

City Council Workshop – 11 May 2015

Unified Development Ordinance Zoning Map

The City Council has submitted questions to city staff regarding the UDO zoning map. The questions are restated below, along with a staff response. Additionally, staff has suggested some discussion items for the Council’s consideration.

A list of deferred items that will not be discussed at this meeting is also included at the end of this report.

A. Staff Considerations

1. 812 & 814 Oberlin Road/Plummer T. Hall House

Address	812 Oberlin Rd.	814 Oberlin Rd.
Current zoning	O&I-1	R-6 with NCOD
Planning Commission recommendation	OX	R-6 with NCOD
Suggested zoning	OX	OX; Remove NCOD

The property contains the Plummer T. Hall House, which is on the National Register of Historic Places. The city owns this property and intends on moving the house slightly to the south. To accomplish this move, the lots must be combined. If the lots were combined, the resultant lot would exceed the maximum lot size (12,500 square feet) in the Neighborhood Conservation Overlay District.

2. 602 E. Hargett Street & 702 E. Hargett Street

Address	602 E. Hargett St.	702 E. Hargett St.
Current zoning	NB	R-20
Planning Commission recommendation	R-10	NX-3
Suggested zoning	NX-3	R-10

The property at 602 E. Hargett Street contains a retail establishment; the property at 702 E. Hargett Street contains a single family structure. When applying the zoning, staff mistakenly transposed the two zoning districts. Retaining the Planning Commission recommendation would create a new use-based non-conformity and remove existing entitlements.

B. City Council Questions

1. 117 Woodburn

Address	117 Woodburn
Current zoning	R-15 CUD
Planning Commission recommendation	R-10 CUD
Suggested zoning	R-6 CUD

The property is developed with a single-family detached structure. The property was previously used as a Bed & Breakfast, which is an allowed use in the R-10 district. The property owner has since discontinued the Bed & Breakfast use and has asked for R-6 zoning. The zoning conditions would remain.

2. Downtown Building Height

Staff presented options for building height located in the downtown area at the May 4th work session. City Council member have provided staff with additional comments related to the Planning Commission recommendation. These comments are detailed below. A map that corresponds to the comments has been included with this staff report.

Two of the Councilors have submitted comments that relate to the building height at the “base” of the building. These comments refer to a four story base at the street edge, with the intention that a building step back would occur at the fourth story.

The UDO contains a regulation for building setbacks. Buildings in excess of seven stories must have a setback between the third and seventh story. This allows the designer to pick the range of the setback.

The suggested fourth story setback is not consistent with the regulations contained within the UDO and cannot be considered with this zoning map. If the City Council would like to change the setback regulations, staff can be directed to bring forward a text change.

a.

Area	1135 N. West Street
Planning Commission recommendation	3 Stories
Suggested zoning	7 stories

Planning Commission recommended Heavy Industrial (IH) zoning for this property; the IH district is the only district that would avoid creation of a use-

based non-conformity. Building height limit of 3 stories is incorporated into the definition of this Special District.

b.

Area	West St. (west side) north of Peace St.
Planning Commission recommendation	3 Stories
Suggested zoning	4 stories

c.

Area	West St./Capital Blvd/Peace St.
Planning Commission recommendation	5 Stories
Suggested zoning	12 stories
Suggested zoning	7 stories

d.

Area	Capital & Halifax between Cedar & Peace (Seaboard Area)
Planning Commission recommendation	7 stories south of Seaboard and southern most parcels west of tracks; 5 stories for the remainder
Suggested zoning	7 & 12 stories
Suggested zoning	3, 7 & 12 stories

e.

Area	Between Jones and Hillsborough between the railroad tracks and Glenwood
Planning Commission recommendation	4 Stories
Suggested zoning	12 stories for southern portion; 5 or 7 stories for remainder

f.

Area	Harrington & Dawson between Jones & Edenton
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

g.

Area	217 W. Jones St.
Planning Commission recommendation	12 Stories
Suggested zoning	5 stories

h.

Area	West & Dawson between Edenton & Hillsborough
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

i.

Area	Glenwood & Harrington between Morgan & Hillsborough
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

j.

Area	Glenwood & Boylan between Morgan & Hillsborough
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

k.

Area	Dawson & McDowell between Hargett & Hillsborough
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

l.

Area	Person & Bloodworth between Hargett & Martin
Planning Commission recommendation	12 Stories
Suggested zoning	20 stories (west side of block)
Suggested zoning	7 stories

m.

