

# City Council Work Session Agenda

Monday, November 9, 2015  
4 p.m. City Council Chambers

**1. UDO Remapping – Request to remove Z-22-14 from Citywide Remapping**

A request was received at the public hearing to remove the properties associated with an active zoning case (Z-22-14) from consideration under the Citywide Remapping.

**2. UDO Remapping – City Council Request**

The City Council asked staff to explore more restrictive building heights for historic properties on Fayetteville Street.

Staff has reviewed this area and will present options for alternative building heights.

**3. UDO Remapping – Items Deferred from Previous Work Sessions**

**a. Glenwood-Brooklyn**

Comments have been received from residents of the Glenwood-Brooklyn neighborhood. Staff has met with the neighborhood to discuss the Historic Overlay District and the Remapping. Staff will present options for how to address neighborhood concerns.

**b. Frontage-Related Requests Impacted by TC-4-15**

Comments have been received to remove frontages in multiple locations. City Council has recently passed TC-4-15, Development Standards & Nonconformities, which may alleviate some of the expressed concerns.

**4. Draft Agenda for November 16, 2015 Work Session**

A copy of the draft agenda for the November 16, 2015 work session is attached.

*Index of attachments:*

*The following attachments are included for information.*

**a. UDO Remapping Staff Report**

*Planning staff has assembled a staff report that contains items for City Council consideration. A decision option matrix is included.*

**b. Memo Related to Fayetteville Street Height**

*Travis Crane has drafted a memo with background information related to building height on Fayetteville Street*

**c. Memo Related to Glenwood/Brooklyn Discussion**

*Vivian Ekstrom has drafted a memo with background information related to the Glenwood Brooklyn neighborhood.*

**d. Memo Related to Frontage Discussion**

*Travis Crane has drafted a memo with background information related to the recently-adopted text change to address frontage application.*

**e. Related Comments**

*Planning staff has assembled comments related to the items for discussion.*

# City Council Work Session Agenda

Monday, November 16, 2015  
4 p.m. City Council Chambers

## 1. UDO Remapping – Valid Statutory Protest Petitions

The City received two valid statutory protest petitions filed for Z-27-14. The two areas are located on Falls of Neuse Road. It would be appropriate for the City Council to consider these areas separate from the larger Z-27-14 map.

## 2. Adopting Ordinance

Staff has drafted an adopting ordinance for Z-27-14. This adopting ordinance contains the transitional rules between the adoption and effective dates for the UDO zoning map. Staff requests direction on the length of time between adoption and effectiveness of the ordinance.

*Index of attachments:*

*The following attachments are included for information.*

### **a. UDO Remapping Staff Report**

*Planning staff has assembled a staff report that contains items for City Council consideration. A decision option matrix is included.*

### **b. Valid Statutory Protest Petitions**

### **c. Adopting Ordinance**

# City Council Work Session – 9 November 2015

## Z-27B-14/Citywide Remapping

During the July 7<sup>th</sup> and July 21<sup>st</sup> public hearings, City Council received a number of comments regarding the UDO zoning map. Staff has processed these comments, and will present the City Council with options to address the comments.

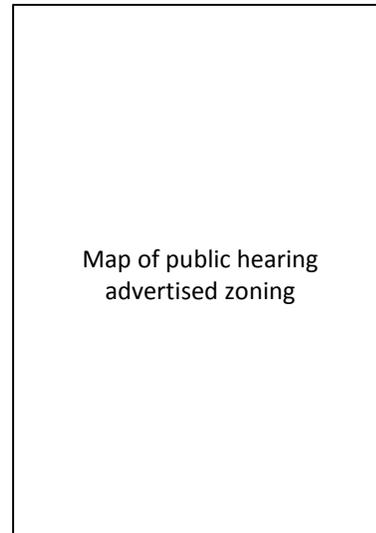
This report includes:

- 1 special request from Public Hearing comments
- 1 Council-initiated large area request
- Items deferred from previous work sessions
  - 1 Public Hearing request for More Restrictive zoning for a large area
  - 17 items deferred at the previous work sessions

Each request for alternate zoning is formatted as shown here:

**Location**

Current	Current Part 10 zoning
Public Hearing	Zoning advertised as part of public hearing notification
Alternative	One or more options for Council consideration
Future Land Use	Future Land Use Map designation from the 2030 Comprehensive Plan
Urban Form	Urban Form Map designation, if any

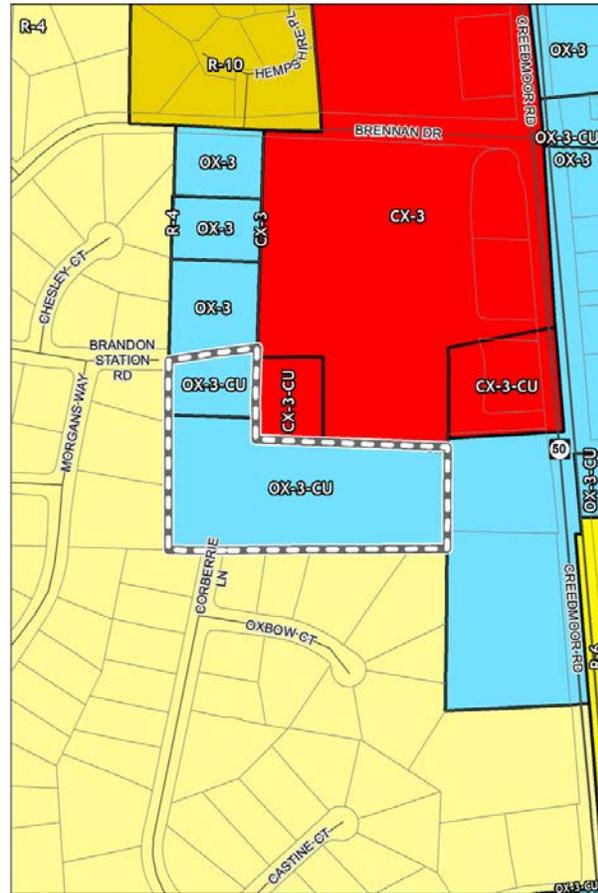


**A. Special Requests**

8029 & 8131  
Creedmoor Rd.

Current	CUD O&I-1
Public Hearing	OX-3-CU
Alternative	Remove from Z-27-14

Future Land Use	Office & Residential Mixed Use
Urban Form	N/A



**69. 8029 & 8131 Creedmoor Rd (Z-22-14)**

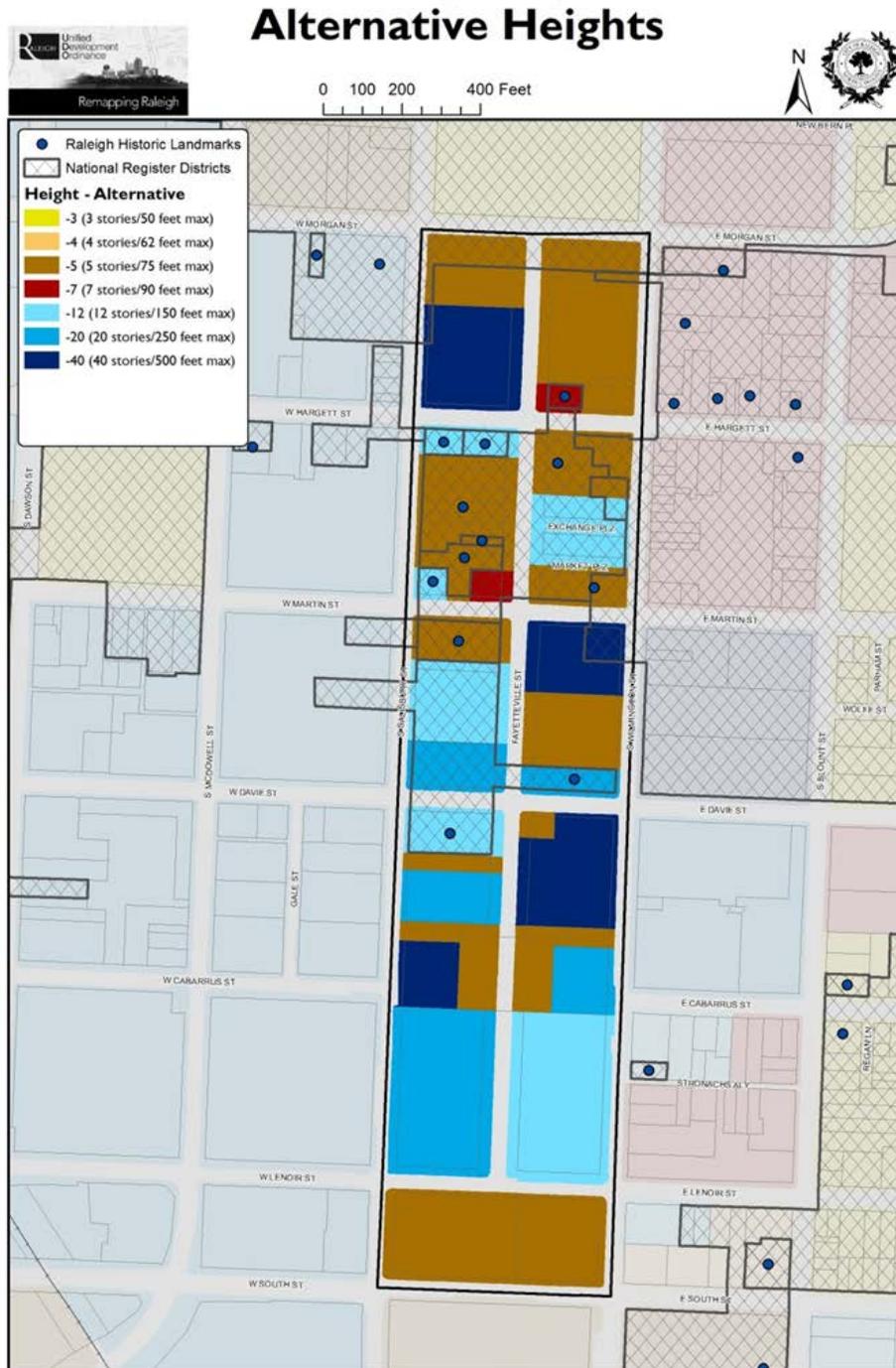
The commentor, a near neighbor, requests removal of parcels included in Z-22-14 a pending, privately-initiated zoning case from the citywide rezoning process. Resolution of Z-22-14 is pending the Council’s decision regarding TC-8-15 Street Connectivity and Access. The text change was last discussed by Council on November 3 and deferred for further discussion on November 17.

The Z-27-14 Citywide Rezoning public hearing proposal for the properties in question leaves the zoning conditions established in 1990 and 1998 in place and would not affect the connectivity issues in question in the text change. Omitting these parcels from Z-27-14 Citywide Remapping would mean that if Z-22-14 is not approved, the parcels would not be zoned with a Unified Development Ordinance zoning district.

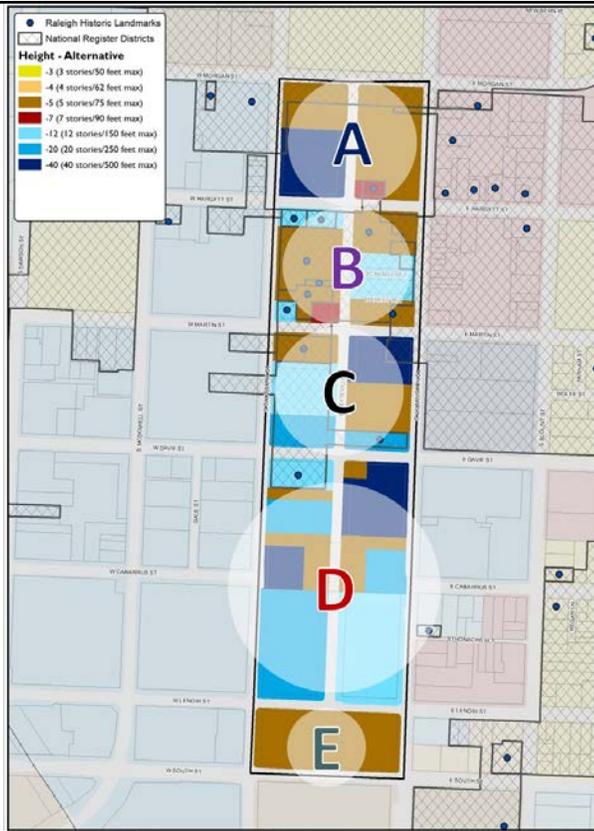
## B. Council-Initiated Large Area Request

### 70. Fayetteville Street Height

Council last discussed downtown height designations during the May 18 work session, in advance of the Public Hearing. During the November 2 work session, the Council indicated that they would like to revisit this topic. Staff has prepared a map that illustrates the lowest possible heights that can be zoned along Fayetteville Street without creating height related nonconformities.

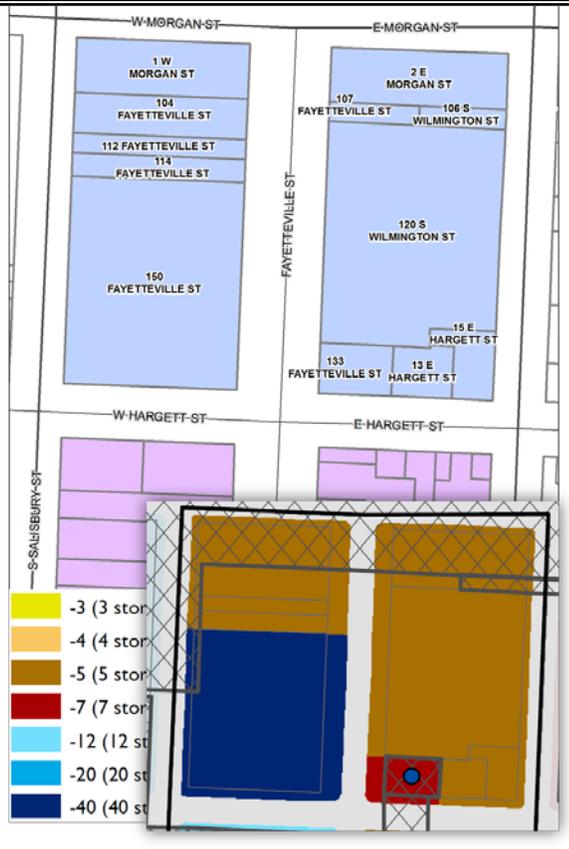


- A**  
Morgan to Hargett  
12 parcels
- B**  
Hargett to Martin  
30 parcels
- C**  
Martin to Davie  
6 parcels
- D**  
Davie to Lenoir  
12 parcels
- E**  
Lenoir to South  
2 parcels



**A**  
Morgan to Hargett  
12 parcels

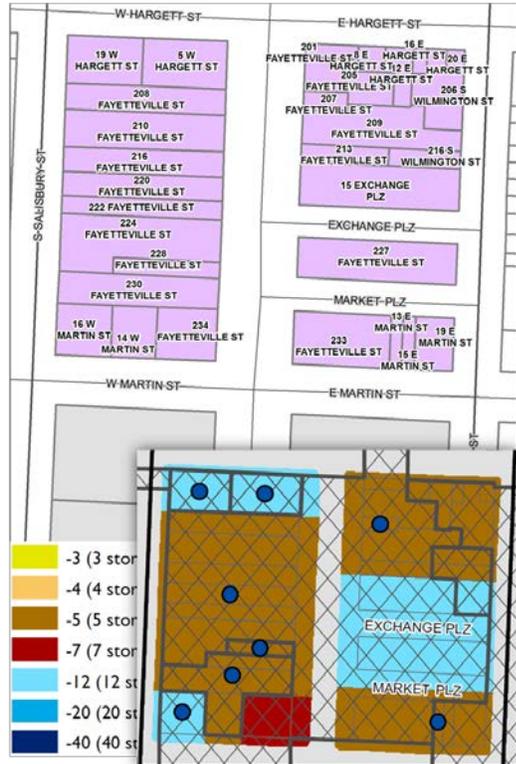
Address	RHL	NR Dist	Public Hearing Height	Actual Stories	Alt Height
104 FAYETTEVILLE ST			40	3	5
107 FAYETTEVILLE ST			40	5	5
112 FAYETTEVILLE ST			40	1	5
114 FAYETTEVILLE ST			40	1	5
133 FAYETTEVILLE ST	YES	YES	40	6	7
150 FAYETTEVILLE ST			40	30	40
13 E HARGETT ST			40	3	5
15 E HARGETT ST			40	0	5
1 W MORGAN ST	YES		5	4	5
2 E MORGAN ST	YES		5	5	5
106 S WILMINGTON ST	YES		40	2	5
120 S WILMINGTON ST			40	5	5



