becker
September 29, 2014
Page 2

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 29, 2014

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



Re: 1809 New Bern Avenue
PIN# 1713497184

Dear Mr. Becker:

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

The proposed zoning is NX-3-UL, which does not provide the flexibility to permit the range of uses allowed now. The current use of the property, which is a car service/oil change business with gas sales, correlates much more closely to CX than NX, as CX allows the full range of vehicle service and carwash uses which are typically found in conjunction with fuel sales. Moreover, in view of the changes to NX currently being considered by the City Council, it is even more imperative that this property be zoned CX rather than NX.

We also object to the imposition of the Urban 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 precludes 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.

Mr. Dan Becker
September 29, 2014
Page 2

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 29, 2014

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



Re: 1960 Rock Quarry Road
PIN# 1712498642

Dear Mr. Becker:

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

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

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

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

Sincerely

Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014

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



Re: 6712 Glenwood Avenue

Dear Mr. Becker:

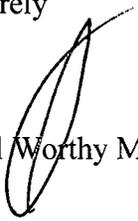
As counsel for Erwin Distributing Corporation, owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

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

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

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

Sincerely


Isabel Worthy Mattox

cc: Mr. Haddon Clark

Z-27-14 City-Wide Remapping - Owner Requests/Comments

Widgeon Associates, LLC

5808 Duraleigh Rd.

5900 Duraleigh Rd.

5910 Duraleigh Rd.

PIN: 0786573160, 0786572402 & 0786573672

City Proposal: CX-3-PL Owner Request: CX-3

Rationale: Owner concerns regarding proposed frontage element creating a non-conforming status.

GEN-0539

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: 4123 Glenwood Ave

Dear Mr. Becker:

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

The proposed base zoning is 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 precludes 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: 4120 Glenwood Avenue
PIN# 0796700071

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: 2516 S. Saunders Street
PIN# 1702470709

Dear Mr. Becker:

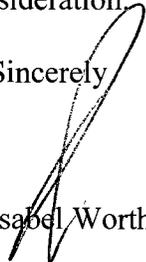
As counsel for Clark Stores, LLC, owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

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

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

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

Sincerely


Isabel Worthy Mattox

cc: Mr. Haddon Clark

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 30, 2014



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

Re: 3411 Hillsborough Street

Dear Mr. Becker:

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

The proposed base zoning is NX-3-UL which does not provide the flexibility to permit the range of uses allowed now. The current use of the property, which is a convenience store with gas sales, correlates much more closely to CX than NX, as CX allows the full range of vehicle service and carwash uses which are typically found in conjunction with fuel sales. Moreover, in view of the changes to NX currently being considered by the City Council, it is even more imperative that this property be zoned CX rather than NX.

We also object to the imposition of the Urban 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 precludes 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/gas stations.

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

GEN-0549

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

September 29, 2014



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

Re: 3611 Hillsborough Street
PIN# 0794336646

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.

The proposed zoning is NX-3, which does not provide the flexibility to permit the range of uses allowed now. The current use of the property, which is a convenience store with gas sales, correlates much more closely to CX than NX, as CX allows the full range of vehicle service and carwash uses which are typically found in conjunction with fuel sales. Moreover, in view of the changes to NX currently being considered by the City Council, it is even more imperative that this property be zoned CX rather than NX.

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

GEN-0554

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 29, 2014



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

Re: 3614 Hillsborough Street
PIN# 0794337981

Dear Mr. Becker:

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

The proposed zoning is NX-3-PL, which does not provide the flexibility to permit the range of uses allowed now. The current use of the property, which is a convenience store with gas sales, correlates much more closely to CX than NX, as CX allows the full range of vehicle service and carwash uses which are typically found in conjunction with fuel sales. Moreover, in view of the changes to NX currently being considered by the City Council, it is even more imperative that this property be zoned CX rather than NX.

We also 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/gas stations.

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

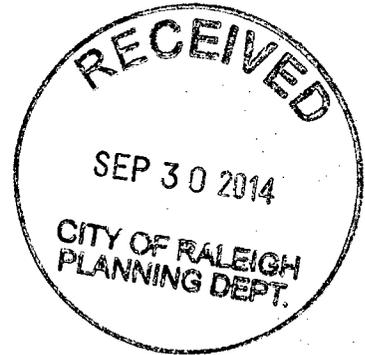
Mr. Dan Becker
September 29, 2014
Page 2

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 29, 2014

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



Re: 5633 Western Boulevard
PIN# 0784202723

Dear Mr. Becker:

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

The proposed zoning is NX-3-GR, which does not provide the flexibility to permit the range of uses allowed now. The current use of the property, which is a convenience store with gas sales, correlates much more closely to CX than NX, as CX allows the full range of vehicle service and carwash uses which are typically found in conjunction with fuel sales. Moreover, in view of the changes to NX currently being considered by the City Council, it is even more imperative that this property be zoned CX rather than NX.

We also object to the imposition of the Green 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 precludes 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.

Recommendation for Re-mapping Glenwood-Brooklyn to UDO Submitted by Historic Glenwood-Brooklyn Neighborhood Association

Overview

Earlier this year, residents of Glenwood-Brooklyn started work on a comprehensive review of the neighborhood. The intent was to provide City staff with a well-researched and widely supported recommendation for re-mapping under Raleigh's new Unified Development Ordinance (UDO). What follows is the product of that effort.

In short, our recommendation to Staff is in line with the City's initial recommendation: that existing SpR-30 properties, which represent the majority of parcels in the neighborhood, be zoned as R-10 with a Neighborhood Conservation Overlay District (NCOD).

We believe this is the best approach to preserve the special conditions of the SpR-30 designation that have been instrumental in preventing the destruction of historic homes and in discouraging development of structures that are inconsistent with the character of the neighborhood.

There are a number of properties in Glenwood-Brooklyn that have additional considerations, and we address these in a later section of this report. In most cases, our recommendation is for higher density (>10 units/acre), purpose-built multi-family properties to be mapped to RX-3-NCOD.

We hope Staff will agree that Glenwood-Brooklyn is one of a handful of showpiece historic neighborhoods in Raleigh and that the City has a clear interest in preserving it. We believe our recommendation is both workable and fair. Above all, we are committed to working with the Planning Commission, the City Council and of course our fellow residents to implement a plan that will best serve the neighborhood that we love.

About the Review Team

We have been blessed with an abundance of expertise among our residents with regard to architecture, construction, land use and the history of the place in which we live. The following individuals have given countless hours of their time to produce the recommendations we are making.

- Rick Baker, engineer
- Fred Belledin, architect and current member of Raleigh Historic Development Commission
- Steve Gurganus, community planner and former member of Raleigh Board of Adjustment and Raleigh Appearance Commission
- Philip Poe, member of UDO Advisory Group and Five Points CAC Chair
- Martin Stankus, former Raleigh City Planner
- Brandy Thompson, architect

About the Neighborhood

Glenwood-Brooklyn was Raleigh's first master-planned neighborhood and in a sense was its first "suburb." Centering on a trolley line that ran along the center of Glenwood Avenue, the neighborhood was home to a mix of middle-class families as well as some

more prominent homes along Glenwood itself. Built primarily between 1910 and 1940, many of the homes reflect the craftsman/bungalow architecture popular at that time.

When Raleigh undertook its first major rezoning project in the 1950s, most of the properties in Glenwood-Brooklyn were classified as R-30. In the 1960s and 70s, Raleigh experienced the same "urban flight" that other cities did, which in turn caused a loss in market value. Subsequent redevelopment began to eat away at the historic character of the neighborhood, which became a decidedly less desirable place to live.

By the early 1980s, many of the historic homes had been converted into multi-unit buildings or, worse yet, demolished to make way for larger apartment blocks. Residents at the time fought for and won a reclassification to SpR-30 that put vital restrictions in place with regard to setbacks, height and other parameters.

That change set the stage for a revitalization that has seen a renewed appreciation both for the Glenwood-Brooklyn neighborhood as a whole and the homes that make it up. For example, we are aware of numerous properties that have been remodeled back to single-family use in the years since the implementation of the SpR-30 designation.

Today, Glenwood-Brooklyn stands as one of Raleigh's most desirable neighborhoods, and not just because of its proximity to downtown. Indeed, the people who live here do so in large part because they value the history of the neighborhood and the historic character of its homes. In a recent poll of 80 of the roughly 290 households in the area (96 percent of respondents) indicated they were "very interested" or "somewhat interested" in preserving the historic character of the neighborhood.

We are not suggesting that every single property owner is on board with our recommendations, and there are a few properties with special circumstances that will require greater consideration. However, there is a remarkable level of agreement among our neighbors on what is typically a highly contentious subject (i.e., what you can do on your own property). We hope that Staff will agree this represents a tremendous opportunity to ensure that Glenwood-Brooklyn's best days are still ahead of it.

Remapping Rules and Recommendation

[Attachment 1](#) provides a parcel-by-parcel breakdown of the current zoning, the City's proposed remapping and the neighborhood's recommended remapping.

It's fair to say that remapping a neighborhood, even one as small as ours, is an arduous process. We have tried to do this in as evenhanded a manner as possible, and accordingly have applied a few rules of thumb as follows:

- Any building "originally built" as detached or attached will remap to R-10-NCOD.
- Any apartment with density less than or equal to 10 units/acre will remap to R-10-NCOD; those with higher density will remap to RX-3-NCOD.
- Any commercial buildings (currently 3) will remap to either RX-3-NCOD or NX-3-NCOD.

Protective Overlay

[Attachment 2](#) shows the special conditions that currently exist in Sp R-30. It is essential these rules continue, although some minor revisions are required to make them

compatible with the UDO and to clarify some language related to multi-unit buildings. The proposed changes are black-lined in the attachment

It's also essential that the base remapping and the implementation of the NCOD happen concurrently; otherwise, the neighborhood becomes vulnerable to teardowns and incompatible development.

Special Situations

Glenwood-Brooklyn is predominantly comprised of detached single-family homes. However, there are a number of other properties—and a few homes as well—that present particular challenges to the remapping process. We discuss these briefly below.

- Partnership Elementary School. In the 1960s, this property – previously known as the Richard H. Lewis School, became the administrative offices for the Wake County Public School System. It was converted back to the Partnership Elementary School in the late 1990s. It's not anticipated that this property will ever be used as an administrative building again; therefore, it would be in the best interest of the neighborhood to have it remapped from O&I to R-10-NCOD.
- Edge Properties. The topography and configuration of the commercial lots along Peace, St. Mary's, Pierce and Dale streets represent major risks to the neighborhood and challenges for redevelopment. To ensure the best possible outcomes for these properties abutting the neighborhood, we recommend an area plan be created.
- Commercial Creep. In recent years, two significant residential properties have been rezoned commercial. This type of activity remains a major concern of the neighborhood.
- Hidden Lots / Split Zonings. When the neighborhood was platted in 1905, most lots had frontages of 25 feet. Typically, detached homes were built on two or three of these deeded lots. At that time, combining lots was not a requirement. Consequently, there are some properties with split zonings in the neighborhood. A policy is needed to determine how these properties will be remapped. Also, these "hidden" lot lines continue to provide the opportunity to build infill buildings on substandard lots, which can disrupt the overall pattern of development in the neighborhood.



Remapping Glenwood-Brooklyn

Transitioning to the Unified Development Ordinance

Remapping Team

Rick Baker	engineer
Fred Belledin	architect, Raleigh Historic Development Commission
Steve Gurganus	community planner, Raleigh Board of Adjustment, Raleigh Appearance Commission
Philip Poe	UDO Advisory Group, Five Points CAC chair
Martin Stankus	city planner
Brandy Thompson	architect

New City Plan & Development Regulations

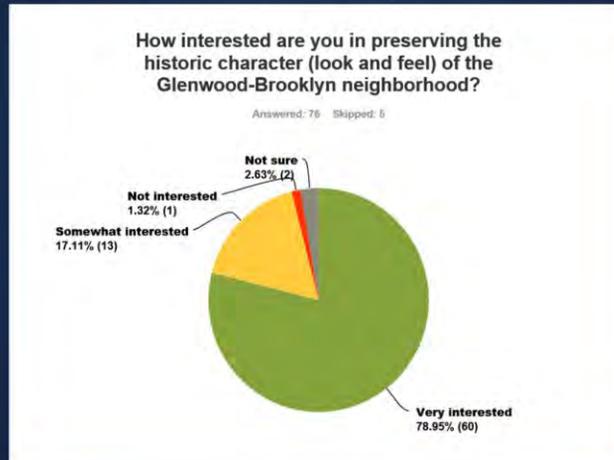
- Mid 2006 – start date
- Oct 2009 - approved 2030 Comprehensive Plan
- Feb 2013 - approved UDO
- Sep 2013 - started rolling out UDO
- May 2014 - released proposed remapping
- Oct 2014 - Planning Commission begins review of remapping
- Feb 2015* - City Council begins review of remapping
- Jun 2015* - official public hearing begins

*Best Guess

Neighborhood History

- First planned neighborhood in Raleigh
- Established in 1905
- Most buildings built between 1910 -1930
- Decline began in 1960s
- Recovery began in 1980s
- Special R-30 approved in 1985
- National Register of Historic Places in 2002

Interest in Neighborhood Preservation



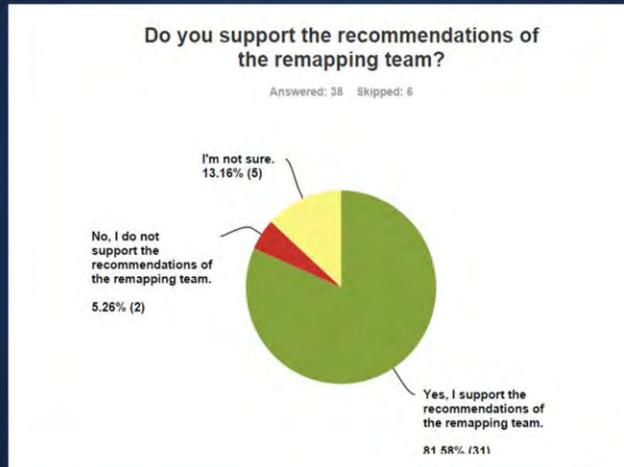
After the City released the proposed remapping for the neighborhood last May, the remapping team staffed an information table at the neighborhood's annual block party and held four (4) open houses during July. At these events, residents consistently expressed their interest in preserving the historic character of the neighborhood.

In September, the remapping team conducted a survey to reach more residents. Ninety-five percent (95%) of the respondents answered they were interested in preserving the historic character of the neighborhood – 80% “very interested” and 15% “somewhat interested.”

The polling at events and through this survey was used by the remapping team to develop a remapping plan that would best meet the preferences of the residents in the neighborhood.

As more residents respond to this survey, this slide will be updated.

Support for Remapping Plan



The remapping team presented its recommendations at a neighborhood meeting on September 23rd. A hand vote was taken. There was unanimous support for the overall approach the remapping team had taken in developing a remapping plan that would help preserve the historic character of the neighborhood.

A survey is now underway to get feedback from more residents in the neighborhood. As more residents respond to this survey, this slide will be updated.

Neighborhood Metrics

	Core	Edges	National Register
Parcels	291	43	288
Acres	53	19	55
Housing Units	437	22	417
Units per Acre	8	1	8

Core excludes edge properties – primarily commercial -- along Peace, St. Mary's, Pierce and Dale.

National Register of Historic Places Map



This map shows the boundaries for the area that was approved for the neighborhood's listing on the National Register of Historic Places.

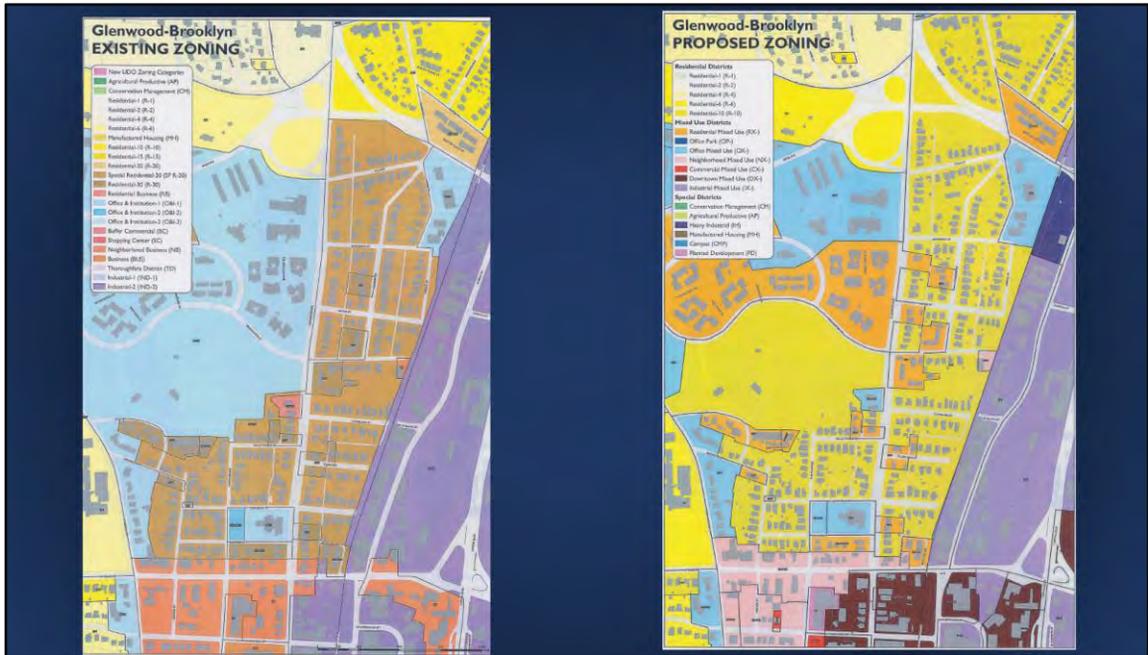
General Conversion Rules for Base Zoning

Original Building Type	Current Zoning	City' Proposed Remapping	Our Recommended Remapping
Detached House (single family)	R-30, SR-30, RB, NB	R-10, RX-3, OX-3	R-10
Attached House (duplex)	R-30, SR-30	R-10, RX-3	R-10
Townhouse	R-30, SR-30	R-10, RX-3	R-10, RX-3
Apartment	R-30, SR-30	R-30, RX-3	R-10, RX-3
General Building	R-30, RB	RX-3, OX-3	RX-3, OX-3
Mixed Use Building	NB	NX-3	RX-3
Civic Building	SR-30, O&I	R-10, OX-3	R-10
Open Lot	SR-30	R-10	R-10

The “Our Recommended Remapping” column lists the preferred remappings in the core area of the neighborhood. If more than one district is listed, the first district listed is the most prevalent remapping.

As each property was reviewed by the remapping team, it was determined that several properties had splits zonings. A policy is needed for the remapping of these properties. A list of the properties is provided below:

- 704 Glenwood: Special R-30 + NB
- Partnership Elementary School: O&I-1 + O&I-2-CU
- Gaston Woods Townhouses: R-30 + R-30-CU
- 1220 Pierce: Special R-30 + O&I-1 + IND-2



Official City maps showing existing and the City's proposed zoning.

Building Type Analysis

Current Building Type Analysis			Original Building Type Analysis		
STUDYAREA (Multiple Items) ▾			STUDYAREA (Multiple Items) ▾		
Row Labels	# Lots	% Lots	Row Labels	# Lots	% Lots
Detached	198	68.04%	Detached	242	83.16%
Attached	35	12.03%	Attached	12	4.12%
Apartment	25	8.59%	Townhouse	12	4.12%
Townhouse	12	4.12%	Empty Lot	11	3.78%
Empty Lot	11	3.78%	Apartment	8	2.75%
General Building	5	1.72%	Civic	3	1.03%
Civic	3	1.03%	General Building	2	0.69%
Mixed Use	2	0.69%	Mixed Use	1	0.34%
Grand Total	291	100.00%	Grand Total	291	100.00%

As residents living in the downtown neighborhoods began moving to the suburbs in the second half of the 20th century, many of the original detached units were converted into multi-unit rentals. Consequently, just using the unit criteria for building types in the UDO can be misleading. On the other hand, looking at the housing inventory in the neighborhood's application for its listing on the National Register of Historic Places tells a very different story. Nearly 90% of the building built between 1905 and 1950 were detached homes.

The table on the left above shows the mix of housing types based on the units listed for each property today. The table on the right shows the mix using the units when the building was originally constructed.

Over the last decade, the conversion of buildings back to detached units has been significant, and the trend is likely to continue. The mapping team considers the original building type and ongoing conversions back to detached buildings a very important consideration in the remapping process.

Neighborhood Conservation Overlay District (NCOD)

Special vs NCOD

- Special in R-30 = NCOD
- Should apply to all R-10 and RX lots
- Base remapping and NCOD must happen at the same time
- Some revisions needed to ensure the intent of the rules are clear and enforceable

Special Conditions

- Setbacks
- Height
- Lot coverage
- Design Standards
- Parking lot landscaping

[Click here](#) to view the current conditions.

The Special R-30 conditions have served the neighborhood well over the last 30 years, and the remapping team is recommending they be retained and applied to all R-10 and RX-3 remappings. In 1985, when Special R-30 was approved, certain properties in the neighborhood were excluded. During the remapping process, these exclusions need to be eliminated to ensure the consistent application of the rules across the neighborhood. There are also some minor revisions that need to be made to ensure the rules are applied appropriately:

- They need to be written to ensure that all group housing projects are covered by the special conditions.
- The height condition should be modified to include properties across a narrow right away – e.g., Hinsdale Street.

The base remapping and the NCOD must happen simultaneously, otherwise, the lack of an NCOD will make the neighborhood more vulnerable to teardowns and development that is contextually insensitive to the character of the neighborhood.

Special Situations

- Edges along Peace and St. Mary's Streets
- Partnership Elementary School
- Brooklyn and Clay Streets
- Fletcher property
- Washington Street
- Edges along Dale and Pierce Street
- Historic lot lines

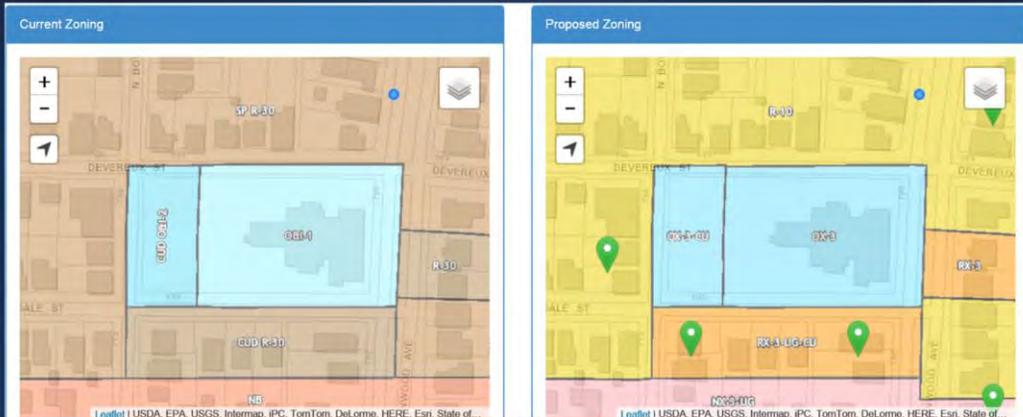
This is a list of special situations in the neighborhood that create some major challenges for the neighborhood.

Peace and St. Mary's Street



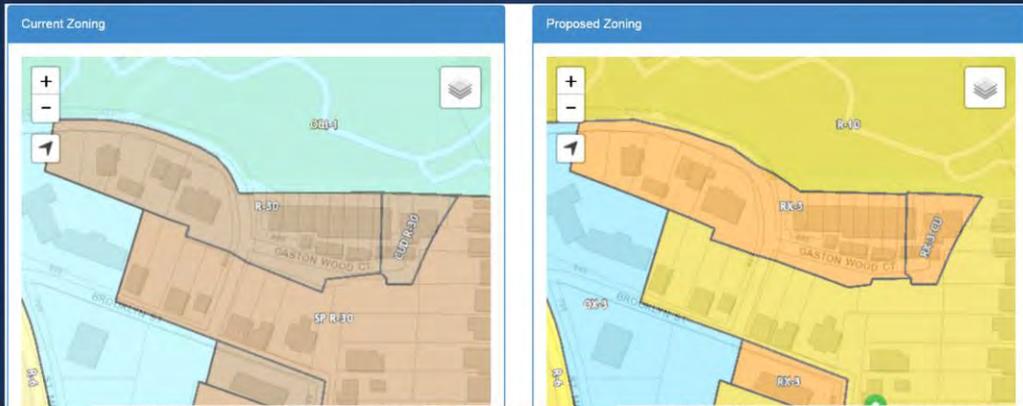
The topography and depth of lots along Peace Street, particularly between Peace / Hinsdale and Glenwood / Gaston (200 feet deep), will make any redevelopment very challenging. An area plan could help establish a clearer vision for redevelopment along Peace and St. Mary's Streets.

Partnership Elementary School



The Partnership Elementary School was originally the Lewis School, which once served as the administrative offices for WCPSS. It is now a regular school site and it seems appropriate to convert this property back to the neighborhood's base zoning of R-10-NCOD.

Brooklyn and Clay Streets

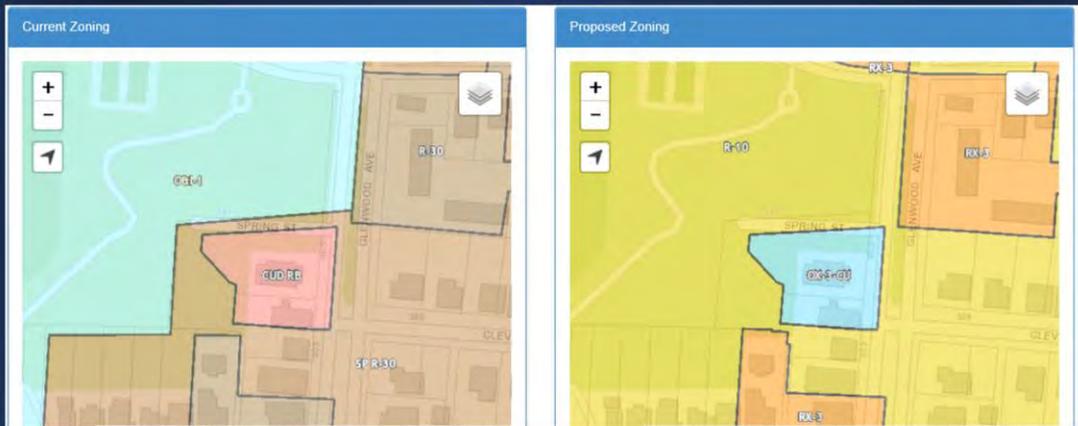


The Gaston Woods townhouses have a density of 9, making R-10-NCOD a logical remapping for these properties.

The rest of the Clay Street includes a mix of detached homes and apartments. The remapping to RX-3-NCOD seems appropriate for this area.

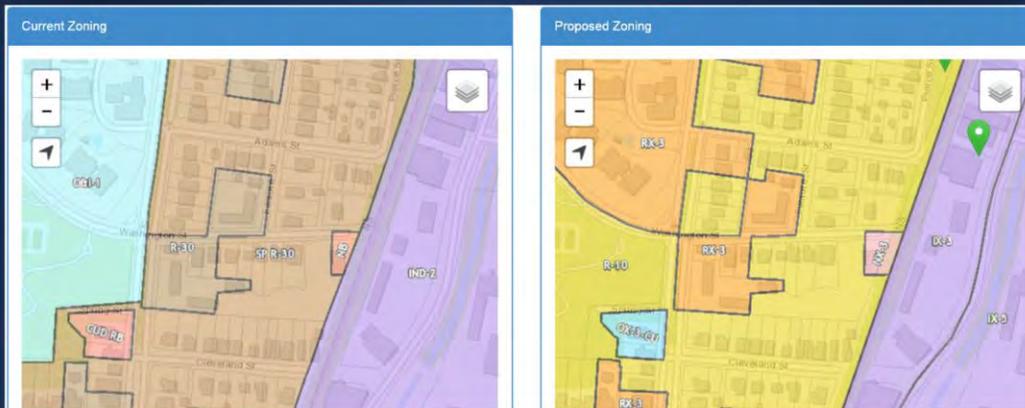
The owner of 800 St. Mary's (Ligon Building) has been leasing spaces in this parking lot to Broughton High School students for at least 25 years. Although the proposed remapping is OX-3, the FLUM categorizes this parcel as Moderate Density Residential. RX-3 would provide a much better transition between the commercial activity on St. Mary's and the Glenwood-Brooklyn residential area.

Fletcher Property



Although the Fletcher Foundation property includes conditions that help preserve the character of the neighborhood, the conversion from residential to a commercial use increases the risk of commercial creep along Glenwood Avenue.

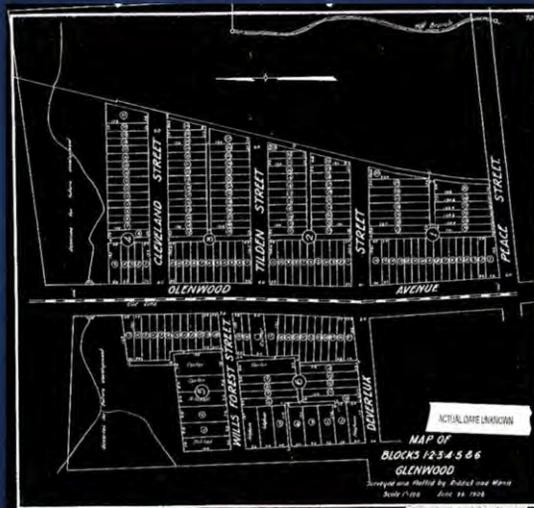
Washington Street



The west end of Washington Street at the Glenwood intersection is primarily multi-unit buildings, along with a small retail building. RX-3-NCOD seems like a good fit at this intersection.

501 Washington is located at the east end of the street along the Norfolk Southern railroad tracks. The majority of the property is zoned Special R-30, with a small section zoned NB. About half of the Special R-30 section sits in a riparian buffer. The proposed remapping for the NB section is NX-3, but RX-3 might work well if the owner moves forward with a plan to make this a live / work building.

Historic Lot Lines



Historic lots – frequently called hidden lots – continue to confuse and anger residents. These lots are not visible on City’s mapping system; but they are legal nonconforming lots, which means they are buildable lots. These lots can lead to some undesirable infill development and have contributed to the split zonings in the neighborhood.

From: [Pettibone, Carter](#)
To: [Philip Poe](#)
Cc: [Rezoning](#)
Subject: UDO Remapping Comment #GEN-0577 - Apply NCOD to SP R-30 Zone properties
Date: Tuesday, October 14, 2014 11:42:58 AM

Phil,

Thank you for your comments regarding the UDO remapping for the Glenwood Brooklyn Neighborhood. As I mentioned in my previous email. Staff has split your initial comment into eight separate requests.

The first is the request to apply a Neighborhood Conservation Overlay District (NCOD) to properties currently zoned Special Residential-30 in the Glenwood Brooklyn neighborhood as part of the UDO Remapping process. This is an idea that has been previously discussed by Staff and neighborhood representatives. Since there are potential options for how this would be handled, Staff is forwarding this request with no recommendation to the Planning Commission in order to have further discussion on the issue.

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." The link is on the same webpage. 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 any questions.

Thank you.

Carter Pettibone, AICP

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From: [Pettibone, Carter](#)
To: [Rezoning](#)
Subject: FW: UDO Remapping Comment #GEN-0578 - Apply NCOD to Non-SP R-30 properties
Date: Tuesday, October 14, 2014 12:09:13 PM

Carter Pettibone, AICP

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From: Pettibone, Carter
Sent: Tuesday, October 14, 2014 11:43 AM
To: 'Philip Poe'
Subject: UDO Remapping Comment #GEN-0578 - Apply NCOD to Non-SP R-30 properties

Phil,

Thank you for your comments regarding the UDO remapping for The Glenwood Brooklyn Neighborhood. This response relates to the request to apply a neighborhood Conservation Overlay District (NCOD) to properties in the Glenwood Brooklyn area that are not currently zoned Special Residential-30 (SP R-30). This includes properties currently zoned R-30, R-30-CUD, O&I-1, O&I-1-CUD, NB, and IND-2 as identified on your neighborhood analysis spreadsheet.

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff does not agree with the request to apply an NCOD to parcels not zoned SP R-30 as part of the UDO Remapping process. This does not correspond to the guidance Staff used in developing the draft UDO zoning map. Only SP R-30 zoning, with its contextual design standards, was envisioned for conversion to potential NCOD standards. The properties in Glenwood Brooklyn that are zoned other than SP R-30 do not currently have the same design standards.