Area	Dawson & McDowell between Davie & Martin
Planning Commission recommendation	5 Stories (north side) 20 stories (south side)
Suggested zoning	12 stories (entire block)
Suggested zoning	12 stories (west side) 20 stories (east side)
Suggested zoning	20 stories (entire block)

n.

Area	Areas southwest of railroad tracks and east of S. West Street and north of W. Cabarrus Street
Planning Commission recommendation	7 Stories
Suggested zoning	5 stories

o.

Area	Area bounded by S. West Street, W. Cabarrus Street, railroad tracks, S. Dawson Street, and W. South Street
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Planning Commission recommendation	7 Stories
Suggested zoning	5 stories

p.

Area	Dawson & McDowell between Davie and Lenoir
Planning Commission recommendation	20 stories
Suggested zoning	12 Stories for west side of both blocks

q.

Area	Dawson & Lenoir between McDowell & South
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

r.

Area	South & MLK between McDowell & Salisbury
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories

s.

Area	Area bounded by railroad tracks, W. South Street, and S. McDowell Street
Planning Commission recommendation	20 Stories
Suggested zoning	5 stories

t.

Area	Wilmington & Blount between Davie & Cabarrus
Planning Commission recommendation	20 Stories
Suggested zoning	12 stories for east side of block
Suggested zoning	12 stories for entire block

u.

Area	Wilmington & Blount between Cabarrus & Lenoir
Planning Commission recommendation	12 Stories
Suggested zoning	7 stories for NE quadrant and southern half of the block

3. Glenwood/Brooklyn Neighborhood

Address	various
Current zoning	SpR-30
Planning Commission recommendation	R-10
Suggested zoning	No recommendation

The Glenwood/Brooklyn neighborhood is currently zoned Special R-30. This zoning district was the precursor to the Neighborhood Conservation Overlay District. This neighborhood is comprised on mostly detached structures with single-family uses. There are a few multi-unit structures scattered throughout.

The permitted uses in the SpR-30 zoning district are extremely similar to those permitted in the R-10 district. The only difference from a use standpoint is the allowance of fraternities and sororities in the SpR-30 district. The SpR-30 district permits 30 dwelling units per acre, whereas the R-10 district only permits ten units per acre.

The SpR-30 district contained two unique standards:

- additional design standards for multi-family dwellings with densities between 20 and 30 dwelling units per acre; and

- increased setback for buildings in excess of 40 feet in height

When staff began creation of the UDO zoning, the standards contained within the SpR-30 zoning district were examined and compared to the new standards contained within the UDO. Staff explored a few options for rezoning the Glenwood/Brooklyn area with residents in the neighborhood. Staff discussed rezoning to R-10 with a Neighborhood Conservation Overlay District. These conversations with the residents were lengthy and ultimately fruitless.

The challenge associated with the SpR-30 district was mostly related to the design standards for multi-family developments. The district regulates the following:

- building materials;
- roof pitch;
- dimension of windows;
- location of building entrance;
- length of building wall relative to building height;
- lot coverage; and
- protective yard for parking areas adjacent to residential

Many of these standards are unique to the SpR-30 district. Staff's approach with the Glenwood/Brooklyn neighborhood was to provide a zoning district that did not create any density non-conformities. Most of the neighborhood received R-10 zoning. Where density exceeds ten units per acre, staff suggested RX zoning.

The UDO contains many new standards that were not included in the Part 10 zoning code. For instance, there is now a hard height cap in all districts. In the R-10 district, building height may not exceed 40 feet. The regulatory change addresses the first unique regulation for the SpR-30 district.

Multi-family developments are required to provide a 50-foot transition to surrounding residentially-zoned properties. The apartment building type contains a maximum blank wall area and minimum amount of transparency.

The Planning Commission has recommended a combination of RX zoning and R-10 zoning for the Glenwood/Brooklyn neighborhood, depending on the density of the parcel.