## B - Hargett to Martin

30 parcels

Address	RHL	NR Dist	Public Hearing Height	Actual Stories	Alt Height
15 EXCHANGE PLZ	YES		40	10	12
201 FAYETTEVILLE ST	YES		40	1	5
205 FAYETTEVILLE ST	YES		40	3	5
207 FAYETTEVILLE ST	YES	YES	40	2	5
208 FAYETTEVILLE ST	YES		40	3	5
209 FAYETTEVILLE ST	YES		40	2	5
210 FAYETTEVILLE ST	YES		40	2	5
213 FAYETTEVILLE ST	YES		40	2	5
216 FAYETTEVILLE ST	YES		40	3	5
220 FAYETTEVILLE ST	YES	YES	40	4	5
222 FAYETTEVILLE ST	YES		40	1	5
224 FAYETTEVILLE ST	YES	YES	40	3	5
227 FAYETTEVILLE ST	YES		40	9	12
228 FAYETTEVILLE ST	YES	YES	40	3	5
230 FAYETTEVILLE ST	YES	YES	40	4	5
233 FAYETTEVILLE ST	YES		40	4	5
234 FAYETTEVILLE ST	YES		40	6	7
5 W HARGETT ST	YES	YES	40	11	12
19 W HARGETT ST	YES	YES	40	10	12
8 E HARGETT ST	YES		5	2	5
12 E HARGETT ST	YES		5	2	5
16 E HARGETT ST	YES		5	1	5
20 E HARGETT ST	YES		5	2	5
14 W MARTIN ST	YES		40	2	5
16 W MARTIN ST	YES	YES	40	12	12
13 E MARTIN ST	YES	YES	5	2	5
15 E MARTIN ST	YES		5	3	5
19 E MARTIN ST	YES		5	3	5
206 S WILMINGTON ST	YES		5	2	5
216 S WILMINGTON ST	YES		5	2	5

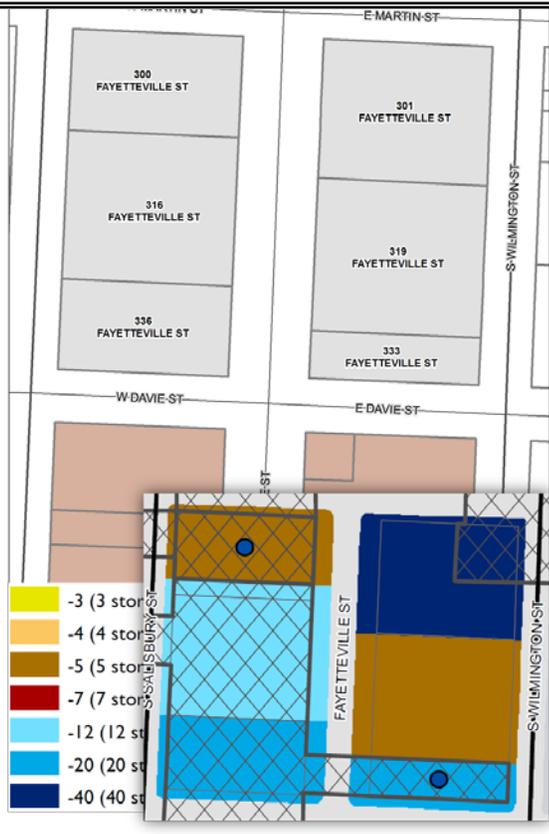


## C

Martin to Davie

6 parcels

Address	RHL	NR Dist	Public Hearing Height	Actual Stories	Alt Height
300 FAYETTEVILLE ST	YES	YES	40	3	5
301 FAYETTEVILLE ST			40	33	40
316 FAYETTEVILLE ST		YES	40	12	12
319 FAYETTEVILLE ST			40	5	5
333 FAYETTEVILLE ST	YES	YES	40	14	20
336 FAYETTEVILLE ST	YES	YES	40	14	20



## D

### Davie to Lenoir

#### 12 parcels

Address	RHL	NR Dist	Public Hearing Height	Actual Stories	Alt Height
400 FAYETTEVILLE ST	YES	YES	40	10	12
401 FAYETTEVILLE ST			40	1	5
411 FAYETTEVILLE ST			40	21	40
414 FAYETTEVILLE ST			40	4	5
421 FAYETTEVILLE ST			40	1	5
421 FAYETTEVILLE ST			40	17	20
427 FAYETTEVILLE ST			40	0	5
430 FAYETTEVILLE ST			40	1	5
434 FAYETTEVILLE ST			40	29	40
500 FAYETTEVILLE ST			40	17	20
501 FAYETTEVILLE ST			40	11*	12
421 S SALISBURY ST			40	17	20

\*SP-44-15: Charter Square North Tower (23 stories)

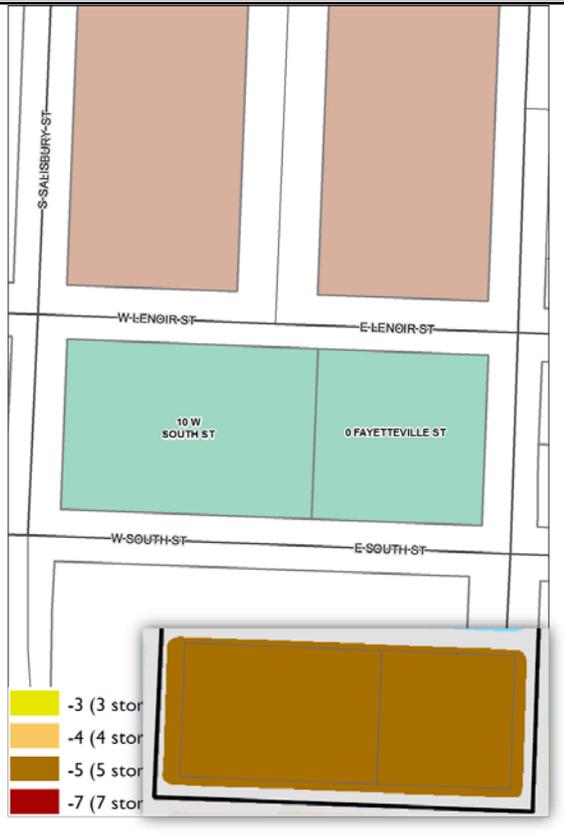


## E

### Lenoir to South

#### 2 parcels

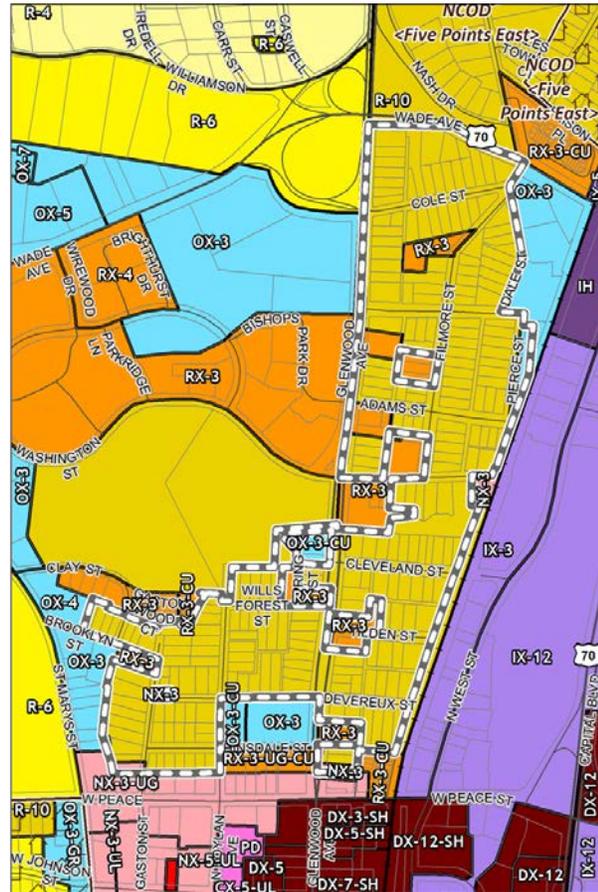
Address	RHL	NR Dist	Public Hearing Height	Actual Stories	Alt Height
0 FAYETTEVILLE ST			40	0	5
10 W SOUTH ST			40	0	5



### C. *Deferred Items*

## Glenwood-Brooklyn

- Requests different zoning to limit intensity of use for parcels proposed SP R-30 to RX
- Requests SP R-30 be maintained until creation of HOD-S



### 34. **Glenwood-Brooklyn**

The commentors have expressed concern that the protections of Special R-30 will not be in place in the interim before the historic overlay district could be applied. The Special R-30 district contains additional development standards for buildings with three or more dwelling units. These standards include:

1. Building materials consistent with those used on the block face
2. Minimum roof pitch of 4:12
3. Specific dimensions of street-facing windows
4. Front setback related to the block face
5. Building length may not exceed 1.5 times the building height
6. Maximum 50% lot coverage
7. Landscaping required for parking lots adjacent to residential zoning and dwelling

The State law has recently changed regarding aesthetic regulations. Regulations related to building materials and design may only be contemplated in local historic districts or National Register districts. Items 1 and 3 are aesthetic regulations. The Glenwood

Brooklyn area is listed on the National Register. The City Council has authorized staff to begin working with the neighborhood to explore designation as a Streetside Historic District. The application of this zoning overlay would require a certificate of appropriateness issued by the Raleigh Historic Development Commission prior to any exterior change to the street-facing façade. If the Glenwood Brooklyn neighborhood is rezoned to include the Streetside Historic District, items 1, 2, 3 and 4 would be reviewed during the certificate of Appropriateness review.

Items 4 and 7 are included in the base zoning regulations of the UDO. Item 5 is regulated in the UDO, albeit in a slightly different manner. There is no corresponding standard for item 6 in the UDO.

It is also important to note that the demolition of any entire building, site or structure within a **pending** HOD-S is prohibited when conducted without an approved Certificate of Appropriateness and any demolition during the pending designation may be delayed for a period up to 180 days from the date of issuance or until the City Council takes final action on the pending HOD-S. The HOD-S will be considered pending once the Raleigh Historic Development Commission votes to recommend the HOD-S to City Council.

The requested alternative is to separate these parcels from Z-27B-14 and delay the application of R-10 zoning. The area would be treated as a separate case and Council action could be coordinated with the HOD-S process. Rezoning of this area could be accomplished as part of the HOD-S process, whether or not the HOD-S is ultimately applied.

A second request is related to proposed RX-3 zoning for 14 structures built as single-family, detached houses. The commenters are concerned about the potential for non-residential uses on these properties, as well as the transition requirements between RX-3 and R-10 zoning that would require a wall if the properties were redeveloped. The properties in question are:

Address	Lot Size	Density
710 Glenwood Ave.		
712 Glenwood Ave.	Nonconforming in R-10 or RX	Nonconforming in R-10 only
810 Glenwood Ave.		
900 Glenwood Ave.		Nonconforming in R-10 only
901 Glenwood Ave.	Nonconforming in R-10 or RX	Nonconforming in R-10 only
1110 Glenwood Ave.	Nonconforming in R-10 or RX	Nonconforming in R-10 only
1114 Glenwood Ave.		
1218 Glenwood Ave.		Nonconforming in R-10 only
607 Adams St.	Nonconforming in R-10 or RX	Nonconforming in R-10 only
1117 Filmore St.		Nonconforming in R-10 only
1205 Filmore St.		
510 Tilden St.	Nonconforming in R-10 or RX	Nonconforming in R-10 only
611 Washington St.	Nonconforming in R-10 only	Nonconforming in R-10 only

614 Wills Forest St.	Nonconforming in R-10 only	Nonconforming in R-10 only
----------------------	----------------------------	----------------------------

The requested Alternative would be to zone these properties R-10 instead of RX-3. This alternative addresses the commenters concerns. It would not create any new potential pattern of spot zoning, but would create additional nonconformities related to lot size (2) and density (10), as noted in the table above.

## 2811 Capital Blvd.

Current	IND-1
Public Hearing	CX-3-PL
Alternative 1	CX-3
Alternative 2	IH

Future Land Use	Business & Commercial Services
Urban Form	Transit Emphasis Corridor



### 16. 2811 Capital Blvd.

The representative of the owner requests IH zoning to allow continued, unlimited use of the property for Vehicle Repair (Major) and Vehicle Sales. Vehicle Repair (Major) is an unlimited use in the CX district. The pertinent limit on the Vehicle Sales use is a requirement of a Street Protective Yard between any vehicle display area and the right of way. A Type C3 yard is required which specifies a 10 foot depth and at least 30 shrubs of at least 3.5 foot height per 100 feet.

The representative of the owner is also concerned that application of –PL frontage will constrain renovation, expansion, and/or rebuilding. This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

# 3520 Capital Blvd.

Current	IND-1
Public Hearing	IX-3-PL
Alternative	IX-3

Future Land Use	Business & Commercial Services
Urban Form	Transit Emphasis Corridor



## 17. 3520 Capital Blvd.

The representative of the owner requests removal of the Parking Limited (-PL) frontage designation to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The property is currently used for Vehicle Fuel Sales. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

## 4800 Capital Blvd.

Current	IND-1
Public Hearing	IX-3-PL
Alternative	IX-3

Future Land Use	Community Mixed Use
Urban Form	Transit Emphasis Corridor



### 18. 4800 Capital Blvd.

The representative of the owner requests removal of the Parking Limited (-PL) frontage designation to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The property is currently used for Vehicles Sales/Leasing. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

## 5401 Capital Blvd.

Current	IND-1
Public Hearing	IX-3-PL
Alternative	IX-3

Future Land Use	Community Mixed Use
Urban Form	City Growth Center; Transit Emphasis Corridor



### 19. 5401 Capital Blvd.

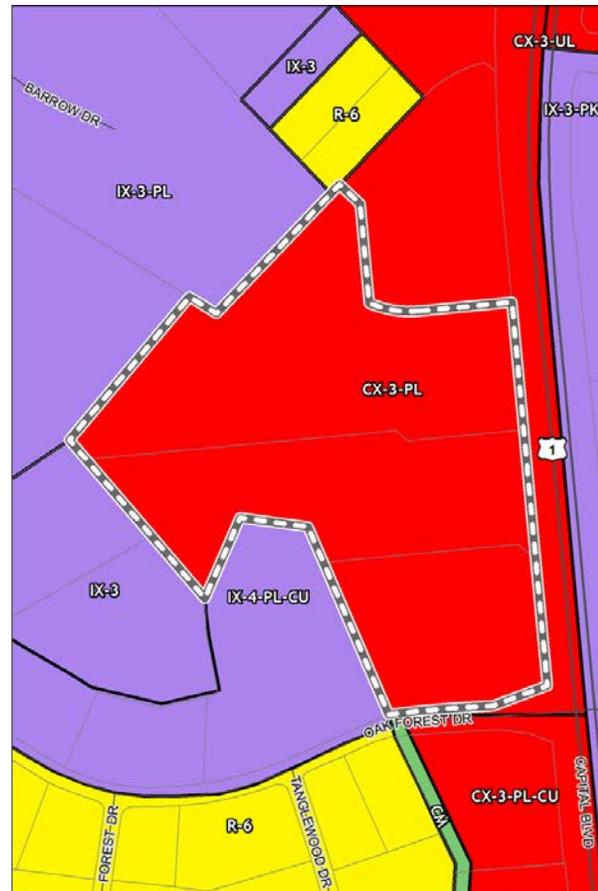
The representative of the owner requests removal of the Parking Limited (-PL) frontage designation to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The property is currently used for Vehicle Sales/Leasing. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

# 5601, 5603, & 5613 Capital Blvd.

Current	IND-1
Public Hearing	CX-3-PL
Alternative	CX-3

Future Land Use	Community Mixed Use
Urban Form	City Growth Center; Transit Emphasis Corridor; Urban Thoroughfare