Regardless of Staff's determination, we are forwarding your comments to the Planning Commission for its review. 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." The link is on the same webpage. 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 any questions.

Thank you.

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From: [Pettibone, Carter](#)
To: [Rezoning](#)
Subject: FW: UDO Remapping Comment #GEN-0579 - Rezone SP R-30 parcels to R-10
Date: Tuesday, October 14, 2014 12:09:21 PM

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From: Pettibone, Carter
Sent: Tuesday, October 14, 2014 11:44 AM
To: 'Philip Poe'
Subject: UDO Remapping Comment #GEN-0579 - Rezone SP R-30 parcels to R-10

Phil,

Thank you for your comments regarding the UDO remapping for The Glenwood Brooklyn Neighborhood. This response relates to the request to rezone four parcels from SP R-30 to a zoning district of Residential-10 (R-10) instead of the proposed Residential Mixed -3 Stories (RX-3). The four properties are:

- 1110 Glenwood Avenue
- 1114 Glenwood Avenue
- 1218 Glenwood Avenue
- 607 Adams Street

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff does not agree with the request to amend the base zoning district to R-10 for these properties. This does not correspond to the guidance Staff used in developing the draft UDO zoning map. In this case, to consider RX-3 zoning for properties zoned SP R-30 that have densities in excess of 10 dwelling units per acre. The properties all contain development that has a density above 10 units per acre.

Regardless of Staff's determination, we are forwarding your comments to the Planning Commission for its review. 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." The link is on the same webpage. 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 any questions.

Thank you.

Carter Pettibone, AICP

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From: [Pettibone, Carter](#)
To: [Philip Poe](#)
Cc: [Rezoning](#)
Subject: UDO Remapping Comment #GEN-0580 - Rezone R-30 parcels to R-10
Date: Tuesday, October 14, 2014 12:08:53 PM

Phil,

Thank you for your comments regarding the UDO remapping for The Glenwood Brooklyn Neighborhood. This response relates to the request to rezone several parcels from the current Residential-30 (R-30) to Residential-10 (R-10) instead of the proposed Residential Mixed -3 Stories (RX-3). These properties are located in the Glenwood Brooklyn Neighborhood area and identified in the neighborhood analysis spreadsheet you provided with your request.

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff does not agree with the request to amend the zoning district to R-10 for these properties. This does not correspond to the guidance Staff used in developing the draft UDO zoning map. In this case, to consider RX-3 zoning for properties currently zoned R-30. Included in the guiding principles of the UDO Remapping is to maintain existing property rights and avoid downzonings. In addition the request does not involve the property owners themselves.

Regardless of Staff's determination, we are forwarding your comments to the Planning Commission for its review. 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." The link is on the same webpage. 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 any questions.

Thank you.

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From: [Pettibone, Carter](#)
To: [Philip Poe](#)
Cc: [Rezoning](#)
Subject: UDO Remapping Comment #GEN-0581 - 722 Gaston Street
Date: Tuesday, October 14, 2014 12:23:25 PM

Phil,

Thank you for your comments regarding the UDO remapping for The Glenwood Brooklyn Neighborhood. This response relates to the request to amend the proposed UDO zoning district for 722 Gaston Street from NX-3 to RX-3. This property is located in the Glenwood Brooklyn Neighborhood area and identified in the neighborhood analysis spreadsheet you provided with your request.

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff does not agree with the request to amend the zoning district to RX-3 for 722 Gaston Street. This does not correspond to the guidance Staff used in developing the draft UDO zoning map. In this case, to consider NX-3 zoning for properties currently zoned Neighborhood Business (NB) that contain land uses permitted by the NX-3 district. This is the case for 722 Gaston Street. Included in the guiding principles of the UDO Remapping is to maintain existing property rights and avoid downzonings.

In addition the request does not involve the property owner.

Regardless of Staff's determination, we are forwarding your comments to the Planning Commission for its review. 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." The link is on the same webpage. 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 any questions.

Thank you.

Carter Pettibone, AICP

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From: [Pettibone, Carter](#)
To: [Rezoning](#)
Subject: FW: UDO Remapping Comment #GEN-0582 - 809 Brooklyn Street
Date: Tuesday, October 14, 2014 12:39:56 PM

Carter Pettibone, AICP

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From: Pettibone, Carter
Sent: Tuesday, October 14, 2014 12:28 PM
To: 'Philip Poe'
Subject: UDO Remapping Comment #GEN-0582 - 809 Brooklyn Street

Phil,

Thank you for your comments regarding the UDO remapping for The Glenwood Brooklyn Neighborhood. This response relates to the request to amend the proposed UDO zoning district for 809 Brooklyn Street from OX-3 to RX-3. This property is located in the Glenwood Brooklyn Neighborhood area and identified in the neighborhood analysis spreadsheet you provided with your request.

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff does not agree with the request to amend the zoning district to RX-3 for 809 Brooklyn Street. This does not correspond to the guidance Staff used in developing the draft UDO zoning map. In this case, to consider OX-3 zoning for properties currently zoned Office and Institutional-1 (O&I-1) that contain land uses permitted by the OX-3 district. This is the case for 809 Brooklyn Street. Included in the guiding principles of the UDO Remapping is to maintain existing property rights and avoid downzonings.

In addition, the request does not involve the property owner.

Regardless of Staff's determination, we are forwarding your comments to the Planning Commission for its review. 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." The link is on the same webpage. 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 any questions.

Thank you.

Carter Pettibone, AICP

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From: [Pettibone, Carter](#)
To: [Philip Poe](#)
Cc: [Rezoning](#)
Subject: UDO Remapping Comment #GEN-0583 - 601 Devereux Street
Date: Tuesday, October 14, 2014 12:34:07 PM

Phil,

Thank you for your comments regarding the UDO remapping for the Glenwood Brooklyn Neighborhood. This response relates to the request to amend the proposed UDO zoning districts for 601 Devereux Street from OX-3 and OX-3-CUD to R-10 and R-10-CUD. This property is located in the Glenwood Brooklyn Neighborhood area and identified in the neighborhood analysis spreadsheet you provided with your request.

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff does not agree with the request to amend the zoning districts to R-10 and R-10-CUD for 601 Devereux Street. This does not correspond to the guidance Staff used in developing the draft UDO zoning map. In this case, to consider OX-3 zoning for properties currently zoned Office and Institutional-1 (O&I-1) that contain land uses permitted by the OX-3 district. Included in the guiding principles of the UDO Remapping is to maintain existing property rights and avoid downzonings.

In addition, the request does not involve the property owner.

Regardless of Staff's determination, we are forwarding your comments to the Planning Commission for its review. 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." The link is on the same webpage. 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 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



RAGSDALE LIGGETT^{PLLC}
LAWYERS

Benjamin R. Kuhn | D 919.881.2201 | bkuhn@rl-law.com

September 30, 2014

Ms. Bynum Walter
Remapping Raleigh
PO Box 590
Raleigh, NC 27602

*Re: Proposed Remapping and Rezoning of property located at 1220 Pierce Street
("Subject Property")*

Dear Remapping Team:

I own property and a home at 1223 Pierce Street, directly across from the Subject Property referenced above.

As set forth by the City's on-line Remapping Website, the Property is currently proposed to be rezoned "R-10." Residential-10 is an appropriate zoning classification for the Subject Property, along with the other properties in the Glenwood neighborhood being rezoned from SPR-30 to R-10.

The property owner at 302 Jefferson Street submitted comments via the online Remapping Website requesting that the Subject Property instead be zoned OX-3 like the property at 302 Jefferson Street. A Planning Staff comment in response stated:

"Staff agrees that OX-3 would be a reasonable alternative zoning choice for the property at 1220 Pierce Street; this recommendation will be included in the draft map presented to the Planning Commission in October."

The requested and suggested OX-3 zoning for the Subject Property (whether requested by the owner or as suggested by Planning Staff) is inappropriate, inconsistent with similarly situated residentially zoned properties along the Pierce Street, and the rezoning classification of the Subject Property should remain as R-10 for the following reasons:

- All of the Subject Property has frontage across about 475 feet of Pierce Street its entire length from Adams to Jefferson Street and was part of the original subdivision of the Glenwood neighborhood dating back to 1908 (See Book of Maps 1885, Page 86B, and Book of Maps 1885, Page 115).
- All other properties along Pierce Street are zoned residential, have residential homes, and are occupied and used for residential purposes.

Bynum Walter
Remapping Team
September 30, 2014
Page 2

- All of the Subject Property which fronts Pierce Street is currently and has always been zoned residential.
- The reason why the Subject Property is split zoned is due to the fact that Norfolk Southern deeded some excess property (which was zoned I-2) fronting along the Norfolk Southern railroad corridor adjacent to the property at 302 Jefferson and the portion of the Subject Property which fronts Pierce Street.
- The Norfolk Southern Tract was later recombined with Lots 1-6, Block 37, from the original Glenwood Subdivision Plat (See Book of Maps 1885, Page 115).
- When the predecessors in title recombined the several residential “ghost lots” which now comprise the 302 Jefferson property and the Subject Property, the split zoning resulted in the Subject Property having both SPR-30 and I-2 zoning (a left-over remnant from the Norfolk Southern Tract that was zoned I-2). See Recombination Plat at Book of Maps 2003, Page 673.
- The Subject Property is irregularly shaped and unsuited for Office development due to its small lot size - 90 feet at it’s widest and configured as a very acute triangle.
- The buildable envelope, due to OX setbacks, is less than 60 feet wide and narrows precipitously due to the acute triangular shape of the lot.
- The only use that could realistically be made of the Subject Property would be for a residence to be located near the intersection of Pierce and Jefferson. The property cannot sustain office development or uses.
- The parking requirements (1 space per 400 sq.ft.) and setbacks for OX zoning (10’ front, 5’ each side, and 20’ rear) make it literally impossible to configure a marketable office use on the Subject Property.
- The owner of 302 Jefferson has suggested that the parking on 1220 Pierce Street is necessary for the office use at 302 Jefferson; however, such is not accurate.
 - The office buildings at 302 Jefferson is listed on a recorded plat about 12,000 square feet in area;
 - Marketing material has listed the property as 17,000 square feet;
 - At 17,000 square feet, and 1 required parking space per 400 square feet per OX zoning, the required on-site parking is only 43 parking spaces;
 - The 302 Jefferson Property, as subdivided per the Recombination Map at Book of Maps 2003, Page 673, Wake County Registry, has 57 parking spaces.

Bynum Walter
 Remapping Team
 September 30, 2014
 Page 3

- Thus, the 302 Jefferson Property has more than the required on-site parking (14 parking spaces in excess) and does not need any of the parking spaces located on the Subject Property to be in compliance with the OX zoning for the 302 Jefferson Property; and
 - On any given work day from 9 am to 5 pm there is an over-abundance of vacant parking spaces on the Subject Property, clearly showing that parking spaces on 1220 Pierce are not needed for required (or desired) parking.
- The historic use of the Subject Property has been as the trash disposal site for the 302 Jefferson Property. Dumpsters. Over a dozen trash and recycle bins. Two storage sheds. Piles of yard waste. All of this comes from 302 Jefferson which ought to site its trash disposal and storage facilities on its own office property. This is not an appropriate use for property located in a residential subdivision directly across from residential homes and such uses should be discouraged – not encouraged with OX-3 zoning.
 - Zoning the Subject Property R-10 is consistent with rezoning the vast majority of all other SPR-30 zoned property in the neighborhood as currently proposed.
 - It is not appropriate to recombine property zoned I-2 (the old Norfolk Southern Tract) with property zoned residential and have the residentially zoned property changed to office or more intense commercial zoning.
 - As an “Edge Tract” great care should be given in rezoning the Subject Property so as to ensure the nearby residential properties across Pierce Street are protected, and thus, the Subject Property should retain its residential zoning to ensure this “Edge Area” within the neighborhood does not further erode the predominantly residential character of the Glenwood Neighborhood and the Pierce Street area in particular. See Comprehensive Plan Policy Stating that Edge Areas should protect and preserve residential properties and uses (Policy DT I.II).

Based on the factors listed above, the correct zoning classification for the Property under the UDO should be R-10 and not OX-3 as requested by the owner of the office property at 302 Dale Street, and as suggested by Planning Staff.

We appreciate your consideration of these comments and request that the Remapping Team acknowledges receipt of same and recommend to Planning Commission in October that the zoning classification of R-10 for the Subject Property located at 1220 Pierce Street and as shown on the existing proposed Rezoning Map be adopted for the new official Zoning Map.

Bynum Walter
Remapping Team
September 30, 2014
Page 4

Sincerely,

RAGSDALE LIGGETT



Benjamin R. Kuhn

Attachments

Cc Ken Bowers
Dan Becker
Council Member Kay Crowder
Former Council Member Thomas Crowder

UDO Zoning Remapping

Compare the current zoning with the proposed UDO zoning.

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



Search by address or PIN or click on the map

222 West Hargett Street



Selected Address: 1220 PIERCE ST

Give Feedback

Current Zoning

Leaflet (<http://leafletjs.com>) |
USDA, EPA, USGS, Intermap, IPC, TomTom, DeLorme, HERE, Esri, State of ...

SP R-30

Description

Proposed Zoning

Leaflet (<http://leafletjs.com>) |
USDA, EPA, USGS, Intermap, IPC, TomTom, DeLorme, HERE, Esri, State of ...

R-10

Description

Special Residential-30 (SP R-30)

Zoning

SP R-30 (Special R-30): This is a unique high density district. The Special R-30 zoning district allows 30 dwellings per acre, but features requirements that new structures be of a similar size and height as surrounding existing structures. These are called contextual regulations because they are based on the context of the existing neighborhood. The Special R-30 zoning district is found in the Glenwood-Brooklyn neighborhood north of Peace Street. This district permits multifamily dwellings on single lots. Though other scenarios are possible, these areas will generally be rezoned to RX- or R-10 w/NCOD under the UDO. Learn More (<http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.html>)

Residential-10 (R-10)

Base Zoning

R-10 (Residential-10): Subject to the density restriction of 10 units per acre, R-10 allows single-unit living in a detached house with a minimum lot size of 4,000 square feet and 2-unit living in an attached house with a minimum lot size of 6,000 square feet. Multi-unit living is also allowed in a townhouse or apartment building. Learn More (<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance/30/>)



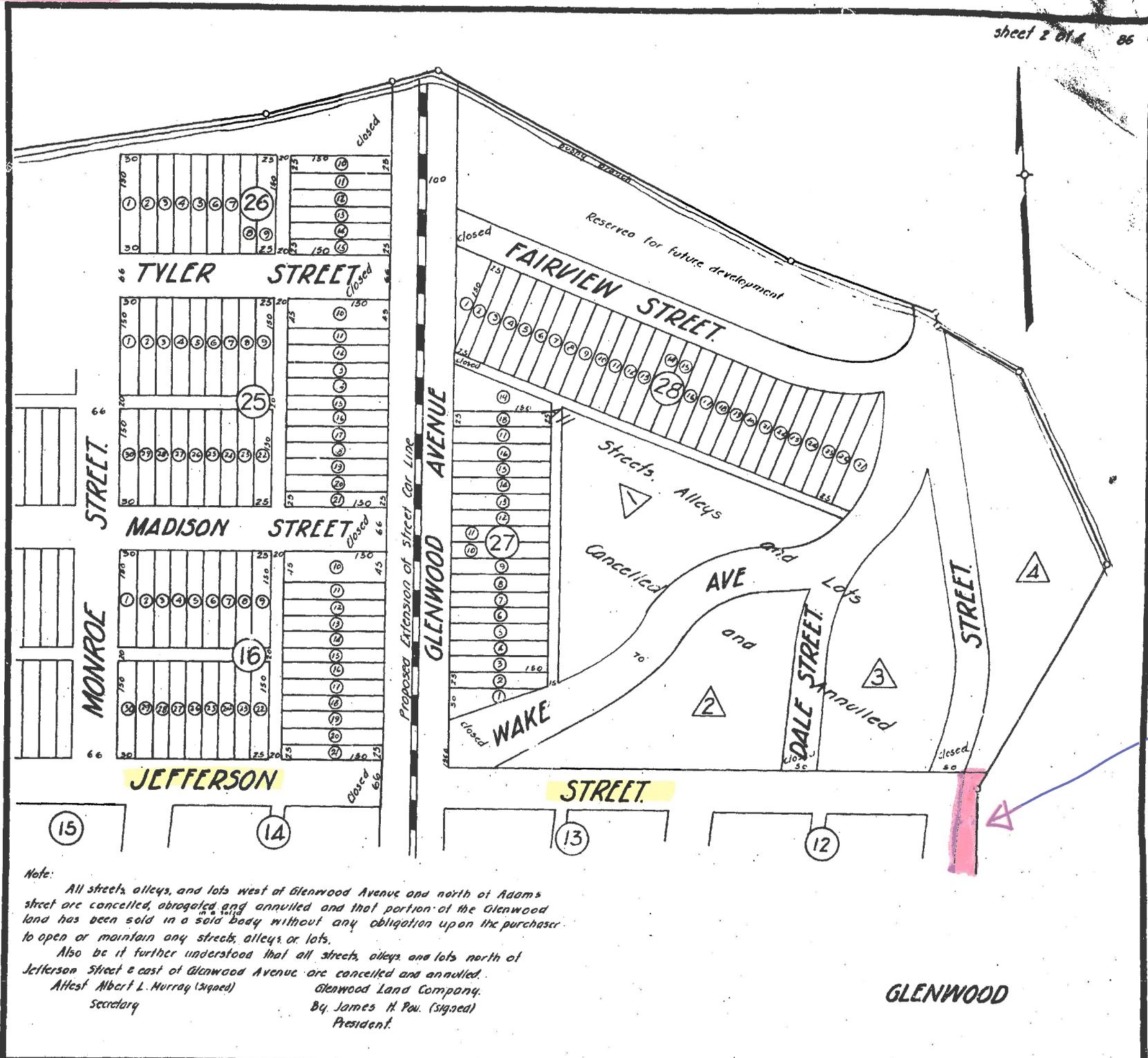
Application developed by the City of Raleigh Geographic Information Services (<http://www.raleighnc.gov/business/content/ITechAdmin/Articles/GeographicInformationServices.html>) division.

Application developed for the City of Raleigh Planning and Development (<http://www.raleighnc.gov/planning>) department.



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

© 2014

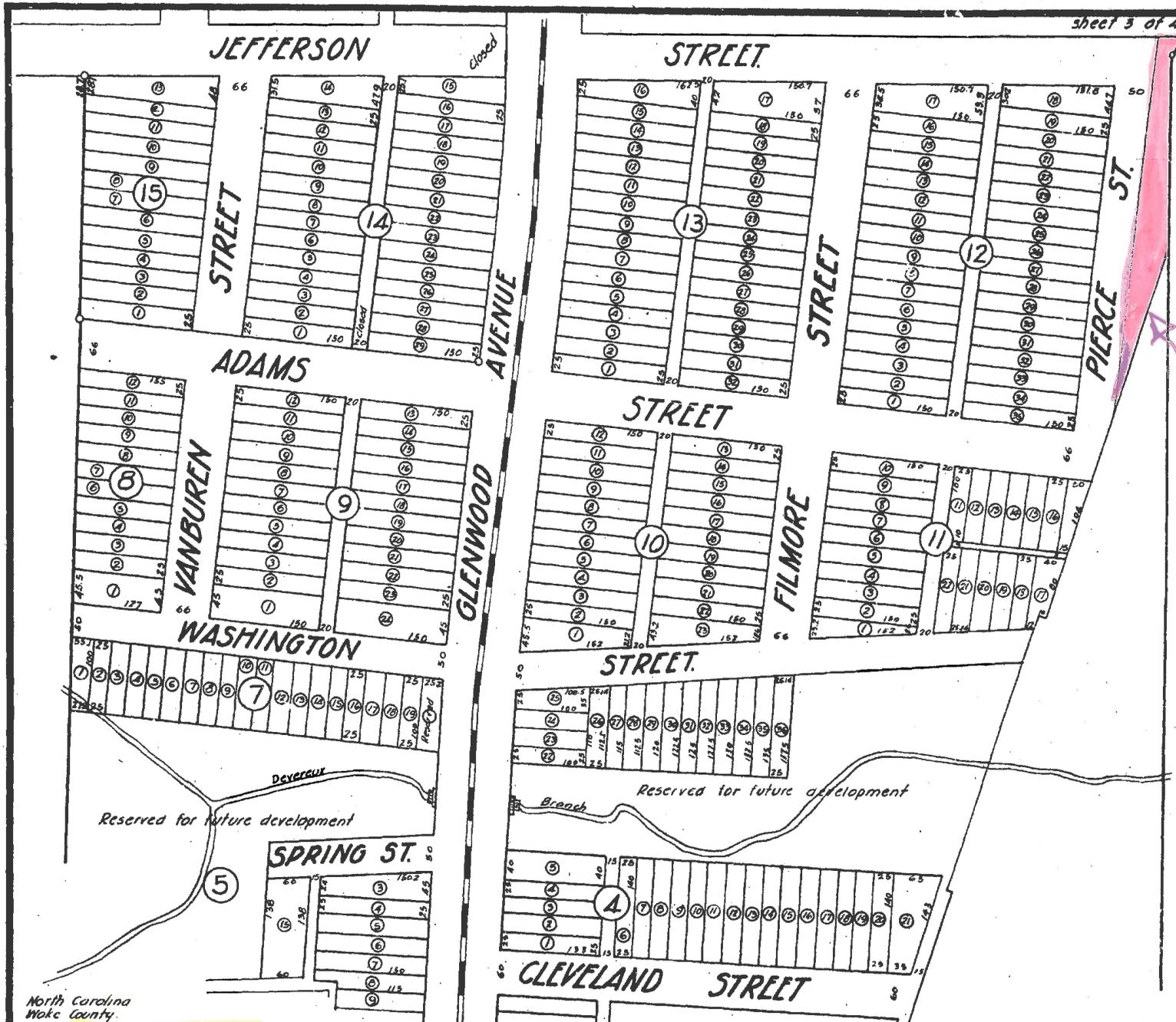


First Plat of
 Glenwood Subdivision
 Showing Portion
 of Subject Property
 Fronting Pierce St.

June 1908

Note:
 All streets, alleys, and lots west of Glenwood Avenue and north of Adams street are cancelled, abrogated and annulled and that portion of the Glenwood land has been sold in a sold body without any obligation upon the purchaser to open or maintain any streets, alleys, or lots.
 Also be it further understood that all streets, alleys and lots north of Jefferson Street east of Glenwood Avenue are cancelled and annulled.
 Attest Albert L. Murray (signed) Secretary
 Glenwood Land Company.
 By James H. Pau. (signed) President.

GLENWOOD



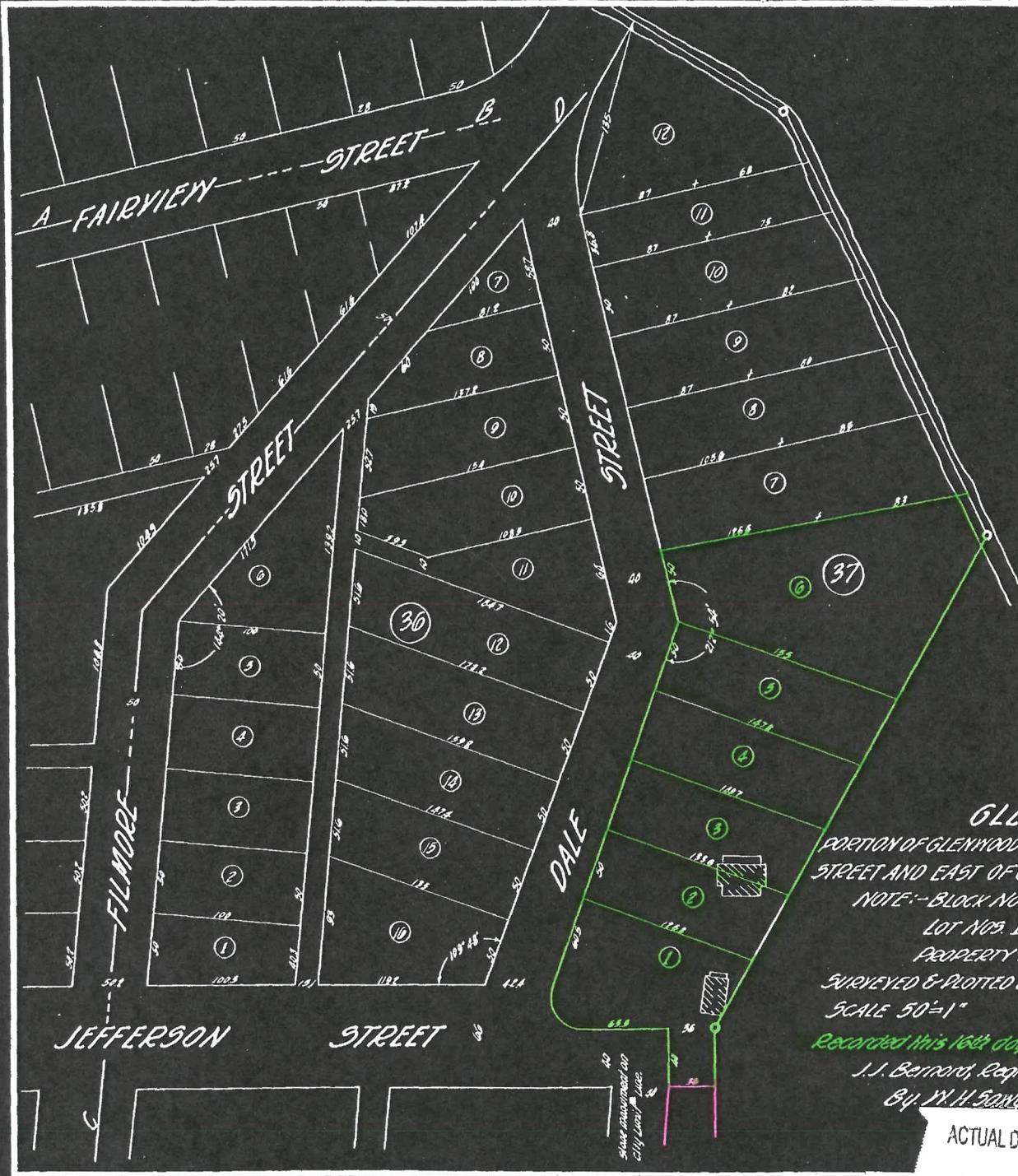
First Plat of
 Glenwood Subdivision
 Showing Portion of
 Subject Property
 Fronting Pierce St.
 @ June 1900

North Carolina
 Wake County.

This third day of June 1900, personally came before, Winfield H. Lyon Jr, a notary public in and for said county, Albert L. Murray who being by me duly sworn, says that he knows the common seal of Glenwood Land Company and is acquainted with James H. Fox who is the president of said corporation, and that he, the Albert L. Murray is the secretary of the said corporation and saw the said president sign the foregoing instrument, and that he, the said Albert L. Murray secretary as aforesaid affixed said seal to said instrument and that he saw the said president subscribe his name thereto, and that he, the said Albert L. Murray secretary as aforesaid, signed his name in attestation of the execution of said instrument in the presence of said president of said corporation, - all by the order of the board of directors and the said instrument is the act and deeds of said corporation.

In witness whereof I have hereunto set my hand and affixed my seal the day and year above written
 My commission expires Aug. 11, 1900.
 (Signed) Winfield H. Lyon Jr. Notary Public.

GLENWOOD



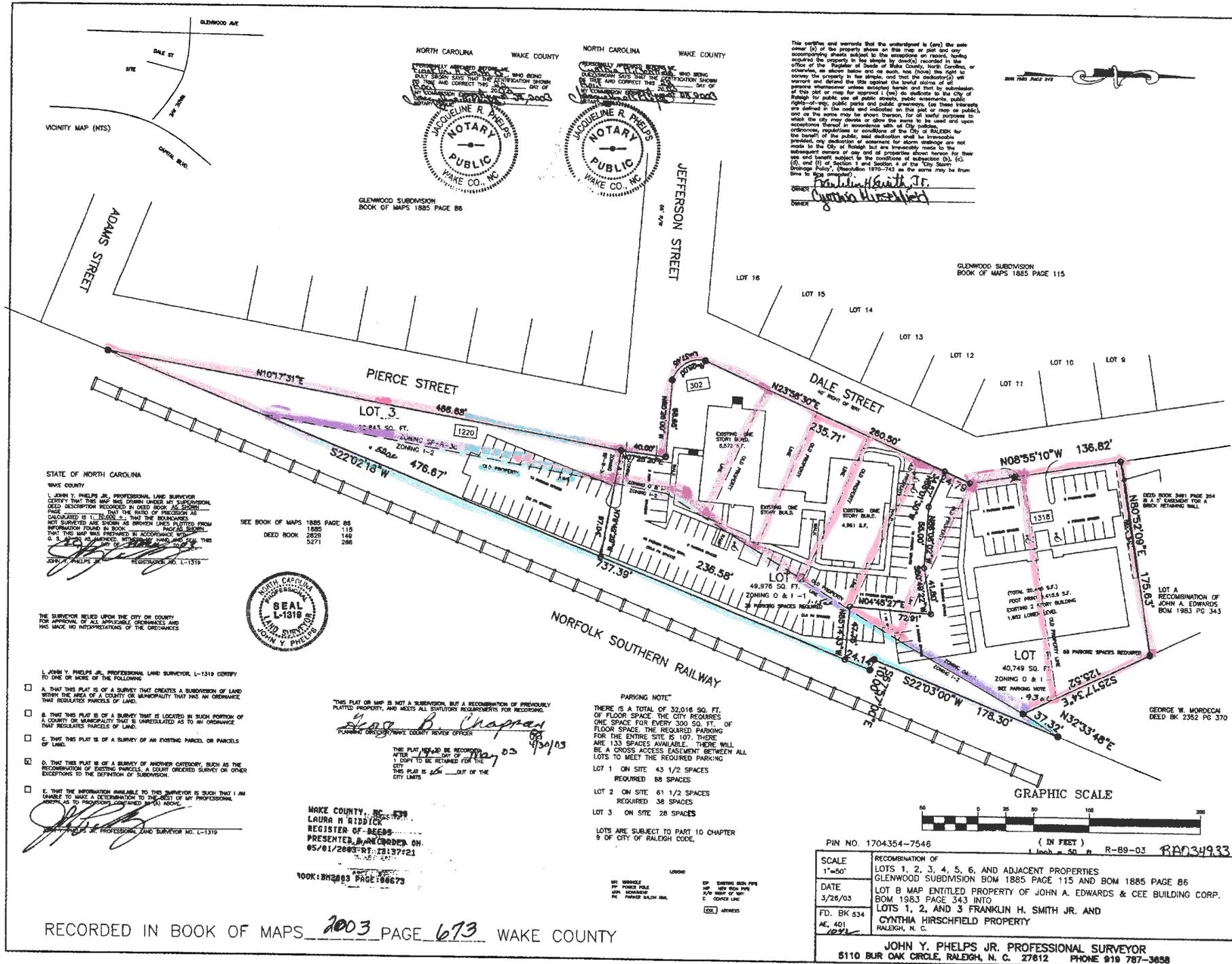
GLENWOOD
 PORTION OF GLENWOOD LYING NORTH OF JEFFERSON
 STREET AND EAST OF GLENWOOD AVENUE
 NOTE: - BLOCK NOS. INDICATED (⊕)
 LOT NOS. INDICATED (⊙)
 PROPERTY BOUNDARY COES (⊙)
 SURVEYED & PLOTTED BY RIDDICK & MANN
 SCALE 50'=1" DECEMBER 1, 1908
 Recorded this 16th day of July 1909
 J. J. Bernard, Registrar of Deeds
 By W. H. Sawyer, Deputy

ACTUAL DATE UNKNOWN

Book 1885 Page 115

GEN-0485.pdf
 First Plat Showing
 Subdivision of
 Lots 1-6 of Glenwood
 Subdivision which
 were recombined
 in 2003 to
 create 302
 Jefferson

2003 Recombination Plat

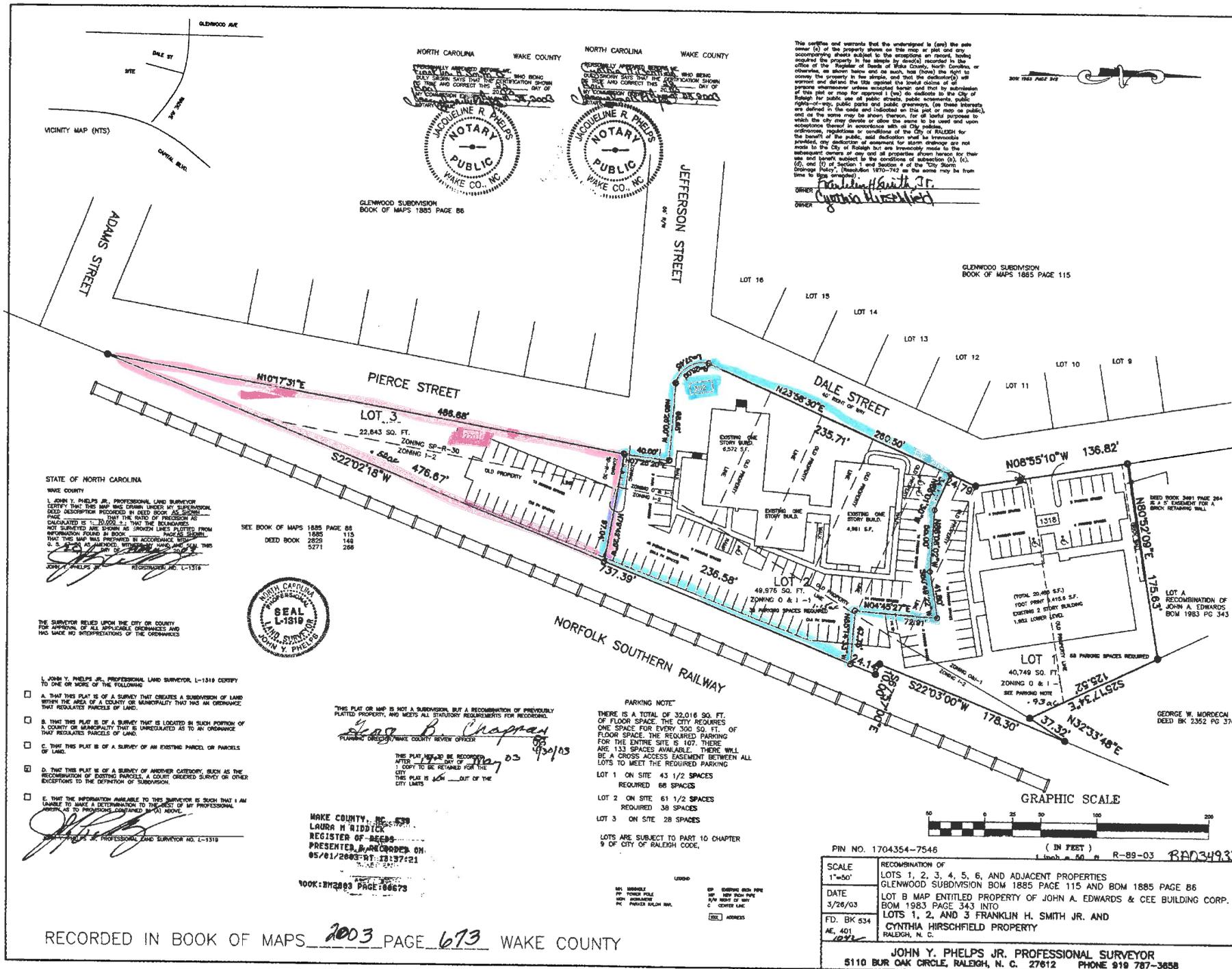


Former NF Southern Property Recombined

Former Lots 1-6 recombined w/ NF Southern tract to create 302 Jefferson

RECORDED IN BOOK OF MAPS 2003 PAGE 673 WAKE COUNTY

1220 Pierce
302 Jefferson



STATE OF NORTH CAROLINA
WAKE COUNTY
I, JOHN Y. PHELPS JR., PROFESSIONAL LAND SURVEYOR, L-1318 CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS MAP WAS PREPARED BY ACCORDANCE WITH THE PROVISIONS OF SECTION 1-103 OF THE GENERAL STATUTES OF NORTH CAROLINA.