4. High Intensity Uses Near Residential

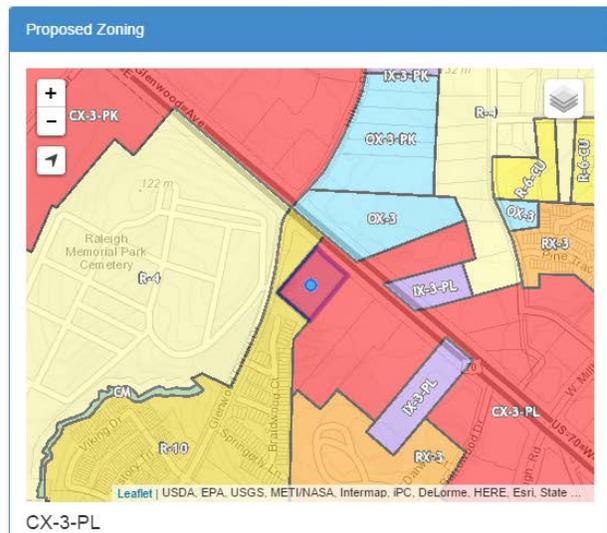
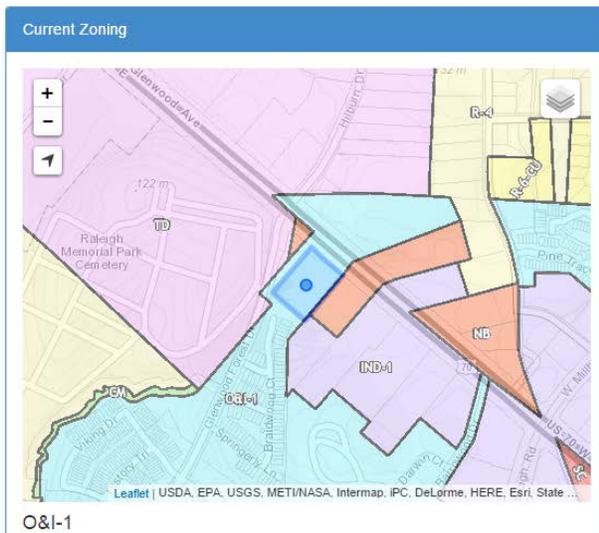
Staff was asked to identify areas of the city where the UDO zoning map would result in the introduction of high intensity uses in close proximity to residential uses. For the purpose of this discussion item, high intensity uses were described as gas stations, bars and 24-hour businesses. The Part 10 code included the Buffer Commercial and Residential Business zoning districts. These districts contain a restriction on gas stations and bars and nightclubs.

The UDO permits gas stations in the NX, CX, IX and DX zoning districts. Bars and nightclubs are permitted in the CX, IX and DX districts. The UDO does not regulate hours of operation except in the RX and OX districts, where a limited range of commercial uses can be allowed in conjunction with an office or apartment building.

For this analysis, staff identified properties that were previously zoned O&I, Residential Business or Buffer Commercial. There were nine properties in these districts where NX, CX or IX zoning was provided. Each of these nine instances is discussed below.

a.

Address	7209 Glenwood Ave.
Current zoning	O&I-1
Planning Commission recommendation	CX-3-PL
Current use	Funeral Home



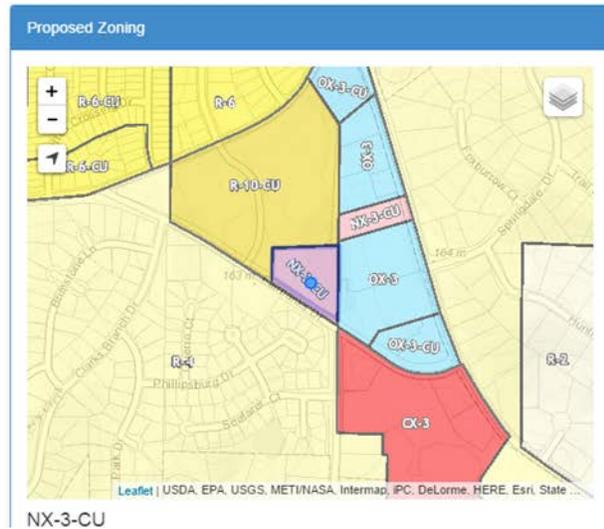
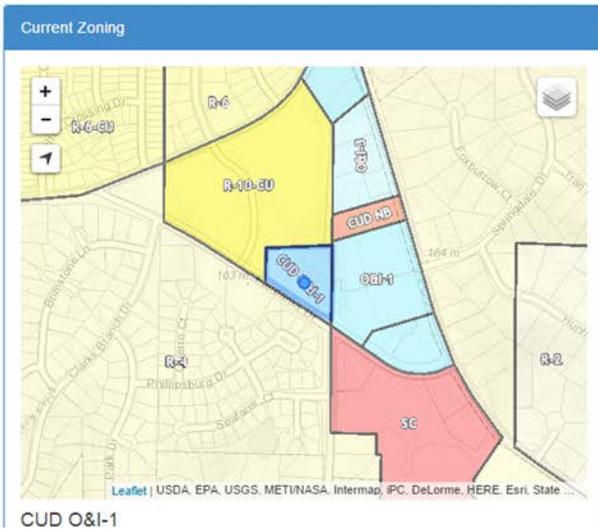
This property is located in northwest Raleigh near the intersection of Glenwood Avenue and Glenwood Forest Drive. The property fronts on Glenwood and contains a funeral home, which is considered a “personal