## 20. 5601, 5603, & 5613 Capital Blvd.

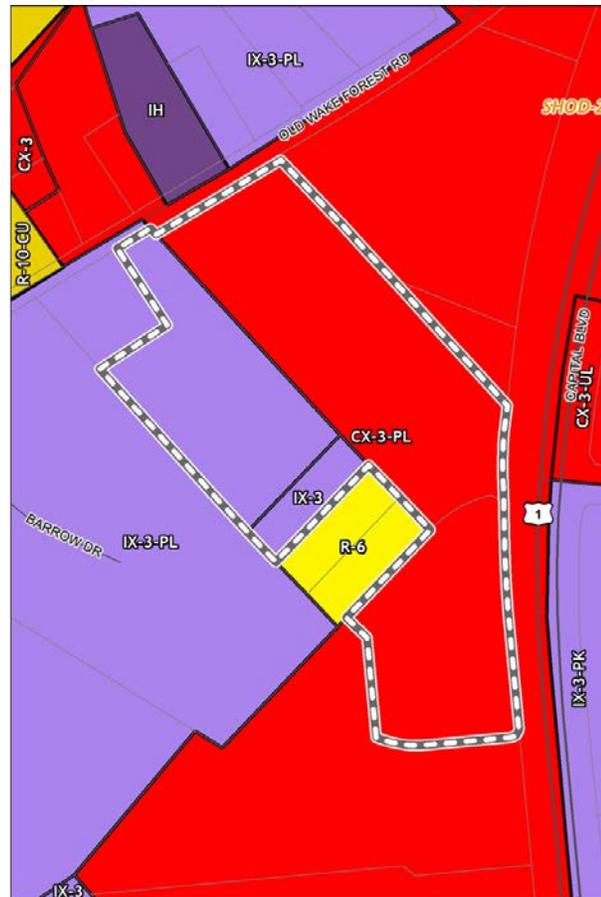
The representative of the owner requests removal of the Parking Limited (-PL) frontage designation to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The property is currently used for Vehicle Sales/Leasing. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

6830 Old Wake Forest Rd.,  
5837, 5839, 6001 Capital Blvd.

Current	IND-1
Public Hearing	IX-3-PL, IX-3 CX-3-PL (Capital)
Alternative 1	IX-3 / CX-3
Alternative 2	IX-5 IX-7 (Capital)

Future Land Use	Regional Mixed Use; Community Mixed Use
Urban Form	City Growth Center; Transit Emphasis Corridor; Parkway Corridor; Urban Thoroughfare



**21. 6830 Old Wake Forest Rd.; 5837, 5839, 6001 Capital Blvd.**

The representative of the owner requests removal of the Parking Limited (-PL) frontage designation from all parcels to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The parcels are currently used for Vehicle Sales/Leasing and Vehicle Repair (Major). . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

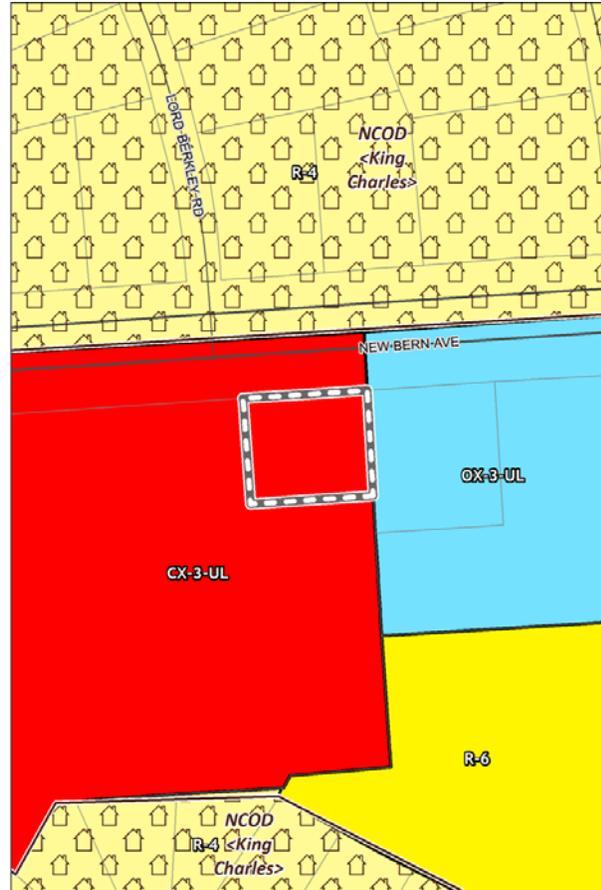
The request is also for IX zoning instead of CX. Staff has requested additional information as to why from Mr. Worth.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

## 2120 New Bern Ave.

Current	SC
Public Hearing	CX-3-UL
Alternative	CX-3

Future Land Use	Neighborhood Mixed Use
Urban Form	Transit Emphasis Corridor



### 22. 2120 New Bern Ave.

The representative of the owner requests removal of the Urban Limited (-UL) frontage designation to address their concern that application of -UL frontage will constrain renovation, expansion, and/or rebuilding. The property was most currently used for Vehicle Fuel Sales, but the existing building is currently vacant. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -UL frontage.

## 3820 New Bern Ave.

Current	IND-1 w/SHOD-4
Public Hearing	CX-3-PL
Alternative	CX-3

Future Land Use	Community Mixed Use
Urban Form	Transit Emphasis Corridor



### 23. 3820 New Bern Ave.

The representative of the owner requests removal of the Parking Limited (-PL) frontage designation from the property to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The parcel is currently used for Vehicle Fuel Sales. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

## 4000 New Bern Ave.

Current	IND-1
Public Hearing	CX-3-PL
Alternative	CX-3

Future Land Use	Business & Commercial Services
Urban Form	Mixed-Use Center; Urban Thoroughfare; Transit Emphasis Corridor



### 24. 4000 New Bern Ave.

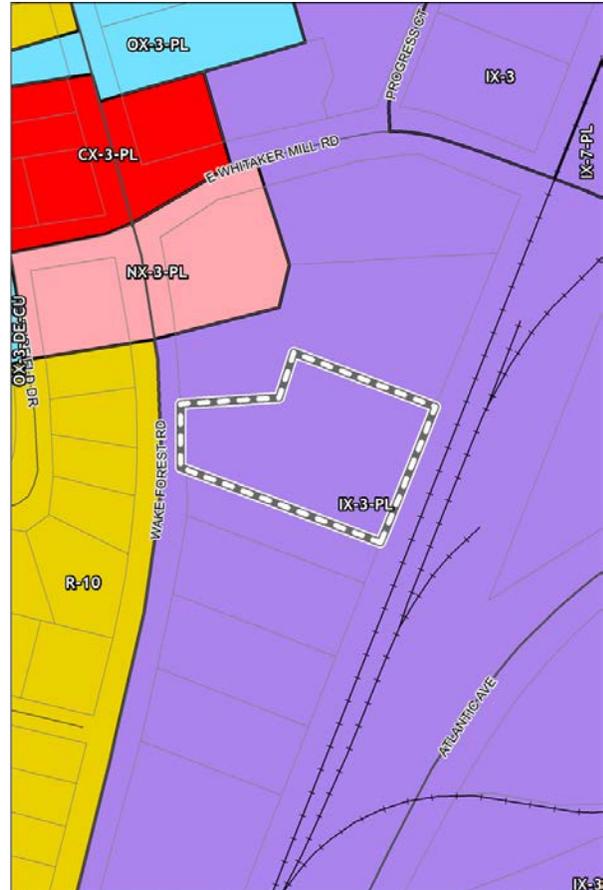
The representative of the owner requests removal of the Parking Limited (-PL) frontage designation from the property to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The property is currently used for Vehicle Fuel Sales. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

## 1930 Wake Forest Rd.

Current	IND-2
Public Hearing	IX-3-PL
Alternative	IX-3

Future Land Use	Neighborhood Mixed Use
Urban Form	City Growth Center; Transit Emphasis Corridor; Transit Stop Buffer



### 25. 1930 Wake Forest Rd.

The representative of the owner requests removal of the Parking Limited (-PL) frontage designation from all parcels to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The parcels are currently used for Vehicle Sales/Leasing and Vehicle Repair (Major). . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would result in spot zoning; adjacent parcels are also proposed for -PL frontage.

4205 Pleasantville Dr,  
4125 & 4133 Mitchell Mill Rd.

Current	CUD SC
Public Hearing	CX-3-PL-CU
Alternative 1	CX-3-CU
Alternative 2	CX-3-PL-CU & CX-3-CU (Pleasantville only)

Future Land Use	Community Mixed Use; Office & Residential Mixed Use
Urban Form	Mixed-Use Center; Urban Thoroughfare



**26. 4205 Pleasantville Dr.; 4125 & 4133 Mitchell Mill Rd.**

The representative of the owner requests removal of the Parking Limited (-PL) frontage designation from all parcels to address their concern that application of -PL frontage will constrain renovation, expansion, and/or rebuilding. The parcels are currently occupied by two manufactured homes and a single family house. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

The alternative would not result in spot zoning; adjacent parcels are zoned R-4.

118-122 W. Peace St.;  
601 N. Salisbury St.

Current	NB
Public Hearing	DX-7-UG
Alternative 1	DX-7
Alternative 2	DX-7-UL

Future Land Use	Central Business District
Urban Form	Downtown; Transit Stop Buffer



**27. 118-122 W. Peace St.; 601 N. Salisbury St.**

The representative of the owner requests removal of the Urban General (-UG) frontage designation from all parcels to address their concern that application of -UG frontage will constrain renovation, expansion, and/or rebuilding. The parcels are currently used for Vehicle Fuel Sales; none of the lots is more than 100 feet deep. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

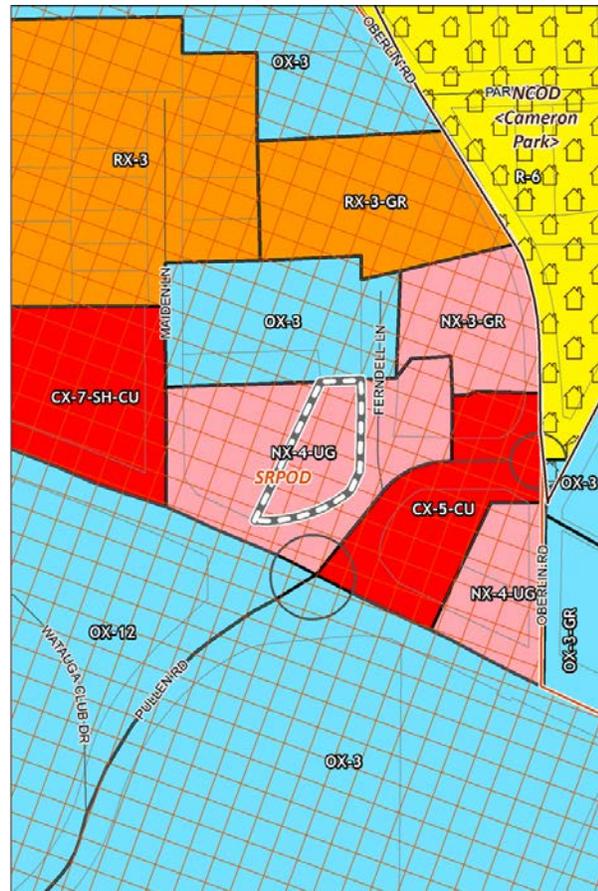
Urban frontages, including -UG and Urban Limited (-UL) convey parking requirement reductions; no parking is required for the first 16 residential units and the first 10,000 square feet of ground story gross floor area in a mixed use building.

Alternative 1 would result in spot zoning; adjacent parcels are also proposed for -UG frontage. Alternative 2 would apply Urban Limited (-UL) frontage that requires building width in 50% in the primary build-to, as opposed to 70% would not result in spot zoning.

## 2008 Hillsborough St.

Current	BC w/SRPOD & PBOD
Public Hearing	NX-4-UG w/SRPOD
Alternative 1	NX-4 w/SRPOD
Alternative 2	NX-4-UL w/SRPOD

Future Land Use	Neighborhood Mixed Use
Urban Form	Transit Stop Buffer



### 28. 2008 Hillsborough St.

The representative of the owner requests removal of the Urban General (-UG) frontage designation to address their concern that application of -UG frontage will constrain renovation, expansion, and/or redevelopment. The parcel is currently occupied by an office building. The representative owner made this same request during Planning Commission review.

This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

Urban frontages, including -UG and Urban Limited (-UL) convey parking requirement reductions; no parking is required for the first 16 residential units and the first 10,000 square feet of ground story gross floor area in a mixed use building.

Alternative 1 would result in spot zoning; adjacent parcels with Hillsborough Street frontage are also proposed for urban frontages or are already subject to zoning conditions that approximate frontage regulations. Alternative 2 would apply a different urban frontage, Urban Limited (-UL), that requires building width in 50% in the primary build-to, as opposed to 70% and would not result in spot zoning.

# 1634 Glenwood Ave.

Current	NB
Public Hearing	CX-3-UG
Alternative 1	CX-3
Alternative 2	CX-3-UL

Future Land Use	Neighborhood Mixed Use
Urban Form	Mixed-Use Center; Main Streets



## 29. 1634 Glenwood Ave.

The representative of the owner requests removal of the Urban General (-UG) frontage designation from all parcels to address their concern that application of -UG frontage will constrain renovation, expansion, and/or rebuilding. The parcels are currently used for Vehicle Fuel. . This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

Urban frontages, including -UG and Urban Limited (-UL) convey parking requirement reductions; no parking is required for the first 16 residential units and the first 10,000 square feet of ground story gross floor area in a mixed use building.

Alternative 1 would result in spot zoning; adjacent parcels are also proposed for -UG frontage. Alternative 2 would apply a different urban frontage, Urban Limited (-UL), that requires building width in 50% in the primary build-to, as opposed to 70% and would not result in spot zoning.

4101 Toyota Dr;  
0, 9101, 9201, 9209 & 9225  
Glenwood Ave.

Current	TD w/AOD
Public Hearing	IX-3-PK w/AOD & MPOD (partial)
Alternative 1	IX-3 w/AOD & MPOD (part)
Alternative 2	IX-7 w/AOD & MPOD (part)

Future Land Use	Business & Commercial Services
Urban Form	N/A



**30. 4101 Toyota Dr.; 9101, 9201, 9209 & 9225 Glenwood Ave.**

The representative of the owner requests removal of the Parkway (-PK) frontage designation from all parcels to address their concern that application of -PK frontage will constrain renovation, expansion, and/or rebuilding. The parcels are currently used for Vehicle Sales/Leasing and Vehicle Repair (Major). This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

In addition, the representative of the owner makes note of the limit on Vehicle Sales use of a requirement for a Street Protective Yard between any vehicle display area and the right of way. A Type C3 yard is required which specifies a 10 foot depth and at least 30 shrubs of at least 3.5 foot height per 100 feet.

The alternative would result in spot zoning; no nearby parcels are recommended for more than 3 story height and adjacent parcels are also proposed for -PK frontage.

## 2838 Wake Forest Rd (Costco)

Current	IND-1
Public Hearing	CX-3-PL
Alternative	CX-3

Future Land Use	Community Mixed Use
Urban Form	City Growth Center; Urban Thoroughfare; Transit Emphasis Corridor; Transit Stop Buffer



### 66. 2838 Wake Forest Road

The property owner requests less restrictive zoning to remove the frontage designation. The specific concern is that the application of frontage would prohibit expansion of canopy and vehicle fueling pump area located between the building on the site and the street. Since the canopy and fueling pumps do not satisfy the Unified Development Ordinance definition of a building, these facilities would not be subject to the regulations of frontage. The Alternative would not create any new nonconformity, but it would create a potential pattern of spot zoning. This parcel and those adjacent were advertised for Public Hearing with Parking Limited frontage in recognition of their location in a City Growth Center and Transit stop buffer, as well as frontage on Urban Thoroughfare and Transit Emphasis Corridor.

This concern is addressed by provisions in text change, TC-4-15/Development Standards and Nonconformities approved by City Council on November 3.