JOHN Y. PHELPS JR. REGISTERED NO. L-1318



THE SURVEYOR BELIEVES UPON THE CITY OR COUNTY FOR APPROVAL OF ALL APPLICABLE ORDINANCES AND HAS MADE NO INTERPRETATIONS OF THE ORDINANCES.

I, JOHN Y. PHELPS JR., PROFESSIONAL LAND SURVEYOR, L-1318 CERTIFY TO ONE OR MORE OF THE FOLLOWING:

- A. THAT THIS PLAN IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THIS PLAN IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. THAT THIS PLAN IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.
- D. THAT THIS PLAN IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF SUBDIVISION.
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL JUDGMENT AS TO PROVISIONS CONTAINED IN (A) ABOVE.

JOHN Y. PHELPS JR. REGISTERED NO. L-1318

THIS PLAN OR MAP IS NOT A SUBDIVISION, BUT A RECOMBINATION OF PREVIOUSLY PLATTED PROPERTY, AND MEETS ALL STATUTORY REQUIREMENTS FOR RECORD.

Laura B. Chapman
PLANNING ORDINANCE/WAKE COUNTY REVIEW OFFICER

WAKE COUNTY, NC 27539
LAURA M. RIDDICK
REGISTERED PLANNING OFFICER
PRESENTED & RECORDED ON
05/01/2003 BY: 33:37:21

BOOK: 2003 PAGE: 673

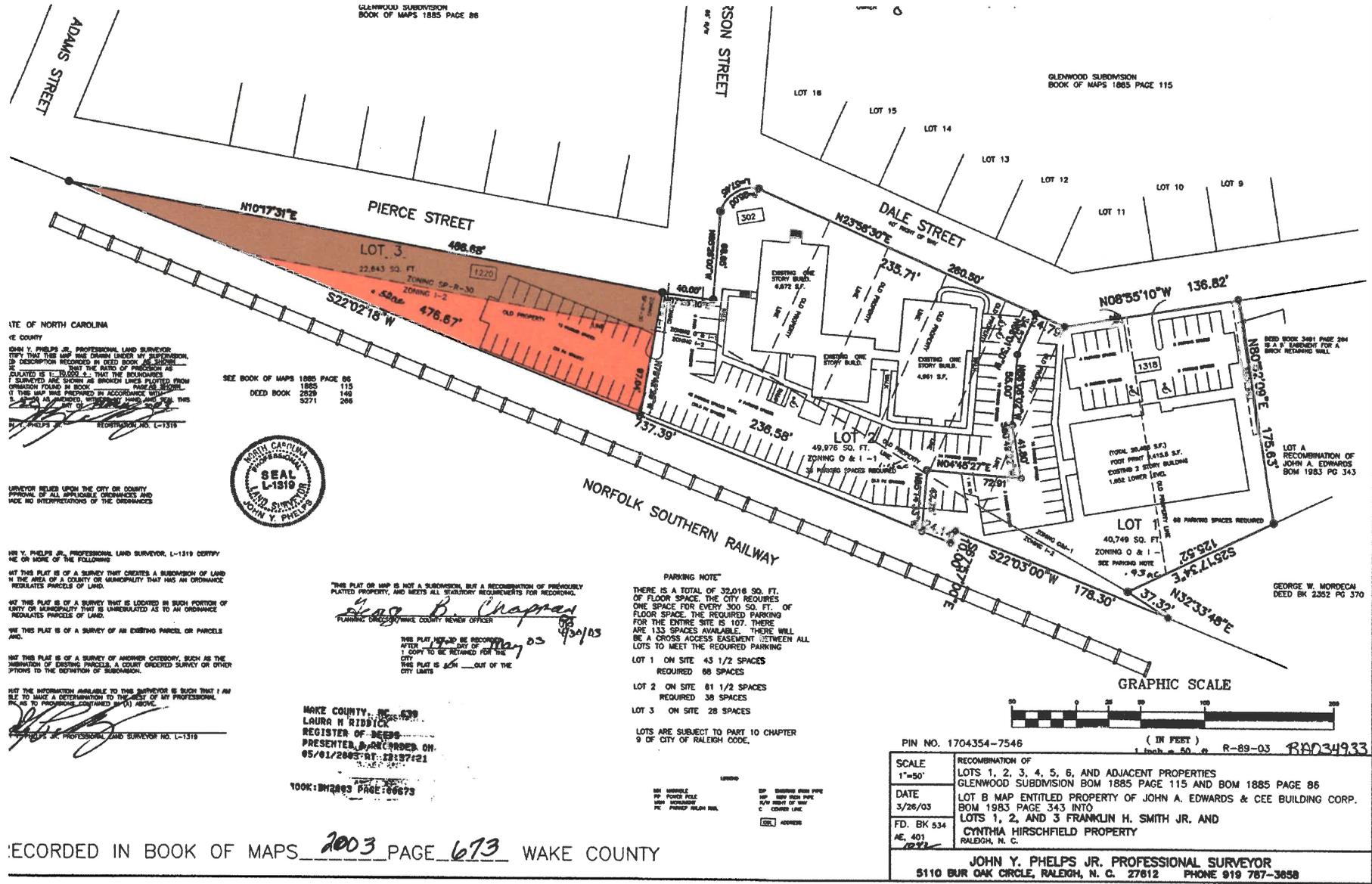
PARKING NOTE
THERE IS A TOTAL OF 32,016 SQ. FT. OF FLOOR SPACE. THE CITY REQUIRES ONE SPACE FOR EVERY 300 SQ. FT. OF FLOOR SPACE. THE REQUIRED PARKING FOR THE ENTIRE SITE IS 107. THERE ARE 133 SPACES AVAILABLE. THERE WILL BE A CROSS ACCESS EASEMENT BETWEEN ALL LOTS TO MEET THE REQUIRED PARKING.

LOT 1 ON SITE 43 1/2 SPACES REQUIRED 68 SPACES
LOT 2 ON SITE 61 1/2 SPACES REQUIRED 39 SPACES
LOT 3 ON SITE 28 SPACES

LOTS ARE SUBJECT TO PART 10 CHAPTER 9 OF CITY OF RALEIGH CODE.

SCALE 1"=50'	RECOMBINATION OF LOTS 1, 2, 3, 4, 5, 6, AND ADJACENT PROPERTIES GLENWOOD SUBDIVISION BOM 1885 PAGE 115 AND BOM 1885 PAGE 86
DATE 3/26/03	LOT B MAP ENTITLED PROPERTY OF JOHN A. EDWARDS & CEE BUILDING CORP. BOM 1983 PAGE 343 INTO LOTS 1, 2, AND 3 FRANKLIN H. SMITH JR. AND CYNTHIA HIRSCHFIELD PROPERTY
FD. BK 534 AE, 401 1022	JOHN Y. PHELPS JR. PROFESSIONAL SURVEYOR 5110 BUR OAK CIRCLE, RALEIGH, N. C. 27612 PHONE 919 787-3658

RECORDED IN BOOK OF MAPS 2003 PAGE 673 WAKE COUNTY



STATE OF NORTH CAROLINA
 WAKE COUNTY
 JOHN Y. PHELPS JR., PROFESSIONAL LAND SURVEYOR
 I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION,
 IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING
 ACT OF 1979, AND THAT THE SURVEYING
 OPERATIONS WERE CONDUCTED IN ACCORDANCE WITH
 THE STANDARDS OF THE SURVEYING PROFESSION.
 I HAVE REVIEWED THE RECORDING INFORMATION
 CONTAINED HEREON AND FIND IT TO BE CORRECT
 AND COMPLETE.
 JOHN Y. PHELPS JR., REGISTRAR
 REGISTRATION NO. L-1319

SEE BOOK OF MAPS 1885 PAGE 86
 1885 115
 DEED BOOK 2529 149
 5271 206



SURVEYOR RELIES UPON THE CITY OR COUNTY
 APPROVAL OF ALL APPLICABLE ORDINANCES AND
 MAKES NO INTERPRETATION OF THE ORDINANCES

JOHN Y. PHELPS JR., PROFESSIONAL LAND SURVEYOR, L-1319 CERTIFY
 ME OR MORE OF THE FOLLOWING:
 1. THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND
 IN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE
 REGULATING PARCELS OF LAND.
 2. THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF
 A COUNTY OR MUNICIPALITY THAT IS UNINCORPORATED AS TO AN ORDINANCE
 REGULATING PARCELS OF LAND.
 3. THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS
 AND:
 4. THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE
 SUBDIVISION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER
 DIVISIONS TO THE DEFINITION OF SUBDIVISION.
 5. THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM
 ABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL
 JUDGMENT AS TO THE PROVISIONS CONTAINED IN (1) ABOVE.

"THIS PLAT OR MAP IS NOT A SUBDIVISION, BUT A RECONSTRUCTION OF PREVIOUSLY
 PLATTED PROPERTY, AND MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING."
 Sean B. Chapman
 PLANNING DIRECTOR/WAKE COUNTY REVENUE OFFICER

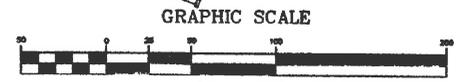
THIS PLAT MAP TO BE RECORDED
 AFTER 3/26/03
 1 COPY TO BE RETAINED FOR THE
 CITY
 THIS PLAT IS 2003 OUT OF THE
 CITY LIMITS

WAKE COUNTY, NC
 LAURA N. RIBBICK
 REGISTERED DEEDS
 PRESENTED & RECORDED ON:
 05/01/2003 AT 11:27:21
 1000:BN2003 PAGE:06673

PARKING NOTE
 THERE IS A TOTAL OF 32,018 SQ. FT.
 OF FLOOR SPACE. THE CITY REQUIRES
 ONE SPACE FOR EVERY 300 SQ. FT. OF
 FLOOR SPACE. THE REQUIRED PARKING
 FOR THE ENTIRE SITE IS 107. THERE
 ARE 133 SPACES AVAILABLE. THERE WILL
 BE A GROSS ACCESS EASEMENT BETWEEN ALL
 LOTS TO MEET THE REQUIRED PARKING.
 LOT 1 ON SITE 43 1/2 SPACES
 REQUIRED 88 SPACES
 LOT 2 ON SITE 81 1/2 SPACES
 REQUIRED 38 SPACES
 LOT 3 ON SITE 28 SPACES

LOTS ARE SUBJECT TO PART 10 CHAPTER
 9 OF CITY OF RALEIGH CODE.

LEGEND
 SH. SHORABLE
 PP. POWER POLE
 UN. UNKNOWN
 PC. PUBLIC ROAD LINE
 SP. SHORING OR PIPE
 UP. 100' ROAD PIPE
 PL. POINT OF INTERSECTION
 C. CENTER LINE
 ADDRESS



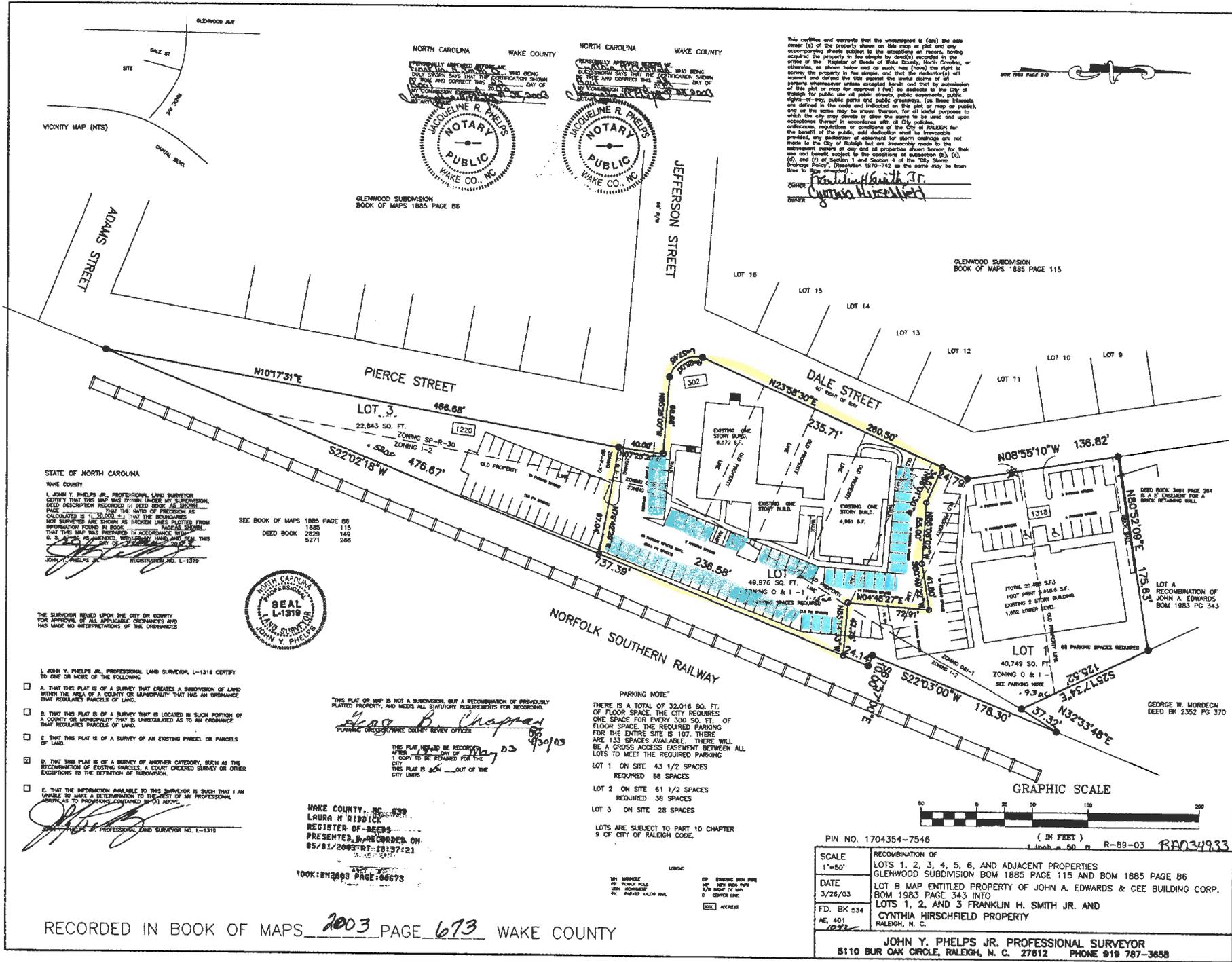
PIN NO. 1704354-7546 (IN FEET) 1 inch = 50 ft R-89-03 RAD34933

SCALE 1"=50'	RECONSTRUCTION OF LOTS 1, 2, 3, 4, 5, 6, AND ADJACENT PROPERTIES GLENWOOD SUBDIVISION BOM 1885 PAGE 115 AND BOM 1885 PAGE 86
DATE 3/26/03	LOT B MAP ENTITLED PROPERTY OF JOHN A. EDWARDS & CEE BUILDING CORP. BOM 1983 PAGE 343 INTO LOTS 1, 2, AND 3 FRANKLIN H. SMITH JR. AND CYNTHIA HIRSCHFELD PROPERTY RALEIGH, N. C.
FD. BK 534 AE, 401 1022	JOHN Y. PHELPS JR., PROFESSIONAL SURVEYOR 5110 BUR OAK CIRCLE, RALEIGH, N. C. 27612 PHONE 919 787-3658

RECORDED IN BOOK OF MAPS 2003 PAGE 673 WAKE COUNTY

= 57 parking spaces

= 302 Jefferson



THIS PLAN OR MAP IS NOT A SUBDIVISION, BUT A RECOMBINATION OF PREVIOUSLY PLATTED PROPERTY, AND MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 2003
 Laura H. Riddick
 REGISTERED RECORDER
 PRESENTED & RECORDED ON
 05/01/2003 BY: 11137:21
 WAKE COUNTY, NC
 LAURA H. RIDDICK
 REGISTERED RECORDER
 PRESENTED & RECORDED ON
 05/01/2003 BY: 11137:21
 WAKE COUNTY, NC
 BOOK: BK 2003 PAGE: 6673

SCALE 1"=50'	RECOMBINATION OF LOTS 1, 2, 3, 4, 5, 6, AND ADJACENT PROPERTIES GLENWOOD SUBDIVISION BOM 1885 PAGE 115 AND BOM 1885 PAGE 86
DATE 3/28/03	LOT B MAP ENTITLED PROPERTY OF JOHN A. EDWARDS & CEE BUILDING CORP. BOM 1983 PAGE 343 INTO LOTS 1, 2, AND 3 FRANKLIN H. SMITH JR. AND CYNTHIA HIRSCHFIELD PROPERTY RALEIGH, N. C.
FD. BK 634 AE, 401 12/21	JOHN Y. PHELPS JR., PROFESSIONAL SURVEYOR 5110 BUR OAK CIRCLE, RALEIGH, N. C. 27612 PHONE 919 787-3658



Action DT 1.7

Disposal of City-Owned Land

Develop criteria and a strategy for disposing of City-owned lands within the downtown. Explore the formation of partnerships between multiple public entities to master develop and maximize the utility of publicly-controlled land.

Policy DT 1.12

Reserved

Transitions, Buffering and Compatibility

The juxtaposition of different building types can be traced back to Raleigh's earliest history. Despite Raleigh's origin as a capital city, very few sites were developed according to a prevailing development pattern. Small homes were often sited next to larger commercial and governmental buildings. For nearly a century before the streetcar system was launched in 1891, the predominant method of transportation around the city was on foot or horseback. Proximity favored higher uses on increasingly expensive land, resulting in a building up of the core area of downtown. At the edge areas of the built-up core are historic districts and neighborhoods including Boylan Heights, Cameron Park, **Glenwood Brooklyn**, Oakwood, Pullen and South Park. Transition zones are used to reduce or blur a sharp delineation between areas of disparate development intensity, often through appropriate and accepted controls of use, height, scale, and building materials. Such controls can weave the downtown and these historic areas together into one continuous urban fabric.

Policy DT 1.11

Downtown Edges

Appropriate transitions in height, scale, and design should be provided between Central Business District land uses and adjacent residential districts. (1, 6)

See A.5 'Land Use Compatibility' in Element A: 'Land Use' for more information on transitions.



Policy DT 1.13

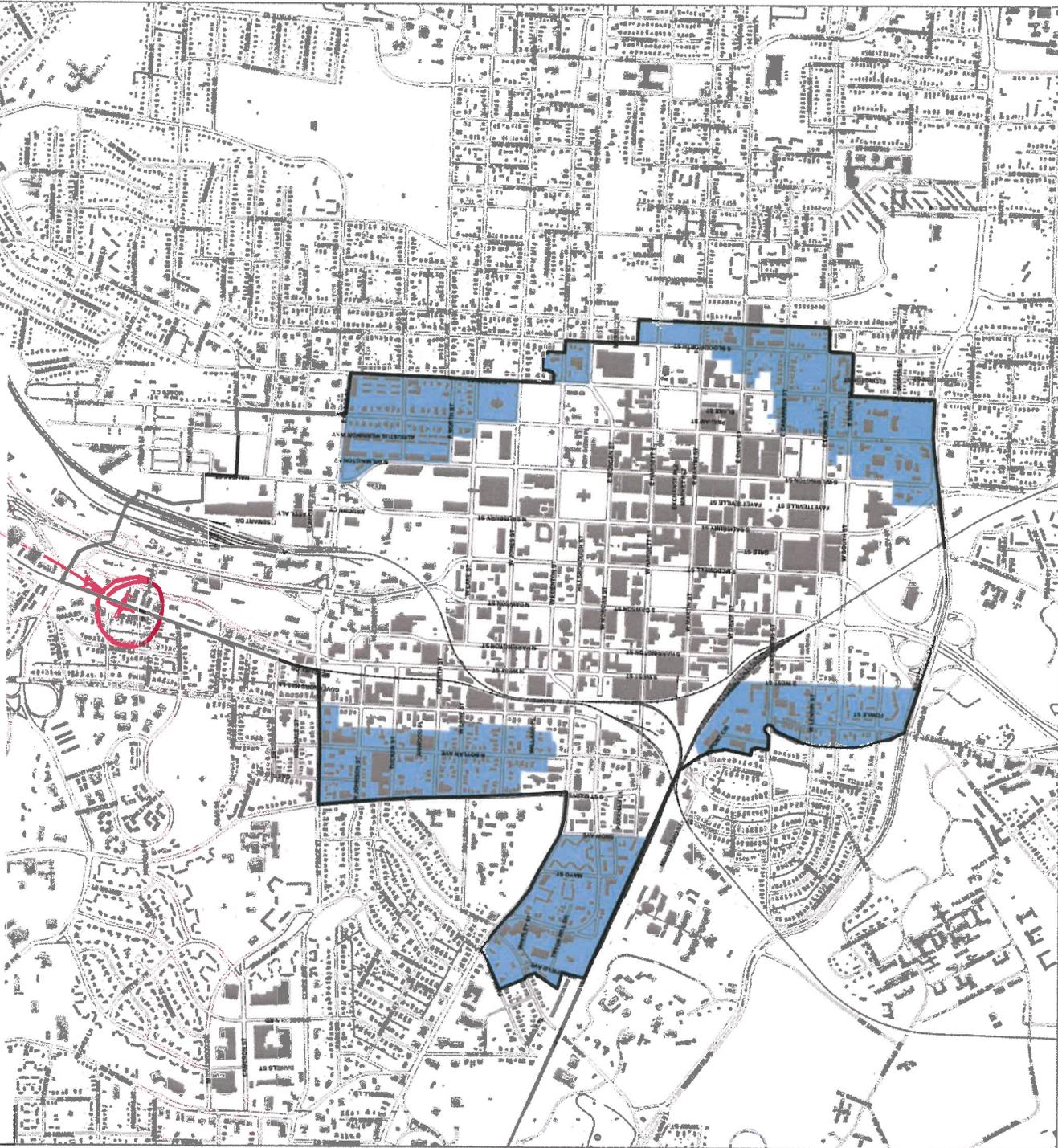
Downtown Transition Areas

In areas where the Downtown Element boundaries are located in proximity to established residential neighborhoods, residential densities should taper to be compatible with adjacent development. Non-residential uses with the greatest impacts—such as theaters, concentrated destination nightlife and retail, and sports and entertainment uses—should be directed away from these transition areas. Where existing zoning overlays are mapped, the height guidance in these districts should not be changed outside of an area planning process. See Map DT-3 for transition area locations. (1, 6)

1220 Pierce St.

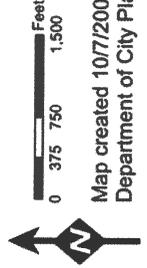


CITY OF RALEIGH COMPREHENSIVE PLAN Downtown Transition Areas



MAP DT-3

- Downtown Element Boundary
- Downtown Transition Areas
- Buildings
- Streets
- Railroads



Map created 10/7/2009 by the City of Raleigh
Department of City Planning & GIS Division

From: [Walter, Bynum](#)
To: [Ben Kuhn](#)
Cc: [Rezoning](#)
Subject: RE: Letter Comments re Rezoning of 1220 Pierce Street (GEN-0485)
Date: Thursday, October 09, 2014 12:25:30 PM

Dear Mr. Kuhn –

I wanted to follow up on your additional comments about the proposed zoning for 1220 Pierce Street. I had a chance to review your comment with other members of planning staff recently. Given the current split-zoning on the property and the existing development as a parking lot, we continue to feel that OX-3 is an appropriate recommendation.

While staff does not agree with your request, it will be forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

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

From: Walter, Bynum
Sent: Tuesday, September 30, 2014 9:12 AM
To: 'Ben Kuhn'
Cc: Bowers, Kenneth; Becker, Dan; Crowder, Thomas
Subject: RE: Letter Comments re Rezoning of 1220 Pierce Street

Dear Ben Kuhn –

Thanks for your additional comments about the proposed zoning for 1220 Pierce Street. I will discuss your new correspondence 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.

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.

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: Ben Kuhn [<mailto:bkuhn@rl-law.com>]
Sent: Monday, September 29, 2014 8:05 PM
To: Walter, Bynum
Cc: Bowers, Kenneth; Becker, Dan; Crowder, Thomas
Subject: Letter Comments re Rezoning of 1220 Pierce Street

Ms. Walter:

Please see attached letter comments re proposed rezoning of 1220 Pierce Street which are being hand-delivered to your office. Thank you for your careful consideration and attention to this matter.

Cc Ken Bowers
Dan Becker
Kay Crowder
Thomas Crowder

Benjamin R. Kuhn

2840 Plaza Place, Suite 400, Raleigh, N.C. 27612
D 919.881.2201 | C 919.280.8139
bkuhn@rl-law.com | vcard
www.rl-law.com

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From: [Kimberly J. Siran](#)
To: [Rezoning; Hill, Doug; "Henry Temple"](#)
Subject: 1307 and 1315 Filmore Street rezoning
Date: Friday, September 19, 2014 4:05:45 PM

This email is to provide a formal comment about the proposed rezoning at 1307 and 1315 Filmore Street in Raleigh.

The current zoning is SP R-30 and the proposed rezoning is R-10. The SP R-30 is a unique high density district. The Special R-30 zoning district allows 30 dwellings per acre, and features requirements that new structures be of a similar size and height as surrounding existing structures. The R-10 designation restricts the density to 10 units per acre.

The property owner would like to request these properties not be rezoned to R-10. Rezoning these parcels to R-10 is contradictive to the existing entitlement of the land, initiates a lower density, and would be an economic hardship. We are requesting the properties be rezoned to the RX designation to allow for a higher density than 10 units per acre.

Please contact me if any additional information is required.

Thank you,
Kimberly

Kimberly J. Siran, RLA, LEED AP
Coaly Design, PC
300-200 Parham Street
Suite G
Raleigh, NC 27601
(o) 919-539-0012
www.coalydesign.com

From: [Pettibone, Carter](#)
To: kimberly@coalydesign.com
Cc: [Rezoning](#)
Subject: RE: UDO Remapping Comments #GEN-0434 and GEN-0435 - 1307 and 1315 Filmore Street
Date: Tuesday, October 07, 2014 1:23:10 PM

Hey Kimberly,

Sorry for the delay in responding. I was out most of last week at the NC Planning Conference. I brought your requests for 1307 and 1315 Filmore Street to our Staff review team for discussion.

In regards to 1307 Filmore Street, Staff does not support the request for RX-3, due to the property's current single-family land use. Staff's guidance was to remap the single-family residential properties in the current SP R-30 districts to R-10.

On the other hand, Staff does support the request for RX-3 for 1315 Filmore Street, due to the current multi-family use and density greater than 10 dwellings units/acre, as well as its lot size being greater than 15,000 square feet, the minimum for apartments in the UDO.

Both of these requests will be forwarded to the Planning Commission for its consideration. 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 feel free to contact me with any questions.

Thank you.

Carter Pettibone, AICP

Urban Planner
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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: Kimberly J. Siran [mailto:kimberly@coalydesign.com]
Sent: Tuesday, September 23, 2014 9:11 PM
To: Pettibone, Carter
Subject: RE: UDO Remapping Comments #GEN-0434 and GEN-0435 - 1307 and 1315 Filmore Street

Thanks, Carter!

Kimberly J. Siran, RLA, LEED AP
Coaly Design, PC
300-200 Parham Street

Suite G
Raleigh, NC 27601
(o) 919-539-0012
www.coalydesign.com

From: Pettibone, Carter [<mailto:Carter.Pettibone@raleighnc.gov>]
Sent: Tuesday, September 23, 2014 12:41 PM
To: kimberly@coalydesign.com
Cc: Rezoning
Subject: UDO Remapping Comments #GEN-0434 and GEN-0435 - 1307 and 1315 Filmore Street

Kimberly,

As a follow up to our conversation earlier, I wanted to send you an email to confirm I will be bringing your request(s) for RX-3 zoning for the lots on Filmore Street to our Staff Review Team, which meets this Thursday. I will follow up with you shortly after the meeting.

Please let me know if you have questions in the meantime.

Thanks.

Carter Pettibone, AICP
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www.raleighnc.gov/urbandesign

From: [Pettibone, Carter](#)
To: [Rezoning](#)
Subject: FW: UDO Remapping Comment #GEN-0584 - 1315 Filmore Street
Date: Tuesday, October 14, 2014 12:40:05 PM

Carter Pettibone, AICP

Urban Planner
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carter.pettibone@raleighnc.gov
www.raleighnc.gov/urbandesign

From: Pettibone, Carter
Sent: Tuesday, October 14, 2014 12:39 PM
To: 'Philip Poe'
Subject: UDO Remapping Comment #GEN-0584 - 1315 Filmore Street

Phil,

Thank you for your comments regarding the UDO remapping for The Glenwood Brooklyn Neighborhood. This response relates to the request to amend the proposed UDO zoning district for 1315 Filmore Street from R-10 to RX-3. This property is located in the Glenwood Brooklyn Neighborhood and identified in the neighborhood analysis spreadsheet you provided with your request.

I brought this request to a recent meeting of the UDO Staff Review team for discussion.

Staff agrees with the request to amend the zoning district to RX-3 for 1315 Filmore Street. Staff has also received a request from the property owner for the same thing.

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." The link is on the same webpage. 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 any questions.

Thank you.