service” use in the UDO. A free standing funeral home is permitted in the NX, CX, IX, DX and CMP districts.

This property is adjacent to townhouses to the south. The CX district is applied to most properties that front Glenwood Avenue in this location. There is other CX zoning that abuts these townhouses; the subject property is not the sole instance of CX near the townhouse development.

b.

Address	9308 Fairbanks Dr.
Current zoning	O&I-1 CUD
Planning Commission recommendation	NX-3-CU
Current use	Home staging; hair salon

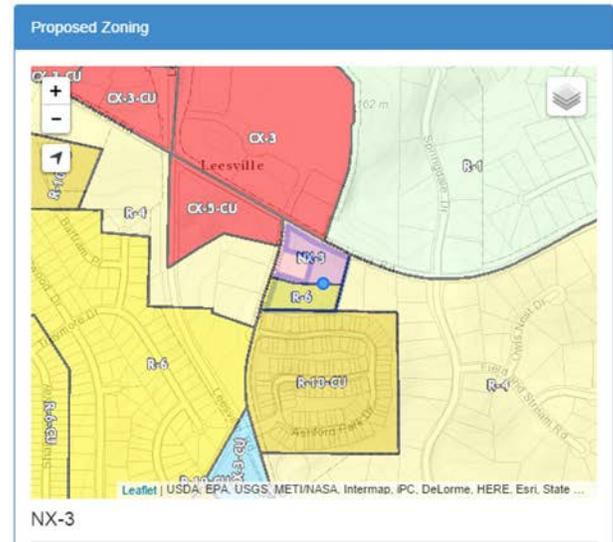
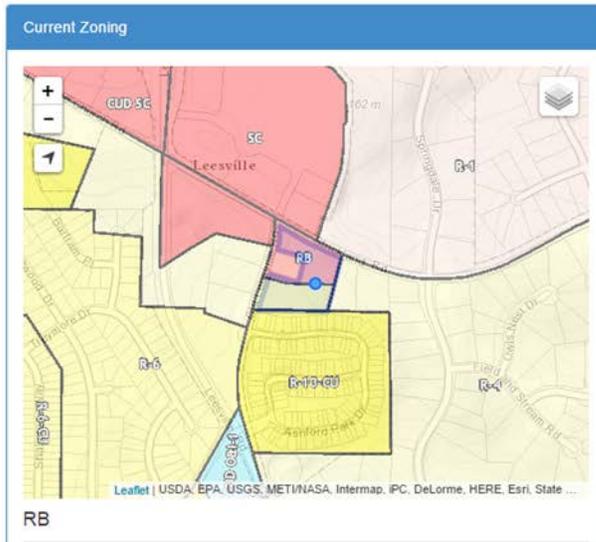


This property is located in northwest Raleigh near the intersection of Leesville Road and Fairbanks Drive. The property contains a home staging business and hair salon. The existing zoning conditions do not restrict the permitted uses. These uses would be considered retail sales and personal service, respectively. Retail sales is permitted in the NX, CX, IX and DX districts.

The property is directly adjacent to a townhouse development and across the street from a single family neighborhood. If this property were zoned OX, the existing use would be non-conforming.

c.