### C. Summary of Options for Council Consideration

Item	Public Hearing Comment	Area / Property	Current Zoning	Public Hearing Zoning	Alt 1	Alt 2
69	PH-184	8029 & 8131 Creedmoor Rd (Z-22-14)			Remove from Z-27B-14	
70	PH-192	Fayetteville Street Heights & Historic Properties	BUS w/DOD	DX-40-SH	Various lower heights	
34	PH-044 PH-045 PH-046 PH-047	Glenwood-Brooklyn	SP R-30	RX-3	R-10 for 14 specific parcels	
			SP R-30	R-10	Delay application of UDO districts until HOD-S resolved	
16	PH-027	2811 Capital Blvd.	IND-1	CX-3-PL	CX-3	IH
17	PH-028	3520 Capital Blvd.	IND-1	IX-3-PL	IX-3	
18	PH-029	4800 Capital Blvd.	IND-1	IX-3-PL	IX-3	
19	PH-029	5401 Capital Blvd.	IND-1	IX-3-PL	IX-3	
20	PH-029	5601, 5603, & 5613 Capital Blvd.	IND-1	CX-3-PL	CX-3	
21	PH-030	6830 Old Wake Forest Rd., 5837, 5839, 6001 Capital Blvd.	IND-1	IX-3-PL, IX-3 CX-3-PL (Capital)	IX-3 / CX-3	IX-5 IX-7 (Capital)
22	PH-031	2120 New Bern Ave.	SC	CX-3-UL	CX-3	
23	PH-032	3820 New Bern Ave.	IND-1 w/SHOD-4	CX-3-PL	CX-3	
24	PH-033	4000 New Bern Ave.	IND-1	CX-3-PL	CX-3	
25	PH-034	1930 Wake Forest Rd.	IND-2	IX-3-PL	IX-3	
26	PH-035	4205 Pleasantville Dr., 4125 & 4133 Mitchell Mill Rd.	CUD SC	CX-3-PL-CU	CX-3-CU	CX-3-PL-CU & CX-3-CU (Pleasantville only)
27	PH-036	118-122 W. Peace St.; 601 N. Salisbury St.	NB	DX-7-UG	DX-7	DX-7-UL
28	PH-037	2008 Hillsborough St.	BC w/SRPOD & PBOD	NX-4-UG w/SRPOD	NX-4 w/SRPOD	NX-4-UL w/SRPOD
29	PH-038	1634 Glenwood Ave.	NB	CX-3-UG	CX-3	CX-3-UL
30	PH-039	4101 Toyota Dr.; 0, 9101, 9201, 9209 & 9225 Glenwood Ave.	TD w/AOD	IX-3-PK w/AOD & MPOD (part)	IX-3 w/AOD & MPOD (part)	IX-7 w/AOD & MPOD (part)
66	PH-182 PH-183	2838 Wake Forest Rd	IND-1	CX-3-PL	CX-3	



## *City of Raleigh* *North Carolina*

To: Mayor McFarlane  
Members of the City Council

From: Travis R. Crane

Date: November 5, 2015

Re: UDO Zoning Map/Building Height on Fayetteville Street

---

During the November 2<sup>nd</sup> work session the City Council asked staff to review the building heights for Fayetteville Street. The topic of downtown height has been previously discussed by the City Council, with some changes to the map as a result of the discussion. City Council expressed concern regarding an allowance for additional building height, particularly given the historic resources located along Fayetteville Street. This memorandum provides additional information in the alternate for consideration.

### **Existing Height Allowance (Part 10 Code)**

Fayetteville Street spans five and one half blocks between the Governor's Mansion and Memorial Auditorium. The existing zoning for all properties on Fayetteville Street is Business with Downtown Overlay District. A few areas are located within a National Register Historic District. Several properties are designated as Raleigh Historic Landmarks.

The Business zoning district permits a building of any height, provided the height is equal to the distance from any residential dwelling or district. Buildings in excess of 80 feet in height require Planning Commission approval. The Downtown Overlay District permits increased building height through approval of a preliminary site plan. Currently, the Planning Commission reviews preliminary site plans. Once the UDO zoning map is adopted, site plan approval will occur at the staff level.

### **UDO Zoning Map**

The UDO zoning map currently denotes most of Fayetteville Street as 40 stories. The exceptions are the very north end adjacent to Morgan Street and small pockets on the west side of Wilmington Street near Martin and Hargett Streets.

**Historic Resources**

There are twelve Raleigh Historic Landmarks on Fayetteville Street. A National Historic District exists on the Fayetteville Street in the following locations:

- West side, between Hargett and Davie Streets;
- East side, between Hargett and Martin Streets;
- Davie Street, north side and southwest corner; and
- Morgan Street, south side

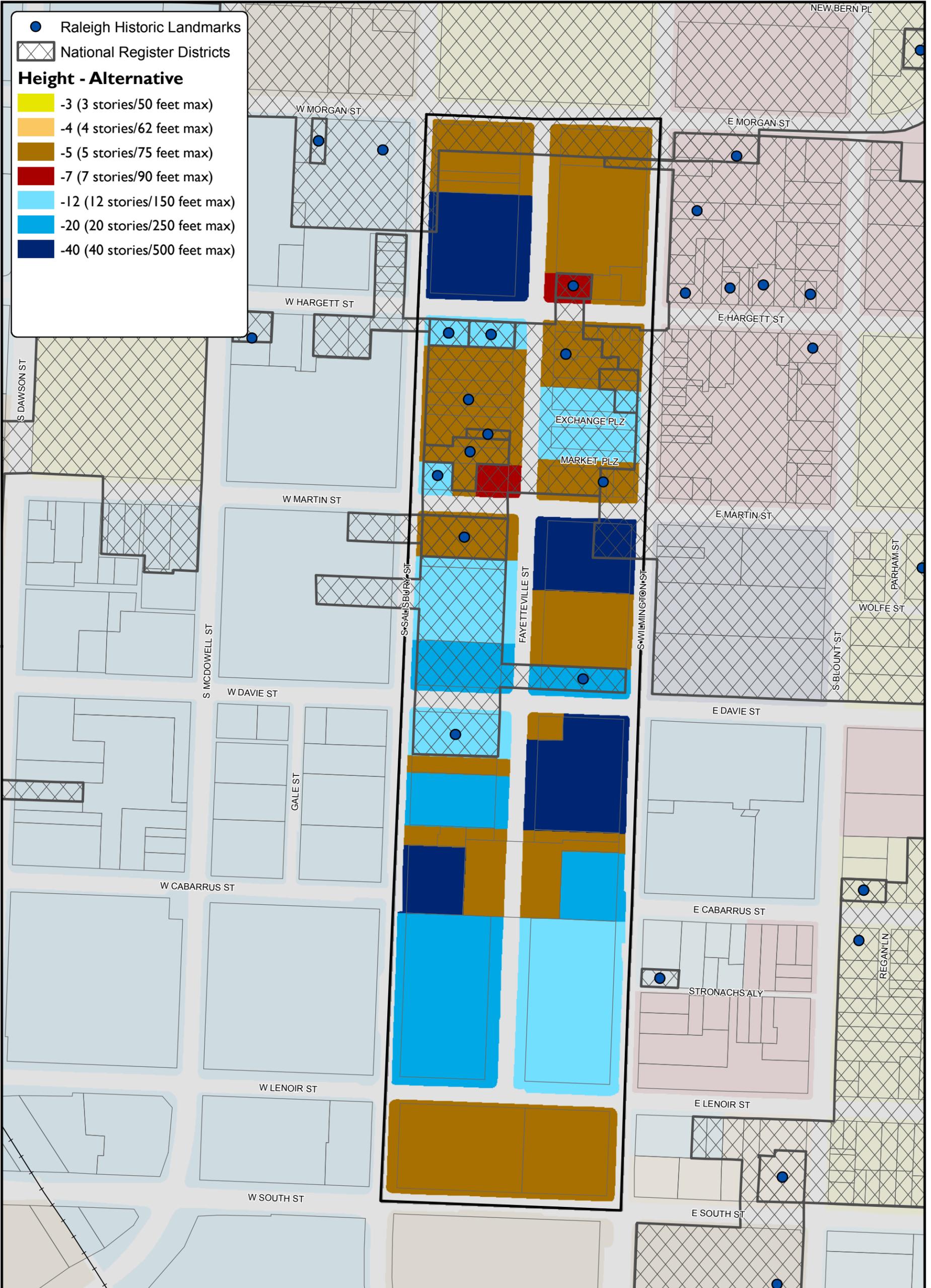
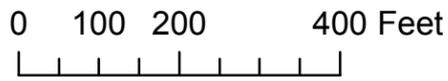
The attached map details the locations of the National Register District and all Raleigh Historic Landmarks.

**Proposed Alterations**

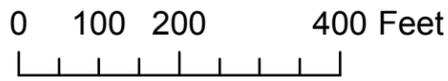
Staff offers an alternative for consideration. Staff has proposed a height category to match the built character. This significantly reduces the maximum building height on Fayetteville Street. Any increase in building height will require a rezoning approved by the City Council.

The attached alternate map details the alternative for consideration.

# Z-27-14 UDO Zoning - Fayetteville Street: Alternative Heights

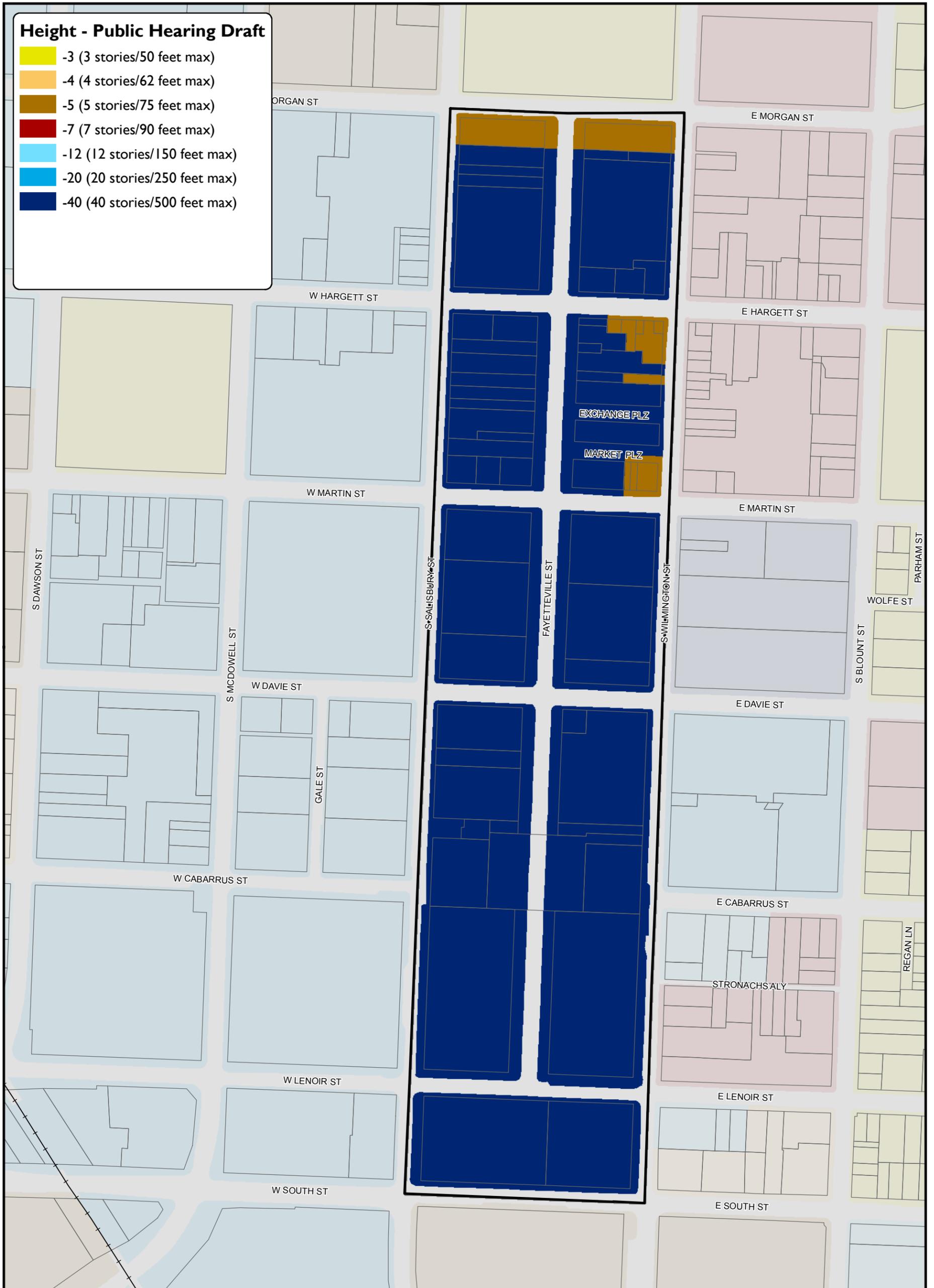


# Z-27-14 UDO Zoning - Fayetteville Street: Public Hearing Draft



## Height - Public Hearing Draft

- 3 (3 stories/50 feet max)
- 4 (4 stories/62 feet max)
- 5 (5 stories/75 feet max)
- 7 (7 stories/90 feet max)
- 12 (12 stories/150 feet max)
- 20 (20 stories/250 feet max)
- 40 (40 stories/500 feet max)



Alternate Height Option for Fayetteville Street

Group	PIN	Address	Raleigh Historic Landmark	National Register District	Public Hearing Height	Actual Stories	Alternate Height
A	1703688783	104 FAYETTEVILLE ST	N/A	N/A	40	3	5
A	1703781715	107 FAYETTEVILLE ST	N/A	N/A	40	5	5
A	1703688791	112 FAYETTEVILLE ST	N/A	N/A	40	1	5
A	1703688678	114 FAYETTEVILLE ST	N/A	N/A	40	1	5
A	1703780495	133 FAYETTEVILLE ST	Old Masonic Temple Building	Fayetteville Street Historic District	40	6	7
A	1703688565	150 FAYETTEVILLE ST	N/A	N/A	40	30	40
A	1703781483	13 E HARGETT ST	N/A	N/A	40	3	5
A	1703782456	15 E HARGETT ST	N/A	N/A	40	0	5
A	1703688870	1 W MORGAN ST	N/A	Capitol Area Historic District	5	4	5
A	1703781789	2 E MORGAN ST	N/A	Capitol Area Historic District	5	5	5
A	1703782734	106 S WILMINGTON ST	N/A	Moore Square Historic District	40	2	5
A	1703781685	120 S WILMINGTON ST	N/A	N/A	40	5	5
B	1703781166	15 EXCHANGE PLZ	N/A	Fayetteville Street Historic District	40	10	12
B	1703781303	201 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	1	5
B	1703781248	205 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	3	5
B	1703780297	207 FAYETTEVILLE ST	Arkansas Delaware & Vermont Connecticut Royster Confectioners Building	Fayetteville Street Historic District	40	2	5
B	1703688257	208 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	3	5
B	1703781263	209 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	2	5
B	1703688253	210 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	2	5
B	1703781200	213 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	2	5
B	1703688159	216 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	3	5
B	1703688146	220 FAYETTEVILLE ST	Briggs Hardware Building	Fayetteville Street Historic District	40	4	5
B	1703688143	222 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	1	5
B	1703688048	224 FAYETTEVILLE ST	Lumsden-Boone Building (Southeastern portion of parcel only)	Fayetteville Street Historic District	40	3	5
B	1703781056	227 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	9	12
B	1703688065	228 FAYETTEVILLE ST	Carolina Trust / Mahler Buildings	Fayetteville Street Historic District	40	3	5
B	1703688042	230 FAYETTEVILLE ST	Carolina Trust / Mahler Buildings	Fayetteville Street Historic District	40	4	5
B	1703771915	233 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	4	5
B	1703679916	234 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	6	7
B	1703689301	5 W HARGETT ST	Raleigh Banking & Trust Company Building (Raleigh Building)	Fayetteville Street Historic District	40	11	12