Carter Pettibone, AICP

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www.raleighnc.gov/urbandesign

From: [Rezoning](#)
To: [Catrina Godwin](#)
Subject: RE: 501 Washington St. [GEN-0313]
Date: Friday, August 15, 2014 3:18:15 PM

Catrina—

The staff review team discussed your inquiry August 13.

We believe that the current staff recommendation for this parcel is the best interpretation of existing zoning entitlements and current land use and development context. The primary scope of the remapping project is to transition from the former zoning code to the new Unified Development Ordinance districts, not to engage in making substantive changes to the existing zoning entitlements. If it is desired that this parcel be rezoned in the future to allow for expansion of the neighborhood business/neighborhood mixed use designation, staff believes that that decision should be made as part of the public process of a privately initiated rezoning.

The public comment period for the remapping process will remain open until September 30. Subsequently, the remapping recommendations and all comments will be forwarded to the Planning Commission for its review beginning October 14. Your comments will be presented to the Commission for its consideration. Closer to time, we should be able to provide details about when the Planning Commission will discuss these particular properties. Following review and recommendation by the Planning Commission, a further revised draft map will be submitted to City Council for a public hearing and review.

You may wish to sign up to receive email updates on the UDO mapping process if you haven't done so already. You can sign up at www.raleighudo.us. Just follow the link near the top of the page in the orange "Subscribe" box for MyRaleigh Subscriptions. You can also visit www.raleighudo.us for more information on the remapping initiative, guidance documentation, common zoning district exchanges, and the review and approval process.

Regards,

Dan

--

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

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

From: Catrina Godwin [mailto:catrina678@aol.com]
Sent: Monday, August 11, 2014 9:26 PM

To: Rezoning
Subject: Re: 501 Washington St. [GEN-0313]

Dan,
Thank you so much.
Sincerely,
Catrina Godwin

Sent from my iPhone

> On Aug 11, 2014, at 3:20 PM, Rezoning <Rezoning@raleighnc.gov> wrote:

>

> Dear Catrina Godwin-

>

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

>

> The Planning and Development Department has established a review team to evaluate requests for changes in the initially proposed zoning districts. The team's next meeting is this Wednesday, August 13. I will follow-up with you shortly after that discussion.

>

> Regards,

> Dan

> --

> Dan Becker, Division Manager

> Long Range Planning Division

> Raleigh Department of City Planning

> One Exchange Plaza, Ste 300 (27601)

> PO Box 590, Raleigh NC, 27602

> 919-996-2632 (v); 919-516-2684 (f)

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

>

>

> -----Original Message-----

> From: Catrina Godwin [<mailto:catrina678@aol.com>]

> Sent: Sunday, August 10, 2014 7:20 PM

> To: Rezoning

> Subject: 501 Washington St.

>

> I have owned the property at 501 Washington St. for ten years. My partner and I purchased the property (which had been Richard Milburn School, a school for kids that had been expelled from Wake Co.) and moved our dance studio to the location within Glenwood Brooklyn. When our partnership dissolved a few years back, I was faced with sustaining the building alone. I have done a tremendous amount of work on the property, both inside and outside, and rent the space for weddings, bar mitzvahs, non-profit events, etc., as well as some ballroom dance. I would eventually

like to build up and add a residence on top as soon as I can sell my current home.

>

> I have tried to be a good neighbor during the time I've owned 501. I served as Secretary/Treasurer to the Glenwood Brooklyn Neighborhood Association for several years and have hosted neighborhood events in our facility. As a Raleigh native for 61 years, I'm totally invested in making our city better and deeply love this neighborhood. I have tried to be respectful of all my surrounding neighbors and truly feel that my property enhances the diverse appeal of the area.

>

> It's my understanding that the proposed zoning(NX) wouldn't cover my entire lot. I would implore the City to please expand this NX zoning to cover the entire lot so that I could operate a business that is essential to my livelihood.

>

> Thank you,

> Catrina Godwin

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

From: [Pettibone, Carter](#)
To: [Alice Harvey](#)
Cc: [Rezoning](#); [Hill, Doug](#)
Subject: RE: Blanket rezoning proposal [GEN-0114]
Date: Monday, July 07, 2014 3:15:30 PM

Ms. Harvey,

Thank you for your comments regarding the UDO remapping process. Dan asked me to follow up with you after bringing your comments forward to our review team.

The City is undergoing this remapping process as the final phase of implementing the recently adopted Unified Development Ordinance (UDO). It is a complete rewrite of the City's development regulations. The text of the ordinance went into effect in September, and at the same time approximately 70% of the City's jurisdiction (primarily single-family residential areas) was brought under the new UDO regulations. We are now in the process of bringing the remainder of the City under the UDO. In order to do that we need to rezone what we call "legacy districts", or those zoning districts which are part of the old zoning code but not the UDO, to a zoning district that is part of the UDO.

The draft zoning map released in May is the starting point for public input. It will be the first of several opportunities for comment during the process. Additional opportunities include Planning Commission review, the public hearing with City Council, and during City Council review. We want to make sure there is ample opportunity for the public to voice their concerns.

Typically, rezonings or other development proposals involve only one or a few properties at a time, and during those proceedings neighbors typically weigh in on the proposal like you mention in your email. This UDO remapping is city-wide, involving over 35,000 parcels. City Staff has had to develop a larger-scale mechanism for input for this rezoning process.

In developing the draft zoning map, Staff used a set of guiding principles and documents in selecting the proposed UDO zoning districts. Using this guidance Staff was charged with finding the closest or most appropriate match in the transition from old to new zoning districts. Properties such as yours, zoned Special Residential -30 (SP R-30), have presented Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are Residential-10 units per acre (R-10) or Residential Mixed Use – 3 stories (RX-3). In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context.

Due to the unique nature of the SP R-30 zoning, Staff reached out to neighborhoods zoned SP R-30 prior to the release of the draft UDO zoning map. In terms of the Ashe Avenue area, Staff met with members of the community multiple times. As there seemed to be no consensus from the neighbors on how to treat the overall neighborhood, Staff recommended that the neighborhood review the draft zoning map and make comments either as a whole or as individual property owners. To date, we have received over 10 comments related to the Ashe Avenue area.

You mentioned concerns about mixed use in the back streets of the area. Some of the properties in your neighborhood as well as properties immediately adjacent are proposed for Residential Mixed Use-3 stories (RX-3). While it is true that RX-3 allows some ground floor commercial uses, these commercial uses are limited in type and have restrictions for location, building type, and lot size. The limited commercial uses permitted in RX-3 would only be allowed on the first floor of an apartment type building at the intersection of two public streets. Apartment type buildings need to meet certain minimum requirements for lot size (10,000 square feet) and setbacks (5' front).

It is worth noting that two of the properties adjacent to the neighborhood are in fact proposed for downzoning from more intensive zoning districts. The property directly east of the neighborhood, on the west side of Wakefield Ave, is currently zoned to allow industrial uses (Industrial-2 district). The property to the south, immediately north of the train tracks, is in a district that allows a wide range of office and other non-residential uses (Office and Institutional-2). Staff proposes to rezone these properties to RX-3.

Staff will be taking comments on the proposed zoning map until September 30. A revised draft map, along with a summary of all the comments received, will be presented to the Planning Commission, which will begin its review October 14. Following review and recommendation by the Planning Commission, a further revised draft map will be submitted to City Council for a public hearing and review.

Due to the special nature of SP R-30 and the numerous comments we have received related to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review of the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea.

In the meantime, if neighborhood residents so choose, Staff would be happy to continue the dialogue and meet with the neighborhood as a group regarding R-10/RX-3 and potential character overlay districts.

Please feel free to contact me with any questions. If you haven't already, I encourage you to sign up to receive email updates on the UDO Mapping Process. You can sign up at www.raleighudo.us. Look on the right hand side for MyRaleigh Subscriptions. You can also visit www.raleighudo.us for more information on the remapping initiative, guidance documentation, common zoning district exchanges, and the review and approval process.

Thank you.

Carter

Carter Pettibone, AICP

Urban Planner

Raleigh Urban Design Center

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220 Fayetteville Street, Suite 200, Raleigh, NC 27601

919.996.4643

carter.pettibone@raleighnc.gov
www.raleighnc.gov/urbandesign

From: Rezoning
Sent: Monday, June 30, 2014 4:37 PM
To: Alice Harvey
Cc: Rezoning
Subject: RE: Blanket rezoning proposal [GEN-0114]

Ms. Harvey—

Thank you for taking the time to comment on the proposed UDO rezoning maps.

Because your comments cover a broader area and issues than a single site, I am elevating your email to our review team to ensure a full discussion and thorough response.

The team next meets this coming Wednesday, July 2, and I will follow-up with you shortly thereafter.

Regards,

Dan

--

Dan Becker, Division Manager
Long Range Planning Division
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One Exchange Plaza, Ste 300 (27601)
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<http://www.raleighnc.gov>

From: Alice Harvey [<mailto:amharvey@ncsu.edu>]
Sent: Thursday, June 26, 2014 2:33 PM
To: Rezoning
Subject: Blanket rezoning proposal

I am a homeowner on Ashe Ave. I just heard a discussion about the redlining maps created for the FHA in the 1930s which favored white neighborhoods. The UDO rezoning maps come across in the same way except that they clearly favor developers, not the home owners and residents. I lived in Atlanta when it began it's expansion and all building and rezoning proposals were discussed with the communities the property was in, and the people that actually lived there determined what was appropriate. Each proposed project was voted on individually. It worked well.

This zoning designation based on a map and not the actual living community is upsetting to us. We will have no say, no defense. As in any other city, our neighborhood should have the right to vote on any proposed building and rezoning in

our area on an individual project basis. We own homes, maintain our properties and make the neighborhood attractive and our hope in doing so is to attract other long term homeowners, not more transient residents that have no respect for our efforts.

We want single family (2 story) homes that are in keeping with the restored 1930s homes typical in our neighborhood. We all want something like Dorothea Gardens which is sold out before they even build because it is what people want . There is plenty of rental space already, 927 Morgan still has many vacant apartments.

Mixed use is useless in our back streets. The much touted business spaces in the Morgan development have only attracted a hairdresser who does little business. There is 0 foot traffic on Wakefield, except for a few drunks from City Limits in the wee hours, so mixed use in that limited access hole where Wakefield meets Tryon Hill makes no sense.

Has anyone from the UDO ever actually walked through our neighborhood? Or lived there? Well, we have and we do every day, so please let us have the right to decide on the appropriateness of a proposed project.

Thank you.

Alice MacGregor Harvey
Medical Illustrator, BA, MA
Biomedical Communications
Educational Media & Design
College of Veterinary Medicine
919.513.6492

From: rezoning@raleighnc.gov
To: dane.wilson8@yahoo.com
Subject: City of Raleigh Response Ref #21762
Date: Thursday, August 07, 2014 4:15:17 PM

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

Feedback Received August 1st 2014, 5:23 am

Reference #: 21762

Location: 106 WAKEFIELD AVE

Comment Type: General Comment

Comment: I have hopes the city of Raleigh will contribute to the efforts put forth by so many Raleigh citizens to protect the historic stature while improving this neighborhood. I believe the city, as well as the developer, should maintain commitments previously made - this being a true "transition" between single family homes and multi-unit dwellings. A 50 ft. max height for this parcel would immediately create yet another wall surrounding the neighborhood and impact ALL homes on Ashe Ave in which significant personal investments were / are made. We've lost our skyline view, we now continuously hear the buzz of parking garage fans, and now have 20+ units with views into the back of our homes. Please, let's get this right. I strongly believe a 2 story (25 ft) limit would serve as a compromised transition that should satisfy both homeowners and the developer. The single family portion of the neighborhood continues to shrink - let's take one of our last opportunities to grow the community.

City Response on August 7th 2014, 04:15 pm

The property in question is proposed to be rezoned to Residential Mixed Use with a 3 story height limit (RX-3). The property is currently zoned Industrial-2. It is worth noting that this property is in fact proposed for downzoning from a more intensive zoning district. RX-3 will allow residential uses and limited accessory retail, but will not allow industrial uses (the limited commercial uses permitted in RX-3 would only be allowed on the first floor of a corner unit in an apartment building type located at the intersection of two public streets, which this parcel cannot satisfy). 3 stories is the minimum height limit under the new zoning code. There are also neighborhood transition requirements when development on a property that is zoned mixed use is adjacent to vacant or residential properties zoned R-10.

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: charles@oxidearchitecture.com
Subject: City of Raleigh Response Ref #10242
Date: Tuesday, June 17, 2014 2:54:17 PM

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

Feedback Received June 9th 2014, 3:17 pm

Reference #: 10242

Location: 217 DEXTER PL

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: Correct zoning should be RX or NX to reflect existing and future land use for this neighborhood as well as make for a more contiguous zoning area. R-10 would devalue these properties and, over time, prove discriminatory. 2010 census data for the neighborhood confirms a) that the current density greatly exceeds R10 and b) that the average household income would not support single family housing on these parcels. Healthy growth - supporting both greater income/rent/taxes per acre and diversity of population can only be achieved thorough RX, NX, etc. Also, please confirm that all stakeholders are really being contacted. Two owners of multi-family property that I contacted last week (on this block alone) where unaware that their property was earmarked for down-zoning or might become non-conforming.

City Response on June 17th 2014, 02:54 pm

Staff has determined that Residential Mixed Use-3 Stories (RX-3) would be an acceptable zoning district for the properties. Staff will amend the draft zoning map to reflect this change. As an FYI, only one revised draft zoning map will be published prior to Planning Commission review. This will be in early October, after the public comment period ends on September 30. As such, the map viewer will not reflect these change until that time. It is worth mentioning that any redevelopment of these properties under the UDO would be subject to minimum lot size requirements, as well as any other lot, bulk, and density standards.

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: Jay.Dawkins@gmail.com
Subject: City of Raleigh Response Ref #15366
Date: Thursday, July 03, 2014 9:33:48 AM

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

Feedback Received July 1st 2014, 1:33 am

Reference #: 15366

Location: 211 PARK AVE

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: This property is currently a multi-family structure my partner and I purchased under SP R-30 zoning. The current density of our properties (207 and 211 park) is 26 units/acre. It seems that avoiding spot-zoning is the primary reason these properties have been zoned R-10, however this block represents a special case as 5 of the 12 properties in have densities 10 units/acre, along with multi-family properties in the blocks north, south, and west of this block. The multi-family properties in this area serve a diverse array of individuals who bike and use transit, as well as students who walk to NC State. We respectfully request that these properties be zoned RX-3 consistent with their existing use and nearby properties. Doing so will preserve their long term stability as dense, affordable, diverse residential housing.

City Response on July 3rd 2014, 09:33 am

Properties zoned SP R-30 have presented Planning Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are R-10 and RX-3. In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context. Due to the special nature of SP R-30 and the numerous comments we have received relating to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review for the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea. In the meantime, if the neighborhood so wishes, Staff would be happy to continue the dialogue with your neighborhood regarding R-10/RX-3 and potential character overlay 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)

From: rezoning@raleighnc.gov
To: jay.dawkins@gmail.com
Subject: City of Raleigh Response Ref #15367
Date: Thursday, July 03, 2014 9:34:06 AM

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

Feedback Received July 1st 2014, 1:38 am

Reference #: 15367

Location: 219 PARK AVE

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: This property is currently a multi-family structure with densities over 10 units/acre. I'm making this comment based on conversations I've had with owners on the block that have not voiced their opinion through this portal. It seems that avoiding spot-zoning is the primary reason these properties have been zoned R-10, however this block represents a special case as 5 of the 12 properties in have densities 10 units/acre, along with multi-family properties in the blocks north, south, and west of this block. The multi-family properties in this area serve a diverse array of individuals who bike and use transit, as well as students who walk to NC State. We respectfully request that these properties be zoned RX-3 consistent with their existing use and nearby properties. Doing so will preserve their long term stability as dense, affordable, diverse residential housing.

City Response on July 3rd 2014, 09:34 am

Properties zoned SP R-30 have presented Planning Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are R-10 and RX-3. In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context. Due to the special nature of SP R-30 and the numerous comments we have received relating to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review for the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea. In the meantime, if the neighborhood so wishes, Staff would be happy to continue the dialogue with your neighborhood regarding R-10/RX-3 and potential character overlay 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)

From: rezoning@raleighnc.gov
To: jay.dawkins@gmail.com
Subject: City of Raleigh Response Ref #15368
Date: Thursday, July 03, 2014 9:34:21 AM

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

Feedback Received July 1st 2014, 1:42 am

Reference #: 15368

Location: 213 PARK AVE

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: This property is currently a multi-family structure with densities over 10 units/acre. I'm making this comment based on conversations I've had with owners on the block that have not voiced their opinion through this portal. It seems that avoiding spot-zoning is the primary reason these properties have been zoned R-10, however this block represents a special case as 6 of the 12 properties in have densities 10 units/acre, along with multi-family properties in the blocks north, south, and west of this block. The multi-family properties in this area serve a diverse array of individuals who bike and use transit, as well as students who walk to NC State. We respectfully request that these properties be zoned RX-3 consistent with their existing use and nearby properties. Doing so will preserve their long term stability as dense, affordable, diverse residential housing.

City Response on July 3rd 2014, 09:34 am

Properties zoned SP R-30 have presented Planning Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are R-10 and RX-3. In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context. Due to the special nature of SP R-30 and the numerous comments we have received relating to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review for the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea. In the meantime, if the neighborhood so wishes, Staff would be happy to continue the dialogue with your neighborhood regarding R-10/RX-3 and potential character overlay 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)

From: rezoning@raleighnc.gov
To: adamjdowning@gmail.com
Subject: City of Raleigh Response Ref #16322
Date: Thursday, July 03, 2014 9:35:59 AM

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

Feedback Received July 1st 2014, 1:36 am

Reference #: 16322

Location: 207 PARK AVE

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: This property is currently a multi-family structure my partner and I purchased under SP R-30 zoning. The current density of our properties (207 and 211 park) is 26 units/acre. It seems that avoiding spot-zoning is the primary reason these properties have been zoned R-10, however this block represents a special case as 5 of the 12 properties in have densities 10 units/acre, along with multi-family properties in the blocks north, south, and west of this block. The multi-family properties in this area serve a diverse array of individuals who bike and use transit, as well as students who walk to NC State. We respectfully request that these properties be zoned RX-3 consistent with their existing use and nearby properties. Doing so will preserve their long term stability as dense, affordable, diverse residential housing.

City Response on July 3rd 2014, 09:35 am

Properties zoned SP R-30 have presented Planning Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are R-10 and RX-3. In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context. Due to the special nature of SP R-30 and the numerous comments we have received relating to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review for the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea. In the meantime, if the neighborhood so wishes, Staff would be happy to continue the dialogue with your neighborhood regarding R-10/RX-3 and potential character overlay 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)

From: rezoning@raleighnc.gov
To: jay.dawkins@gmail.com
Subject: City of Raleigh Response Ref #16323
Date: Thursday, July 03, 2014 9:34:55 AM

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

Feedback Received July 1st 2014, 1:39 am

Reference #: 16323

Location: 216 DEXTER PL

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: This property is currently a multi-family structure with densities over 10 units/acre. I'm making this comment based on conversations I've had with other owners on the block that have not voiced their opinion through this portal. It seems that avoiding spot-zoning is the primary reason these properties have been zoned R-10, however this block represents a special case as 5 of the 12 properties in have densities 10 units/acre, along with multi-family properties in the blocks north, south, and west of this block. The multi-family properties in this area serve a diverse array of individuals who bike and use transit, as well as students who walk to NC State. We respectfully request that these properties be zoned RX-3 consistent with their existing use and nearby properties. Doing so will preserve their long term stability as dense, affordable, diverse residential housing.

City Response on July 3rd 2014, 09:34 am

Properties zoned SP R-30 have presented Planning Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are R-10 and RX-3. In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context. Due to the special nature of SP R-30 and the numerous comments we have received relating to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review for the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea. In the meantime, if the neighborhood so wishes, Staff would be happy to continue the dialogue with your neighborhood regarding R-10/RX-3 and potential character overlay 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)

From: rezoning@raleighnc.gov
To: jay.dawkins@gmail.com
Subject: City of Raleigh Response Ref #16338
Date: Thursday, July 03, 2014 9:34:55 AM

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

Feedback Received July 1st 2014, 1:40 am

Reference #: 16338

Location: 206 ASHE AVE

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: This property is currently a multi-family structure with densities over 10 units/acre. I'm making this comment based on conversations I've had with owners on the block that have not voiced their opinion through this portal. It seems that avoiding spot-zoning is the primary reason these properties have been zoned R-10, however this block represents a special case as 5 of the 12 properties in have densities 10 units/acre, along with multi-family properties in the blocks north, south, and west of this block. The multi-family properties in this area serve a diverse array of individuals who bike and use transit, as well as students who walk to NC State. We respectfully request that these properties be zoned RX-3 consistent with their existing use and nearby properties. Doing so will preserve their long term stability as dense, affordable, diverse residential housing.

City Response on July 3rd 2014, 09:34 am

Properties zoned SP R-30 have presented Planning Staff with a unique challenge for assigning proposed UDO zoning districts. The most appropriate choices in the UDO are R-10 and RX-3. In addition to existing and permitted density, other factors in determining the proposed zoning include minimum lot size, neighborhood transitions, and existing context. Due to the special nature of SP R-30 and the numerous comments we have received relating to it, Staff plans to recommend that the Planning Commission devote dedicated time for additional review for the SP R-30 areas during the Commission's review period. We are not yet sure how and when this will occur, but we will let you know as soon as we have a better idea. In the meantime, if the neighborhood so wishes, Staff would be happy to continue the dialogue with your neighborhood regarding R-10/RX-3 and potential character overlay 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)

From: [Amy Witynski Holmes](#)
To: [Rezoning](#)
Subject: Re-mapping in Pullen Park Neighborhood
Date: Saturday, September 20, 2014 9:00:24 AM

Greetings,

I and my husband own and live at 216 Cox Avenue in Pullen Park, and want to inquire about our own house, as well as the single-family at 212 and duplex at 214 Cox, which are colored on the proposed remapping as R10. It seems to make sense that these properties would be rezoned RX. 218 Cox, the house directly south and next to ours, also a single family residence, is slated for RX.

We are wondering why the 'line' stopped at 218 with RX, and just the 2 properties, ours and those mentioned above, were parceled for R10.

We spoke with our neighbor at 212 Cox who concurs that RX seems to make more sense for our properties.

Thanks for any insights regarding the differences between those two zonings for our street.

Amy Witynski

From: [Amy Witynski Holmes](#)
To: [Pettibone, Carter](#)
Cc: [Rezoning](#)
Subject: Re: UDO Remapping Comments #GEN-0436, 0437, and 0438 - Cox Avenue
Date: Tuesday, October 07, 2014 6:11:52 PM

Thanks so much.

Of note: Our next-door neighbor Tiffany Ingersoll owns 218 Cox which is a single-family house and lot as well. The proposed zoning has her RX-3. I think if the recommendation is to remain R-10 for 212-216, then 218 ought to be included in that designation, as it falls under the criteria you mention above for 212-216.

Kindly,
Amy Witynski Holmes

On Tue, Oct 7, 2014 at 1:44 PM, Pettibone, Carter
<Carter.Pettibone@raleighnc.gov> wrote:

Amy,

I apologize for my delay in getting back to you. I brought forward your requests for 212-216 Cox Avenue to our Staff Review Team.

Staff does not support the requests to remap these properties to RX-3. Staff's guidance was to generally remap single-family and two-family properties in the existing SP R-30 districts to R-10. Other consideration is lot size. Under the UDO, the minimum lot size for apartment building types (the only building type allowing more than two units per building) is 10,000 square feet. From reviewing Wake County tax records, it appears none of the three lots would meet the minimum lot size requirement.

As I mentioned previously, we will forward your requests to the Planning Commission for its review and consideration. 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 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](tel:919.996.4643)

carter.pettibone@raleighnc.gov

www.raleighnc.gov/urbandesign

From: Amy Witynski Holmes [mailto:alloutwit@gmail.com]
Sent: Thursday, September 25, 2014 9:53 AM
To: Pettibone, Carter
Subject: Re: UDO Remapping Comments #GEN-0436, 0437, and 0438 - Cox Avenue

Thanks so much for your detailed response. I just heard from my neighbor Paul Shannon at 212 Cox who concurs that 212-216 should be zoned RX3. I look forward to keeping in touch with you in the coming weeks as this process moves along...

Kindly,

Amy Witynski

On Wed, Sep 24, 2014 at 12:46 PM, Pettibone, Carter
<Carter.Pettibone@raleighnc.gov> wrote:

Ms. Witynski,

Thank you for your comments regarding the properties located at 212, 214, and 216 Cox Avenue. It appears you have a questions about the boundaries of the proposed zoning districts, and whether Staff would consider Residential Mixed Use – 3 stories (RX-3) zoning for the three properties.

218 Cox Avenue is currently zoned Residential-30 (R-30). The properties further south of 218 Cox Avenue, while currently zoned Special Residential-30 (SP R-30) contain apartment buildings that have densities above 10 units per acre. In

selecting proposed UDO zoning districts, two of the primary considerations were existing zoning and land use. In the case of 218-302 Cox Avenue, these pointed to RX-3 for zoning under the UDO.

Properties currently zoned Special Residential-30 (SP R-30), such as yours and your neighbors, present a unique challenge in selecting zoning categories under the (UDO). In general, Staff considered R-10 zoning for properties currently zoned SP R-30 which contained single-family homes or duplexes (since those uses are permitted in the R-10 district).

I will bring your request to consider RX-3 for 212-216 Cox Avenue forward to our Staff Review Team, which considers such requests. It meets tomorrow (Thursday), so I will follow up with you shortly thereafter. Regardless of the Staff's recommendation, we will forward your comment and request on to the City's Planning Commission, when it begins its review of the draft zoning map in October. We also anticipate that the Planning Commission will devote time to further study to the general issue of SP R-30 zoning during its review.

You can find more information regarding Staff's guidance on the UDO Remapping by visiting www.raleighudo.us and selecting documents from the right-hand side column under the section titled "Technical Remapping Guidance to Staff". You can also scroll down the page to the section titled "Common District Exchanges", click on it, then select the "R-15 R-20 R-30 to RX" document to learn more about the comparison of existing SP R-30 and R-30 districts to the RX District under the UDO.

Please let me know if you have any questions prior to me getting back with you.

Thanks.

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](tel:919.996.4643)

carter.pettibone@raleighnc.gov

www.raleighnc.gov/urbandesign

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

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

From: [Hill, Doug](#)
To: [Rezoning](#)
Subject: FW: November 2 Planning Commission Agenda: Rezoning 807 Clay
Date: Monday, December 01, 2014 9:22:06 AM

Bynum—

Here's the note.

Doug Hill, AICP
Department of City Planning
One Exchange Plaza – Suite 204
PO Box 590
Raleigh, NC 27202-0590
Phone: (919) 996-2622
Email: Doug.Hill@raleighnc.gov
Website: www.raleighnc.gov

From: James H Johnson/FS/VCU [mailto:johnsonj@vcu.edu]
Sent: Saturday, November 29, 2014 1:59 PM
To: Hill, Doug
Subject: November 2 Planning Commission Agenda: Rezoning 807 Clay

Mr. Hill,

I just discovered that the Glenwood/Brooklyn neighborhood association has made some proposals regarding our property at 807 Clay! We were unaware that the Glenwood/Brooklyn association viewed this property as part of their neighborhood, and we were never informed of any meetings of the association, or of their proposal regarding OUR property! As far as we are concerned, the conversion to RX-3 is appropriate, and we want no part of any overlays or other limitations, particularly an R-10 zoning! I note that the staff of the planning commission recommended against the Glenwood/Brooklyn Neighborhood Association proposals. Being unfamiliar with the workings of this commission, I am wondering if this position is likely to prevail, or be to be heavily influenced by (neighborhood) citizens appearing at the meeting? As I mentioned in a previous email, I cannot attend the meeting Tuesday. Would you advise that it would be crucial for me to engage representation to attend? Thank you for any advice you may have. Jim Johnson

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 29, 2014

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

Re: 2600 Glenwood Avenue
PIN# 1705029420 000

Dear Mr. Becker:

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

The proposed zoning is RX-7-PL; however the current zoning is O&I-2 which provides a broader entitlement than the proposed remapping would allow. In addition, the Future Land Use Map designates this property for Office & Residential Mixed Use and the Urban Form Map indicates that this property is located on a Transit Emphasis Corridor, both of which support a more intense mix of uses.

In view of these factors, we request that you reconsider the proposed rezoning and revise it to OX-7-PL.

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

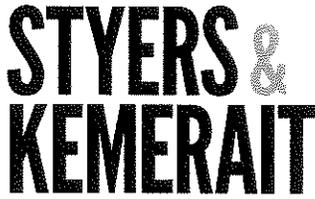
Sincerely,

Isabel Worthy Mattox

cc: R. Gordon Grubb

Mr. Dan Becker
October 1, 2014
Page 2

Anne Stoddard
Thomas C. Worth, Jr.



attorneys+counselors@law

1101 Haynes Street, Suite 101
Raleigh, North Carolina 27604
919.600.6270

StyersKemerait.com

gstyers@StyersKemerait.com
919.600.6273

February 5, 2015

Raleigh Planning Commission
Mr. Steve Schuster, Chairman
c/o Mr. Dan Becker
Urban Design Center City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601

**Re: 3921 Arrow Drive; PIN# 0795 69 5218
3309 Arrow Drive, PIN# 0795 69 4079
Remapping under UDO**

Dear Chairman Schuster:

As counsel for Omneesh Hotels, LLC (which owns 3921 Arrow Drive), and Bharat Z. Patel (who owns 3309 Arrow Dr.), as referenced above, I write to convey their concerns about the proposed remapping for this property under the new City of Raleigh Uniform Development Ordinance (UDO).

This property is proposed to be rezoned from its existing classification of O&I-2 to OP-4 with SHOD-2 Overlay, which does not provide the same entitlements to permit the range of uses allowed now, is not consistent with the usage patterns around these parcels, and would adversely affect the value of the property.

The current use of the property and surrounding area, which is primarily hotels with a few offices and many multi-family residential units in the vicinity, correlates much more closely to the CX district than OP. For reasons explained in greater detail below, the owners of these parcels respectfully request that these parcels be re-mapped and zoned as CX, rather than OP, and specifically CX-12

Current Entitlements

According to the October 2012 Raleigh Zoning Handbook, the existing O&I-2 classification is “intended for intense development.” Under the O&I-2 District, overnight lodging/hotels are allowed as a permitted use. Currently, there is a hotel on 3921 Arrow Drive.

M. Gray Styers, Jr.
Karen M. Kemerait

The City of Raleigh remapping resources include “Office & Institutional-2 (O&I-2): Comparison with RX,OX,OP,IX.” The chart in that Comparison indicates that “Overnight Lodging” is a permitted use in the OX and OP district; however, Section 6.1.4 of the UDO classifies these uses only as *Special Uses*, requiring a Special Use Permit by the Board of Adjustment, not as a permitted use. **Therefore, remapping the property OP, as proposed, would create a non-conforming use for the existing hotel at 3921 Arrow Drive, despite the fact that there are five other hotels surrounding it.**

In addition, multi-family living units – such as has been developed in the vicinity -- are allowed in the O&I-2 district, but not in OP. Restaurants (which could be complementary to a hotel on this site or to the other hotels immediately adjacent and across the street) are allowed in O&I-2, but not in OP. Therefore, rezoning the property to OP would curtail the future development of the property for its highest and best use and eliminate many of the entitlements the owners of the property now enjoy. The wider range of permitted uses allowed in the O&I-2 District – such as hotels and multi-unit residential -- is more consistent with the Crabtree Small Area Plan, whose “goal is for the area to develop more as a mixed-use environment, with people living, working, and shopping within a walkable urban community that serves as the core of this major regional mixed-use area. The area will see an increase in development intensity.” It is worth noting that limiting the height of uses on this property to only four stories is not consistent with “an increase in development intensity” – especially when the intensity of current and most recent construction on Arrow Drive are of 6- and 8-story structures. It is reasonable to expect that future increases in development intensity will involve taller structures than these.