Address	9600 & 9608 Old Leesville Rd.
Current zoning	RB
Planning Commission recommendation	NX-3
Current use	Single family home

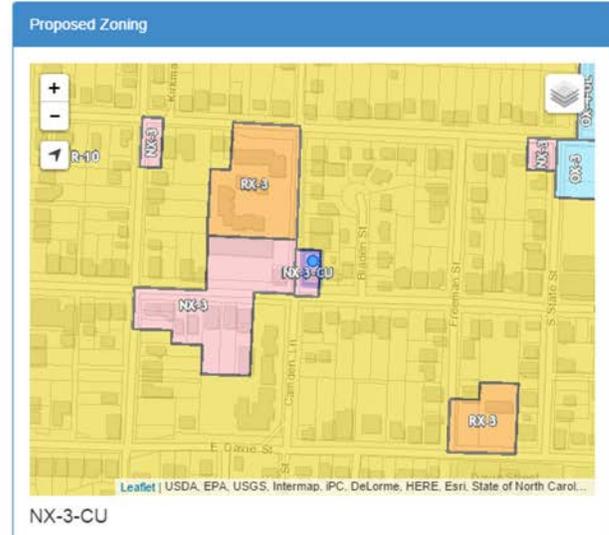
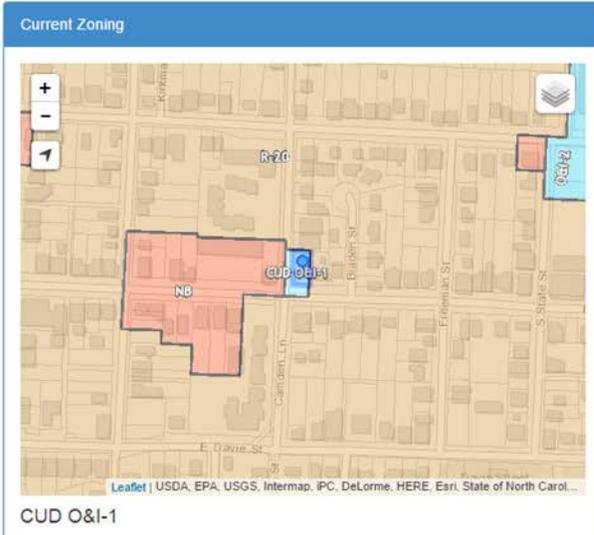


This property is located in northwest Raleigh near the intersection of Strickland Road and Old Leesville Road. The property contains a single family home. A single family home is permitted in most zoning districts. This property was rezoned in 2010. This property is in close proximity to single family residential and a townhouse development.

Rezoning to another district would not create any use based non-conformities; however, doing so may result in a reduction of permitted uses on the property.

e.

Address	801 E. Martin St.
Current zoning	O&I-1 CUD
Planning Commission recommendation	NX-3-CU
Current use	Vacant building

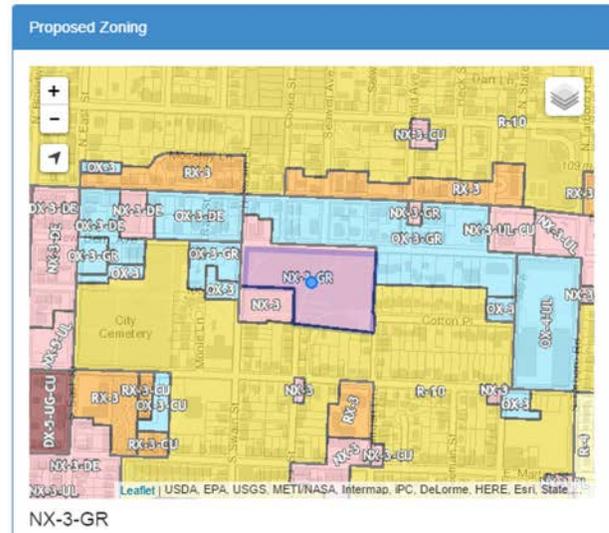
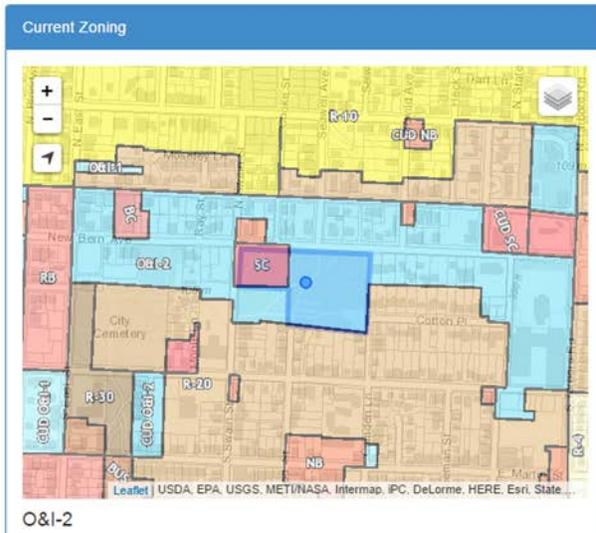


This property is located on the corner of Camden Lane and Martin Street east of downtown. The property contains a vacant building. The property is located directly adjacent to single family residential.