Alternate Height Option for Fayetteville Street

Group	PIN	Address	Raleigh Historic Landmark	National Register District	Public Hearing Height	Actual Stories	Alternate Height
B	1703688302	19 W HARGETT ST	Odd Fellows Building (Commerce Building)	Fayetteville Street Historic District	40	10	12
B	1703781352	8 E HARGETT ST	N/A	Moore Square Historic District	5	2	5
B	1703781382	12 E HARGETT ST	N/A	Moore Square Historic District	5	2	5
B	1703782312	16 E HARGETT ST	N/A	Moore Square Historic District	5	1	5
B	1703782362	20 E HARGETT ST	N/A	Moore Square Historic District	5	2	5
B	1703678946	14 W MARTIN ST	N/A	Fayetteville Street Historic District	40	2	5
B	1703677987	16 W MARTIN ST	Capital Club Building	Fayetteville Street Historic District	40	12	12
B	1703771985	13 E MARTIN ST	The Mecca	Moore Square Historic District	5	2	5
B	1703771994	15 E MARTIN ST	N/A	Moore Square Historic District	5	3	5
B	1703772935	19 E MARTIN ST	N/A	Moore Square Historic District	5	3	5
B	1703782247	206 S WILMINGTON ST	N/A	Moore Square Historic District	5	2	5
B	1703782139	216 S WILMINGTON ST	N/A	Fayetteville Street Historic District / Moore Square Historic District	5	2	5
C	1703678831	300 FAYETTEVILLE ST	Federal Building (Century Post Office)	Fayetteville Street Historic District	40	3	5
C	1703771745	301 FAYETTEVILLE ST	N/A	N/A	40	33	40
C	1703678636	316 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	12	12
C	1703771549	319 FAYETTEVILLE ST	N/A	N/A	40	5	5
C	1703771436	333 FAYETTEVILLE ST	(former) Branch Banking & Trust Building	Fayetteville Street Historic District	40	14	20
C	1703678522	336 FAYETTEVILLE ST	N/A	Fayetteville Street Historic District	40	14	20
D	1703678312	400 FAYETTEVILLE ST	Sir Walter Hotel	Fayetteville Street Historic District	40	10	12
D	1703770354	401 FAYETTEVILLE ST	N/A	N/A	40	1	5
D	1703771223	411 FAYETTEVILLE ST	N/A	N/A	40	21	40
D	1703678215	414 FAYETTEVILLE ST	N/A	N/A	40	4	5
D	1703669958	421 FAYETTEVILLE ST	N/A	N/A	40	1	5
D	1703761946	421 FAYETTEVILLE ST	N/A	N/A	40	17	20
D	1703770078	427 FAYETTEVILLE ST	N/A	N/A	40	0	5
D	1703678018	430 FAYETTEVILLE ST	N/A	N/A	40	1	5
D	1703667978	434 FAYETTEVILLE ST	N/A	N/A	40	29	40
D	1703667697	500 FAYETTEVILLE ST	N/A	N/A	40	17	20
D	1703761606	501 FAYETTEVILLE ST	N/A	N/A	40	11*	12
D	1703678106	421 S SALISBURY ST	N/A	N/A	40	17	20
E	1703760380	0 FAYETTEVILLE ST	N/A	N/A	40	0	5
E	1703668320	10 W SOUTH ST	N/A	N/A	40	0	5



## *City of Raleigh* *North Carolina*

To: Mayor McFarlane and Members of City Council

From: Bynum Walter, AICP, Senior Planner

CC: Ruffin Hall, City Manager  
Ken Bowers, AICP, Planning Director  
Travis Crane, Assistant Planning Director

Date: November 6, 2015

Re: Z-27B-14 Citywide Rezoning and the Glenwood-Brooklyn Neighborhood

---

At the October 12 City Council work session, staff presented the Glenwood-Brooklyn large area request and asked for additional guidance from Council on how to proceed. Council indicated that they would like to discuss this topic in greater detail at a future work session.

Over the last several months, staff has worked with community members and property owners to discuss the issues related to remapping in this area. In addition to two public meetings on August 24 and October 26, staff met with neighborhood leaders on November 4. Staff also mailed all property owners within the Glenwood-Brooklyn National Register Historic District to notify them of the November 9 work session.

### **Issues**

There are two major issues related to this request. The commenters have expressed concern that the protections of the Special Residential-30 (SP R-30) district will not be in place in the interim before a local historic overlay district could be applied. The SP R-30 district contains additional development standards for buildings with three or more dwelling units related to building elements, setbacks, lot coverage, and parking lot landscaping. Council has directed staff to begin working with the neighborhood to explore designation as a Streetside Historic Overlay District (HOD-S). The application of this zoning overlay would require a certificate of appropriateness issued by the Raleigh Historic Development Commission prior to any exterior change to the street-facing façade.

The second request is related to the proposed RX-3 zoning for 14 structures built as single-family, detached houses. The commenters are concerned about the potential for non-residential uses on these properties, as well as the transition requirements between RX-3 and R-10 zoning that would require a wall or fence if the properties were redeveloped. The properties in question are:

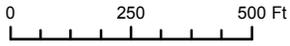
Address	Current Use	Lot Size	Density
710 Glenwood Ave.	Single family		
712 Glenwood Ave.	Multi-family (4 units)	Nonconforming in R-10 or RX	Nonconforming in R-10 only
810 Glenwood Ave.	Two family		
900 Glenwood Ave.	Two family		Nonconforming in R-10 only
901 Glenwood Ave.	Multi-family (5 units)	Nonconforming in R-10 or RX	Nonconforming in R-10 only
1110 Glenwood Ave.	Multi-family (3 units)	Nonconforming in R-10 or RX	Nonconforming in R-10 only
1114 Glenwood Ave.	Two family		
1218 Glenwood Ave.	Multi-family (7 units)		Nonconforming in R-10 only
607 Adams St.	Single family	Nonconforming in R-10 or RX	Nonconforming in R-10 only
1117 Filmore St.	Two family		Nonconforming in R-10 only
1205 Filmore St.	Single family		
510 Tilden St.	Multi-family (4 units)	Nonconforming in R-10 or RX	Nonconforming in R-10 only
611 Washington St.	Multi-family (3 units)	Nonconforming in R-10 only	Nonconforming in R-10 only
614 Wills Forest St.	Multi-family (8 units)	Nonconforming in R-10 only	Nonconforming in R-10 only

### Alternatives

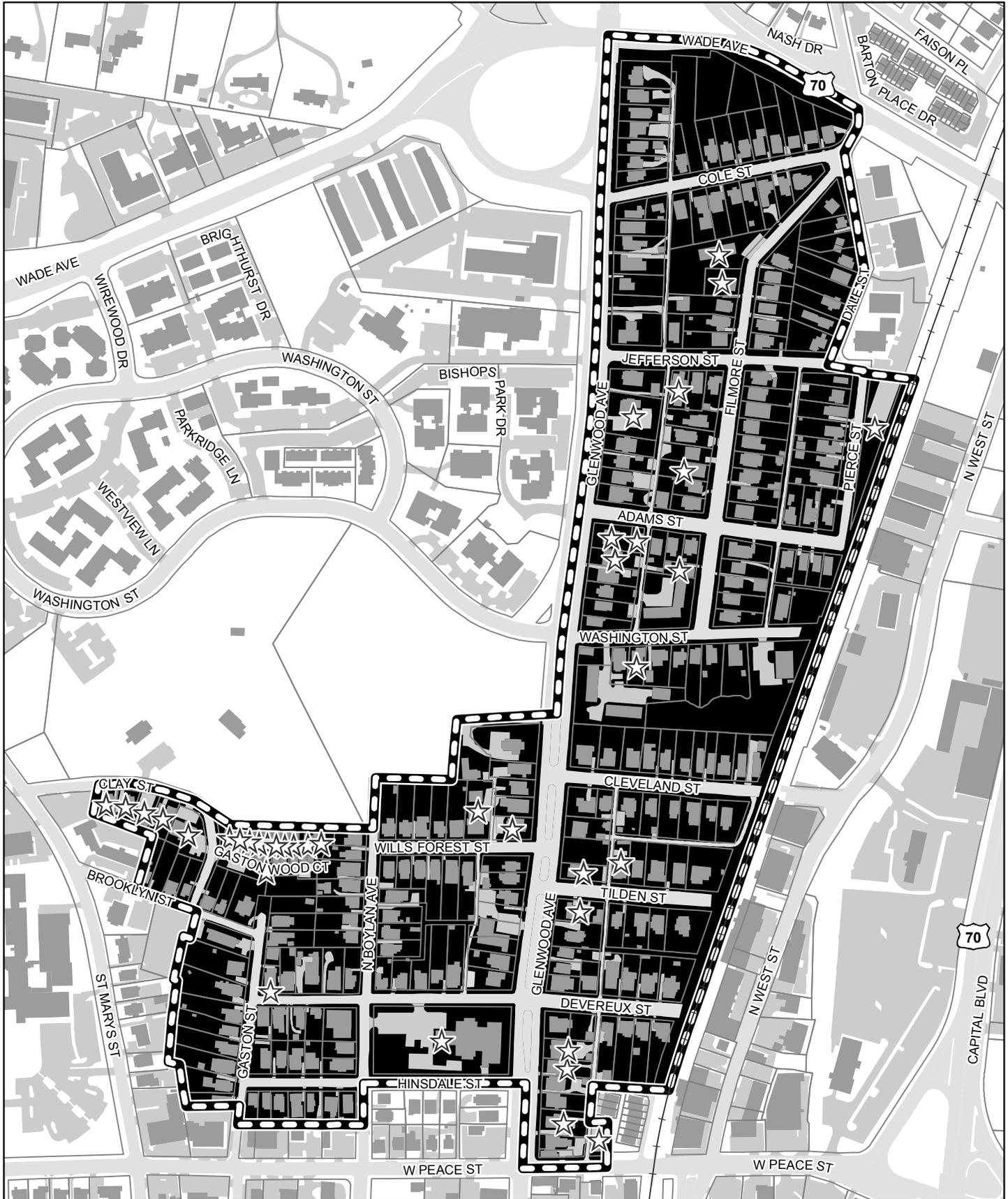
The Alternative to address the first concern regarding the SP R-30 properties would be to separate these parcels from Z-27B-14 and delay the application of R-10 zoning. The area would be treated as a separate case and Council action could be coordinated with the HOD-S process. Rezoning of this area could be accomplished as part of the HOD-S process, whether or not the HOD-S is ultimately applied. Staff has put together a draft report on the potential Glenwood-Brooklyn HOD-S, and the Raleigh Historic Development Commission will take a vote on November 17 to decide whether the area meets the criteria for local historic district designation. With approval from RHDC, the designation of the HOD-S will be considered pending and demolition of any entire building, site or structure would be prohibited without an approved Certificate of Appropriateness. In addition, any demolition during the pending designation may be delayed for a period of up to 180 days or until the City Council takes final action on the pending HOD-S. After the RHDC vote, this recommendation will be forwarded to the City Council for action on whether to pursue a rezoning case to apply the HOD-S.

The requested Alternative to address the proposed RX-3 properties would be to instead zone these properties R-10. This alternative addresses the commenters' concerns. It would not create any new potential pattern of spot zoning, but would create additional nonconformities related to lot size (2) and density (10), as noted in the table above.

# Glenwood-Brooklyn Neighborhood



☆ Properties Requested by Neighborhood Residents for Further Review



# Remapping of Glenwood-Brooklyn Neighborhood

November 4, 2015 at 4:00 PM

Exchange Building – 3<sup>rd</sup> Floor

93% of all buildings built before 1952 (period of historic significance) were detached buildings\*\*

## Remapping Guidance

1. At the October 26 neighborhood meeting, it was stated that the primary criteria used for remapping were density, context and the avoidance of nonconformities. However, the opening paragraph in the [guidance document](#) states...

*The guidance is based on the following broad principles from the state enabling statute, namely that zoning districts should be drawn:*

- Consistent with a comprehensive plan;
  - With consideration for the character of the district;
  - And the peculiar suitability of the property for particular uses.
2. Applying only the three criteria mentioned at the meeting does not produce good conversions in an older neighborhood like Glenwood-Brooklyn. For example, three (3) or more units in a building in Glenwood-Brooklyn seldom equate to the apartment building type defined in the UDO. This means the majority of multi-units included in buildings originally constructed as detached homes are a nonconforming use of the building.

Apartment Building Type: [Description](#) | [R-10 Metrics](#) | [RX-3 Metrics](#)

3. A remapping to RX-3 requires a minimum [neighborhood transition](#) of 10 feet and must include a tall wall / fence and heavy landscaping. Having walled properties scattered throughout the neighborhood would certainly have a negative impact on the historic character of the neighborhood. Also, the neighborhood transitions will limit the buildable area on a parcel.

## Neighborhood Characteristics

1. Ninety-three (93%) of buildings constructed before 1952 (period of historic significance) were built as detached buildings.
2. Some long-term residents believe that many of the conversions of detached buildings to multiple units were done without permits.
3. The benefits of [Special R 30](#) have been significant, particularly the condition that limits lot coverage for developments greater than two units or a density greater than 20. The rules also require heavy buffering of parking areas. According to Jeannine Grissom, an author of Special R-

\*\*Source: Glenwood-Brooklyn's application for recognition on the National Register of Historic Places.

30, the conditions make it difficult to develop at a density greater than 10.

4. Many substandard lots inflate density calculations in the neighborhood. For example, under the Part 10 regulations, the minimum lot size for a detached building is 5,000 SF or 8.7 units per acre. A substandard lot of 2,500 SF doubles the density to 17.4 units per acre. Under the UDO, the new minimum lot size of 4,000 SF for a detached building raises the allowed density to 10.9 units per acre.
5. Commercial edges along Peace and St. Mary's create significant challenges. Parcel depth, topography and stormwater problems make redevelopment difficult. An area plan might help establish better guidance for the redevelopment of these commercial properties.
6. Hidden historic lots, which are legal, buildable lots, also create the possibility of more substandard lots.
7. With the conversion of detached buildings back to single-family homes, the number of units in the neighborhood has declined by 46 over the last 15 years.

## Comments about different categories of properties on [worksheet](#)

### 1. Special R-30 to RX-3 (4 parcels)

- a. All buildings were built between 1915 and 1924 as detached homes.\*\*
- b. 2 buildings sit on substandard lots.
- c. Recommend remapping to R-10.

### 2. R-30 to RX-3 (10 parcels)

- a. All buildings were built between 1911 and 1928 as detached homes.\*\*
- b. Four (4) buildings sit on substandard lots.
- c. Two (2) buildings converted back to single family – 10 to 2 units.
- d. Recommend remapping to R-10.

### 3. Split Zonings (2 parcels)

The proposed remapping of 704 Glenwood to NX-3 is the most problematic. It introduces additional commercial creep into the neighborhood and could introduce an undesirable use next to a residential property. Remote parking has been used in the past to satisfy parking requirements. This property is currently for sale.

\*\*Source: Glenwood-Brooklyn's application for recognition on the National Register of Historic Places.

#### 4. Clay Street area (16 parcels)

This area never qualified for the National Register. It includes 10 upscale townhomes built around 2000, two aging apartment buildings built during the 1970s, and 3 detached homes built before 1920. It would be desirable to have some plan that might help restore the integrity and identity of the Clay Street area.



#### 5. Historic Landmark (1 Parcel)

This local historic landmark – Fire Station No. 4 – has recently undergone a [major renovation funded by Jim Goodnight](#). After many years of neglect, it will become a single family residence. This restoration represents another milestone in the revitalization of the first planned neighborhood in Raleigh that began after the rezoning of the neighborhood to Special R-30.



#### 6. Other (5 parcels)

- a. [601 Devereux](#) – This property was rezoned to O&I when it became an administrative building for the school system. Now that it is serving as a school once again, it would be desirable to have it rezoned back to residential.

- b. 1307 and 1315 Filmopre -- Both properties are currently Special R-30. The proposed mapping for 1315 Filmore is RX-3. Once again, achieving a density greater than 10 could be challenging under the Special R-30 rules. The owner of 1315 Filmore also tried to get 1307 remapped to RX-3. Now both properties are up for sale. If the proposed RX-3 rezoning happens, the neighborhood transitions could make redevelopment very challenging.



- c. 722 Gaston – The proposed remapping is NX-3. This would make an excellent live-work building. Although parking would probably prohibit any late night use, that possibility is always a concern.



- d. 516 Peace —This is a unique building that was built in 1910. To minimize the chance of demolition, It would be desirable to move this building to an empty lot in the neighborhood, possibly 902 Glenwood.



\*\*Source: Glenwood-Brooklyn's application for recognition on the National Register of Historic Places.