Patterns of Existing Development

The development and re-development of the area between Blue Ridge Road/Crabtree View Place and Highway I-440, along Summit Park Lane and Arrow Drive, has been for hotels. Map AP-C3 of the Crabtree Small Area Plan labels this area “Hotels.” The new development further south along Blue Ridge Road, but not immediately next to this area, has been for multi-family residential. These uses have less impact on peak-hour traffic congestion on Glenwood Avenue than additional offices in this area would have. Since the redevelopment of these parcels for a new hotel (discussed below) may include a small number of luxury residential condominiums on the top floors of the hotel, and the Crabtree Small Area Plan specifically encourages mixed used development, it seems inappropriate to completely restrict any additional residential uses, particularly in light of the high density residential uses allowed under the existing O&I-2 zoning. Most recently, a 6-story Hampton Inn has been completed on Arrow Drive, and an 8-story Hilton Garden Inn is currently under construction adjacent to the Hampton Inn. Further, the steep topography on this site is inappropriate for significant office building development. Quite simply, these parcels are not appropriately situated for the purposes of the “OP” designation. Such a designation would not serve “as a land use transition between other mixed use districts and residential neighborhoods” and it is not needed, in Crabtree Valley, “to preserve and provide land for office and employment uses.” (Sec. 3.1.1.B “OP-Office Park”) Given the existing (and taller, newly built) uses on adjacent parcels and development patterns in the area – and the plans

of the owners as described below -- these parcels can and should be redeveloped "to provide for a variety of residential, retail, service, and commercial uses" in which "residential uses [whether overnight (i.e. hotel) or longer] is strongly encouraged in order to promote live-work and mixed use opportunities." (Sec. 3.1.1.E "CX-Commercial Mixed Use").

Although the Future Land Use Map designation for this property is Office/ Research and Development, it should be noted that the description for Office/Research and Development in the 2030 Comprehensive Plan lists hotels, ancillary service businesses, and retail uses that support the office economy as principal uses for this designation. Thus, we believe that hotels and eating establishments should be permitted uses for this property. Perhaps an overriding consideration pertaining to this particular area, however, is that the development of hotels, eating establishments, and multi-unit living would have far less impact on peak-hour traffic than a pure office use, which is the intent of the OP designation.

In addition, when evaluating the practical development issues related to these parcels, it does not seem appropriate to impose the SHOD-2 overlay district on this property. The overlay district requires a 25-foot buffer for property fronting on a Major Access Corridor such as the Beltline or other major controlled access highway but this property is several hundred feet from the Beltline ramp. Glenwood Avenue is considered a Major Access Corridor but is not controlled access in this location and other parties that are closer to Glenwood than the subject property are not encumbered by the SHOD-2 overlay. Therefore, there is no practical reason to impose the SHOD-2 overlay district to these parcels.

Intent and Plans of the Owners

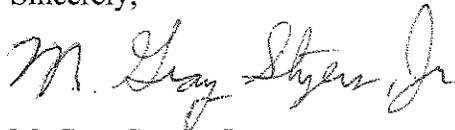
The parcel at 3309 Arrow Drive is currently vacant, as is the parcel at 3929 Arrow Drive. The parcels at 3921, 3925, and 3933 Arrow Drive all have older, existing structures on them and are ripe for redevelopment. Together, these five parcels could be the location for a future landmark, showcase hotel, as the anchor of a mixed use project, which could also include conference facilities and condominiums. As noted above, my clients are cooperatively working with the owners of the other adjacent parcels for such a hotel development, which would have been a permitted use under the O&I-2 zoning. A market study demonstrating the need for such a hotel/condominium project has been completed, a conceptual design for the site plan of such a project has been developed. Although the project has been delayed during the great recession, the owners are close to being able to move forward in the near future. Meanwhile, other development in the area has occurred that would be complementary to these plans and underscores the need for development at this site that is sensitive to peak-hour traffic issues. Now that the general economic environment is improving, my clients are far along the path of developing a plan for a major hotel for this site, which would be a highly appropriate use at this location, with low traffic impact and great benefit to the City of Raleigh.

Re-classifying this property to OP, with its use restrictions discussed above, would not only reduce the flexibility and past entitlements for these parcels and be inconsistent with adjacent

development, it would, in essence, constitute “changing the rules in the middle of the game” to the detriment of these landowners. Such a change would not only be bad policy, but would also be inherently unfair. Given the practical realities of other uses in the area and logical land use patterns on this end of Crabtree Valley, the CX designation would be consistent with the permitted hotel/restaurant uses allowed in the O&I-2 district, with the current uses on 3921 Arrow Dr. and on adjacent parcels, and with the intent and plans of the landowners. For these reasons, we strongly ask that you reconsider the proposed zoning and revise it to the CX-12 classification.

We would appreciate the opportunity to present this request in greater detail to the Planning Commission on March 3, in conjunction with Cases 207 and 208, which pertain to similar requests by owners of adjacent parcels of property. Thank you for your consideration.

Sincerely,



M. Gray Styers, Jr.

cc: Ms. Bynum Walker, City of Raleigh
Mr. Bill Jackson
Isabel Mattox, Esq.
Mr. Bharat Patel

Received 2/6/15



February 6, 2015

HAND DELIVERY

Raleigh Planning Commission
One Exchange Plaza
1 Exchange Plaza – 3rd Floor
Raleigh, NC 27601

Re: UDO Zoning Remapping

Who Whom It May Concern:

4312 Lead Mine Road
Raleigh, NC 27612

(919) 783 6141
(919) 782 3321

hobbyproperties.com
info@hobbyproperties.com

As the representative for the owner of the properties listed below, I am requesting the following revisions to the proposed rezoning map:

Request CX-3 designation:

206 Delway Street
800, 802, 804, 806, 808, 820 N Blount Street

Request CX-3-SH designation:

805 N Person Street

Request DX-7-SH designation:

211 W Martin Street

Request OX-7 designation:

1800, 1900, 2020, 2021, 2100 Century Drive PC-0109 thru -0113

Request DX-7 designation:

612 W Johnson Street

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Holmes, Jr.", written over a horizontal line.

John F. Holmes, Jr.
President

From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: FW: 4600 Crabtree Valley Avenue; PIN 0796305907 000
Date: Friday, May 30, 2014 5:21:24 PM

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

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]
Sent: Friday, May 30, 2014 5:20 PM
To: Walter, Bynum
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Thanks.

Michael D. Kaney, P.E.
Senior Development Manager

WEINGARTEN REALTY
9420 Forum Drive, Suite 101 | Raleigh, NC 27615
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]
Sent: Friday, May 30, 2014 5:16 PM
To: Michael Kaney
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

I talked your suggestion over with folks here. We are comfortable supporting the 5 story height limit.
Thanks - Bynum

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

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]
Sent: Tuesday, May 27, 2014 2:12 PM
To: Walter, Bynum
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Thanks Bynum. Obviously, based on the current zoning, our property is not encumbered with a minimum number of stories and we do not want it encumbered with a specific minimum number of stories with the mapping exercise.

I appreciate your assistance.

Thanks,
Michael

Michael D. Kaney, P.E.
Senior Development Manager

WEINGARTEN REALTY
9420 Forum Drive, Suite 101 | Raleigh, NC 27615
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]
Sent: Tuesday, May 27, 2014 1:26 PM
To: Michael Kaney
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Michael - I need to discuss this possibility with some of my colleagues. I'll be back in touch later in the week. Thanks - 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>

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

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]
Sent: Tuesday, May 27, 2014 9:49 AM
To: Walter, Bynum
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Walter:

We believe the 2-story minimum requirement may be an issue, and we believe the five-story height limitation with no minimum number of stories is a more appropriate designation for this parcel. Please modify the proposed map designation accordingly.

Thank you,
Michael

Michael D. Kaney, P.E.
Senior Development Manager

WEINGARTEN REALTY
9420 Forum Drive, Suite 101 | Raleigh, NC 27615
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]
Sent: Thursday, May 22, 2014 5:09 PM
To: Michael Kaney
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Michael - you are correct that the 12 story height allowance requires a minimum of two story construction. This is true of each of the height categories starting with 7 stories up through 40. The five story height limit and below do not have that minimum. Would you like to discuss a lower height designation for this parcel? Please let me know if you have further questions or need additional information. Thanks, Bynum

From: Michael Kaney [MKaney@Weingarten.com]

Sent: Wednesday, May 21, 2014 4:30 PM
To: Walter, Bynum
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Walter:

On the above referenced property that we previously corresponded about, we were intending to have single level retail. However, the Height designation of "12" includes with it that we are required to have a minimum of 2 stories. That is a problem as we are looking to have single level commercial buildings. Am I interpreting the minimum number of stories correctly under the "12" category and we would have to be two-stories?

Thanks,
Michael

Michael D. Kaney, P.E.
Senior Development Manager

WEINGARTEN REALTY
9420 Forum Drive, Suite 101 | Raleigh, NC 27615
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]
Sent: Wednesday, May 21, 2014 2:02 PM
To: Michael Kaney
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

That's right, the conditions and base district regulate frontage in this instance. Thanks - Bynum

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]
Sent: Wednesday, May 21, 2014 1:33 PM
To: Walter, Bynum
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Thanks Bynum. I appreciate the feedback. Since there is no frontage designation now proposed for the new zoning (such as UL, UG, etc) I assume that means no specific frontage requirement, other than what is provided for in the conditions or that required per the CX zoning district, correct?

Thanks,
Michael

Michael D. Kaney, P.E.
Senior Development Manager

WEINGARTEN REALTY
9420 Forum Drive, Suite 101 | Raleigh, NC 27615
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]
Sent: Wednesday, May 21, 2014 1:29 PM
To: Michael Kaney
Subject: FW: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Dear Michael - Thanks for your message. I reviewed your question and the current conditions on the

property with other members of the planning staff.

We agree that there is a conflict between the requirements of Urban Limited (UL) frontage and the conditions on the property. In light of the conflict, we believe it would be appropriate to change the recommendation for rezoning from CX-12-UL-CU to CX-12-CU.

Thanks for your input and please let me know if you have further questions or need additional information - 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> <<http://www.raleighnc.gov>>

From: Rezoning
Sent: Monday, May 19, 2014 2:35 PM
To: Walter, Bynum
Subject: FW: 4600 Crabtree Valley Avenue; PIN 0796305907 000

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]
Sent: Monday, May 19, 2014 1:54 PM
To: Rezoning
Subject: 4600 Crabtree Valley Avenue; PIN 0796305907 000

I have a question about the above referenced property. Per the proposed zoning map, the above referenced property will be zoned from CUD SC to CX-12-UL-CU. The UL frontage prohibits parking between the street and the building, but one of our conditions of our current zoning allows for a maximum of two rows of parking between the building and the street. Will the existing conditions supersede the new zoning designation so we may have a minimal amount of parking between the street and the building if it works for our site planning? This property is only 2.7 acres. I assume it may be used for all retail uses and does not need to include any office or residential. The parcel referenced above was part of a larger property that was rezoned together and the remainder of the property will have residential uses on it.

Thanks,
Michael

Michael D. Kaney, P.E.
Senior Development Manager

WEINGARTEN REALTY
9420 Forum Drive, Suite 101 | Raleigh, NC 27615
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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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 for:

9910 Sellona Street (0758-63-6098)	9655 Collingdale Way (0758-64-3319)
9911 Sellona Street (0758-62-6652)	10701 Globe Road (0758-71-9148)
9930 Sellona Street (0758-63-0092)	11109 Glenwood Avenue (0759-81-3420)
9931 Sellona Street (0758-62-4475)	2501 T. W. Alexander Drive (0759-80-9897)
9932 Sellona Street (0758-62-2858)	0 Glenwood Avenue (0759-91-0693)
9951 Sellona Street (0758-61-4856)	10501 Little Brier Creek Lane (0768-18-4675)

Dear Bynum:

On behalf of CIP Brier Creek 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 properties located at 9910, 9911, 9930, 9931, 9932 and 9951 Sellona Street are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone these properties OX-3-PK. The owner disagrees with this proposal, and requests that the City rezone these properties CX-5. The CX district is the most appropriate district for these properties based on the current zoning entitlements. The properties' current zoning permits residential, office and commercial uses. It is important to note that the properties are located in Area D under the applicable zoning conditions, and that Area D is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses. Based on our review of the build-out of Area D, it appears there are nearly 100 acres of the commercial land use allocation still available within Area D. The CX district accommodates all of the uses encouraged within Area D, unlike the City's proposed designation. The proposed height of five stories is consistent with the Comprehensive Plan guidance for these properties located within the core of a regional growth center. Also, the Parkway frontage designation is not appropriate because these properties do not front along a parkway corridor.

The property located at 9655 Collingdale Way is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing the rezone this property Residential-6. The owner disagrees with this proposal, and requests that the City rezone this property CX-3. The CX district is the most appropriate district for this property based on the current zoning entitlement. The property's current zoning permits residential, office and commercial uses. It is important to note that the property is located in Area B under the applicable zoning conditions, and that Area B is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses.

Based on our review of the build-out of Area B, it appears there is nearly 50 acres of the commercial land use allocation still available within Area B. The CX district accommodates all of the uses encouraged within Area B, unlike the City's proposed designation.

The property located at 10701 Globe Road is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property RX-3-PK. The owner disagrees with this proposal, and requests that the City rezone this property CX-5. The CX district is the most appropriate district for this property based on the current zoning entitlement. The property's current zoning permits residential, office and commercial uses. It is important to note that the property is located in Area D under the applicable zoning conditions, and that Area D is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses. Based on our review of the build-out of Area D, it appears there is nearly 100 acres of the commercial land use allocation still available within Area D. The CX district accommodates all of the uses encouraged within Area D, unlike the City's proposed designation. The five-story height designation is consistent with the Comprehensive Plan guidance for property designated Medium Density Residential on the Future Land Use Map and located within the core of a regional growth center. The Parkway frontage designation is not appropriate because this property does not front along a parkway corridor.

The properties located at 2501 T. W. Alexander Drive, 0 Glenwood Avenue and 11109 Glenwood Avenue are currently zoned Thoroughfare District Conditional Use (Z-54-08). The City is proposing to rezone these properties RX-3-PK-CU. The owner agrees with the proposed RX district and PK frontage type, but disagrees with the height designation. The owner requests that these properties be rezoned to RX-5-PK-CU, which would permit up to five stories in height. The five story height request is consistent with the Comprehensive Plan guidance for properties designated Office Mixed Use on the Future Land Use Map, such as these properties.

The property located at 10501 Little Brier Creek Lane is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property to Residential-4. The owner disagrees with this proposed district, and requests that the City rezone this property to Residential-6. The Residential-6 designation is consistent and compatible with surrounding zoning and uses.

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

Sincerely,



Michael Birch

From: [Lacy Reaves](#)
To: [Rezoning](#)
Subject: 5732 Westgate Road (PIN 0778536990)
Date: Friday, May 30, 2014 11:21:32 AM

The interactive UDO rezoning map shows the existing zoning of this parcel as CUD I-1 with the AOD. That is incorrect. In zoning case Z-10-12 the AOD **was removed from this parcel**. Its current zoning is CUD I-1. The proposed UDO zoning as shown on the City's map is CUD IH with the AOD. **Please remove the AOD from the proposed UDO zoning.**

Please confirm that the requested action was taken to the undersigned.

Thank you,

Lacy Reaves

Lacy H. Reaves | Partner
lreaves@smithlaw.com | [bio](#)
(p) 919.821.6704 | (f) 919.821.6800
SMITH ANDERSON
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.
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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 for:

9910 Sellona Street (0758-63-6098)	9655 Collingdale Way (0758-64-3319)
9911 Sellona Street (0758-62-6652)	10701 Globe Road (0758-71-9148)
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9931 Sellona Street (0758-62-4475)	2501 T. W. Alexander Drive (0759-80-9897)
9932 Sellona Street (0758-62-2858)	0 Glenwood Avenue (0759-91-0693)
9951 Sellona Street (0758-61-4856)	10501 Little Brier Creek Lane (0768-18-4675)

Dear Bynum:

On behalf of CIP Brier Creek 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 properties located at 9910, 9911, 9930, 9931, 9932 and 9951 Sellona Street are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone these properties OX-3-PK. The owner disagrees with this proposal, and requests that the City rezone these properties CX-5. The CX district is the most appropriate district for these properties based on the current zoning entitlements. The properties' current zoning permits residential, office and commercial uses. It is important to note that the properties are located in Area D under the applicable zoning conditions, and that Area D is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses. Based on our review of the build-out of Area D, it appears there are nearly 100 acres of the commercial land use allocation still available within Area D. The CX district accommodates all of the uses encouraged within Area D, unlike the City's proposed designation. The proposed height of five stories is consistent with the Comprehensive Plan guidance for these properties located within the core of a regional growth center. Also, the Parkway frontage designation is not appropriate because these properties do not front along a parkway corridor.

The property located at 9655 Collingdale Way is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing the rezone this property Residential-6. The owner disagrees with this proposal, and requests that the City rezone this property CX-3. The CX district is the most appropriate district for this property based on the current zoning entitlement. The property's current zoning permits residential, office and commercial uses. It is important to note that the property is located in Area B under the applicable zoning conditions, and that Area B is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses.

Based on our review of the build-out of Area B, it appears there is nearly 50 acres of the commercial land use allocation still available within Area B. The CX district accommodates all of the uses encouraged within Area B, unlike the City's proposed designation.

The property located at 10701 Globe Road is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property RX-3-PK. The owner disagrees with this proposal, and requests that the City rezone this property CX-5. The CX district is the most appropriate district for this property based on the current zoning entitlement. The property's current zoning permits residential, office and commercial uses. It is important to note that the property is located in Area D under the applicable zoning conditions, and that Area D is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses. Based on our review of the build-out of Area D, it appears there is nearly 100 acres of the commercial land use allocation still available within Area D. The CX district accommodates all of the uses encouraged within Area D, unlike the City's proposed designation. The five-story height designation is consistent with the Comprehensive Plan guidance for property designated Medium Density Residential on the Future Land Use Map and located within the core of a regional growth center. The Parkway frontage designation is not appropriate because this property does not front along a parkway corridor.

The properties located at 2501 T. W. Alexander Drive, 0 Glenwood Avenue and 11109 Glenwood Avenue are currently zoned Thoroughfare District Conditional Use (Z-54-08). The City is proposing to rezone these properties RX-3-PK-CU. The owner agrees with the proposed RX district and PK frontage type, but disagrees with the height designation. The owner requests that these properties be rezoned to RX-5-PK-CU, which would permit up to five stories in height. The five story height request is consistent with the Comprehensive Plan guidance for properties designated Office Mixed Use on the Future Land Use Map, such as these properties.

The property located at 10501 Little Brier Creek Lane is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property to Residential-4. The owner disagrees with this proposed district, and requests that the City rezone this property to Residential-6. The Residential-6 designation is consistent and compatible with surrounding zoning and uses.

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

Sincerely,



Michael Birch

From: [Walter, Bynum](#)
To: [Michael Birch](#)
Cc: [Rezoning](#)
Subject: RE: Remapping Comment re: CIP Brier Creek Properties (GEN-0526, GEN-0396)
Date: Thursday, October 09, 2014 11:00:03 AM

Dear Michael – Thanks for your comments about proposed rezoning in the Brier Creek area.

Of the 12 Brier Creek area properties you identified six 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-5-PK instead of OX-3-PK zoning. Staff believes this batch of requests is outside of administrative purview and merits review by the Planning Commission. Staff does not agree with the request since it is in conflict with the current zoning conditions that apply to the parcels in question. However, the request will be forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

For 9655 Collingdale Way you requested CX-3 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-5 instead of the proposed RX-3-PK-CU. Staff believes 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.

The remaining requests in the Brier Creek vicinity include:

2501 T.W. Alexander Dr
0 Glenwood Ave (PIN 0759910693)
11109 Glenwood Ave

You requested RX-5-PK-CU for these parcels instead of RX-3-PK-CU. 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 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 agrees with this alternate request since the parcel in question will be adjacent to parcels zoned R-4 as well as parcels zoned R-6.

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 4:43 PM
To: Walter, Bynum
Subject: Remapping Comment re: CIP Brier Creek Properties

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

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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@crowns-companies.com; timd@crowns-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
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
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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,

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
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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@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

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)
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<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
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

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"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: [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@crowm-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@crownc-companies.com; timd@crownc-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 your 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

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

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AMERICAN ASSET CORPORATION

PC-0029-0048.pdf

7990 Arco Corporate Drive
Suite 119
Raleigh, North Carolina 27617

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

December 15, 2014

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

Re: Remapping for:

10310 Moncreiffe Road (0768-12-8681)	7980 Arco Corporate Drive (0768-55-5829)
10370 Lumley Road (0768-23-3280)	7990 Arco Corporate Drive (0768-55-7740)
0 Brier Creek Parkway (0768-43-1808)	8010 Arco Corporate Drive (0768-55-3790)
8331 Brier Creek Pkwy (0768-44-0719)	8020 Arco Corporate Drive (0768-55-1384)
8115 Brier Creek Pkwy (0768-46-0198)	8030 Arco Corporate Drive (0768-44-5641)
8161 Brier Creek Pkwy (0768-45-4921)	8040 Arco Corporate Drive (0768-54-0402)
8341 Brier Creek Pkwy (0768-35-6389)	8045 Arco Corporate Drive (0768-64-2550)
8801 Brier Creek Pkwy (0768-23-9018)	8051 Arco Corporate Drive (0768-54-7190)
8011 Brier Creek Pkwy (0768-46-4394)	8080 Arco Corporate Drive (0768-43-5332)
8121 Brier Creek Pkwy (0768-36-9074)	8081 Arco Corporate Drive (0768-53-1315)

Dear Ms. Walter:

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

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

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

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

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

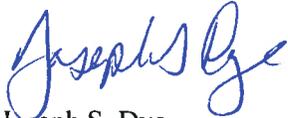
The properties located at 8010 Arco Corporate Drive and 8020 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone these properties as CX-5-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and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

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

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

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

Very truly yours,
AMERICAN ASSET CORPORATION



Joseph S. Dye
Executive Vice President

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 19, 2015

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

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

Dear Chairman Schuster:

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

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

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

January 20, 2015

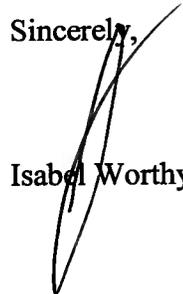
Page 2

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

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

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

Sincerely,



Isabel Worthy Mattox

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

From: [Walter, Bynum](#)
To: [Craig M. Barfield](#)
Cc: [Cooke, John](#); [Rezoning](#)
Subject: RE: Request from Meredith College (GEN-0441)
Date: Thursday, October 09, 2014 12:08:26 PM

Dear Mr. Barfield –

Thanks for your comments about the proposed rezoning of properties owned by Meredith College. I'm glad we had the chance to meet and discuss the matter in person previously.

I have had a chance to review your requests with other members of the planning staff. We feel that your request for additional height is outside of staff's administrative purview for the remapping process. Your request for additional height will be forwarded to the Planning Commission for their consideration without a recommendation from staff.

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 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: Craig M. Barfield [mailto:craigb@meredith.edu]
Sent: Wednesday, September 24, 2014 10:02 AM
To: Walter, Bynum
Cc: Cooke, John
Subject: Request from Meredith College

Bynum,

Thanks for meeting with me on July 18th concerning the remapping of the portion of our campus south of Wade Avenue.

I have a request. Would the planning staff support an OX5 or OX6 remapping/rezoning of the portion of our campus south of Wade Avenue? Our thinking is that the campus is separated from other properties by a major highway or roads. As we have watched the City's adoption of a new comprehensive plan and UDO, it appears that the City foresees increased density and building height occurring inside the Beltline; and allowing increased density and building height is one of the City's policy initiatives. So, from our perspective, our request is consistent with the City's vision and will enhance the College's ability to better plan the campus in light of the ever-changing nature of higher education and the community around the College.

Meredith College has contributed to the community since 1899. We are dedicated to continuing our contributions to Raleigh by educating and inspiring students to live and lead with integrity. Our request is made with the goal of enhancing our mission and contribution to our City without adversely impacting our neighbors.

Thank you in advance for the planning staff's kind consideration of our request.

Should you have any questions about our request, please contact me.

Craig Barfield
Vice President for Business & Finance

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 6, 2015

Raleigh Planning Commission
Mr. Steve Schuster, Chairman
c/o Ms. Bynum Walter
Urban Design Center City of Raleigh
Briggs Building, Suite 200
220 Fayetteville Street
Raleigh, NC 27601

Re: 3933 Arrow Drive; PIN# 0795696783

Dear Bynum:

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

This property is proposed to be rezoned to OP-4 with SHOD-2 Overlay, which does not provide the same entitlements to permit the range of uses allowed now. The current use of the property and surrounding area, which is primarily offices and hotels, correlates much more closely to CX than OP, as CX allows for hotels by right rather than special use and eating establishments, which are not permitted at all under OP. In addition to the requirement for a Special Use Permit requirement, OP and OX would require a minimum lot size of 2.5 acres for a hotel. The subject property contains only .60 acres, meaning that even with a SUP, a hotel could not be developed on this property. Although .60 acres seems small, there are several recent examples of even smaller sites supporting a hotel use in Raleigh. In order to achieve density on a small lot, more height is needed. The current zoning would also allow any height with Planning Commission approval and we believe more height is warranted on this property to match the current zoning.

Rezoning the property to OP-4 would curtail the future development of the property for its highest and best use and eliminate many of the entitlements owners of the property now enjoy. Moreover, the Future Land Use Map designation for this property is Office/ Research and Development. The description for Office/ Research and Development in the 2030 Comprehensive Plan lists office buildings, hotels, banks, ancillary service businesses, and retail uses that support the office economy as principal uses for this designation. Thus, we believe that hotels and eating establishments should be permitted uses for this property.

The restrictions on hotel and restaurant uses in OP are in conflict with the current zoning which permits both, the current Comprehensive Plan designation which would also allow both and the current uses in the immediate area which include both hotels and retail uses.

In addition, it does not seem appropriate to impose the SHOD-2 overlay district on this property. The overlay district requires a 25-foot buffer as a property fronts on a Major Access Corridor such as the Beltline or other major controlled access highway but this property is several hundred feet from the Beltline ramp. Glenwood Avenue is considered a Major Access Corridor but is not controlled access in this location and an adjacent property which is closer to Glenwood than the subject property is not encumbered by the SHOD-2 overlay.

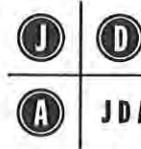
We request that you reconsider the proposed zoning and revise it to CX-12.

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

Sincerely,

Isabel Worthy Mattox

cc: Mr. Michael Abbott
Capire, LLC



August 18, 2014

Mr. Carter Pettibone
Department of City Planning and Economic Development
City of Raleigh
P. O. Box 590
Raleigh, North Carolina 27602

**Re: Ridgewood Shopping Center
Property Owner Response to UDO MAPPING**

Carter:

This letter is in response to the draft UDO Rezoning Map issued on 2014-05-16 by the City of Raleigh, and with regard to the property known as Ridgewood Shopping Center located at 3410 Wade Avenue. Our client concurs with the recommendation for the proposed zoning category of "Commercial Mixed Use", but is not in agreement on the proposed height of three (3) stories for this location. We note that under the existing "Shopping Center" (SC) zoning district, height is unlimited, and a building "...may be constructed to any height."

We acknowledge that the base or initial building height is fifty foot (50') at a building setback, with increase to height tied to increases in building setback. This increase in height is based on a 1:1 ratio, where each additional foot of setback allows an additional foot of building height. Ridgewood Shopping Center is located on an approximately ten (10) acre site, and the property is large enough to readily support taller buildings and provide the 1:1 height/setback transition under the SC zoning. Please see the attached exhibit that illustrates the area available on the site for a seven (7) story building.

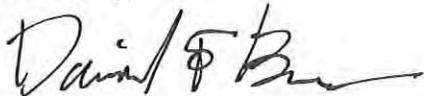
We believe the appropriate height designation for this property is seven (7) stories based on existing zoning detailed above, and the following criteria:

1. The property is located at the intersection of three high-volume avenue-designated streets;
 - a. Wade Avenue (Avenue/6-Lane/Divided)
 - b. Ridge Road (Avenue/2-Lane/Undivided)
 - c. Faircloth Street (Avenue/2-Lane/Divided)
2. The property is located less than $\frac{1}{4}$ mile from the interchange of I-440 with Wade Avenue.
3. The property is the only mixed-use retail site of 10 acres or larger serving an area of Raleigh inside the western edge of the I-440 Beltline. There are very limited opportunities for comprehensive mixed use development in this area of our city.

4. Mixed use development on this site is supported by:
 - a. The property is served by both City of Raleigh CAT transit and TTA transit
 - b. Access to comprehensive local street network
 - c. Immediate proximity and access to the I-440 Beltline
 - d. Immediate access to the City of Raleigh Greenway System
 - e. Proximity of private and public schools located on Ridge Road
 - f. Adequate existing public infrastructure

We would welcome the opportunity for a meeting to discuss this item. Please call me if you have any questions or if we can supply any other information.

Sincerely,

A handwritten signature in black ink, appearing to read "David F. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

David F. Brown, RLA
JDavis Architects, PLLC

Cc: Andrew Techet; Michael Birch

ADDITIONAL 40' SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

ZERO FEET (0') CORNER SIDE BUILDING SETBACK (REQUIRES PLANNING COMMISSION APPROVAL)

RIDGE ROAD

25' REAR BUILDING SETBACK

40' ADDITIONAL SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

RIDGEWOOD SHOPPING CENTER

WAKE PIN: 2794-37-2031

ZONING: SHOPPING CENTER DISTRICT

ADDRESS: 3514 WADE AVENUE

7 - STORY BUILDING ENVELOPE

ADDITIONAL 40' SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

25' REAR BUILDING SETBACK

BY ZONING CONDITION (Z-16-2010), BUILDING HEIGHT LIMIT IN THIS AREA IS REGULATED BY THE STANDARDS ESTABLISHED FOR THE R-4 ZONING DISTRICT: FIFTY FEET (50')

ZERO FEET (0') FRONT BUILDING SETBACK (REQUIRES PLANNING COMMISSION APPROVAL)

ADDITIONAL 40' SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

WADE AVENUE

LIMIT OF CONDITIONAL USE ZONING (Z-16-2010)

FAIRCLOTH STREET



From: [Walter, Bynum](#)
To: [David Brown](#)
Cc: mbirch@morningstarlawgroup.com
Subject: RE: Ridgewood Shopping Center
Date: Friday, August 29, 2014 4:54:22 PM

Dear David – I wanted to follow up on my message of last week. I had a chance to discuss this request with other members of the planning staff.

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 Ridgewood Shopping Center, however the request will be forwarded to the Planning Commission for their consideration. 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 additional information – Bynum

From: Walter, Bynum
Sent: Tuesday, August 19, 2014 2:06 PM
To: David Brown
Cc: 'mbirch@morningstarlawgroup.com'
Subject: FW: Ridgewood Shopping Center

David –

Thanks for the email follow up. As I mentioned, I'll review this with other members of the planning staff later this week and be back in touch with additional information.

Talk to you soon – 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: David Brown [<mailto:davidb@jdavisarchitects.com>]
Sent: Tuesday, August 19, 2014 2:01 PM
To: Walter, Bynum
Cc: Michael Birch
Subject: Ridgewood Shopping Center

Hi Bynum,

Thanks again for the visit yesterday afternoon to discuss request for modification of UDO mapping for Ridgewood Shopping Center. Attached is a scanned copy of the letter and exhibit that we delivered to you yesterday for distribution to your team. Please let me know if you have any questions, or we can provide any other information to you for your review of this request. I have

copied Attorney Michael Birch who also represents the Ridgewood property in this matter.

Best Regards,

DB

David F. Brown, RLA, ASLA, LEED AP
Associate/Senior Project Manager

J DAVIS ARCHITECTS
Creating Vibrant, Livable Communities
510 Glenwood Avenue, Suite 201 | Raleigh, NC 27603
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[Raleigh, NC](#) | [Philadelphia, PA](#)

www.jdavisarchitects.com

[Linked-In](#) | [Twitter](#) | [Google+](#)

From: rezoning@raleighnc.gov
To: laurieraybould@gmail.com
Subject: City of Raleigh Response Ref #18242
Date: Thursday, August 07, 2014 3:16:12 PM

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

Feedback Received July 16th 2014, 8:14 pm

Reference #: 18242

Location: 2550 Glenwood Avenue

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: Great mapping tool! Very easy to use and it's nice to see current vs. proposed side-by-side. Currently I am a renting resident of these quaint, older (1953), two-story apartment buildings and I am concerned that the proposed zoning (RX-7-PL) would be incompatible with the neighborhood (golf course, single-family homes, mature trees, etc). I understand this property is valuable per city-data.com, so I am especially concerned that with the new zoning, a developer will purchase this property, tear down the historic register-eligible units, and build something incongruous in its place, like a high-end condo/apartment building with retail amenities that require parking and encourage driving. Interestingly, these apartment are priced very affordably in an area where this is unheard of, and changes in zoning could eliminate this needed affordable housing. It is for these reasons that I consider this proposed land use/zoning change to be mismatched. Thank you for reading/responding!