The zoning conditions limit the uses on the property to those permitted in the R-20 district and a dance studio. The conditions do not permit any retail uses or high impact uses.

f.

Address	17 S. Swain St.; 600 New Bern Ave.
Current zoning	SC; O&I-2
Planning Commission recommendation	NX-3-GR
Current use	Vacant

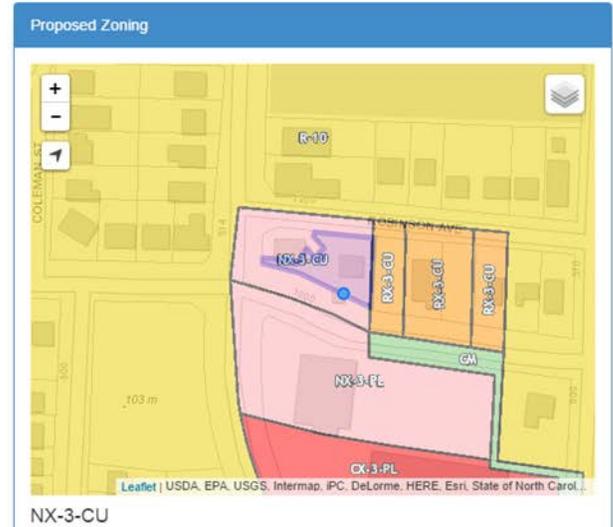
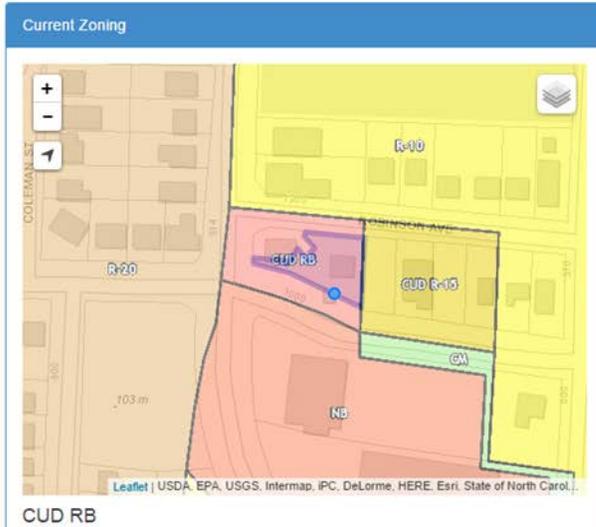


This property is located on the corner of Swain Street and New Bern Avenue east of downtown. The property is currently vacant. The property is located directly adjacent to single family residential.

The Planning Commission recommends that the NX zoning be expanded to the large portion of the property, where OX was originally mapped. Providing an alternative zoning district will not create any use-based non-conformities.

g.

Address	517 Rock Quarry Rd.; 1204 Robinson Ave.
Current zoning	O&I-1 CUD
Planning Commission recommendation	NX-3-CU
Current use	Duplex

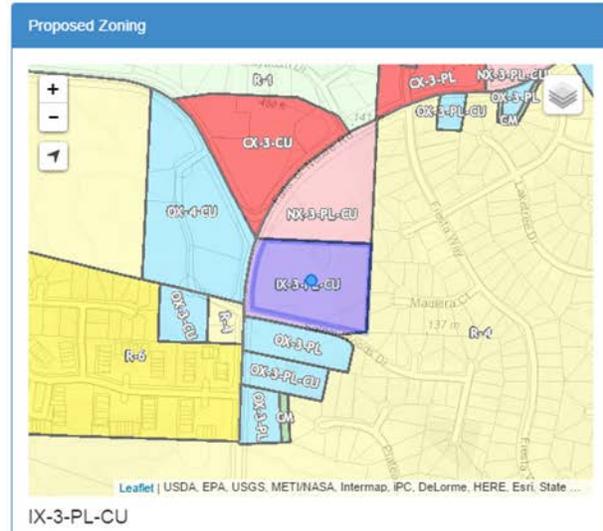
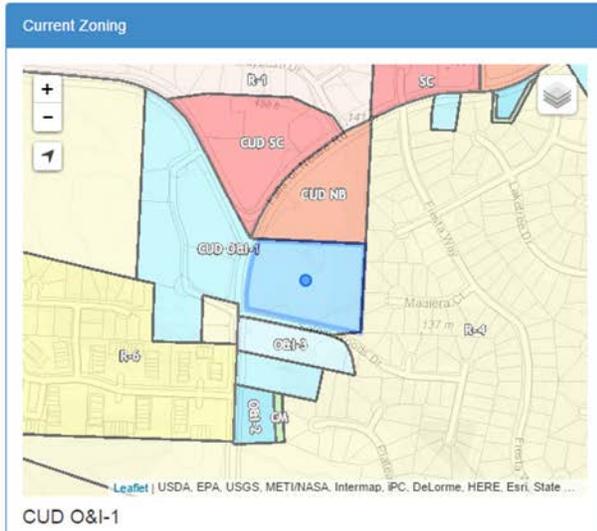