# Glewnwood-Brooklyn Remapping Review Worksheet

[Link to Comments](#)

Category	ST-NAME	ST-NUMBER	ORIGINALBUILDI BUILT	Current	Proposer	Values Parcels	2015 Units	1999 Units	Parcels SF	Density	NonStd-P10	NonStd-L	
1-SP R-30 > RX-3	ADAMS	607	Detached	1924	SP R-30	RX-3	1	1	1	2,614	16.7	1	1
	GLENWOOD	1110	Detached	1922	SP R-30	RX-3	1	3	4	7,405	17.6	1	1
		1114	Detached	1922	SP R-30	RX-3	1	2	2	8,712	10.0	--	--
		1218	Detached	1915	SP R-30	RX-3	1	7	7	19,602	15.6	--	--
<b>1-SP R-30 &gt; RX-3 Total</b>						<b>4</b>	<b>13</b>	<b>14</b>	<b>38,333</b>	<b>14.8</b>	<b>2</b>	<b>2</b>	
2-R-30 > RX-3	FILMORE	1117	Detached	1922	R-30	RX-3	1	2	2	3,920	22.2	1	1
		1205	Detached	1927	R-30	RX-3	1	1	5	7,405	5.9	--	--
	GLENWOOD	710	Detached	1928	R-30	RX-3	1	1	5	7,405	5.9	--	--
		712	Detached	1923	R-30	RX-3	1	4	4	9,583	18.2	--	1
		810	Detached	1927	R-30	RX-3	1	3	2	9,148	14.3	--	--
	TILDEN	900	Detached	1914	R-30	RX-3	1	2	2	6,534	13.3	--	--
		901	Detached	1911	R-30	RX-3	1	5	6	7,405	29.4	1	1
	WASHINGTON	510	Detached	1925	R-30	RX-3	1	4	4	6,534	26.7	1	1
		611	Detached	1923	R-30	RX-3	1	3	3	5,663	23.1	1	1
	WILLS FOREST	614	Detached	1917	R-30	RX-3	1	8	8	12,197	28.6	--	--
<b>2-R-30 &gt; RX-3 Total</b>						<b>10</b>	<b>33</b>	<b>41</b>	<b>75,794</b>	<b>19.0</b>	<b>4</b>	<b>5</b>	
3-Split Zoning	GLENWOOD	704	Detached	1911	SP R-30 / NB	NX-3	1	1	2	10,454	4.2	--	--
	PIERCE	1220	Empty Lot	na	SP R-30 / IND-2 ,	OX-3	1	0	0	22,651	0.0	--	--
<b>3-Split Zoning Total</b>						<b>2</b>	<b>1</b>	<b>2</b>	<b>33,106</b>	<b>1.3</b>	<b>--</b>	<b>--</b>	
4-Clay Street	CLAY	806	Townhouse	0	R-30	RX-3	1	0	1	18,731	0.0	--	--
		807	Apartment	1975	R-30	RX-3	1	8	8	12,197	28.6	--	--
		813	Detached	1915	R-30	RX-3	--	1	1	0 ***	--	--	--
		815	Apartment	1935	R-30	RX-3	1	2	2	6,970	12.5	--	--
	GASTON WOO	817	Detached	1975	R-30	RX-3	1	4	4	6,534	26.7	1	1
		819	Detached	1915	R-30	RX-3	1	1	1	5,663	7.7	--	--
		810	Townhouse	1910	R-30	RX-3	1	1	1	4,792	9.1	1	--
		812	Townhouse	1999	R-30 CUD	RX-3-CU	1	1	0	5,227	8.3	--	--
		814	Townhouse	1999	R-30 CUD	RX-3-CU	1	1	0	3,049	14.3	1	1
		816	Townhouse	1999	R-30	RX-3	1	1	0	3,049	14.3	1	1
		818	Townhouse	1999	R-30	RX-3	1	1	0	3,049	14.3	1	1
		830	Townhouse	1999	R-30	RX-3	1	1	0	2,614	16.7	1	1
		832	Townhouse	2000	R-30	RX-3	1	1	0	2,614	16.7	1	1
		834	Townhouse	2000	R-30	RX-3	1	1	0	2,614	16.7	1	1
		836	Townhouse	2001	R-30	RX-3	1	1	0	2,178	20.0	1	1
		838	Townhouse	2001	R-30	RX-3	1	1	0	2,614	16.7	1	1
<b>4-Clay Street Total</b>						<b>16</b>	<b>27</b>	<b>18</b>	<b>84,942</b>	<b>13.8</b>	<b>11</b>	<b>10</b>	
5-Landmark	JEFFERSON	505	General Building	1926	SP R-30	R-10	1	1	1	5,663	7.7	--	--
<b>5-Landmark Total</b>						<b>1</b>	<b>1</b>	<b>1</b>	<b>5,663</b>	<b>7.7</b>	<b>--</b>	<b>--</b>	
6-Other	DEVEREUX	601	Civic	1917	O&I-1	OX-3-CU	1	0	0	81,022	0.0	--	--
	FILMORE	1307	Detached	1918	SP R-30	R-10	1	1	1	8,712	5.0	--	--
		1315	Apartment	1968	SP R-30	RX-3	1	8	8	28,314	12.3	--	--
	GASTON	722	Mixed Use	1909	NB	NX-3	1	2	2	871	100.0	--	1
	PEACE	516	Detached	1910	IND-2	NX-3-UG	1	1	1	5,227	8.3	--	--
<b>6-Other Total</b>						<b>5</b>	<b>12</b>	<b>12</b>	<b>124,146</b>	<b>4.2</b>	<b>--</b>	<b>1</b>	
<b>Grand Total</b>						<b>38</b>	<b>87</b>	<b>88</b>	<b>361,984</b>	<b>10.5</b>	<b>17</b>	<b>18</b>	

**THOMAS C. WORTH, JR.**

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

November 5, 2015

The Honorable Nancy McFarlane, Mayor  
City Council Members  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA ELECTRONIC MAIL

Re: Remapping: Glenwood Brooklyn (GB); 1315 and 1307 Filmore Street,  
respectively

Dear Mayor McFarlane and City Council Members:

Next Monday, November 9 at your Work Session you will discuss further the stay imposed upon the Remapping Process for the Glenwood Brooklyn neighborhood on October 12, 2015 pending the possible imposition thereon of a Streetside Historic Overlay District (HOD-S). I was retained last month by Mr. George Andrews who proposes to remove the 8 unit apartment building located at 1315 Filmore Street and the adjacent duplex at 1307 Filmore Street, both owned by the Temple Family and develop thereon the 7 unit Cottage Court as proposed upon the attached "Schematic Plan of Filmore Street Cottage Court for George Andrews" dated April 20, 2015. Work upon this project commenced last spring although I was unaware of it until this past month as indicated.

The now proposed Remapping for these properties recommends RX-3 for the apartment property and R-10 for the adjacent duplex and both proposed zones will accommodate the proposed Cottage Court under the UDO, however this type of project is not available under the existing SP R-30 Zoning. It is my opinion that this project will not proceed if the remapping stay remains in place until the HOD-S is subsequently imposed upon GB which cannot happen for some months into the future if it is approved by the Council.

Please recall that the stay was imposed at October 12, 2015 Work Session at which two proponents of the stay were permitted to speak, however I did not have that opportunity when I stood up to express my concern. In reviewing this situation I have determined that until a meeting conducted under the auspices of the Planning Staff on October 26, 2015 there has not been adequate notification to all property owners in the GB neighborhood of the Historic Overlay effort which I am now informed commenced in May of this year.

Having met with Ms. Bynum Walter, Planning Staff Members and Ms. Tania Tully of the Historic District Commission Staff yesterday and having attended the Historic District Commission's Research Committee Meeting this morning I have now asked for and received from the Temple Family the authority to request of the City Council on November 9 the downzoning of the RX-3 Zoning proposed for the apartment property if this property and the adjacent R-10 duplex lot are granted relief from the Remapping stay that is now in place so that they can proceed for approval by the City Council whenever it deems appropriate to approve the pending omnibus Remapping Process.

It is my hope that the GB neighborhood will embrace this downzoning in order that we may proceed with the filing of a Site Plan within approximately two weeks after the omnibus Remapping Process is concluded by the Council. The HOD-S process will continue forward on its normal course but in my opinion at such time as the Historic District Commission endorses this proposed HOD-S Overlay (which may be as soon as its meeting on November 17, 2015) that no demolition permit can thereafter be issued in GB without the permission from the Historic District Commission. This significant moratorium on demolition should allay the concerns expressed by some proponents of the present stay that there will be a rush to demolish properties in GB pending the effective date of the Remapping Process as determined by the Council.

Your positive consideration of this request will be appreciated and I and members of the Temple Family will be present at your Work Session on Monday, November 9, 2015 in the hope that I will have the opportunity to be heard in this matter.

Thank you for your positive consideration in this matter.

Respectfully submitted,



Thomas C. Worth, Jr.

TCWjr/dsw

cc: Ms. Bynum Walter  
Mr. Travis Crane  
Mr. & Mrs. Henry Temple  
Ms. Vickie T. Huband  
Mr. George Andrews  
(all by electronic mail)



## *City of Raleigh* *North Carolina*

To: Mayor McFarlane  
Members of the City Council

From: Travis R. Crane

Date: November 5, 2015

Re: UDO Zoning Map/Application of Frontage

---

The City Council has received public comments related to the application of a frontage and the impact on existing development and the potential for future expansion. During the review of the UDO zoning map, staff proposed a text change to address this situation. The text change was reviewed by the Planning Commission and ultimately approved by the City Council. This memorandum provides background information related to the text change.

### **Comments Received**

The City Council received 14 comments regarding the application of frontage on multiple properties. These comments were submitted by a small number of representatives for the property owners; most of the properties are developed with an auto-centric use, such as a gas station or automobile dealership. The commentors request that the frontage be removed from the property.

A synopsis of these comments, along with any written comments is attached to this informational packet.

### **Frontages and Existing Development**

When Planning Staff began public review of the UDO zoning map, comments were received related to the application of a frontage on properties with existing development. A frontage is a new regulation in the UDO which specifies the relationship between the building setback and the right-of-way. Some frontages require that a minimum amount of the property width be occupied with a building. While the concept is simple to consider on vacant property, some commentors stated that the application of a frontage on existing developed properties would be problematic.

Staff informed the City Council of this concern, and staff was asked to draft a text change to address the issue. The specific problem identified was that when a frontage was applied, the property may be made non-conforming.

#### **TC-4-15 Explained**

The text change was drafted and referred to the Planning Commission for review. The proposed language was discussed during multiple meetings of the Text Change Committee. The Committee, and subsequently the Planning Commission, ultimately recommended approval of the text change. Many stakeholders were involved in the conversation and assisted in drafting the regulations. The Comprehensive Planning Committee further refined the ordinance language, and it was adopted by the City Council.

The approved text change states that the application of a frontage does not make a building non-conforming. This is a similar approach taken for application of a Neighborhood Conservation Overlay District. The thought is that the existing structures should not be strictly penalized when the regulations is first applied.

The text change allows building expansions after a frontage is applied, even when the expansion does not comply with the frontage regulations. The new regulations include the following allowances:

- Tree conservation areas, steep slopes, riparian areas and areas encumbered by high voltage electric lines are exempt from the build-to calculation
- Buildings destroyed by an act of nature can be reconstructed to previous state
- Building expansion of 25% or 1,000 square feet, whichever is greater anywhere onsite
- Larger expansions or new buildings must be constructed in the front or side yard, but need not be compliant with the frontage regulations
- Minor expansions related to certain uses, like kitchens or storage areas, is permitted in the rear a building

#### **Administrative Alternate**

An administrative alternate may also be granted for the build-to regulations related to a frontage. Staff has approved a handful of administrative alternate requests, some related to the build-to regulations. This administrative alternate process provides an extra layer of flexibility for these site layout-related issues.

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: MM Fowler Inc.  
2811 Capital Boulevard

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for MM Fowler Inc., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

This property was zoned Industrial-1 and is currently used for major auto repair, vehicle sales and off-site parking. The Remapping process was advertised as an effort to merely correlate an old zoning district to the most similar UDO zoning district. The proposed CX-3-PL for this property zoning does not correlate. In fact, CX zoning would condition current uses of major automotive repair and vehicle sales/leasing in ways with which the owner of this property cannot comply. The proposed zoning of CX-3-PL would render both site and uses nonconforming which is unfair and unacceptable.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-027\_2811Capital\_Mattox.pdf

force this business and those like it to rely on bandaids and other short term fixes and will discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

Therefore, we request this property be rezoned to IH and request that we have a meeting with Ms. Walter to discuss this property as soon as possible.

Sincerely,



Isabel Worthy Mattox

cc: Lee Barnes

## ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: MM Fowler Inc.  
3520 Capital Boulevard

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for MM Fowler Inc., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The remapping process was advertised as an effort to merely correlate an existing zoning district to the most similar UDO district. The proposed IX-3-PL rezoning does not correlate. The property was previously zoned Industrial-1. The PL frontage is not appropriate for this property. It is in a very automotive intensive area of Capital Boulevard that is not pedestrian friendly. This property drops off sharply and abuts multiple residential properties in the rear. Pushing parking to the rear would not be a benefit to the abutting neighborhood.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-028\_3520Capital\_Mattox.pdf

discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

Therefore, we request this property be rezoned to IX-3 without a frontage. We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,

Isabel Worthy Mattox

cc: Lee Barnes

**THOMAS C. WORTH, JR.**

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

May 4, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

RE: 5839 Capital Boulevard, PIN# 1727304088  
Owner: Gold Moon, LLC

Dear Mayor McFarlane and Council Members:

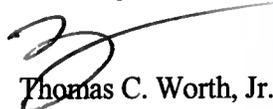
As counsel for Gold Moon, LLC, owner of the above-described property, we write to express our concerns about the proposed remapping for the above-referenced property.

Unfortunately, the owner of this property did not fully understand the potential impacts of the remappings during the Planning Commission remapping review process.

The proposed rezoning for this property is CX-3-PL which we believe negatively impacts the current entitlements for this property, now zoned Industrial-1. While the proposed zoning would permit the current use on the property (with the imposition of future limitations), it would not allow unlimited height as now permitted and would remove flexibility regarding parking because of the imposition of a frontage. If a frontage will be required by the City, we believe more height should be allowed. It should be noted that additional height would be in keeping with the FLUM designation of Community Mixed Use and the Urban Form Map which shows this property in an Urban Growth Center and within one-half mile of a future transit stop.

We therefore request that this property be rezoned to IX-7-PL.

Sincerely,



Thomas C. Worth, Jr.

cc: Mr. Kenneth Bowers  
Mr. Travis Crane  
Ms. Bynum Walter  
Mr. David Johnson  
Mr. Ron Hendricks  
(all by electronic mail)

**THOMAS C. WORTH, JR.**

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

May 4, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

RE: 6001 Capital Boulevard, PIN# 1727302961  
Owner: Silver Moon, LLC

Dear Mayor McFarlane and Council Members:

As counsel for Silver Moon, LLC, owner of the above-described property, we write to express our concerns about the proposed remapping for the above-referenced property.

Unfortunately, the owner of this property did not fully understand the potential impacts of the remappings during the Planning Commission remapping review process.

The proposed rezoning for this property is CX-3-PL which we believe negatively impacts the current entitlements for this property, now zoned Industrial-1. While the proposed zoning would permit the current use on the property (with the imposition of future limitations), it would not allow unlimited height as now permitted and would remove flexibility regarding parking because of the imposition of a frontage. If a frontage will be required by the City, we believe more height should be allowed. It should be noted that additional height would be in keeping with the FLUM designation of Community Mixed Use and the Urban Form Map which shows this property in an Urban Growth Center and within one-half mile of a future transit stop.

We therefore request that this property be rezoned to IX-7-PL.

Sincerely,



Thomas C. Worth, Jr.

cc: Mr. Kenneth Bowers  
Mr. Travis Crane  
Ms. Bynum Walter  
Mr. David Johnson  
Mr. Ron Hendricks  
(all by electronic mail)

**THOMAS C. WORTH, JR.**

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

May 4, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

Re: 6830 Old Wake Forest Road, PIN# 1727208758  
Owner: C. David Johnson

Dear Mayor McFarlane and Council Members:

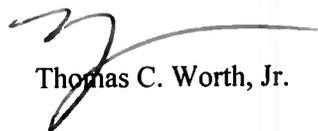
As counsel for C. David Johnson, Jr., owner of the above-described property, we write to convey our concerns about the proposed remapping for the above-referenced property.