City Response on August 7th 2014, 03:16 pm

Apologies for the delay in further follow-up. We received your request that the zoning for this property not be changed. However, as this property exists in a zoning designation that no longer exists in the new development code, it must be changed to a district in our new development code. As well, given that a site plan for a new development has already been approved for this property under the existing zoning, which fits in well with the zoning proposed for the property, staff cannot support your request. However, it will be forwarded to the Planning Commission for further consideration upon the closing of the public comment period, which ends September 30th. For more information on the approved development plan, see:

<http://www.raleighnc.gov/content/PlanDev/Documents/DevServ/DevPlans/Reviews/2013/SitePlan/SP-046-13.pdf>

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)



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 1209 Ridge Road (0794-27-5267); 1213 Ridge Road (0794-27-5314); 1215 Ridge Road (0794-27-4423) (the "Properties")

Dear Bynum:

On behalf of the owner of the Properties, we are submitting this letter in response to the City's proposed rezoning designation for the Properties. The owner concurs with the proposed base zoning district of Office Mixed Use. However, the owner disagrees with the proposed height designation of three stories.

We are requesting that the Properties be remapped with a maximum building height of five stories (OX-5), based on the following:

1. The Properties are designated Office/Residential Mixed Use on the Future Land Use Map, and Table LU-2 "Recommended Height Designations" recommends a height of five stories for property designated Office/Residential Mixed Use and located in a "general" area;
2. The Properties are located at the intersection of two high-volume streets – Wade Avenue (Avenue/6-Lane Divided) and Ridge Road (Avenue/2-Lane Divided);
3. The Properties are located less than a quarter mile from the interchange of Wade Avenue and Interstate 440;
4. The Properties are within walking distance to Raleigh CAT bus service (Route 4) and Triangle Transit bus service (Route 105, Durham-Raleigh Express, and Chapel Hill-Raleigh Express).

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: Ridge Road Properties (GEN-0525)
Date: Wednesday, October 08, 2014 9:12:09 PM

Dear Michael –

Thanks for your comment about the proposed rezoning of 1209, 1213, and 1215 Ridge Road.

I've had a chance to discuss this request with other members of the planning staff. 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 in this area. Staff does not agree with your request, however your comment 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

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: Michael Birch [mailto:mbirch@morningstarlawgroup.com]
Sent: Tuesday, September 30, 2014 4:43 PM
To: Walter, Bynum
Subject: Remapping Comment re: Ridge Road Properties

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

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From: [Hill, Doug](#)
To: Mcgivernwil@aol.com
Cc: [Rezoning](#)
Subject: RE: 10594 Sporting Club Drive [GEN-0072]
Date: Tuesday, June 10, 2014 2:45:49 PM

Mr. McGiven,

Thank you for your email.

In approaching remapping, a property's existing zoning has been a primary consideration. The present Thoroughfare District (TD) zoning permits a wide range of possible land uses, including many non-residential uses. The remapping aims for continuity in regard to such existing zoning entitlements. Another factor is existing use. Most other TD properties nearby are built out; their respective land uses have been factored into their proposed district designations. The subject property, though, is vacant.

Regarding height, note that three stories/ 50 feet is the lowest height City-wide for districts permitting non-residential uses. The adjacent residential properties are proposed for R-4 and R-6 zoning. The maximum building height permitted under Code in those residential districts is 40 feet.

Your comments are very much appreciated. Please know that they are being passed along to the staff team assisting in the initial remapping, and will be taken into consideration going forward.

Again, thanks.

Doug Hill, AICP
Department of Planning and Development
One Exchange Plaza – Suite 204
PO Box 590
Raleigh, NC 27602
(919) 996-2622
Email: Doug.Hill@raleighnc.gov
Web: www.raleighnc.gov/planning

From: Mcgivernwil@aol.com [<mailto:Mcgivernwil@aol.com>]
Sent: Friday, June 06, 2014 4:35 PM
To: Rezoning
Subject: 10594 Sporting Club Drive

The proposed rezoning of this property adjacent to Brier Creek Country Club homes would create an eyesore in the neighborhood. The lot in question, once proposed to be a Firestone Tire Shop, would not be a good fit in the neighborhood. The entrance would be in the residential area, directly adjacent to a private home, as the lot in question sits up much higher than the houses in the surrounding area. A possible 50 foot high structure would stand above the adjacent homes, lights for the required parking

area would be a problem for those adjacent homes and in general would detract from the value of the homes in the area. This would be better served as residential or possible apartments similar to those situated across the street.

Sincerely,
William McGivern
9340 Palm Bay Circle

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

Dear Lindsey Calverley –

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

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

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

Sincerely,

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

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

Ms. Calverley—

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

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

Regards,
Dan

--

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

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

Hello,

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

Thank You,

Lindsey Calverley

Marketing Coordinator | Raleigh-Durham

Direct +1 919 582 3145

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

lindsey.calverley@colliers.com

Colliers International

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

www.colliers.com/rdu

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

Thank you!

Lindsey Calverley

Marketing Coordinator | Raleigh-Durham

Direct +1 919 582 3145

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

lindsey.calverley@colliers.com

Colliers International

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

www.colliers.com/rdu

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

Ms. Calverley—

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

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

Regards,

Dan

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

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

To: Rezoning
Subject: Recommended zoning changes

Hello,

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

Thank You,

Lindsey Calverley

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lindsey.calverley@colliers.com

Colliers International

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

www.colliers.com/rdu

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

Hello,

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

LAND ELEVATION

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

DRAINAGE

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

TRAFFIC

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

NOISE POLLUTION

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

Thank you for your time.

Sincerely,

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



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

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

February 6, 2015

Mr. Steve Schuster, Chairman
City of Raleigh Planning Commission
Department of City Planning & Development
One Exchange Plaza, Suite 304
Raleigh, NC 27601



Re: ~~2110~~ ¹⁹⁰⁰ Blue Ridge Road (PIN 0784786489) (the "Property")

Dear Mr. Schuster:

On behalf of the North Carolina Museum of Art Foundation (the "Foundation"), owner of the Property, we are submitting this letter for consideration of the remapping designation for the Property.

The Property is currently zoned Office & Institution 1 (O&I-1) and Agricultural Productive District (AP). The City is proposing to remap the Property to a combination of CX-5-UL, CX-12-UL and OX-3. OX-3 is proposed for that portion of the Property containing the legacy AP zoning district.

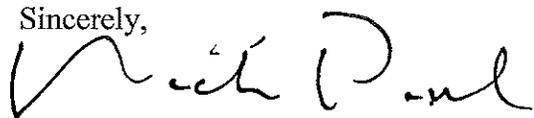
We respectfully request the AP zoned portion of the Property be remapped CX-12-UL or CX-5-UL consistent with the balance of the Property for the following reasons:

- One of the goals of the remapping process is to eliminate split-zoned properties.
- The AP district was placed on the property in connection with an agricultural program administered by NC State University.
- The agricultural use on the Property ceased on or about 1997, and NC State University no longer has an interest in the Property.
- The State of North Carolina conveyed the Property to the Foundation in 2012 with the understanding the Property may be developed to support the NC Museum of Art's operations. The proposed remapping to CX-12-UL and CX-5-UL reflects the use of the Property for such potential purpose.

We respectfully request that you direct this matter to staff so that they can bring it forward to Planning Commission.

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

Sincerely,

A handwritten signature in black ink that reads "Mack Paul". The signature is written in a cursive style with a large, sweeping initial "M" and a distinct "P" for "Paul".

Mack Paul

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

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

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

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

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

(2) Comment Two - Uniformity.

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

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

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

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

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

Main Streets

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

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

which appears to indicate that the authors

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

(5) Comment Five. Land Use matches CX

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

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

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

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

Cary

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

Thank you,
Elizabeth

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

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

Cary,

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

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

Elizabeth

Elizabeth Alley, AICP

Urban Designer + Planner

Raleigh Urban Design Center

An Office of the Planning & Development Department

220 Fayetteville Street, Suite 200 Raleigh, NC 27601

919.996.4639

Elizabeth.Alley@raleighnc.gov

www.raleighnc.gov/urbandesign

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

February 5, 2015

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

Re: 2008 Hillsborough Street, PIN# 1704011308
Client: John W. Wardlaw, Jr.

Dear Chairman Schuster:

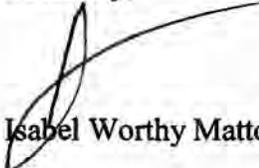
As counsel for John W. Wardlaw, Jr., owner of the above described property, we write to convey our concerns about the proposed remapping for this property.

The proposed zoning is NX-4-UG. As a result of a condemnation action brought by the City of Raleigh to accommodate on Hillsborough Street, this property has an irregular shape and unusual frontage along the roundabout at Hillsborough Street and Ferndell Lane. The Urban General frontage would require 70 percent of the building edge to be within 20 feet of the right-of-way. My client would have to construct a semi-circular shaped building to comply with this frontage requirement when the property is redeveloped. That is not reasonable, particularly in view of the fact that the irregularity of this lot and street frontage was caused by the City.

Therefore we request this property be rezoned to NX-4 without a frontage designation.

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

Sincerely,



Isabel Worthy Mattox

c: John W. Wardlaw, Jr.



February 5, 2015

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

Dear Mr. Schuster,

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

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

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

Thank you for your consideration.
Sincerely,

Tony M. Tate, RLA, ASLA

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



February 5, 2015

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

Dear Mr. Schuster,

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

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

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

Thank you for your consideration.

Sincerely,

Tony M. Tate, RLA, ASLA

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

Z-98-95 Lynn Road, south side, at its western intersection with Six Forks Road, being Map 1706.07, Block 79, Parcels 0853 and 1939, and Map 1707.19, Block 60, Parcel 9055. Approximately 4.9 acres rezoned to Neighborhood Business Conditional Use and Shopping Center Conditional Use.

Conditions: (11/29/95)

Neighborhood Business CUD Tract

1. The following uses shall not be permitted on this tract; bar, night club, lounge, tavern; automotive service and repair facility; drive-through restaurants; hotel/motel; movie theater; emergency shelter type A or B; landfill; manufacturing; mini-warehouse storage facility; nor any special uses in the Neighborhood Business District which presently require City Council or Board of Adjustment approval.

2. Access to the site shall be limited to the existing driveways; one on Six Forks Road and one on Lynn Road.

3. A 30 foot Type B Transitional use protective yard (existing) shall be provided along the south property line adjacent to Northcliff subdivision, lots 1-11 identified by the following PIN Numbers: 1706.07-79-2541, 1706.07-79-1507, 1706.07-79-0631, 1706.07-69-9665, 1706.07-69-9700, 1706.07-69-8734, 1706.07-69-7778, 1706.07-69-7803, 1706.07-69-6837, 1706.07-79-3419, 1706.07-79-1573.

Shopping Center CUD Tract

The uses permitted on this tract shall be limited to vehicular parking and retail sales (convenience, general, and personal service) and eating establishments (no drive-thru) outdoors or in an accessory structure.

Neighborhood Business CUD Tract and Shopping Center CUD Tract

Any increased storm water runoff resulting from an increase in impervious surface on site in excess of ten (10) percent above the presently existing impervious surface (3.1 ac) shall be captured, controlled and released according to CR 7107.

Z-46-97 Peace Street, north side, between Glenwood Avenue and N. West Street, being Map 1704.18 42 9272 and 9321. Approximately .6 acre rezoned to Residential-30 Conditional Use.

Conditions: 7/10/97

1. The resulting residential development shall consist of either a townhouse development or unit ownership development of single family or attached dwelling units limited to a maximum yield of twelve (12) dwelling units.

2. An attached townhouse development or unit ownership development of the entire zoned area shall be limited to a total of not more than three (3) buildings containing attached dwelling units.

3. Exterior building materials shall be in terms of texture, appearance and quality be made of the same or compatible materials used on the homes fronting Glenwood Avenue and Devereux Street that backup to and abut the subject area. Vinyl and aluminum siding shall not be used.

4. The main roof of proposed buildings or additions shall have a minimum slope of four (4) to twelve (12).

5. Building heights as calculated by applicable City of Raleigh ordinances shall not exceed the height of the highest apex for a roof of a house on the southeast side of the 500 block of Devereux Street.

6. Exterior Lighting

a. Exterior area lights of any type shall be located outside of any required transitional protective yards.

b. Pole style lights shall not exceed a height of eighteen (18) feet. They shall employ fixtures that create downlighting only and shield the view of the light source from the sides.

c. Within one hundred (100) feet of the existing rear lot lines of parcels fronting on Devereux Street and the subject parcel, exterior lighting shall be limited to either:

1. bollard style fixtures of a maximum height of three and one-half feet with the light source shielded from adjacent parcels; or

2. wall mounted light fixtures that create primarily down lighting with the light source shielded from view and the fixture at a maximum height of twelve (12) feet on the wall: or

3. combinations of 1 and 2 above.

7. Dwelling units constructed on the subject property shall have a minimum of 1200 square feet of floor area gross not including any garage space.

8. A preliminary site plan shall be submitted to the Raleigh Planning Commission and be reviewed in accordance with Code Section 10-2132.2(c).

9. At the time of filing for preliminary site plan approval, a copy of the site plan shall be mailed to the owners of the following residentially used properties abutting the subject site:

Wake County PIN #:	
1704.14-42-9504 (Barker)	1704.18-42-7374 (Durham)
1704.14-42-9555 (DiGregorio)	1704.18-42-7350 (Byrd)
1704.15-52-0514 (Armentrout)	1704.18-42-7379 (House)
1704.15-52-0554 (Higgins)	

10. Within the side development area exclusive of rights-of-way, utility services shall be placed underground to the point where they connect to the new buildings.

11. HVAC units shall be screened from view from adjacent parcels on either Glenwood Avenue or Devereux Street.

12. Chimneys (if used) shall be of masonry construction.

13. There shall be no exposed external stairwells leading to second floor levels for any buildings or dwelling units constructed on the site.

14. Subject to the provision by the owners of the parcels listed herein of an easement area at the rear of their respective Wake County parcels being PIN Numbers:

1704.14-42-9504 (Barker)	1704.15-52-0514 (Armentrout)
1704.14-42-9555 (DiGregorio)	1704.15-52-0554 (Higgins)

The developer shall install a minimum six (6) foot tall closed wooden fence to shield these parcels from vehicular surface areas and parking spaces occurring within fifty (50) feet of the common boundaries of the subject area and these parcels.

ORDINANCE (1997) 168 ZC 418 CORRECTED COPY
Effective: August 5, 1997

PC Agenda Item 64

Z-70-97 Gaston Street, north side, west of Boylan Avenue and east of Clay Street, being 1704.14 33 (portion of) 8089. Approximately .29 acre rezoned to Residential-30 Conditional Use.

Conditions: 6/17/97

1. Residential Density: Residential uses shall be limited to not more than 7 single family dwellings (attached townhouses or detached) and accessory uses.
2. Height: Buildings and structures constructed upon the subject property shall not exceed 39 feet in height, measured as provided in the Code of the City of Raleigh.

Z-94-98 Boylan Avenue, east side, between Devereux Street and Hinsdale Street, being Wake County Tax Map Parcels 1704 42 2660, 2555, 2551, and 2465. Approximately .5 acre is requested to amend the existing Office & Institution-2 Conditional Use conditions.

Conditions: (10/07/98)

- A. The property being rezoned shall be restricted to the following uses:
1. Office uses as specified in the Schedule of Permitted Uses, Section 10-2071, of the City of Raleigh Development Regulations for O&I-2 zoning districts.
 2. Dwelling units
 3. Schools
 4. Recreational areas accessory to schools
 5. Vehicular access and loading area accessory to schools.
 6. Parking accessory to schools
 7. Parking accessory to dwelling units
 8. Parking accessory to office uses

The maximum residential density shall be that allowed in O&I-1. Use of the site for modular or mobile buildings or telecommunication towers as a primary use or accessory use to a school shall be prohibited. There shall be no provision for hotels, motels, commercial parking facilities or special and related service uses that may otherwise be permitted in O&I districts or allowed by the Board of Adjustment.

B. The addition of any vehicular surface area (including the substitution of new vehicular area for existing vehicular surface area) or building on any land area within the property being rezoned shall require that a Street Protective Yard with a minimum width of fifteen (15) feet be installed along the entire abutting public right of way frontage of the property being rezoned. With the exception of the width requirement already specified in this condition, the installation of the Street Protective Yard shall comply with Section 10-2082, et. seq. of the City of Raleigh Development regulations. Recreational playground equipment, playground structures, loading area screening structures and storage buildings with less than 200 square feet of gross floor area shall be exempted from this condition.

C. All future buildings including single family dwelling units, duplexes and non-residential buildings including offices and schools constructed on the property being rezoned shall conform to the design standards for the Special R-30 district as set forth in Section 10-2072(b) and shall have a required minimum and maximum front yard setback of either 15 feet or within 10% of the median front yard setback established by buildings on the same side of the block face of the proposed building. Recreational playground equipment, playground structures, loading area screening structures and storage buildings with less than 200 square feet of gross floor area shall be exempted from this condition.

Ordinance: 391 ZC 620
Effective: May 6, 2008

1. **Z-12-08/SSP-1-08 – Hinsdale Street**, located on the south side of Hinsdale Street, west of its intersection with Glenwood Avenue, being various Wake County PINs. Approximately 0.92 acre to be rezoned to Residential-30 Conditional Use District with Pedestrian Business Overlay District.

Conditions: April 7, 2008

Streetscape and Parking Plan:

- a) Residential development shall not exceed a maximum of twenty (20) dwelling units.
- b) Uses on the subject property shall be limited to single family detached homes, townhouse developments, residential unit ownership (condominium) developments and duplexes and any accessory uses allowed in R-30 districts, under Section 10-2071 of the City Code;
- c) Buildings constructed on the rezoned Property after the effective date of this rezoning shall not exceed forty feet (40') in height, determined in accordance with City Code Section 10-2076.
- d) All garbage disposal containers used by an individual dwelling unit shall be stored in a closed storage unit or otherwise screened from view of public street rights-of-way by a fence or vegetation of a height which is in excess of the height of the garbage disposal container, except during collection times.
- e) There shall be no parking located between the front of any building and any public right-of-way.
- f) No vehicular access or curb cut shall be permitted from the subject property to Glenwood Avenue. No more than one vehicular access point shall be permitted from the subject property to Boylan Avenue; and no vehicular access point or curb cut shall be permitted from the subject property to Hinsdale Street, unless such access is required by the City of Raleigh, State of North Carolina or local fire or emergency department.
- g) Preliminary site plan approval by Raleigh City Council in accordance with

Ordinance No. (2012) 34ZC671**Adopted: 04/03/12 Effective: 04/03/12**

Z-3-12 – Glenwood Avenue - located on the west side of Glenwood Avenue, north of Wills Forest Street, being Wake County PINs 1704-43-5490 and 1704-43-6321. Approximately 0.6 acres are to be rezoned from Special Residential-30 (SP R-30) to Residential Business Conditional Use District (RB CUD).

Conditions Dated: 03/26/12

Conditional Use District requested: Residential Business Conditional Use

Narrative of conditions being requested:

As used herein, the “Properties” means and refers to all of those certain tracts or parcels of land containing an aggregate of approximately 0.60 acres, located along Glenwood Avenue, north of its intersection with Wills Forest Street, in the City of Raleigh, NC, and having Wake County Parcel Identification Numbers: 1704-43-5490 (Deed Book 14071, Page 2771; 909 Glenwood Avenue) and 1704-43-6321 (Deed Book 14526, Page 2172; 907 Glenwood Avenue) (collectively, “Properties”).

(a) The following principal uses, as listed in Raleigh City Code section 10-2071 “Schedule of Permitted Land Uses in Zoning Districts” shall be the only principal uses permitted on the Properties:

- Agriculture – all
- Recreation:
 - non-governmental, not for profit – all
- Residential – all, except for rooming house, boarding house, lodging house or tourist home
- Institution/Civic/Services:
 - church
 - civic club
 - family child care home
 - library or museum - non-governmental
- Office – all
- Commercial:
 - residential related service

(b) The existing structures located on the Properties shall not be demolished or moved. However, if a structure is damaged or destroyed as a result of the exercise of eminent domain; man-made acts, such as riot, fire, accident, explosion; or flood, lightning, wind or other calamity or natural act, the owner of the property shall not be obligated to restore, rebuild or reconstruct the structure to its previous condition.

(c) The development of any new principal building on the Properties shall conform to the following standards:

1. The maximum building height for the principal building shall be 12 feet higher than any other residential structure located on property residentially

- zoned and located within 30 feet of the lot on which the structure is to be located. Notwithstanding this maximum height limitation, any building greater than 40 feet in height shall add one foot of additional width to each required district yard setback for each foot in height over 40 feet, except that any building greater than 40 feet in height located closer than 50 feet to either the lot line of any dwelling, congregate care or congregate care living structure or the boundary line of any residential zoning district shall add two feet of additional width to the required district yard setback adjacent thereto for each foot in height greater than 40 feet.
2. The minimum front yard setback shall be 15 feet and the maximum front yard setback shall be 45 feet.
 3. The minimum side yard setback shall be 5 feet.
 4. No structure shall contain more than 5,000 square feet floor area gross.
 5. Any new vehicular parking areas shall be located behind the front façade of the principal building.
 6. At least one building entrance shall be oriented toward Glenwood Avenue.
 7. Subject to condition (h) below for office uses, the maximum building lot coverage shall not exceed 50%.
 8. The materials, including their direction, dimension, and application, used on the exterior portion of the building shall be the same as those materials used on any two or more existing buildings on those blocks within or fronting along the streets within the areas (i) to the west of Glenwood Avenue, bound by Wills Forest Street, North Boylan Avenue and Devereux Street; and (ii) to the east of Glenwood Avenue, bound by Washington Street, the railroad right-of-way and Devereux Street.
 9. The main roof of any building shall have a minimum rise-to-run pitch of 4 to 12.
- (d) A total of only one sign may be located on the Properties, collectively. No sign on the Properties may be internally illuminated. The maximum dimension of any sign located on the Properties shall be 2.5 feet in height by 6.5 feet in length.
- (e) Any new vehicular parking areas associated with the existing principal buildings shall be located to the rear of the principal building. This condition (e) shall not prohibit the maintenance and improvement of the vehicular parking areas in their current locations existing as of the day of adoption of this zoning ordinance.

(f) Direct access to the Properties from Glenwood Avenue shall be limited to one access point. This condition (f) shall not limit access to the Properties from Glenwood Avenue via access over 913 Glenwood Avenue (PIN 1704-43-5467; DB 11579, PG 2381) or 905 Glenwood Avenue (PIN 1704-43-6226; DB 5002 PG 383) or Spring Street.

(g) Prior to issuance of a building permit for a new principal building on one of the Properties, the owner of the redeveloping Property shall record in the Wake County Registry a specific offer of vehicular cross-access over and upon the redeveloping Property in favor of the other Property.

(h) Any office use on the Properties is subject to a maximum building lot coverage of 30%. Building lot coverage is the amount of net lot area or land surface area, expressed in terms of a percentage, that is covered by all principal buildings, including: (i) overhangs or cantilevered portions of the building (other than roof overhangs), such as bay windows; (ii) roofs or canopies covering areas where a principal use is conducted, such as a gasoline pump island canopy or display area; (iii) enclosed breezeways or walkways; and (iv) decks, balconies more than 3.5 feet high. Building lot coverage shall exclude roof overhangs; unenclosed walkways or stairs; unenclosed stoops, decks, patios, balconies less than 3.5 feet high; vehicular surface areas and parking structures; uncovered paved areas; and accessory uses and structures, such as signs, decorative items and lighting.

(i) Any office use on the Properties is subject to a maximum floor area ratio of 1.0. Floor area ratio is the numerical value obtained by dividing the floor area gross of the building by the net lot area. Floor area gross is the sum in square feet of the gross horizontal areas of all floors of the building measured from the exterior walls. The floor area gross of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses shall be included in the calculation of floor area gross. However, the following shall not be included in the floor area gross: any space devoted exclusively to off-street parking; outdoor loading, display, utility service areas; mechanical equipment and uninhabited enclosed space on top of roofs; attic space having head room of less than seven feet, ten inches (7' 10").

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

Conditions: 6/26/96

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

(See attachments as indicated)

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

Exhibit C-2
ALLOWED USES BY LAND USE AREA

1. RESIDENTIAL

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

2 OFFICE, INSTITUTIONAL, CIVIC & SERVICES

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

3. COMMERCIAL

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

4. INDUSTRIAL

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

5. OPEN SPACE/BUFFERS & RECREATION AREAS

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

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

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

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

Exhibit C-3

GENERAL CONDITIONS

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

EXHIBIT C-4 **CONDITIONAL USE NOTES**

1. GENERAL

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

Modifications include:

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

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

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

A. Access to Highway US-70.

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

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

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

B. Access to T.W. Alexander Drive.

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

C. Brier Creek Parkway.

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

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

D. Completion of Roads.

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

E. Cross Overs on Thoroughfares and Collectors.

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

F. Public access to outparcels.

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

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

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

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

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

3. OPEN SPACE

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

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

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

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

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

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

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

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

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

(CORRECTED)
Ordinance (2011) 940ZC662

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

Z-9-11 Conditional Use – Creedmoor Road - located on the east side, southeast of its intersection with Crabtree Valley, being Wake County PINs 0796302996, 0796308642, and 0796314150. Approximately 11.74 acres to be rezoned from Shopping Center (0.81 acre) and SC with (PDD) Planned Development District and (PBOD) Pedestrian Business Overlay District (10.93 acres) to SC CUD with PBOD (8.126 acres), and SC CUD (3.613 acres).

Conditions Dated: 8/15/11

Narrative or conditions being requested:

For the purposes of the following conditions, Property” shall refer to tax parcels (PINs) 0796-30-2996, 0796-30-8642, and 0796-31-4150.

(a) The following uses shall be prohibited upon the Property: automotive service and repair facility; utility service and substation; emergency shelter Type A or Type B; landfill; manufacturing-custom; manufacturing-specialized; adult establishment; kennel/cattery; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater or outdoor racetrack.

(b) With the exception of Hotel/Motel, an allowed use upon the Property, all uses developed upon the Property that are categorized as “Commercial” in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 200,000 square feet floor area gross.

(c) All uses developed upon the Property that are characterized as Institution/Civic/Services or Office in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 100,000 square feet floor area gross.

(d) Uses developed upon the Property that are characterized as Residential in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 575 dwelling units.

(e) Within fifteen (15) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable development upon the Property as provided in the foregoing conditions (b), (c), and (d) among all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it shall become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the owner(s) of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC. 27602.

(f) The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute of Transportation Engineers will generate no more than 12,947 daily vehicle trips with no more than 705 vehicle trips in the AM peak hour and no more than 934 vehicle trips in the PM peak hour.

(g) Upon development of Section 1 of the Property as shown on Exhibit B-1 of the Petition in this case, a means shall be provided for pedestrian connectivity from the then existing grade of Section 1 to the grade of Crabtree Valley Avenue as it is now located between the Property and Crabtree Valley Mall (PIN 0796-50-2569).

(h) The actual location of the “Crabtree Valley Mall Connector Road” shown on pages 4 and 16 of the Streetscape and Parking Plan in this case will be established at the time of site plan approval.

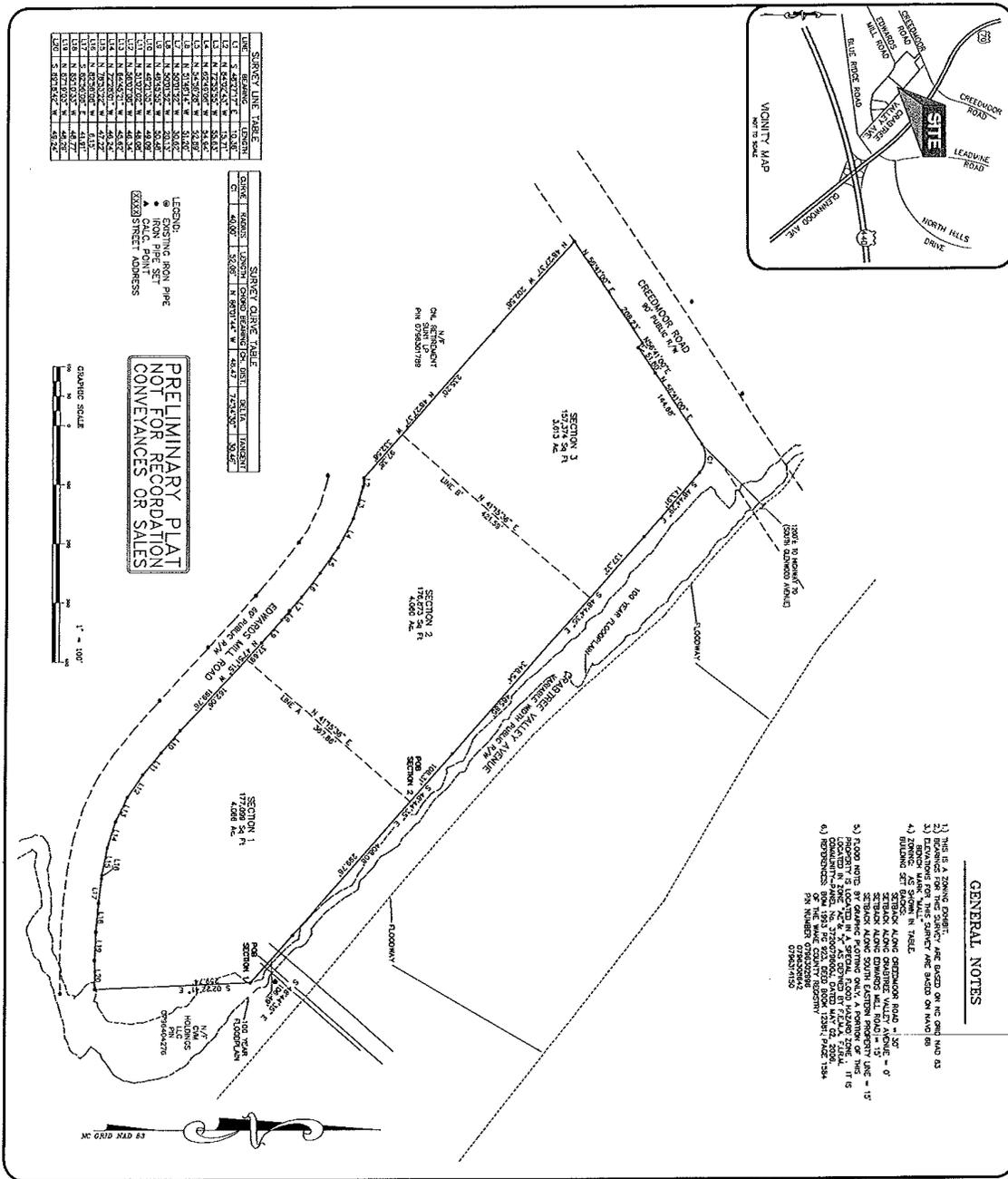
(i) Along the Creedmoor Road frontage of the Property, parking between the street right-of-way and the building(s) shall not exceed two rows of parking.

(j) Upon approval of a site plan or plans for the development of all or a portion of the Property, if requested by the City’s Transit Division, the owner shall dedicate a transit easement approved by the Raleigh City Attorney upon the respective site or sites of a size, nature and location acceptable to such Division and provide any improvements, such as a bench and/or shelter, specified by such Division that shall be in accordance with its standard policies. The owner shall dedicate up to three (3) transit easements upon the Property.

(k) Upon development of Section 3 of the Property as shown on Exhibit B-1 of the Petition in this case, pedestrian connectivity shall be provided between such Section and the adjoining Section 2. With regard to sidewalks along public rights of way, the design of sidewalk sections and curb and sidewalk details for Section 3 shall be coordinated with such design for Sections 1 and 2, although to the extent allowed by the City's Ordinances, sidewalk widths may be reduced for Section 3. Plants planted along public rights of way in Section 3 shall be consistent with those utilized for such purpose in Sections 1 and 2.

Exhibit B-1
Legal Descriptions of Sections 1, 2 and 3 are attached.

2-9-11



SECTION 1

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PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES

LEGEND:
● EXISTING IRON PIPE
● IRON PIPE SET
○ EXISTING STREET ADDRESS

GRAPHIC SCALE
1" = 100'

GENERAL NOTES

- 1) THIS IS A ZONING EXHIBIT.
- 2) DRAWING FOR THE CITY AND COUNTY OF WAKE COUNTY.
- 3) EXISTING IRON PIPE SHALL BE SET TO THE SURFACE.
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THE JOHN R. McADAMS COMPANY, INC.
ENGINEERS/PLANNERS/SURVEYORS
RESEARCH TRIANGLE PARK, NC
P.O. BOX 14005 ZIP 27709-4005
(919) 361-6000

McADAMS
ZONING EXHIBIT
REVISIONS:

CRABTREE PLACE
CITY OF RALEIGH, WAKE COUNTY, NORTH CAROLINA
WEINGARTEN REALTY INVESTORS
5420 FORUM DRIVE
SUITE 101
RALEIGH, NORTH CAROLINA

Z-10-12 – Westgate Road, Conditional Use - located on the northside, northwest of its intersection with Ebenezer Church Road being Wake County PIN(s), 0778536990 and 0778740512. Approximately 97.13 acre(s) is rezoned from Neighborhood Business Conditional Use District, Office and Institution-1 Conditional Use District, TD Conditional Use District, TD, Residential – 4 with AOD & SHOD-2 TO IND-1 Conditional Use District, with SHOD-2.