The properties are located on the east side of Rock Quarry Road between Robinson Avenue and East Lenoir Street. Each property contains what appears to be a residential structure. It is unclear how the detached structure is being used. According to Wake County, one of the structures is classified as a commercial use in a residential converted structure, while the other is a duplex. The properties are located across the street from single family residential.

The existing zoning conditions restrict certain uses, such as restaurants or food stores. While the exact end use is not known, applying a lesser zoning district would result in a reduction in retail entitlements.

h.

Address	7800 Falls of Neuse Rd.
Current zoning	O&I-1 CUD
Planning Commission recommendation	IX-3-PL CU
Current use	USPS Service Center

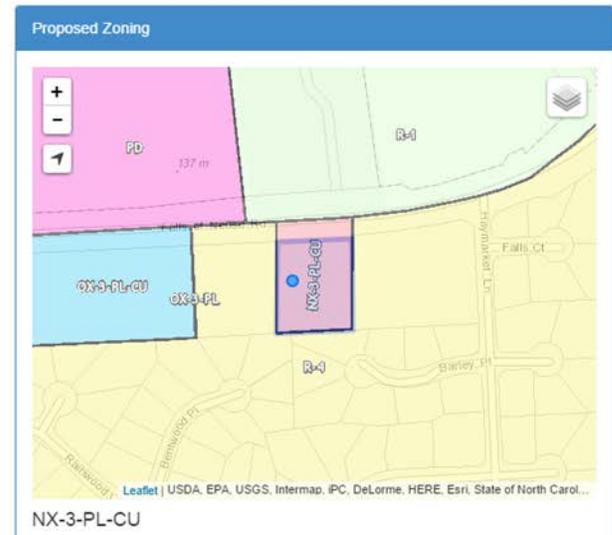
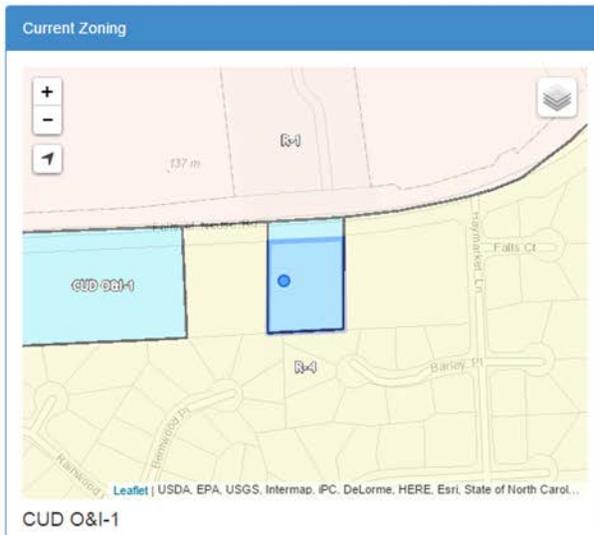


This property is located on the east side of Falls of Neuse near the intersection of Strickland Road. The property contains a United States Postal Service facility.

This use is considered “Warehouse and Distribution” in the UDO. This use category is only allowed in the IX and IH zoning districts. If another zoning district were applied, the use would be made non-conforming.

i.