Unfortunately, the owner of this property did not fully understand the potential impacts of the remappings during the Planning Commission remapping review process.

The proposed rezoning for this property is IX-3-PL which we believe negatively impacts the current entitlements for this property, now zoned Industrial-1. While the proposed zoning would permit the current use on the property (with the imposition of future limitations), it would not allow unlimited height as now permitted and would remove flexibility regarding parking because of the imposition of a frontage. If a frontage will be required by the City, we believe more height should be allowed. It should be noted that additional height would be in keeping with the FLUM designation of Community Mixed Use and the Urban Form Map which shows this property in an Urban Growth Center and within one-half mile of a future transit stop.

We therefore request that this property be remapped to IX-5-PL.

Sincerely,



Thomas C. Worth, Jr.

cc: Mr. Kenneth Bowers  
Mr. Travis Crane  
Ms. Bynum Walter  
Mr. David Johnson  
Mr. Ron Hendricks  
(all by electronic mail)

**THOMAS C. WORTH, JR.**

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

May 4, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

Re: 5857 Capital Boulevard, PIN# 1727301427  
Owner: HOL DAV, Inc.

Dear Mayor McFarlane and Council Members:

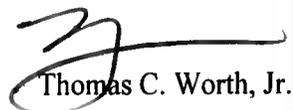
As counsel for HOL DAV, Inc., owner of the above-described property, we write to convey our concerns about the proposed remapping for the above-referenced property. The proposed zoning for this property is IX-3.

Unfortunately, the owner of this property did not fully understand the potential impacts of the remappings during the Planning Commission remapping review process.

The proposed rezoning for this property is IX-3 which we believe negatively impacts the current entitlements for this property, now zoned Industrial-1. While the proposed zoning would permit the current use on the property (with the imposition of future limitations), it would not allow unlimited height as now permitted. We believe more height should be allowed and note that additional height would be in keeping with the FLUM designation of Community Mixed Use and the Urban Form Map which shows this property in an Urban Growth Center and within one-half mile of a future transit stop.

We therefore request that this property be remapped to IX-5.

Sincerely,

  
Thomas C. Worth, Jr.

cc: Mr. Kenneth Bowers  
Mr. Travis Crane  
Ms. Bynum Walter  
Mr. David Johnson  
Mr. Ron Hendricks  
(all by electronic mail)

**THOMAS C. WORTH, JR.**

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

September 8, 2015

The Honorable Nancy McFarlane, Mayor  
City Council Members  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

Re: Johnson Lexus Properties located on Capital Boulevard and Old Wake Forest Road  
(C. David Johnson et al)

Dear Mayor McFarlane and City Council Members:

On May 4, 2015 I wrote to you and the Planning Staff in connection with the four (4) Johnson Lexus properties identified upon the attachment. At the Public Hearing on July 21, I spoke in behalf of these properties and reiterated my client's concerns during my meeting with Planner Doug Hill on August 21, 2015.

Our concerns continue to involve the default height limit of three (3) stories and the proposed Parking Limited (PL) Frontages which are proposed to be imposed upon my client's sales, leasing and repair facilities located at 5839 Capital Boulevard and 6001 Capital Boulevard respectively. Additionally in the absence of relief from these impositions future redevelopment upon these properties will be discouraged as same may trigger limitations which will negatively impact automobile sales, leasing and service.

In sum we respectfully request that the properties located at 5839 Capital Boulevard and 6001 Capital Boulevard be rezoned to IX-7 without the PL Frontages, that the property located at 5857 Capital Boulevard be rezoned to IX-5 and that the property at 6830 Old Wake Forest Road be rezoned to IX-5 PL (as the PL Frontage here is not problematic). In view of the challenges that the UDO/Remapping process presents for the automobile industry the impending review of TC-4-15 "Development Standards & Non-conformities" which commences at the Council's Comprehensive Planning Committee tomorrow may provide opportunities for relief.

Thank you for your positive consideration of these requests.

Sincerely,



Thomas C. Worth, Jr.

cc: Ms. Bynum Walter  
Mr. Doug Hill  
Mr. Eric Hodge  
Mr. David Johnson  
Mr. Ron Hendricks  
(all by electronic mail)

Owner	Property Address	Current Zoning	Planning Commission Proposed	Our Request
<b>C. David Johnson</b>	<b>6830 Old Wake Forest Rd PIN: 1727208758</b>	<b>IND-1</b>	<b>IX-3-PL</b>	<b>IX-5-PL</b>
<b>Gold Moon LLC</b>	<b>5839 Capital Blvd PIN: 1727304088</b>	<b>IND-1</b>	<b>CX-3-PL</b>	<b>IX-7</b>
<b>Hol Dav Inc.</b>	<b>5857 Capital Blvd PIN: 1727301427</b>	<b>IND-1</b>	<b>IX-3</b>	<b>IX-5</b>
<b>Silver Moon LLC</b>	<b>6001 Capital Blvd PIN: 1727302961</b>	<b>IND-1</b>	<b>CX-3-PL</b>	<b>IX-7</b>

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: MM Fowler Inc. - 2120 New Bern Avenue

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for MM Fowler Inc., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The current zoning for this property is SC. The Remapping process was advertised as an effort to merely correlate the old zoning district to the most similar UDO district. The proposed CX-3-UL zoning does not achieve that goal because of the imposition of a frontage.

There was a fire on this property over 2 ½ years ago in approximately March, 2013. The owner was at the Planning Department to rebuild within a few days after the fire and 2 ½ years later he still does not have building permits. Now his firm will be expending over \$1,500,000 to re-build something that will not comply with the Remapping and will not be able to be rebuilt in the same way in the event of another casualty.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-031\_2120NewBern\_Mattox.pdf

approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

Therefore, we request this property be rezoned to CX-3, without a frontage.

We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,



Isabel Worthy Mattox

cc: Lee Barnes

# ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: MM Fowler Inc. – 3820 New Bern Avenue

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for MM Fowler Inc., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The current zoning for this property is IND-1w/SHOD-4. The Remapping process was advertised as an effort to merely correlate the old zoning district to the most similar UDO district. The proposed CX-3-PL zoning does not achieve that goal because of the imposition of a frontage.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

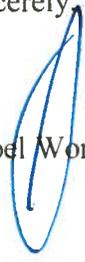
Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-032\_3820NewBern\_Mattox.pdf

Therefore, we request this property be rezoned to CX-3, without a frontage.

We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,

  
Isabel Worthy Mattox

cc: Lee Barnes

## ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 27, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: MM Fowler Inc.  
4000 New Bern Avenue

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for MM Fowler Inc., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The remapping process was advertised as an effort to merely correlate an existing zoning district to the most similar UDO district. The proposed CX-3-PL rezoning does not correlate.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

The proposed zoning is not appropriate for this neighborhood and therefore we request this property be rezoned to CX-3, without a frontage.

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-033\_4000NewBern\_Mattox.pdf

We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,



Isabel Worthy Mattox

cc: Lee Barnes

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

Re: M. L. Barnes  
1930 Wake Forest Road

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for M. L. Barnes, the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The Remapping process was advertised as an effort to merely correlate the old zoning district to the most similar UDO district. The proposed IX-3-PL zoning does not achieve that goal because of the imposition of conditions on the current uses and a frontage. Current uses on the property are warehouse and distribution which are generally permitted uses in IND-2, but are limited uses in IX. Consequently, this remapping will create a non-conformity.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-034\_1930WakeForest\_Mattox.pdf

discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

Therefore, we request this property be rezoned to IH, without a frontage.

We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,



Isabel Worthy Mattox

cc: Lee Barnes

**THOMAS C. WORTH, JR.**

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

September 8, 2015

The Honorable Nancy McFarlane, Mayor  
City Council Members  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

Re: National Business Partners, LLC: Properties located at 4205 Pleasantville Drive,  
4125 Mitchell Mill Road and 4133 Mitchell Mill Road, Raleigh, NC

Dear Mayor McFarlane and City Council Members:

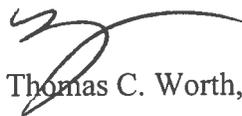
My handout to you during my presentation at the Public Hearing on the evening of July 21, 2015 included the attached description of these properties whereon I indicated that the addition of Parking Limited Frontage results in the loss of important entitlements.

At my meeting of August 21, with Planner Doug Hill I referred him to the extensive Conditions imposed upon these properties by Rezoning Case Z-67-2001 (Ordinance [2002] 165 ZC 512) which in Condition N provides for a minimum twenty five (25') foot protective street yard along Mitchell Mill Road (and the relocated Louisbury Road) for any new development, which must be planted to SHOD- 4 standards.

In sum while the proposed rezoning of these properties to CX-3-CU is appropriate, in my opinion the imposition of the PL frontage is not given the frontage protection provided by the above referenced Rezoning Case.

Your positive consideration of this request would be appreciated.

Sincerely,



Thomas C. Worth, Jr.

cc: Ms. Bynum Walter  
Mr. Doug Hill  
Dr. Chawki Lahoud  
(all by electronic mail)

<b>National Business Partners LLC</b>	<b>4205 Pleasantville Dr PIN 1747763401</b>	<b>CUD SC</b>	<b>CX-3-PL-CU</b>	<b>The addition of the Parking Limited frontage appears to result in the loss of an important entitlement.</b>
<b>National Business Partners LLC</b>	<b>4125 Mitchell Mill Rd PIN 1747761226</b>	<b>CUD SC</b>	<b>CX-3-PL-CU</b>	<b>Same as above.</b>
<b>National Business Partners LLC</b>	<b>4133 Mitchell Mill Rd PIN 1747763124</b>	<b>CUD SC</b>	<b>CX-3-PL-CU</b>	<b>Same as above.</b>

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: MM Fowler Inc.  
122-118 Peace Street

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for MM Fowler Inc., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The proposed zoning for this property is DX-7-UG. A Shell gas station is located on this property which is a very narrow lot between Peace Street and the Seaboard development. It is too narrow and has too little depth for a building of a significant size; however, the owner may, in the future, wish to renovate, enlarge and modify the existing structure and would absolutely want the ability to rebuild its building after a casualty. The proposed zoning greatly constrains the property owner's ability to renovate, expand or rebuild after a casualty.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Bynum Walter  
August 26, 2015  
Page 2

PH-036\_PeaceSt\_Mattox.pdf

discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

The proposed remapping is not simply a correlation of old code zoning district to UDO zoning district. If it is approved as proposed, it will result in a major downzoning of the subject property.

Therefore, we request this property be rezoned to DX-7 without a frontage, which will allow it to continue to operate as a gas station/convenience store which we believe is its highest and best use.

We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,

Isabel Worthy Mattox

cc: Lee Barnes

## ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

[isabel@mattoxfirm.com](mailto:isabel@mattoxfirm.com)

August 18, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: 2008 Hillsborough Street, PIN# 1704 01 1308  
Client: John W. Wardlaw, Jr.

Dear Mayor McFarlane and Council Members and vis. Bynum:

As counsel for John W. Wardlaw, Jr., owner of the above-described property, we write to convey our concerns about the proposed remapping for the above-referenced property. The proposed zoning for this property is NX-4-UG.

We made timely comments to the Planning Commission regarding our concerns. They considered it at the end of a very long meeting, but they disregarded our comments at the end of a meeting in their haste to adjourn.

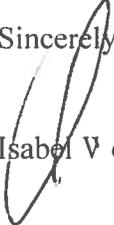
As you know, the imposition of the Urban General Frontage requires that seventy percent (70%) of the building front edge be located within 0-20 feet of the street right-of-way. Given the configuration of the subject lot, this frontage requirement imposes a hardship on my client. As a result of condemnation action brought by the City of Raleigh to accommodate a round-about on Hillsborough Street, this property has an irregular shape and unusual frontage along Hillsborough Street and Ferndell Lane. To comply with the Frontage requirement, my client would have to construct a semi-circular shaped building 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.

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Ms. Walter Bynum  
August 19, 2015  
Page 2

PH-037\_2008Hillsborough-WardlawMattox.pdf

We therefore request that this property be remapped to NX-4 without a frontage designation.

Sincerely,



Isabel V orthy Mattox

cc: John W. Wardlaw, Jr.

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

August 26, 2015

Mayor Nancy McFarlane  
Members of Raleigh City Council  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

City of Raleigh Planning Department  
Attention: Bynum Walter  
One Exchange Plaza, Suite 400  
Raleigh, NC 27601

RE: M. L. Barnes  
1634 Glenwood Avenue

Dear Mayor McFarlane and Council Members and Ms. Walter:

As counsel for M. L. Barnes., the owner of the above described property, I write to convey our concerns about the proposed remapping for this property. As indicated at the second Remapping Public Hearing, my client did not receive notice of the Remapping proceedings undertaken by City Staff or the Planning Commission and received notice of the first City Council Public Hearing on July 3<sup>rd</sup>, only one business day prior to the July 7<sup>th</sup> Public Hearing.

The proposed zoning for this property is CX-3-UG. This property is currently used as the BP gas station and convenience store at Five Points. This is a very shallow and irregular lot with no room for parking in the rear. In addition, we believe it is imperative that a vehicular service area/gas canopy be located at the front of the building. The proposed zoning will make whatever expansion or updating of the store very difficult. As such, you will be encouraging such stores to become rundown.

We understand the Council is considering TC-4-15, a Text Change which may make renovation or expansion of a building easier; however, the Text Change has not yet been approved and even if it is approved, renovation, expansion and rebuilding of a building which

Mayor Nancy McFarlane  
Members of Raleigh City Council  
Bynum Walter  
August 26, 2015  
Page 2

PH-038\_1634Glenwood\_Mattox.pdf

does not comply with Frontage restrictions will still be highly constrained. This remapping will force this business and those like it to rely on bandaids and other short term fixes and will discourage investments by businesses to expand and remodel to make their businesses more attractive, relevant and functional for our City.

Therefore, we request this property be rezoned to CX-3, without a frontage.

We would like to meet with Ms. Walter at the Planning Department about this matter as soon as possible.

Sincerely,

Isabel Worthy Mattox

cc: Lee Barnes

<b>Anderson Raleigh LLC</b>	<b>4101 Toyota Dr PIN 0777196627</b>	<b>TD w/AOD and MPOD</b>	<b>IX-3-PK w/AOD and MPOD</b>	<b>Default height limit of 3 stories is a loss of entitlements. Also vehicle sales is a limited use in IX requiring TPYs or other protective yards, prohibiting elevation of display area and outdoor speaker system. In addition, heavy industrial uses are not permitted in IX but many are permitted in TD. Finally multifamily permitted in TD but in IX permitted only with ground floor non-residential.</b>
<b>Anderson Raleigh LLC</b>	<b>9101 Glenwood Ave. PIN 0778107202</b>	<b>TD w/AOD &amp; MPOD</b>	<b>IX-3-PK w/AOD &amp; MPOD</b>	<b>Same as above</b>
<b>Anderson Real Estate #1 LLC</b>	<b>9201 Glenwood Ave. PIN 0778107791</b>	<b>TD w/ AOD</b>	<b>IX-3-PK w/AOD</b>	<b>Same as above</b>
<b>Anderson Real Estate #4 LLC</b>	<b>9209 Glenwood Ave. PIN 0778112092</b>	<b>TD w/AOD</b>	<b>IX-3-PK w/AOD</b>	<b>Same as above</b>
<b>Anderson Real Estate 3 LLC</b>	<b>9225 Glenwood Ave. PIN 0778016494</b>	<b>TD w/AOD</b>	<b>IX-3-PK w/AOD</b>	<b>Same as above</b>
<b>Anderson Real Estate 3 LLC</b>	<b>0 Glenwood Ave PIN 0778013834</b>	<b>TD w/AOD &amp; MPOD</b>	<b>IX-3-PK w/AOD &amp; MPOD</b>	<b>Same as above</b>

**THOMAS C. WORTH, JRH-039\_Anderson\_Worth\_Sept8.pdf**

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

September 8, 2015

The Honorable Nancy McFarlane, Mayor  
City Council Members  
City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27601

VIA HAND DELIVERY

Re: Fred Anderson Toyota Properties (Anderson Raleigh LLC et al)

Dear Mayor McFarlane and City Council Members:

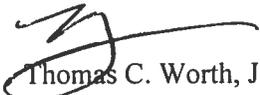
In connection with the properties of the above referenced client I spoke briefly at the Public Hearing on July 21 and also discussed our concerns during my meeting with Planner Doug Hill on August 21, 2015.