Conditions Dated: 06/28/12

1) Conditional Use Zone Requested: Industrial-1 – CUD w/ SHOD-2

2) Narrative of conditions being requested:

(a) Defined Terms. For purposes of the following conditions, (i) the two parcels proposed for rezoning by Martin Marietta Materials, Inc. in this case (PINs 0778-53-6990 and 0778-74-0512; Lots 1 and 2, respectively, Book of Maps 2011, Page 1208, Wake County Registry) are referred to as the “Property;” (ii) the term “overburden” shall refer only to the soil, earth, loose rock, and other natural material removed to reach marketable rock in the process of quarry excavation or that results from quarry processing; and (iii) all measurements of height made pursuant to these conditions shall be determined from existing grade of the midpoint of Ebenezer Church Road at its intersection with Wyngate Mill Lane.

(b) Realignment of Westgate Road. Before any mining and quarrying activity occurs upon the Property, except the removal, deposit, storage, and disposition of overburden as provided herein, the owner of the Property, in coordination with the NCDOT and the City of Raleigh, will pursue the realignment of Westgate Road to the north substantially as shown on Exhibit C-1 attached hereto. If such realignment is approved, the centerline of Westgate Road will be shifted to the north toward 1-540 no more than six hundred (600) feet from its current location and Martin Marietta will dedicate at no cost to the State or City the right-of-way for the realignment and will bear all costs associated with relocation of the road. It is provided, however, that during the pursuit of approvals to realign Westgate Road, the berm referenced in condition (d) along the boundary of the Property with tax parcel PIN 0778-74-4381 (Lot 3, Book of Maps 2011, Page 1208, Wake County Registry) may be constructed with soil and earth from the Property.

(c) Area South of Relocated Westgate Road. Any extraction of rock and/or other aggregates materials upon the Property shall occur only south of Westgate Road following its relocation as provided in the foregoing condition (b). Overburden may be removed from such area prior to the road relocation, but not from the area south of existing Westgate until the construction of the means of transporting overburden under relocated Westgate Road referenced in condition (h). The excavation of dirt or other materials south of relocated Westgate Road (except as provided in condition (i)) will occur no closer than fifty (50) feet to the right-of-way of relocated Westgate Road. At the time of or prior to the completion of such relocation of Westgate Road, a berm with a

minimum height of twenty-five (25) feet shall be constructed between the right-of-way of relocated Westgate Road and the area of extraction south of relocated Westgate Road. Such berm shall be constructed no closer than twenty-five (25) feet from the right-of-way of relocated Westgate Road and may have a diagonal opening or openings to accommodate the driveway referenced in condition (i) and vehicular access to the means of transporting overburden under relocated Westgate Road referenced in condition (h). On both the east and the west, such berm will tie into and join the berms currently existing on Petitioner's property along Ebenezer Church Road on the east and along Westgate Road on the west.

(d) Construction of Berm; Required Set Back Area and Fence. Before any mining or quarrying activity occurs upon the Property (other than the removal, deposit, storage, and disposition of overburden) there shall be constructed along the boundary of the Property with tax parcel PIN 0778-74-4381 (Lot 3, Book of Maps 2011, Page 1208, Wake County Registry) a berm a minimum of fifty (50) feet in height with a maximum slope of 2:1. Such berm shall be set back (that is, it will begin to rise in height) at least one hundred fifteen (115) feet from the boundary of the Property with PIN 0778-74-4381. The area of such set back ("the Set Back Area") will remain in a natural condition and will remain undisturbed by tree disturbing and land disturbing activities except as provided in this condition. The portion of the Set Back Area more than seventy-five (75) feet from the boundary of the Property with PIN 0778-74-4381 may contain a driveway no more than twenty (20) feet in width running parallel and adjacent to the berm, utilities, and stormwater infrastructure. Along the entire boundary of the Property with PIN 0778-74-4381, but set back approximately seventy-six (76) feet from such boundary, there shall be constructed and maintained a chain link fence at least five (5) feet in height. It is provided, however, that such fence shall not extend into the natural protective yard required in condition (o). An opening shall be provided in the berm a minimum of seventy (70) feet in width to accommodate the possible future extension of Ebenezer Church Road as provided in the City's Comprehensive Plan.

(e) Use of Area North of Relocated Westgate Road. The area of the Property north of Westgate Road, as relocated pursuant to the foregoing condition (b), shall be utilized only for (i) the deposit, storage, and disposition of overburden (and the preparation of areas for such deposit, storage and disposition) and (ii) the installation of driveways, berms, plants and trees, utilities, stormwater infrastructure, the means of transporting overburden under relocated Westgate Road referenced in condition (h) and for no other use except as set forth in condition (r). Other than during the placement of overburden, no quarry related equipment, mobile equipment, vehicles or other personal property will be stored on this portion of the Property. Attached as Exhibit C-2 is a map showing generally the areas upon the Property where overburden will be deposited and/or berms constructed in the event the relocation of Westgate Road as described in condition (b) is approved by the NCDOT and any permitting authority having jurisdiction. Exhibit C-3 attached hereto shows this information on a larger scale for a portion of the Property. No overburden berm shall be located closer than twenty-five (25) feet from the right-of-way of relocated Westgate Road.

Effective: 7/3/12

(f.) Height of Overburden. Overburden deposited upon the Property in accordance with these conditions shall be less than fifty (50) feet in height at all points within four hundred ten (410) feet of the following parcels: PIN 0778-72-8995 (Owner: Stacey Douglas Daniels; deed recorded at Book 10157, Page 1125, Wake County Registry), PIN 0778-73-8064 (Owner: Richard Keith Hale; deed recorded at Book 8107, Page 861, Wake County Registry), PIN 0778-73-8181 (Owner: Kandas B. and Jason W. Branson; deed recorded at Book 13084, Page 1557, Wake County Registry), PIN 0778-73-8197 (Owner: Donald A. and Lisa K. Templeton; deed recorded at Book 8299, Page 1167, Wake County Registry), PIN 0778-73-8294 (Owner: Ali Akbar and Parvin Salim Mahmoudi recorded at Book 8104, Page 932, Wake County Registry), PIN 0778-73-9300 (Owner: Coyett Wayne and Shelley A. Vanover; deed recorded at Book 8059, Page 2447, Wake County Registry), PIN 0778-73-9317 (Owner: Brant S. Ust and Jessica Ann Hoppe Ust, deed recorded at Book 14665, Page 1025, Wake County Registry), PIN 0778-73-9404 (Owner: Fred E. Hicks, Jr. and Maria K. Hicks; deed recorded at Book 7444, Page 664, Wake County Registry), PIN 0778-73-9505 (Owner: Candace B. and Richard G. Wilson; deed recorded at Book 13572, Page 1799, Wake County Registry); PIN 0778-73-9651 (Owner: Colin Alasdair Currie McKerrell and Ada Stewart McKerrell; deed recorded at Book 8254, Page 1087, Wake County Registry), PIN 0778-73- 8889 (Owner: Wyngate Homeowners Association Inc.; deed recorded at Book 8077, Page 1916, Wake County Registry), PIN 0778-74-9004 (Owner: David J. Debasis; deed recorded at Book 07-E-, page 1740, Wake County Registry), PIN 0778-74-8039 (Owner: George I. and Tanya B. Russ; deed recorded at Book 8091, Page 282, Wake County Registry), PIN 0778-74-7290 (Owner: Linda B. Peace; deed recorded at Book 08-E-, Page 2290, Wake County Registry), PIN 0778-74-7375 (Owner: Jung Sung and Amber Park; deed recorded at Deed Book 8451, Page 2331, Wake County Registry), PIN 0778-74-6378 (Owner: Michael B. and Deborah A. Miller; deed recorded at Book 8315, Page 2743, Wake County Registry), PIN 0778-74-6520 (Owner: Patricia B. Brandon; deed recorded at Book 8350, Page 1535, Wake County Registry), and PIN 0778-74-6588 (Owner: Gerald L. and Linda D. Ballard; deed recorded at Book 9170, Page 1519, Wake County Registry). Such parcels are referred to hereafter as the “Wyngate Parcels.” Overburden deposited upon the Property in accordance with these conditions shall be less than seventy (70) feet in height at all points greater than four hundred ten (410) feet and within four hundred eighty (480) feet of the Wyngate Parcels. Except as otherwise herein limited in height, the deposited overburden shall not exceed seventy (70) feet in height at any point upon the Property.

(g) Deposit of Overburden - Time Limitations. Overburden will be deposited, graded, or moved about upon the Property only in accordance with these conditions and only between 7:00 A.M. and 6:00 P.M. on Mondays through Fridays. There will be no deposit, grading, or movement of overburden on the Property on Saturdays and Sundays. No additional overburden will be deposited on the Property following the tenth anniversary of the date Westgate Road, as relocated pursuant to the foregoing condition (b), is opened to public traffic. In the event such relocation is not approved by NCDOT and any other permitting authority having jurisdiction, no additional overburden will be deposited upon the Property following the tenth anniversary of the later of (i) the final approval of this

rezoning case or (ii) if a legal action is filed challenging such approval, the entry of a final judicial decision affirming such approval.

(h) Transport of Overburden Under Westgate Road. No overburden will be transported at grade across existing Westgate Road in either a direct or indirect manner. Following the relocation of Westgate Road as provided in the foregoing condition (b), subject to the approval of the NCDOT and any other permitting authority having jurisdiction, overburden removed from any area south of relocated Westgate Road shall be transported to that portion of the Property north of relocated Westgate Road only through a tunnel, under a bridge, or by other means of conveyance under relocated Westgate Road.

(i) Areas Along Relocated Westgate Road. An area a minimum of fifty (50) feet in width shall be maintained upon the Property along each side of Westgate Road, as relocated in accordance with the foregoing condition (b). Such areas shall remain in a natural condition except as provided in this condition. Each such area may contain (i) a single driveway, subject to NCDOT and City of Raleigh approval, no wider than sixty (60) feet of disturbed area, which may diagonally cross such area, (ii) the excavation and structure for transporting overburden under relocated Westgate Road referenced in condition (h), and (iii) berms, plants and trees, utilities, stormwater infrastructure, the transit easements referenced in condition (q) hereafter, and such slope and construction easements as shall be appropriate for the relocation of Westgate Road referenced in condition (b).

(j) Planting of Grass and Pine Seedlings. Upon the completion of the construction of any berm or deposit of overburden upon the Property as provided in these conditions, the berm or deposit will be planted with grass or another groundcover and in areas on the exterior of such berm planted with pine seedlings in staggered rows at intervals of ten (10) feet. The seedlings shall be planted as soon as practicable based upon generally accepted silvicultural practices. If any vegetation planted on a berm or other deposit of overburden dies, it will be replaced as soon as practicable, but in no event should replacement be delayed more than 180 days following written notification by the City of Raleigh to the owner to replant.

(k) Control of Dust. At all times when overburden is being transported to or deposited, graded, or moved about upon the Property, a water truck or trucks will be utilized to control dust on the haul roads and other areas of the Property where overburden is being transported, deposited, graded, or moved about and such control of dust will be maintained until overburden berms and deposits are planted with grass or another groundcover as provided in condition (j).

(1) Areas Where Blasting Prohibited. No blasting shall occur upon the Property north of Westgate Road, as relocated pursuant to the foregoing paragraph (b), or upon that portion of the Property south of relocated Westgate Road that is within two hundred (200) feet of the right-of-way of such relocated road. There will be no blasting upon the Property at any point within eight hundred (800) feet of the Wyngate Parcels.

(m) Limitations on Blasting. With regard to blasting allowed upon the Property south of Westgate Road, relocated in accordance with condition (b), a seismograph reading will be made of each blast. Those readings shall be taken at a seismograph (the "Seismograph") which shall be maintained by the owner of the Property in the northwest quadrant of the intersection of Westgate and Ebenezer Church Roads. Records of such readings will be maintained by the owner of the Property and will include: date, time, pounds per delay, location of blast, location of seismograph, peak particle velocity readings, and decibel readings. Records will be kept for a minimum of five years at the office of the owner of the Property at 6028 Triangle Drive, Raleigh, NC 27617 and may be inspected on request by the City Manager or his/her designee or any representative of the Wyngate Homeowners Association. If such office is closed or relocated, within thirty (30) days the owner of the Property will provide another office, which must be in the City of Raleigh, where such records will be kept and may be inspected and will provide the Chief Zoning Enforcement Officer of the City of Raleigh and the Wyngate Homeowners Association written notice of the address of such office. The impacts of blasting upon the Property at the closest occupied structure (not owned by the owner of the Property) are limited by state law to 2"/second PPV, the level at which Federal Bureau of Mines studies show is a safe threshold at and below which no damage will occur, and with respect to overpressure, to 134 dbl. Within each calendar year, seventy-five percent (75%) of the blasts occurring upon the Property shall not exceed a reading taken at the Seismograph of .5"/second PPV, ninety percent (90%) of such blasts shall not exceed a reading taken at the Seismograph of .6"/second PPV, and ninety-nine percent (99%) of such blasts shall not exceed a reading taken at the Seismograph of 1.0"/second PPV. Also, within each calendar year, ninety-two percent (92%) of the blasts occurring upon the Property shall not exceed a reading taken at the Seismograph of 127 dbl and ninety-nine percent (99%) of such blasts shall not exceed a reading taken at the Seismograph of 130 dbl. In the records of blasting upon the Property maintained in accordance with this condition (m), the record of any blast that exceeds a reading of .5"/second PPV or 127 dbl will be entered in bold type font.

(n) Limitations on Time of Blasting. Blasting on the Property (as limited by these conditions) will only be allowed between the hours of 9 a.m. and 5 p.m., Mondays through Fridays, except in cases of emergency. Cases of emergency shall exist only when (i) a misfire or other mishap occurs during a blasting event otherwise authorized by these conditions or (ii) because of a storm or other natural disaster, the production of stone not already on hand is requested by the NCDOT or other governmental agency or authority. No blasting will be allowed on the traditional holidays of New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas Eve, and Christmas Day.

(o) Natural Protective Yard. Along the boundary of the Property with PIN 0778-85-1532 (owner: Wake County Board of Education; deed recorded at Book 12175, Page 1847, Wake County Registry) there will be maintained a natural protective yard a minimum of 50 feet in width. The natural protective yard shall not be designated as a primary tree conservation area.

(p) Control of Stormwater. Stormwater upon the Property shall be managed and controlled such that no stormwater from the Property shall flow to or upon any parcel included within the Wyngate Subdivision as such subdivision is shown on the plats recorded at Book of Maps 1996, Pages 1291, 1292, 1293, 1390, 1469, 1470, 1471, 1545, and 1546, Book of Maps 1997, Pages 1681, 1973, and 1974, Book of Maps 1998, Pages 272, 273, 645, and 2078, and Book of Maps 1999, Page 1531 of the Wake County Registry. This condition shall also be applicable to any recombination or further subdivision of such parcels.

(q) Transit Easements. Upon development there shall be dedicated on both the north and south sides of Westgate Road following its relocation as provided in condition (b), a transit easement fifteen (15) feet wide and twenty (20) feet in length at a location acceptable to the City. In the event such road relocation is not approved, a transit agreement having such dimensions shall be so provided on the north side of existing Westgate Road.

(r) Westgate Road Relocation Not Allowed. In the event that the relocation of Westgate Road as described in condition (b) is not approved by NCDOT and any other permitting authority having jurisdiction, the Property may be utilized only for (i) the deposit, storage, and disposition of overburden (and the preparation of areas for such deposit, storage, and disposition), (ii) the installation of driveways, berms, plants and trees, utilities, stormwater infrastructure, a means of transporting overburden under existing Westgate Road, and the transit easement referenced in condition (q), and/or (iii) a church or synagogue and/or daycare center. The height of any berm or deposit of overburden upon the Property shall be limited as provided in condition (f). In the event such relocation is not so approved, no blasting shall occur upon the Property. Other than during the placement of overburden, no quarry related equipment, mobile equipment, vehicles or other personal property will be stored on the Property. No overburden will be transported to the Property at grade across existing Westgate Road. Upon the use of the Property pursuant to this condition, the berm referenced in condition (d) shall be constructed as provided therein. In the event that the relocation of Westgate Road is not approved and does not occur as described in condition (b), (i) conditions which relate to or reference such road as relocated shall be of no effect and unenforced, (ii) conditions (j), (k), (o), and all other conditions which do not relate to or reference the relocation of Westgate Road as provided in condition (b) shall remain applicable, and (iii) an area a minimum of fifty (50) feet in width shall be maintained along the boundary of the Property with existing Westgate Road. Such area shall remain in a natural condition except as provided in this condition. Such area may contain (i) a single driveway, subject to NCDOT and City of Raleigh approval, no wider than sixty (60) feet of disturbed area, which may diagonally cross such area, (ii) a means of transporting overburden under existing Westgate Road, and (iii) berms, plants and trees, utilities, stormwater infrastructure, and the transit easement referenced in condition (q).

(s) Stormwater Drainage from Grading Areas. Stormwater drainage from grading areas (deposit and removal) on the Property will be directed to and through point source

Ordinance: 85ZC673

Effective: 7/3/12

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outfalls. The discharge from the outfalls shall not cause the turbidity of the receiving waters to exceed a Water Quality Standard of 50 NTU.

2-10-12

EXHIBIT C-2

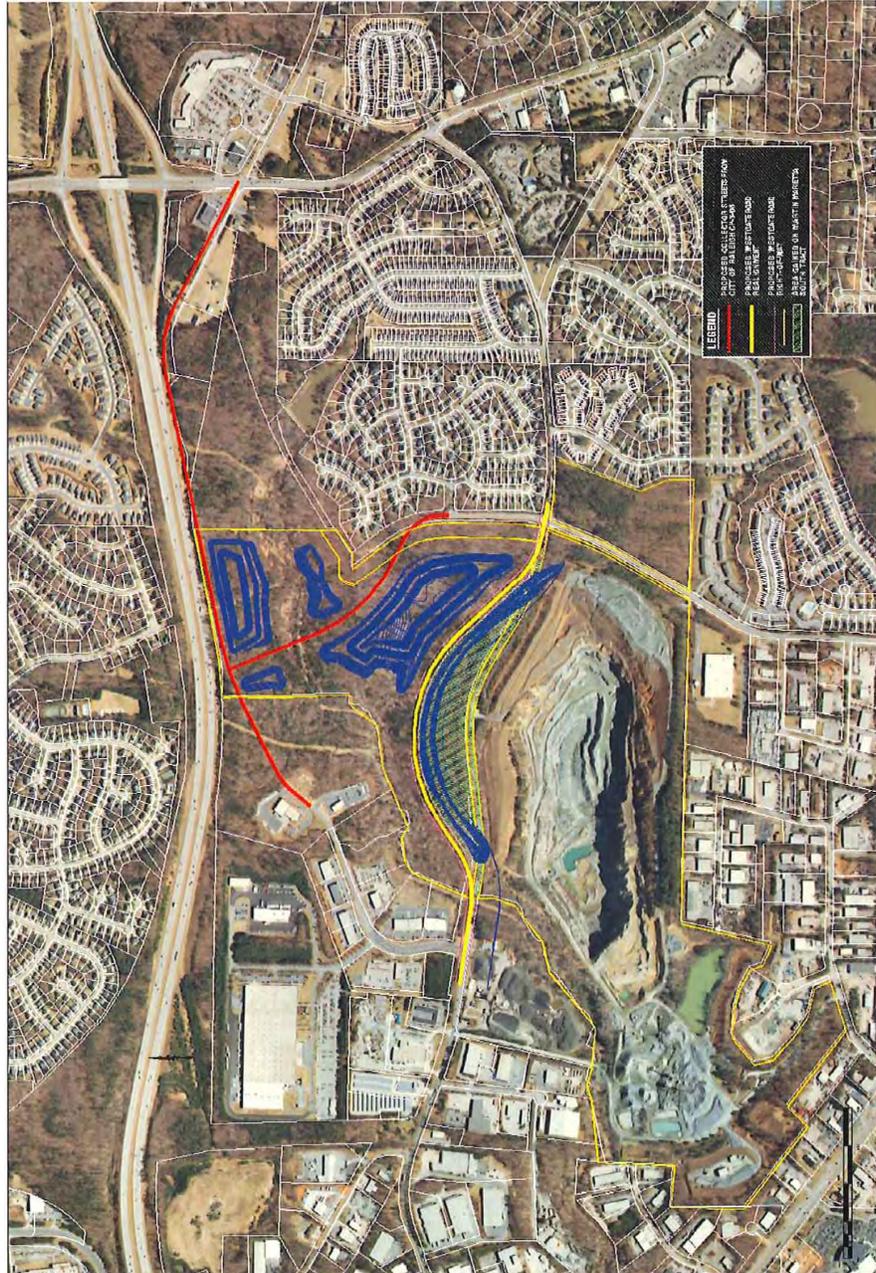
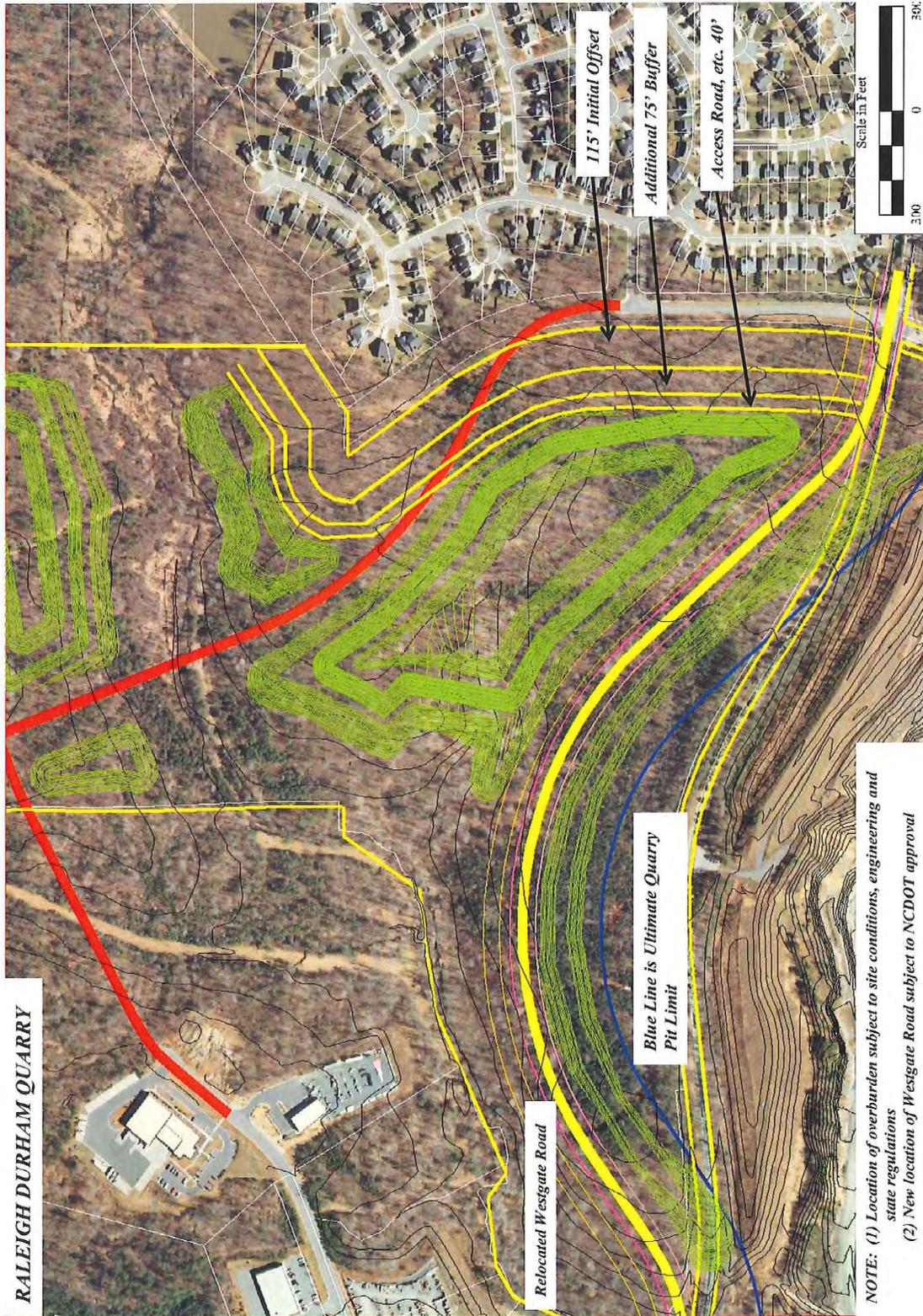


EXHIBIT C-3

2-10-12



NOTE: (1) Location of overburden subject to site conditions, engineering and state regulations
(2) New location of Westgate Road subject to NCDOT approval

Z-91-95 Westgate Road, north side, and south of the Proposed Northern Wake Expressway, being Map 0778.04, Block 83, Parcel 0975. Approximately 125 acres to Residential-6 Conditional Use and Residential-10 Conditional Use.

Conditions: (10/23/95)

- a. Additional rights of way needed for the extension of Strickland and Ebenezer Church Road shall be reimbursed at R-4 values. The Strickland Road extension shall not exceed a maximum width of one hundred ten (110) feet and the Ebenezer Church Road Extension shall not exceed a maximum width of eighty (80) feet.
- b. The development of this property shall comply with the provisions of C.R. 7107.
- c. The presently existing SHOD-1 affecting the northern portion of the property shall remain in effect.
- d. Additional right of way needed for Westgate Road in its existing alignment shall be reimbursed at R-4 values. This additional right of way upon Petitioner's property shall not exceed a maximum width of fifteen (15) feet.

Z-85-98 Northern Wake Expressway, south side, north of Westgate Road, being a portion of Wake County Tax Map Parcel 0778.02 65 9252 and a portion of 0778.04 73 3758. Approximately 38 acres to be rezoned to Thoroughfare District Conditional Use and Special Highway Overlay District-2.

Conditions: 01/06/99

a. Development of the property will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.

b. Reimbursement for right-of-way needed for the extension of Strickland Road into or through the property subject shall be at the prevailing rate for R-4.

c. The following land uses as set forth in Code Section 10-2071 Schedule of Permitted Land Uses In Zoning Districts shall be prohibited:

1. Recreation use restricted to membership - Commercial of all types;
2. Recreation use – Non-governmental (outdoor/stadium/theater/amphitheater/racetracks) all all types;
3. Recreation - Governmental (indoor, outdoor, and rifle ranges) of all types;
4. Commercial riding stable;
5. Recreation governmental indoor of all types (including arenas and coliseums);
6. Recreation governmental outdoor of all types (including stadiums, amphitheatres, and racetracks);
7. Government riding stable;
8. Rifle range;
9. Fraternity house;
10. Sorority house;
11. Transitional housing (including Emergency Shelter Type A, Emergency Shelter Type B, and Religious shelter unit);
12. Cemetery;
13. Civic/convention center;
14. Correctional/penal facility;
15. Funeral home;
16. Orphanages;
17. Schools (public and private);
18. Adult establishment;
19. Dance, recording, music studio;
20. Kennel/cattery;
21. Commercial Highway - (e.g. equipment sales/repair, vehicle sales/rental, automotive washing and cleaning facility, garage for repairs of engines or servicing of automotive vehicles, a shop for body work or painting);
22. Check cashing store (excluding financial institution i.e. bank, savings and loan, etc.);

23. Bail bond office;
24. Landfill debris from on-site;
25. Transportation - including air fields, landing strips, heliports, and taxicab stands;
26. Power plant utilities;
27. Utility substations - governmental;
28. Governmental Water or sanitary sewer treatment plant (i.e. facilities other than septic tanks, pumping stations, wells and package treatments designed to handle water and waste water generated by on site activities);
29. Outdoor movie theater;
30. Bars, nightclubs, taverns, lounges;
31. Pawnshop as defined in 91A of NCGS;
32. Parking facility - as a principal use;
33. Rest home;
34. Indoor reclamation;
35. Bottling plant;
36. Bulk storage of flammable and combustible liquids;
37. Incinerator;
38. Flea markets; and,
39. Hotel/Motel.

d. Within 150 feet of the common boundary of PIN# 0778.02 85 1532 (Macaroni) the following shall apply:

1. Building heights for office uses shall be limited to a maximum of 40 feet and heights for retail or buildings housing any combination of retail, office, and warehouse distribution space other than office shall be limited to a maximum of 30 feet.

2. Building(s) containing office uses with more than 2 occupied stories as determined by the City of Raleigh standards shall provide a 30 foot wide transitional protective yard along the cited Macaroni boundary; and,

3. Vehicular surface areas for retail or combination for office, retail, distribution, or research uses shall be setback a minimum of forty feet from the cited Macaroni property line.

e. Greenway along tributary A of Sycamore Creek, as required by the City of Raleigh Greenway Plan shall be dedicated prior to the issuance of a certificate of occupancy for the first developed building within the zoned area. Reimbursements, if applicable, for the greenway shall be at the prevailing rate based on the current R-4 zoning.

f. A traffic impact evaluation study shall be provided at the time of either subdivision or site plan approval for the zoned area. This study shall evaluate the proposed points of ingress/egress to the zoned area and the impacts to the abutting public streets for their frontage along the zoned area.

g. Site area lighting shall consist of pole mounted fixtures with a maximum height of 18 feet. Light fixtures shall create downlighting only and the light source shall not be visible when viewed from the side. Metal Halide light bulbs shall be prohibited.

h. Outdoor pay phones shall be prohibited within the zoned area.

i. The following uses shall not occur within the prescribed setback areas:

1. Within 150 feet of the right-of-way of Strickland Road:
 - (a) Fire station, police precinct, training facility and other emergency service facility;
2. South and east of Sycamore Creek:
 - (a) Mini warehouse storage facility;
 - (b) Machine shop;
 - (c) Manufacturing - general;
 - (d) Wholesale laundry, dyeing and dry cleaning;
 - (e) Telecommunication towers less than 150 ft. in height; and,
 - (f) Telecommunication tower - (all others).

j. Within 150 feet of the future right-of-way of Strickland Road neon lighting may not be used on any sign, building exterior or interior of a building where it can be viewed from outside the building through a window or door.

k. Non-residential buildings shall be setback a minimum of 100' from the future right-of-way of Strickland Road.

l. Within 150 feet of the future right-of-way of Strickland Road, buildings shall be limited to a maximum height of 36 feet and not more than two (2) occupied stories.

Ordinance (2001)932 ZC 493
Effective: 2-6-01

PC Agenda Item 191

Z-11-01 Globe Road, east and west sides, north of Northern Wake Expressway intersection, being various Wake County PINs. Approximately 28.88 acres rezoned to Thoroughfare District Conditional Use.

Conditions Dated: (12/12/00)

The parcels which are the subject of this rezoning are hereinafter referred to as the "Property."

1. Development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. Reimbursement for future right-of-way dedication shall be based upon Residential-4 values.
3. The following uses shall be prohibited upon the Property: manufacturing, riding stable, transportation terminal facility, utility services and substation, wholesaling, Emergency Shelter Type A and B, landfill, or telecommunication tower.

Z-106-85 U.S. 70 West, south side, between Airport Road and the Durham County Line, being numerous parcels as defined on a map entitled "Perimeter Survey Map - Harlon Group/ Airport Assemblage", prepared December 1, 1984, by Murphy Yelle and Associates, approximately 1726.8 acres rezoned to City of Raleigh Thoroughfare Conditional Use District, per map on file in the City of Raleigh Planning Department which includes minor amendments to Exhibits I & J with the condition that a master land use plan be prepared, submitted to the Planning Director and approved by the City Council prior to submittal of any site plans required under the Thoroughfare District.