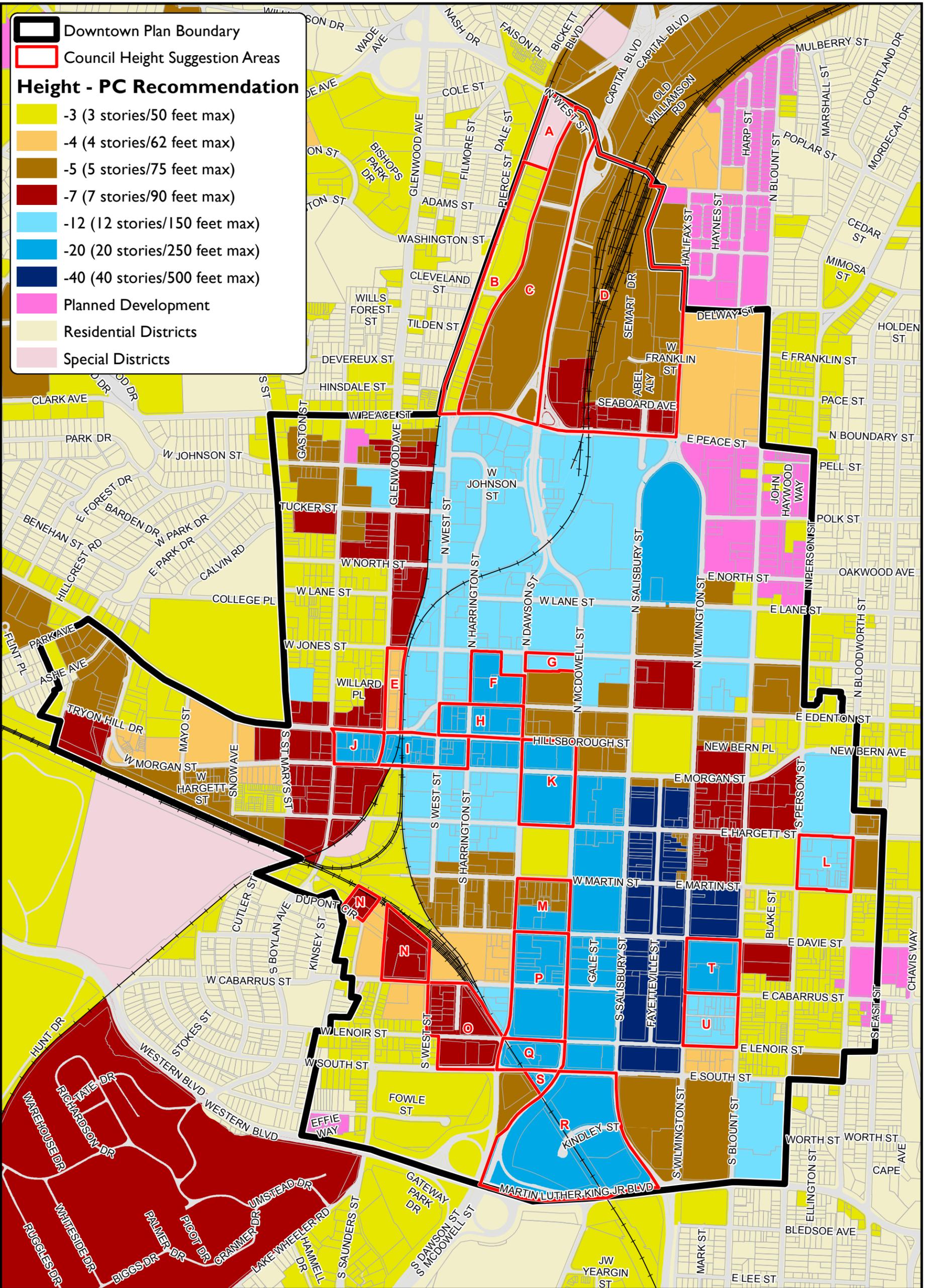
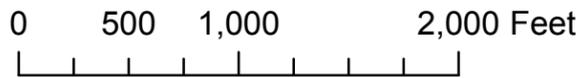
Address	8604 Falls of Neuse Rd.
Current zoning	O&I-1 CUD
Planning Commission recommendation	NX-3-PL CU
Current use	Martial Arts Academy



This property is located on the south side of Falls of Neuse near the intersection of Haymarket Lane. The property contains a martial arts studio. This was a permitted use in the O&I-1 zoning district. The UDO allows this use in the NX, CX, IX, and DX Districts.

This use is considered “Personal Service” in the UDO. Staff has prepared a text change that would allow certain personal service uses within the OX zoning district; however, this text change has not yet been approved.

City Council UDO Mapping Discussion: Downtown Heights



- Downtown Plan Boundary
- Council Height Suggestion Areas
- Height - PC Recommendation**
- 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)
- Planned Development
- Residential Districts
- Special Districts