I attach a listing of the Anderson Properties whereon concerns are indicated, however, a subsequent site visit and further review of the proposed Parkway Frontage (PK) have disclosed particular problems for the first three properties listed upon the attachment i.e. 4101 Toyota Drive, 9101 Glenwood Avenue and 9201 Glenwood Avenue, all of which are presently fully developed and utilized for the sale, leasing and service of motor vehicles. Furthermore the remaining three properties i.e. 9209 Glenwood Avenue, 9225 Glenwood Avenue and 0 Glenwood Avenue, although presently undeveloped, were acquired by my client to accommodate future expansion of its well established business and therefore the imposition of the PK Frontage upon these properties is potentially problematic.

In summary it is my request in behalf of my client that these properties be rezoned to IX-7 with AOD and MPOD as presently proposed without the PK Frontages thereon which perhaps can be a subject of the review by the City Council of TC-4-15 "Development Standards & Non-conformities" which will be discussed initially by the Comprehensive Planning Committee on the afternoon of Wednesday, September 9, 2015. Additionally the imposition of the Metro-Park Overlay District upon the first of two of these properties could also be discussed in the context of TC-4-15.

As always your positive consideration of the subject matters is appreciated.

Sincerely,

  
Thomas C. Worth, Jr.

cc: Ms. Bynum Walter  
Mr. Doug Hill  
Mr. Eric Hodge  
Mr. Dave Hudson  
Mr. Ron Hendricks  
(all by electronic mail)

<b>Anderson Raleigh LLC</b>	<b>4101 Toyota Dr PIN 0777196627</b>	<b>TD w/AOD and MPOD</b>	<b>IX-3-PK w/AOD and MPOD</b>	<b>Default height limit of 3 stories is a loss of entitlements. Also vehicle sales is a limited use in IX requiring TPYs or other protective yards, prohibiting elevation of display area and outdoor speaker system. In addition, heavy industrial uses are not permitted in IX but many are permitted in TD. Finally multifamily permitted in TD but in IX permitted only with ground floor non-residential.</b>
<b>Anderson Raleigh LLC</b>	<b>9101 Glenwood Ave. PIN 0778107202</b>	<b>TD w/AOD &amp; MPOD</b>	<b>IX-3-PK w/AOD &amp; MPOD</b>	<b>Same as above</b>
<b>Anderson Real Estate #1 LLC</b>	<b>9201 Glenwood Ave. PIN 0778107791</b>	<b>TD w/ AOD</b>	<b>IX-3-PK w/AOD</b>	<b>Same as above</b>
<b>Anderson Real Estate #4 LLC</b>	<b>9209 Glenwood Ave. PIN 0778112092</b>	<b>TD w/AOD</b>	<b>IX-3-PK w/AOD</b>	<b>Same as above</b>
<b>Anderson Real Estate 3 LLC</b>	<b>9225 Glenwood Ave. PIN 0778016494</b>	<b>TD w/AOD</b>	<b>IX-3-PK w/AOD</b>	<b>Same as above</b>
<b>Anderson Real Estate 3 LLC</b>	<b>0 Glenwood Ave PIN 0778013834</b>	<b>TD w/AOD &amp; MPOD</b>	<b>IX-3-PK w/AOD &amp; MPOD</b>	<b>Same as above</b>

**From:** [Joyce, Jim L.](#)  
**To:** [Gaylord, Bonner](#)  
**Cc:** [Bowers, Kenneth](#); [Rezoning](#)  
**Subject:** Raleigh Zoning Remapping (Z-27-14)  
**Date:** Monday, August 03, 2015 12:18:39 PM

---

Mr. Gaylord:

Our firm represents Costco Wholesale Corporation (“Costco”), which owns a store and associated gasoline pump facility located at 2838 Wake Forest Road (PIN 1715220965), near the eastern edge of District E (the “Raleigh Costco”). I am e-mailing you today to express Costco’s concern regarding the proposed application of a Parking Limited (“PL”) frontage requirement to the Raleigh Costco as part of the UDO Zoning Remapping (Z-27-14, the “Remapping”).

The Remapping proposes to rezone the Raleigh Costco from Industrial-1 to CX-3-PL, and Costco respectfully requests that the City Council consider (a) removing the PL designation from this site and/or (b) modifying text of the frontage requirements to allow Costco to make at least minor additions to the existing Raleigh Costco.

Costco first learned of the Remapping upon receiving a letter regarding the City Council’s public hearing just days before the first public hearing session. Since that time, I have attended the July 7 and July 21 public hearings and the July 27 City Council Work Session, and have had multiple helpful conversations with planning and zoning staff. I did not speak at the public hearing in order to avoid unnecessary duplication of others’ comments and because it was not clear what actions the City Council would be taking after the public hearing.

While Costco agrees and appreciates that the CX-3 designation is the best translation of its current zoning for the current and foreseeable future of this property, the imposition of the PL frontage requirement represents a significant impairment of Costco’s future use of the Raleigh Costco property.

As you know, the PL frontage designation requires that principal structures have no more than 2 bays of parking with one drive aisle between the principal building and the street right of way. As you may know, Costco’s store building is set back much more than 2 bays of parking from Wake Forest Road. As such, Z-27-14 by itself would make this project non-conforming and prevent any further expansion or modification of the Raleigh Costco, short of complete demolition.

A proposed text change to resolve frontage-related non-conformities, TC-4, would not alleviate this hardship. TC-4-15 proposes to modify Section 3.4 of the UDO such that a parcel would not be considered nonconforming solely due to imposition of a frontage requirement, and proposes to allow for limited expansion of these uses. However, the restrictions TC-4 places on limited expansions effectively prevents any expansion whatsoever on Costco’s property. TC-4 would require new expansions to meet the frontage requirements and be no greater in size than the *lesser* of 25% of the current building GFA or 1,000 square feet. As a result, TC-4 would only allow Costco to construct a 1,000 SF expansion located several hundred feet from the main 150,000+ SF building.

In summary, remapping the Raleigh Costco to CX-3-PL would prevent a property owner that has made a significant investment in this property (and wants to remain an important part of

the community for years to come) from making even minor additions to its property as currently used. I would therefore appreciate your support in encouraging the City Council to consider (a) removing the PL designation from this site and/or (b) modifying text of the frontage requirements to allow Costco to make at least minor additions to the existing Raleigh Costco.

If you are available to discuss this matter in more detail later this week or early next week, I would appreciate the opportunity.



**James L. Joyce**

K&L Gates LLP

4350 Lassiter at North Hills Avenue, Suite 300

Raleigh, NC 27609

Phone: 919-743-7336

Fax: 919-516-2137

[jim.joyce@klgates.com](mailto:jim.joyce@klgates.com)

[www.klgates.com](http://www.klgates.com)

This electronic message contains information from the law firm of K&L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at [Jim.Joyce@klgates.com](mailto:Jim.Joyce@klgates.com).

**1500 & 1540 Dunn Road:**

- PH-007** ISSUE: Desire to maintain current zoning entitlements.  
REQUEST: Agree to NX-3, as proposed, but allowing current zoning conditions to be modified (per presentation at Z-27-14 Public Hearing).

**2607 Vanderbilt Avenue:**

- PH-017** ISSUE: Four-story height proposed on subject section of Hillsborough Street is incompatible with properties bordering on the north.  
REQUEST: Reduce height cap to 3 stories.

**901 Oberlin Road:**

- PH-017** ISSUE: Concern over whether a future roundabout might be built at Van Dyke/ Oberlin, resulting in condemnation of existing store; current office redevelopment across Van Dyke apparently did not have to concede land at its corner.  
REQUEST: Eliminate consideration of a future roundabout at the subject site, unless it would leave the subject property unaffected.

**4205 Pleasantville Drive, 4125 Mitchell Mill Road, 4133 Mitchell Mill Road:**

- PH-035** ISSUE: Current zoning conditions seem to render PL frontage problematic; e.g., "F. Any building shall be located within 25 feet of Mitchell Mill Road and the relocated Louisbury Road. No parking or vehicular surface shall be permitted in the area between the building and the right-of-way," and "N. A minimum 25 foot protective street yard will be provided and maintained along Mitchell Mill Road and relocated Louisbury Road for any new development, planted to SHOD-4 standards."  
REQUEST: Remove frontage designation.

**9225 Glenwood Avenue, etc.:**

- PH-039** ISSUES: See attachment.  
REQUEST: Allow taller buildings, per current zoning (size of the 4101 Toyota Drive property—22 acres—could permit buildings well in excess of 3 stories, given the present 1-foot setback/ 1-foot taller standard).

**0 Gresham Lake Road (corner of Gresham and Capital Hills):**

- PH-022** ISSUE: Subdivision plan filed in 2006 to allow construction of multi-story hotel (case titled "DJ Hotels Subdivision"); plan sunset in 2012, but proposed UDO height cap would not allow the height permitted under current zoning.  
REQUEST: Change to IX-7.

**6830 Old Wake Forest Road, 5839 Capital Boulevard, 6001 Capital Boulevard, & 5857 Capital Boulevard:**

- PH-030** ISSUE: PL or PK frontage designations are inconsistent with current land use (car sales and service). Manufacturers often dictate site design; property owners desire flexibility to adapt their sites accordingly. (Concern also expressed regarding Sec. 6.4.12.B.—several Code restrictions could render current use non-compliant whenever building expansion/ site change occurs in the future.)  
REQUEST: Remove frontage designations from the subject properties. (Also, revisit provisions of Sec. 6.4.12.B., or provide relief per adoption of pending TC-4.)

**Speaker Comments from Z-27-14 Public Hearings**

<b>Comment ID</b>	<b>Date</b>	<b>Speaker</b>	<b>Subject Address (Property Discussed)</b>	<b>Comment at Public Hearing</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Future Land Use</b>
PH-027	7/21/2015	Isabel Mattox (for MM Fowler)	2811 Capital Blvd.	Request IH; uses non-conforming under CX?	IND-1	CX-3-PL	Business & Commercial Services
PH-028	7/21/2015	Isabel Mattox (for MM Fowler)	3520 Capital Blvd.	Request IX-3 (removal of frontage); Cites as offsite parking use.	IND-1 & CM	IX-3-PL & CM	Business & Commercial Services
PH-029	7/21/2015	Chad Essick (for MLC Automotive)	4800 and 5401 Capital Blvd.; 5601, 5603, and 5613 Capital Blvd.	Poyner Spruill representing MLC Automotive; Concerned about -PL frontage; requesting removal of that frontage from these properties; Proposed text change helps small lots but not the larger lots.	IND-1	IX/CX-3-PL	Community Mixed Use
PH-030	7/21/2015	Tom Worth, Jr. (for C. David Johnson, Jr.)	6830 Old Wake Forest Rd et al.; 5839 Capital Blvd; 6001 Capital Blvd; 5857 Capital Blvd.	4 properties on Capital Blvd & Old Wake Forest Rd; 3-story height limit & PL frontage are a problem.	IND-1	IX-3-PL	Regional Mixed Use
PH-031	7/21/2015	Isabel Mattox (for MM Fowler)	2120 New Bern Ave.	Request CX-3 (removal of frontage); Cites difficulty with renovation.	SC	CX-3-UL	Neighborhood Mixed Use
PH-032	7/21/2015	Isabel Mattox (for MM Fowler)	3820 New Bern Ave.	Request CX-3 (removal of frontage); Cites difficulty with renovation.	IND-1 w/SHOD-4	CX-3-PL	Community Mixed Use
PH-033	7/21/2015	Isabel Mattox (for MM Fowler)	4000 New Bern Ave.	Request CX-3 (removal of frontage); Cites difficulty with renovation.	IND-1	CX-3-PL	Business & Commercial Services
PH-034	7/21/2015	Isabel Mattox (for ML Barnes)	1930 Wake Forest Rd. ?	Request IH; uses non-conforming under IX?	IND-2	IX-3-PL	Neighborhood Mixed Use
PH-035	7/21/2015	Tom Worth, Jr. (for National Business Partners)	4205 Pleasantville Dr 4125 Mitchell Mill Rd 4133 Mitchell Mill Rd	Mitchell Mill Rd area; -PL frontage presents substantial problems for redevelopment.	CUD SC	CX-3-PL-CU	Low Density Residential & Community Mixed Use
PH-036	7/21/2015	Isabel Mattox (for MM Fowler)	118-122 W. Peace St. ; 601 N. Salisbury St.	Request DX-7; For Shell gas station in front of seaboard.	NB w/DOD	DX-7-UG	Central Business District
PH-037	7/21/2015	Isabel Mattox (for John Wardlaw)	2008 Hillsborough St.	Request NX-4 (removal of frontage); Cites irregular shape of lot.	BC w/PBOD & SRPOD	NX-4-UG w/SRPOD	Neighborhood Mixed Use
PH-037	Signed Up - Didn't Speak	John Wardlaw	2008 Hillsborough St.	Did not speak [Isabel Mattox represented]	BC w/PBOD & SRPOD	NX-4-UG w/SRPOD	Neighborhood Mixed Use
PH-038	7/21/2015	Isabel Mattox (for ML Barnes)	1634 Glenwood Ave.	Request CX-3 (removal of frontage); Cites difficulty with renovation.	NB	CX-3-UG	Neighborhood Mixed Use
PH-039	7/21/2015	Tom Worth, Jr. (for Anderson Real Estate)	9225 Glenwood Ave; 4101 Toyota Dr; 9101 Glenwood Ave; 9201 Glenwood Ave; 9209 Glenwood Ave; 0 Glenwood Ave.	Height of 3 stories is a problem along with prohibition of elevated displays; concerns about uses available in TD that are not in IX.	TD w/AOD	IX-3-PK w/AOD	Business & Commercial Services
PH-044	7/7/2015	Bob Fesmire	1302 Filmore St	Glenwood-Brooklyn; thanking council for initiating process for HOD-S; Requests we keep SP R-30 in place until HOD-S can be applied.	SP R-30	R-10	Moderate Density Residential

**Speaker Comments from Z-27-14 Public Hearings**

<b>Comment ID</b>	<b>Date</b>	<b>Speaker</b>	<b>Subject Address (Property Discussed)</b>	<b>Comment at Public Hearing</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Future Land Use</b>
PH-045	7/21/2015	Jeannine Grissom	715 Gaston St.	Glenwood-Brooklyn: In 40's City rezoned older neighborhoods to R-30 for row houses...in 60's pockets began developing into rooming houses & multi-units...people were unwilling to invest in neighborhood because of unpredictability; SP R-30 in the 80s helped remedy that; Concerned mixed-use zoning is going to destroy older neighborhoods.	SP R-30	R-10	Moderate Density Residential
PH-046	7/21/2015	Annette Byrd	Glenwood Brooklyn Neighborhood	Glenwood-Brooklyn: Recognizing that the City has initiated HOD-S application, requesting deferral of area until HOD-S is implemented; already seeing attempts in neighborhood for lots selling for redevelopment.	SP R-30	R-10	Moderate Density Residential
PH-047	7/21/2015	Phil Poe	General Concerns	Expressed concerns about "District skipping" or the need to provide an orderly transition (R-4 -> OX -> NX)...not transitioning with lowest intensity zoning districts. Questioned validity of remapping of bars to CX if NX now allows it.	N/A	N/A	N/A
PH-182	Signed Up - Didn't Speak	JP Andrews	Costco	Did not speak	IND-1	CX-3-PL	Community Mixed Use
PH-183	Direct Email to CC [Gaylord]; 8/3/2015	Jim Joyce	2838 Wake Forest Rd	Did not speak	IND-1	CX-3-PL	Community Mixed Use
PH-184	7/7/2015	Roger Kosak	8029 and 8131 Creedmoor Rd.	Related to Z-22-14; would like the case removed from Z-27.	CUD O&I-1	OX-3-CU	Office & Residential Mixed Use
PH-192	Council Comment; 11/2/2015			Council requested to look at height mapping along Fayetteville Street in order to protect existing historic structures.	BUS w/DOD	DX-40-SH	0