Z.49.07
mp. 1.07
11/8/07

PC Agenda Item 199

MASTER PLAN
BRIER CREEK TOWN CENTER
PROPOSED PLANNED DEVELOPMENT DISTRICT

DEVELOPER:
American Asset Corporation

CONSULTANTS:

J Davis Architects, PLLC – Architects and Land Planners

John R. McAdams, Inc. – Civil Engineers

Kimley-Horn Associates, Inc. – Transportation

Submitted: August 17, 2007

Revised: October 10, 2007

Revised November 8, 2007

BRIER CREEK TOWN CENTER **MASTER PLAN DOCUMENT**

Version date 11.08.2007

Summary Information

(1) The name of the development, name of the owner and agent / contact person, address and telephone number:

Project Name: Brier Creek Town Center PDD

Owner: Brier Creek Corporate Center Associates LP, c/o Joe Dye

Address: 8010 Arco Corporate Drive, Suite 114; Raleigh, North Carolina 27617

Consultant: JDavis Architects; Attn: Ken Thompson

510 Glenwood Avenue, Suite 201; Raleigh, North Carolina 27603

Telephone: 919-835-1500 FAX: 919-835-1510

E-Mail Address: kent@jdavisarchitects.com

Property Information

(1) Property to be dedicated for public use, such as proposed or existing easements, rights-of-way; greenway, including acres, square feet, acreage and dimensions:

- Existing City of Raleigh Greenway Easement: 4.69Acre
- Existing City of Raleigh public Right-of-Way: 0.64Acre (Previously committed by S-82-05)
- Existing City of Raleigh Utility Easements 0.45Acre
- Exchange of City of Raleigh Utility Easements 0.55Acre
- Proposed Private Street and Transit Easements 1.20Acre

1. Land Use / intensity

Description of uses proposed within each land use category specified. This plan should show a mixture of uses to provide convenient arrangements of complementary land uses.

- Lot 5: Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 6 Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 10 Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 12 Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 11 Hotel/Retail/Restaurant; Parking (50,000 SF of building maximum)
- Lot 13 Hotel/Retail/Restaurant; Parking (50,000 SF of building maximum)
- Lot 14 Open Space (0 SF of building maximum)

2. Transportation Information

a. TIA (as an attachment):

Part 1- Preliminary Trip Analysis that compares rates for existing and proposed zoning, preliminary analysis of surrounding street capacities, and if possible trip generation rates derived from applicable Small Area Plans. AM Peak, PM Peak, and Daily trip generation for existing zoning and proposed conditions under maximum build out / worst case. Existing peak hour and ADT conditions for surrounding streets and intersections should also be submitted at this point. Perhaps preliminary traffic analysis of existing conditions might also be a good idea, as it doesn't change through the process. This part could be called TIA, Part 1.

See attached Brier Creek Traffic Impact Analysis (TIA) prepared by Kimley-Horn, Revision Dated 8.16.07

Part 2- Distribution of the final site traffic and intersection analysis/ADT impacts based on that distribution.

See attached Brier Creek Traffic Impact Analysis (TIA) prepared by Kimley-Horn, Revision Dated 8.16.07

3. Circulation Plan /Pedestrian/Bicycle Plan

- a. Indication of how guidelines from the Urban Design Guidelines checklist will be met under the "2. Streets and Drives" and the "6. Transit" sections.

Please review attached applicant response to the Urban Design Guidelines – we believe the proposal incorporates twenty-five criteria from the Urban Design Guidelines.

- b. Showing circulation plan driveway and access point limitations, private street and driveway locations, existing streets within and adjoining the site, location of extended, new, and widened public streets rights of way that embrace the site. (This overlaps information noted above in Transportation).

See response to 3.a and attached drawings; The project proposes wider street and ROW for Arco Corporate Drive and Macaw Street; Wider sidewalks along the Macaw Streetscape pedestrian promenade.

- c. Any additional information on how the layout of land uses and facilities encourages transit and pedestrian access.

See response to 3.a and attached drawings; transit stops are incorporated into the PDD, along with extensive sidewalks and provision for a future COR Greenway.

- d. Pedestrian, Bicycle Circulation Plan, Pedestrian access, sidewalk widths, public and private connections, bicycle parking, Transit provision

See response to 3.a and attached drawings; transit stops are incorporated into the PDD, along with extensive sidewalks and provision for a future COR Greenway

4. Utility / Stormwater Information

- a. Water and sewer plan for all uses proposed in the Master Plan, including location of existing and proposed sewer and water mains. Include estimate of average daily sewage flow demand for each phase.

See attached drawings for requested information.

- b. Proposed stormwater management scheme, showing general methods of retaining or conveying stormwater throughout the site, and any adjoining off-site facilities, as well as proposed drainage easements in their general location.

Existing stormwater management facilities were designed under the guidelines of the April 1999 version of the NCDENR Stormwater Best Management Practices design manual. Any proposed modifications to the existing ponds will be designed to meet the April 1999 guidelines. See attached drawings for requested information.

- c. Regulatory flood prone area elevations, flood storage easements, watercourse bufferyards.

See attached drawings for requested information.

5. Open Space Information / Greenway / Tree Preservation

- a. Existing and proposed greenways, parks and open space, including designs for screening and buffering of conflicting land uses.
An existing COR Greenway Trail easement is incorporated into the PDD proposal; urban gathering areas (pedestrian promenade & plazas) are located adjacent to the office uses; the protected stream buffers function as buffers to adjoining properties.
- b. Indication of how guidelines from the Urban Design Guidelines checklist will be met under the "Open Space" section.
An existing COR Greenway Trail easement is incorporated into the PDD proposal; urban gathering areas (pedestrian promenade & plazas) are located adjacent to the office uses; the protected stream buffers function as buffers to adjoining properties.
- c. Required and provided open space.
 - 1. **Required open space 5.78 AC / 15.0%.**
 - 2. **Provided open space 7.32 AC / 18.9% (lot #14).**
- d. Tree Conservation areas, Areas for preservation of the existing landscape and trees; limitations on grading and tree removal.
An approved Tree Conservation Area Plan (S-82-05) and Permit have previously been issued for the Brier Creek Corporate Center; the Brier Creek Town Center PDD is located within the Brier Creek Corporate Center.

7. Buildings and Height 10-2057(f)(4)g.

- a. Maximum scale, floor area ratio, building lot coverage, impervious surface limitations or other proposed limitations on area and bulk.
No alternates to the above are proposed.
- b. Maximum heights of buildings in each tract or section by land use category and a schedule of minimum yard setbacks by land use area in the Master Plan. For final application, but can be submitted with preliminary application: Indication of how guidelines (if any) for building heights from the Urban Design Guidelines checklist will be met under the "1. Mixed-Use Key Elements" section.
Maximum Building Height:
Lots 5,6,10,12: 195'
Lots 11,13: 150'
(In accord with RDU Airport Authority Maximum Ht of: 586.0 MSL)
- c. Preliminary sketch showing profile of primary buildings with street and general massing study of primary buildings.
The PDD will comply with 10-2055 (e)(7) for Macaw Street but not Arco Corporate Drive and there will be no structured parking allowed on the ground floor of proposed buildings for all tracts with the exception of parking decks. See attached drawings.

8. Yard Setbacks 10-2057 10-2057(f)(4)g.

- a. Schedule of minimum /maximum yard setbacks and/or reference to zoning district yard standards (Setbacks cannot reduce those required by North Carolina Building Code or applicable overlay zoning districts or conditional use districts.)

Minimum Building Setbacks for all tracts and land uses:

LOCATION:

Macaw Street: (Private)	10' min. for canopies, screen walls other features less than 35' in height; 20' min. for all portions of building greater than 35' in height (Measured from Public or Private Access Easement)
Arco Corporate Drive: (Public)	10' min. for canopies, screen walls, other features less than 35' in height; 20' min. for all portions of building greater than 35' in height. (Measured from Public Right of Way Line)
External perimeter:	20' (All other perimeter property lines not fronting a public right of way and/or public access)
Internal:	0' (All other common property lines within the PDD)

9. Urban Design Guidelines : (Complete attached checklist)

General description of how the PDD will comply with the Urban Design Guidelines, based on the Urban Design Guidelines checklist. Descriptions of compliance with specific guidelines or key elements will be made below. Include description of "Core" area of the mixed-use development, and the "Transition" area.

The PDD proposes to locate the taller, high-intensity buildings in the center of the proposed Brier Creek Town Center PDD, but also with regard to the overall Brier Creek Corporate Center Plan, of which the PDD is a component. The mixture of uses is achieved across the entire Brier Creek Corporate Center, not specifically within the PDD. Buildings will be oriented to the streets and street corners, incorporating direct and extensive pedestrian facilities.

10. Alternative Designs as permitted by 10-2057 including specific findings or applicable standards why which the proposal is considered

List of specific information to support any requested alternative design including parking reductions, lot sizes, signage, landscaping, tree preservation, street cross sections, signage or specific subdivision standards noted in 10-2056. Provide documentation to address the specific standards for each alternate.

Information to support any requested alternative design

- a. Parking reductions 10-2057(f)(4)h.

The Brier Creek Town Center PDD proposes a unique opportunity to integrate a large-scale office facility in close proximity to shopping and residential uses, with transit facilities integrated into the project; the following parking reductions are proposed:

1. 16% overall parking reduction for all uses on lots 5, 6, 10 and 12 within the proposed office buildings. The reduction request is based on standards set forth by the Urban Land Institute and NAIOF. The percent reduction was calculated based on the availability of public transit, internal capture from retail and the proximity to adjacent shopping and residential areas. See attached parking reduction study prepared by Kimley-Horn. Uses on outparcel lots 11 and 13 will comply with 10-2057 and will meet the minimum parking requirements on site and/or within the adjacent structured parking.

- b. Street cross sections 10-2057(f)(4)j.

The PDD does not propose any alternate street sections. See PDD plans for existing and proposed public and private street sections.

c. Signage 10-2083.1.b.(6)

The PDD does not propose any alternate sign criteria.

d. Landscaping 10-2082.4

The Brier Creek Town Center PDD proposes to provide majority of parking in deck structures, and to provide a pedestrian oriented site plan that incorporates transit facilities. TPY's are not appropriate between uses within a mixed use project. In lieu of TPY the site plan shall incorporate a 20' average wide streetscape with pedestrian promenade along Macaw Street (private street) and two (2) pedestrian plazas located between buildings 1 & 3; 2&4. The plazas shall be a minimum of 5,000 SF in overall area. See item #12 Special conditions below for additional information for the streetscape with pedestrian promenade and pedestrian plazas. Minimum dimensional standards for planting areas shall not apply to all tracts within the PDD.

- **Minimum Streetscape with Pedestrian Promenade:**
Macaw Drive: 20' average; 10' minimum, 50' maximum range
(No cap of impervious area within Streetscape to allow pedestrian promenade)
(Minimum dimensions to be measured from cross-access easement)
- **Minimum Street Protective Yard:**
Arco Corporate Drive: 20' average; 10' minimum, 50' maximum range
(Minimum dimensions to be measured from right of way).
- **Street Trees (shade tree) for both public and private streets shall be 3.5" caliper/14' height (minimum) at time of installation; minimum installation size shall not apply to ornamental trees not utilized for landscape ordinance**
- **Upon approval of Encroachment Agreements by the City of Raleigh and/or NCDOT, street protective yard planting requirements may be provided within the public right of way. (Refer to cross sections- plan set)**

e. Tree Preservation 10-2082.14

No alternate to the Tree Conservation Ordinance is proposed. An approved Tree Conservation Area Plan (S-82-05) and Permit have previously been issued for the Brier Creek Corporate Center, the Brier Creek Town Center PDD is located within the Brier Creek Corporate Center.

f. Lot sizes 10-2057(f)(2).

No alternate to minimum lot size is proposed.

g. Retail over 10% of the land area 10-2057(f)(4)b.4. / 10-2011(b)(3)g.

The PDD does not propose retail to exceed 10% of the gross land area. The proposed development is a mix of out-parcel and vertical mixed use requesting a maximum of 165,000 square feet of retail or 9.8% (3.77 acres, F.A.R. 0.098) of the total land area be devoted to retail land uses.

11. Comprehensive Plan

General description of how the PDD complies with the City Comprehensive Plan. Included would be any small area plans, neighborhood plans, focus area or other designations noted in the plan.

Applicability of how guidelines (if any) from the Urban Design Guidelines checklist will be met. See attachment. The proposed PDD request is in conformance with the approved master plan for Brier Creek and the City's Comprehensive Plan; important components to achieving consistency with the COR Comprehensive Plan are the incorporation of many of the Urban Design Guidelines, and the substantial restrictions placed upon the retail uses. The site is part of a "City Focus Area" within the "Triangle Regional Center", and is designated for Mixed Use Development under the City's Umstead Planning District's Urban Form Plan.

12. Special Information

As each proposed Planned Development District, additional information may be requested upon review in accordance with 10-2057.

a. Macaw Streetscape with Pedestrian Promenade:

From Arco Corporate Dr. to existing bridge on Macaw Street.

Benches: 1 bench/200 LF (minimum); spacing & location to be determined.

Sidewalk width: Ten Feet (10') min.

All street trees will be planted in a minimum 4'x4' well with tree grate.

b. Pedestrian Plazas:

Provide two (2) plazas (Between Buildings 1 and 3; 2 and 4)

Provide six (6) benches per Plaza

5,000 SF min. overall area

13. Revisions to Master Plan Approval:

Changes to Master Plan

A. Changes resulting in an increase to building height, building square footage (retail area and/or office area) that are no greater than five percent (5%) from the original PDD standard may be approved administratively by the staff of the City of Raleigh. Changes greater than 5%, but less than 10% requires approval by the Planning Commission.

B. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to location and placement of greenway easements, transit easements as long as they are consistent with the intent of the master plan and Comprehensive Plan.

C. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to public and private street width, location and cross-section design as long as they are consistent with the intent of the master plan and Comprehensive Plan.

D. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to future changes and modifications to City of Raleigh Code and Comprehensive Plan allowing other uses than what is currently prescribed under the Airport Overlay District.

BRIER CREEK TOWN CENTER PDD

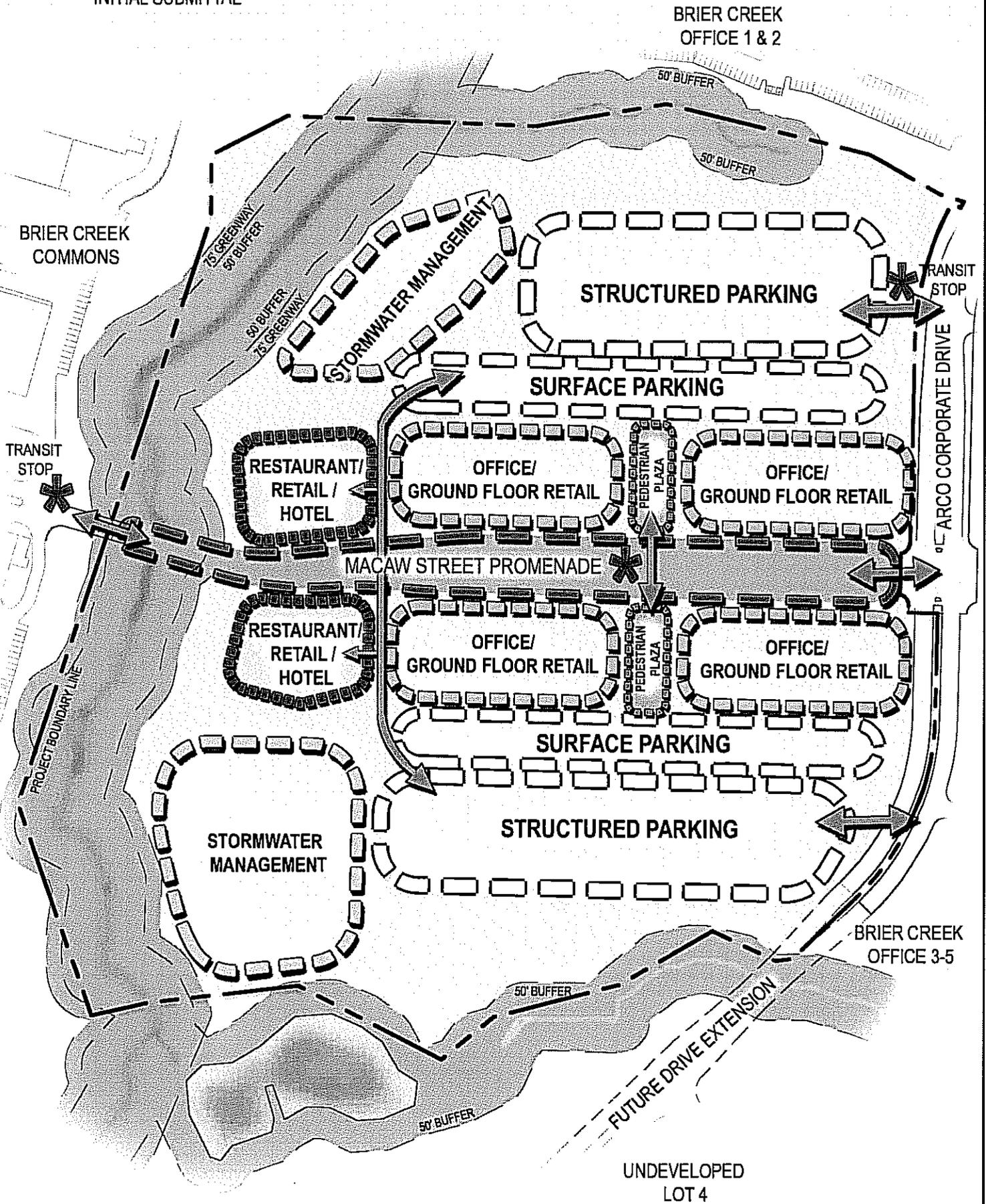
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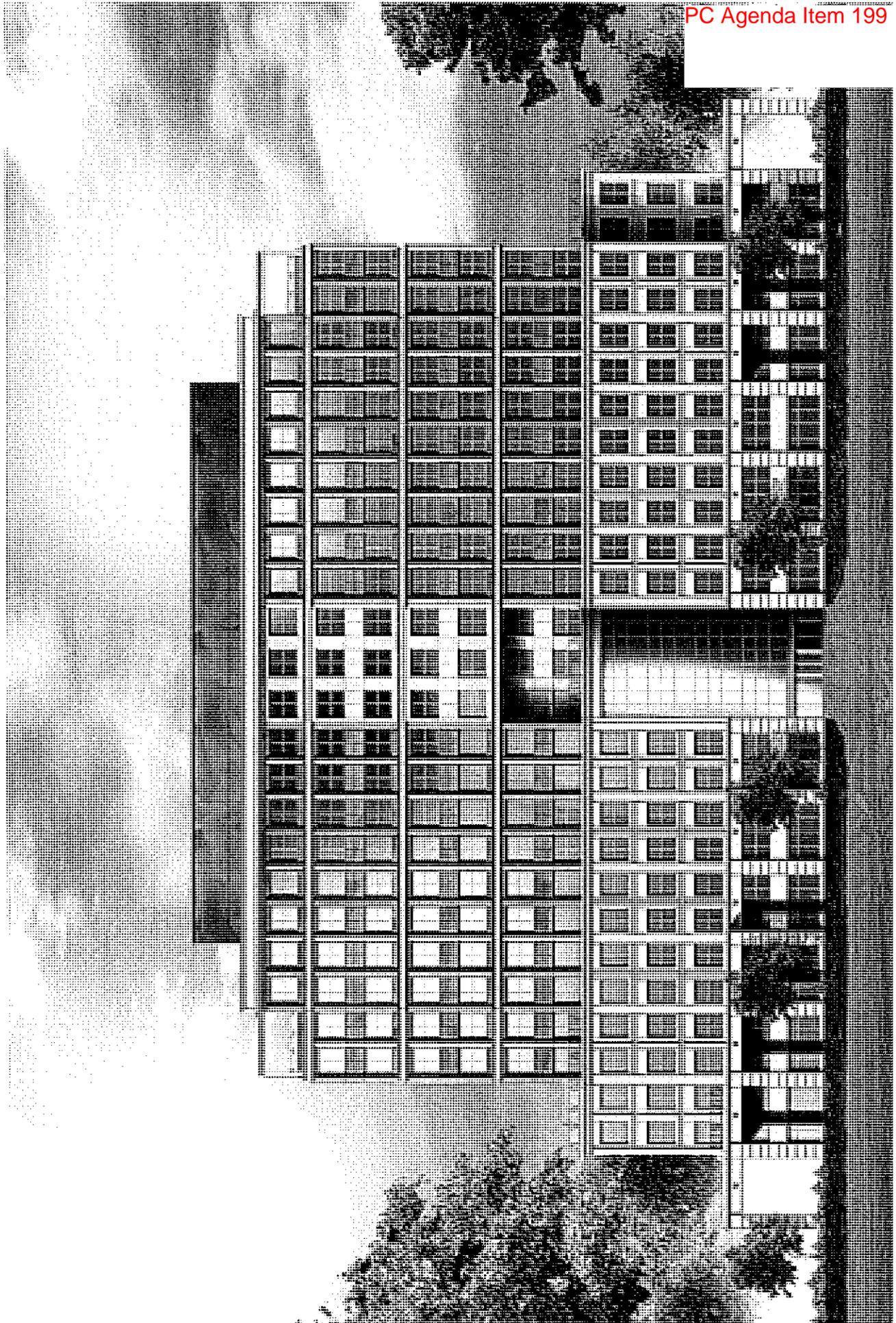
BUBBLE DIAGRAM

2007.10.11

SCALE: 1"=200'

INITIAL SUBMITTAL







Kimley-Horn
and Associates, Inc.

November 8, 2007

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P.O. Box 53068
Raleigh, North Carolina
27638-3068

Mr. Stacy Barbour
Senior Planner
City of Raleigh Planning Department
One Exchange Plaza
219 Fayetteville Street Mall, 3rd Floor
Raleigh, North Carolina 27601

Re: Brier Creek Town Center
Parking Requirement Reduction
Raleigh, North Carolina

Dear Mr. Barbour:

Kimley-Horn and Associates, Inc. has been retained to perform parking analysis for the proposed Brier Creek Town Center in Raleigh, North Carolina. Brier Creek Town Center consists of four general office buildings and two outparcels as shown on the attached Figure 1. Parking for each building will be phased to the construction of the buildings. Initially, at-grade parking will serve Buildings 1 and 2. Structured parking will be constructed as necessary as Buildings 3 and 4 are built-out. Upon build-out, parking will be provided primarily by two multi-story parking decks. A limited number of surface parking spaces will be provided surrounding the buildings. Parking for the outparcel lots will be provided within each lot and the parking decks. This letter summarizes our calculations and findings for the parking required to serve the office buildings.

The office portion of the development will consist of the following land uses:

- Building 1: 315,210 square feet of general office
- Building 2: 315,210 square feet of general office
- Building 3: 315,210 square feet of general office
- Building 4: 315,210 square feet of general office

Based on the Raleigh City Code requirement of one space for every 300 square feet of office space, it is estimated that 4,203 parking spaces are required per Code.

Alternate means of compliance are proposed based on recommended parking supply rates published in *Shared Parking* (Urban Land Institute, 2nd Edition, 2005). The parking supply rates supplied for general office land use are given based on a sliding scale for buildings under 500,000 square feet and are given as a flat rate for square footage over 500,000 square feet. The following table

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Kimley-Horn
and Associates, Inc.

depicts the cumulative parking space requirement with each additional building per rates obtained from *Shared Parking* for general office in a suburban setting:

Brier Creek Town Center
Table 1: Parking Requirement
Urban Land Institute

Office Building	Cumulative Intensity	Parking Supply Rate (spaces/1,000 s.f.)	Total Parking Requirement (spaces)
Building 1	315,210 s.f.	3.08	971
Building 2	630,420 s.f.	2.80	1,766
Building 3	945,630 s.f.	2.80	2,648
Building 4	1,260,840 s.f.	2.80	3,531

The total parking supply requirement of 3,531 spaces listed in Table 1 represents a reduction of approximately 16% from the parking required by Raleigh City Code and results in a rate of 2.80 spaces per 1,000 square feet.

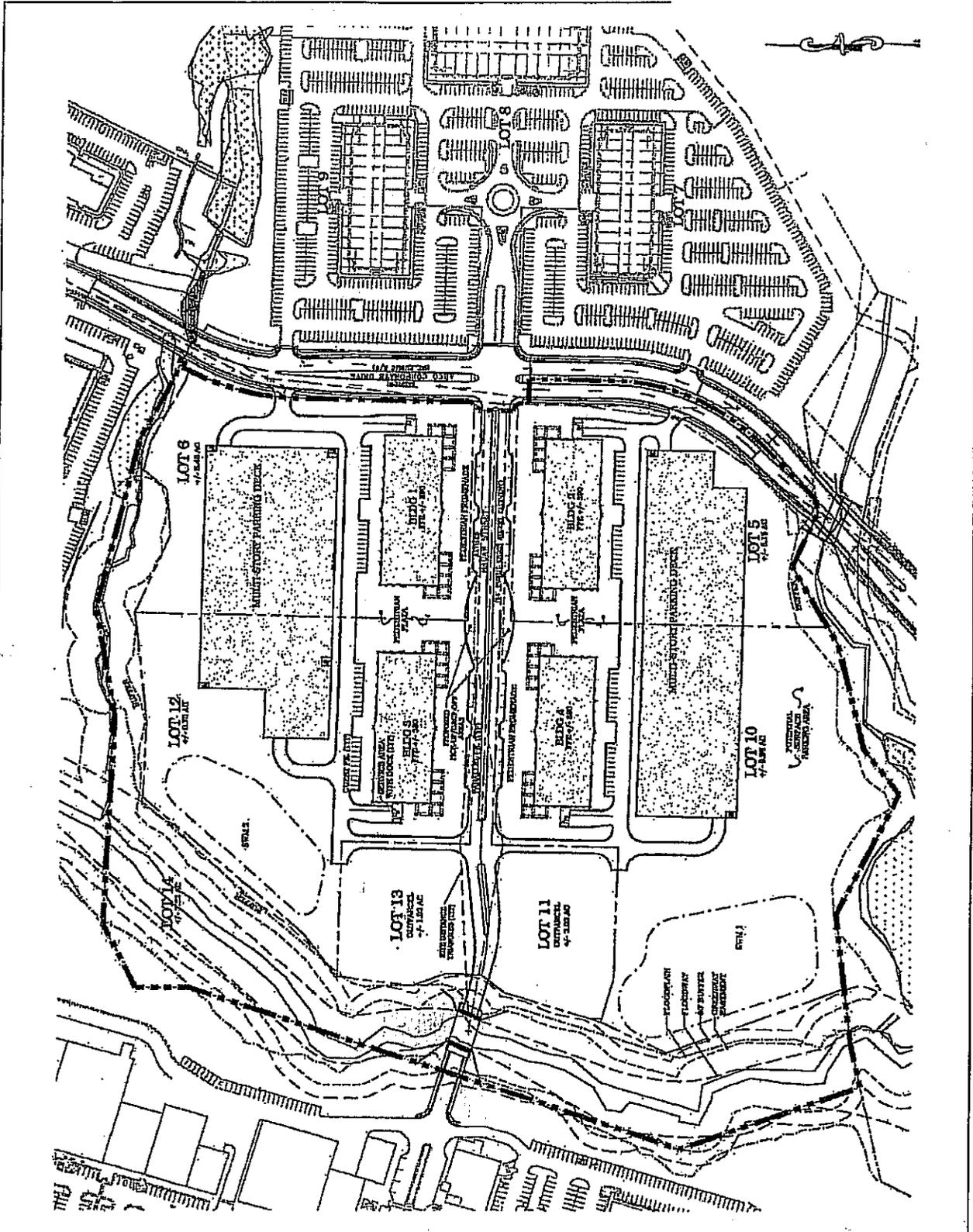
Please feel free to contact me with questions or comments.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Robert A. Ross, P.E.
Project Manager





Drawing name: K:\Users\j18262018\Brier Creek Park\117 - Site Plan\117-001-0000-0000-0000-0000-0000-0000.dwg
 User: j18262018
 Date: 04/20/2017 10:55am
 By: j18262018



BRIER CREEK TOWN CENTER

SITE PLAN
 (BY THE JOHN R. McADAMS
 COMPANY, INC.)

FIGURE
 1

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

Z-51-04 – Creedmoor Road, west side, being Wake County PIN 0796-31-5688. Approximately 3.38 acres to Shopping Center Conditional Use.

Conditions: 11/23/04

- A. Reimbursement for any future right-of-way dedication for Creedmoor Road (if applicable) and Crabtree Valley Boulevard (if applicable) shall be based upon the pre-existing zoning. O&I – 1 and O&I – 2.
- B. The following uses shall not be permitted on the Property: (1) agriculture general and restricted, (2) forestry, (3) rifle range, (4) fraternity house, (5) sorority house, (6) cemetery, (7) funeral home, (8) kennel, (9) custom and specialized manufacturing, (10) landfill, (11) electrical generating power plant, and (12) eating establishment with drive-thru or drive in service. Any other uses permitted in a Shopping Center zoning district shall be permitted on the subject property.
- C. One 20' (adjoining the right of way) x 15' (deep) easement along Creedmoor Road shall be made available to support a bus stop and shelter. Prior to site plan approval or building permit issuance, whichever shall occur first; the owner will submit the easement location for review and approval by the Transit Division and shall record a transit easement approved by the city attorney.
- D. Prior to building permit issuance or subdivision approval, whichever shall first occur, the property owner shall dedicate a greenway easement on the opposite side of the creek from the existing greenway trail. The width of the easement shall be to the edge of the existing development or 50' from the top of bank which ever is less. Reimbursement for any required greenway easement dedication shall be at the current O&I-2 value.
- E. Any retail development shall be limited to the following floor area gross square footages: 30,000 square feet for retail sales and for eating establishments combined.

- F. The net trip generation of the proposed development, inclusive of the hotel, will not exceed approximately 2500 average daily type inbound and 2500 average daily trips outbound, nor will it exceed approximately 225 PM peak hour trips inbound and 225 PM peak hour trips outbound. In the event the proposed development at site plan exceeds these limits, the owner will perform a traffic impact analysis according to city requirements.
- G. Existing surface parking lots shall not be expanded in the direction of Crabtree Creek.
- H. The height of any new building shall be no greater than nine stories of 104 feet, whichever is less.
- I. Outdoor area and parking lot lighting fixtures shall be of full-cutoff (shielded) design.
- J. All ground-mounted signage shall be of low – profile design.
- K. Any required transitional protective yard width shall not be reduced by the construction of a closed fence or wall.
- L. In the event that access to Crabtree Valley Avenue is available from that portion of the property west of Crabtree Creek, the owner shall provide such access, subject to City Public Works Department approval.

Z-51-02 Ridge Road, west side, being a portion of Wake County PIN 0794.10-27-5314. Approximately 0.116 acre rezoned to Office and Institution-1 Conditional Use District.

Conditions dated: (9/23/02)

1. The area subject to the rezoning (.116 acres) may only be used for off street parking for the building or use located on the balance of the subject property.
2. A minimum 20-foot transitional protective yard shall be provided at the rear of the lot adjacent to PIN # 0794 27 2393. In no circumstances may this protective yard be reduced.
3. Outdoor lighting on the site, if any, shall be directed in an easterly direction towards the apartment building, except as otherwise required by code section 10-2089(d)(2) & (3).

Z-54-08 - Glenwood Avenue, south side, southeast of its intersection with Aviation Parkway Extension, approximately 33.5 acres being Wake County PIN's 0759-81-6591, 0759-81-3420, 0759-91-0693, 0759-80-9897, rezoned from Residential-4 & Thoroughfare District Conditional Use District to Thoroughfare District Conditional Use District.

Conditions Dated: November 21, 2008

- (a) The following uses shall be prohibited upon the Property:
 - landfill
 - adult establishment
 - airfield, landing strip, or heliport
 - commercial uses of all types
 - office
- (b) Reimbursement for any required right-of-way dedication for the Property shall be at the current Residential-4 rate.
- (c) Residential development on the property will be limited to a maximum of 416 dwelling units and/or equivalent dwelling units.
- (d) The Developer of the property will dedicate 110 feet of right-of-way for the future Aviation Parkway Extension to the City of Raleigh/NCDOT at the time of Site Plan approval or subdivision of the property, which ever event first occurs. The exact location of this right-of-way to be determined at the time of Site Plan approval or subdivision of the property, which ever event first occurs.
- (e) Irrigation water will be provided by wells and/or water reuse methods. The public water supply will not be used for irrigation.
- (f) Offers of cross-access will be provided to the adjacent properties along Glenwood Avenue at time of Site Plan approval or subdivision of the property, which ever event first occurs.
- (g) Prior to lot relocation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry. A bench and bus shelter will be constructed in association with transit easement, if requested by the City at the time of Site Plan review.

- (h) Future development shall be limited to a maximum of three (3) driveway access points external to the zoning boundary.
- (i) Prior to future development, Preliminary Site Plan approval shall be required by the City of Raleigh Planning Commission.

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

Conditions: (10/23/97)

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

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

Conditions dated: (8/24/04)

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

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

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

Conditions: (1/26/96)

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

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

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

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

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

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

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

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

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

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

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

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

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