



January 24, 2017 9:00 AM City of Raleigh Planning Commission

Room 201, City Council Chamber, Avery Upchurch Municipal Complex

1. INVOCATION

2. PUBLIC COMMENT

Any person may speak for up to three minutes on an item that does not appear on the agenda

3. NEW BUSINESS

A. REZONING CASES

1. Z-37-16 – ACC Boulevard, north side, at its intersection with T. W. Alexander Drive (Northwest CAC)
2. Z-40-16 – Oak Forest Road, north side, west of Capital Boulevard (North CAC)
3. Z-42-16 – Pearl Road, East and west sides at its intersection with Camelot Village Avenue (South CAC)

4. OLD BUSINESS

A. REZONING CASES

1. Z-23-16 – Poole Road, north side, at its intersection with Norwood Street (East CAC)
2. Z-38-16 – Buffaloe Road, north side, at its intersection with New Hope Road (Northeast CAC)

B. TEXT CHANGES

1. TC-17-16 – Attics and Basements

5. COMMITTEE REPORTS

A. TEXT CHANGE COMMITTEE

1. The Committee may report a recommendation from the special Text Change Committee meeting held the morning of January 24, 2017. The items under discussion are TC-20-16/Construction Fences and TC-2-17/Transit Amenities.

6. PC Meeting Times

7. APPROVAL OF MINUTES – Approval of January 10, 2017 Planning Commission Meeting Minutes

8. OTHER BUSINESS

- A. Report from the Chair
- B. Report from the Members
- C. Report from the Planning Director
 1. Update on previous Planning Commission actions
- D. Committee Agenda Items

9. ADJOURNMENT

Planning Commission Next Meeting: February 14, 2017			
Item	Staff Deadline to PC	Last Discussed at PC	PC Deadline to Council
Z-21-14 Brier Creek Parkway (*)	TIA requested		
Z-40-14 Glenwood Avenue (VSPPs)	Incomplete/PD		
Z-40-15 Courtland Drive	Incomplete/PD		
Z-42-15 Lake Wheeler Road	TIA requested		
Z-13-16 Quail Hollow Drive	TIA requested		
Z-28-16 North Hills East PD	Incomplete/PD		
Z-29-16 5401 PD	Incomplete/PD		
Z-33-16 The Lakes PD	Staff comments due January 10, 2017		
Z-43-16 Darton Way	Under Review		
Z-44-16 Bruckhaus Street	February 20, 2017		
Z-45-16 Triangle Town Blvd/Old Wake Forest Road/Town Drive	Under Review		
Z-46-16 Harden Road	February 25, 2017		
Z-47-16 Randolph Drive	Under Review		
Z-48-16 Baileywick Road	Under Review		
Z-1-17 Falls of Neuse Road	Under Review		
Committee of the Whole Next Meeting: February 7, 2017			
Text Change Committee Next Meeting: February 21, 2017			
TC-15-16/Construction Fencing		Jan. 17, 2017 (TCC)	Feb. 20, 2017
TC-2-17/Transit Amenities		Jan. 17, 2017 (TCC)	Apr. 10, 2017
Strategic Planning Committee Next Meeting: February 21, 2017			
Development in Brier Creek Area		November 22, 2016	
Transportation Committee Next Meeting: TBD			

Meeting agendas are set approximately one week prior to the meeting. Not all pending items may be scheduled for discussion

- (VSPP) indicates that a valid statutory protest petition has been filed on this request.
- (*) indicates that a portion or the entire area of this case is located in a flood prone area.
- (#) indicates that a portion of or the entire area is located within the Falls Lake or Swift Creek water supply watershed protection area.
- (+) indicates special conditions for storm water management.



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: Z-37-16 – ACC Blvd

<i>Location</i>	West side, at its intersection with T W Alexander Dr. Address: 8001 ACC Blvd PIN: 0768398793
<i>Request</i>	Rezone property from PD to CX-7-CU
<i>Area of Request</i>	6.99 acres
<i>Property Owner</i>	SLF Ruby Jones LLC Ryan LLC PO Box 56607 Atlanta, GA 30343
<i>Applicant</i>	Jon Lowry Lowry Engineering 1111 Westrac Dr., Suite 108 Fargo, ND 58103
<i>Citizens Advisory Council (CAC)</i>	Northwest Jay Gudeman, Chairperson jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	90 days from public hearing referral

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Office & Residential Mixed Use
<i>URBAN FORM</i>	City Growth Center
<i>CONSISTENT Policies</i>	Policy LU 2.2—Compact Development Policy LU 2.5—Healthy Communities Policy LU 2.6—Zoning and Infrastructure Impacts Policy LU 6.4—Bus Stop Dedication Policy LU 7.6—Pedestrian-Friendly Development Policy T 2.6—Preserving the Grid Policy T 2.9—Curb Cuts Policy T 4.4 R.O.W. Reservation for Transit Policy T 4.8—Bus Waiting Areas Policy T 5.2—Incorporating Bicycle and Pedestrian Improvements Policy EP 2.5—Protection of Water Features Policy EP 3.12—Mitigating Stormwater Impacts



Zoning Staff Report – Case Z-37-16

Conditional Use District

Case Summary

Overview

The site at 8001 ACC Blvd is currently vacant, almost entirely wooded, and contains extensive riparian areas draining to the Neuse River. Riparian buffers provide natural barriers to development on the western and southern boundaries. The topography of the parcel descends moderately from ACC Blvd toward the west.

The site is part of the Alexander Place Planned Development (PD), which lies north of US 70 before it crosses from Wake County into Durham County. The parcel is bordered to the north and west by City of Durham jurisdiction and to the south and west by the interior of the Alexander Place PD. The only existing developments directly adjacent to the site are the WakeMed facility south of T.W. Alexander Dr and a stormwater facility to the north. The street network, including pedestrian infrastructure, has been completed for the entire PD with the exception of the segment of ACC Blvd accessing the rezoning site. The site is served by transit on its southern border, though no physical improvements have been made to the transit stop at this time.

The Alexander Place PD calls for office or hotel use on the parcel with a maximum entitlement of 50,820 sf or 165 rooms respectively. The PD also sets minimum development intensities of 41,580 sf of office or 135 hotel rooms. The proposed zoning is limited to these same uses. It reduces the office entitlement to 46,200 sf while keeping the maximum hotel room allowance the same. There is no minimum development requirement in the proposed zoning. The site is located in a City Growth Center, which triggers the Urban Design Guidelines in the review of this case.

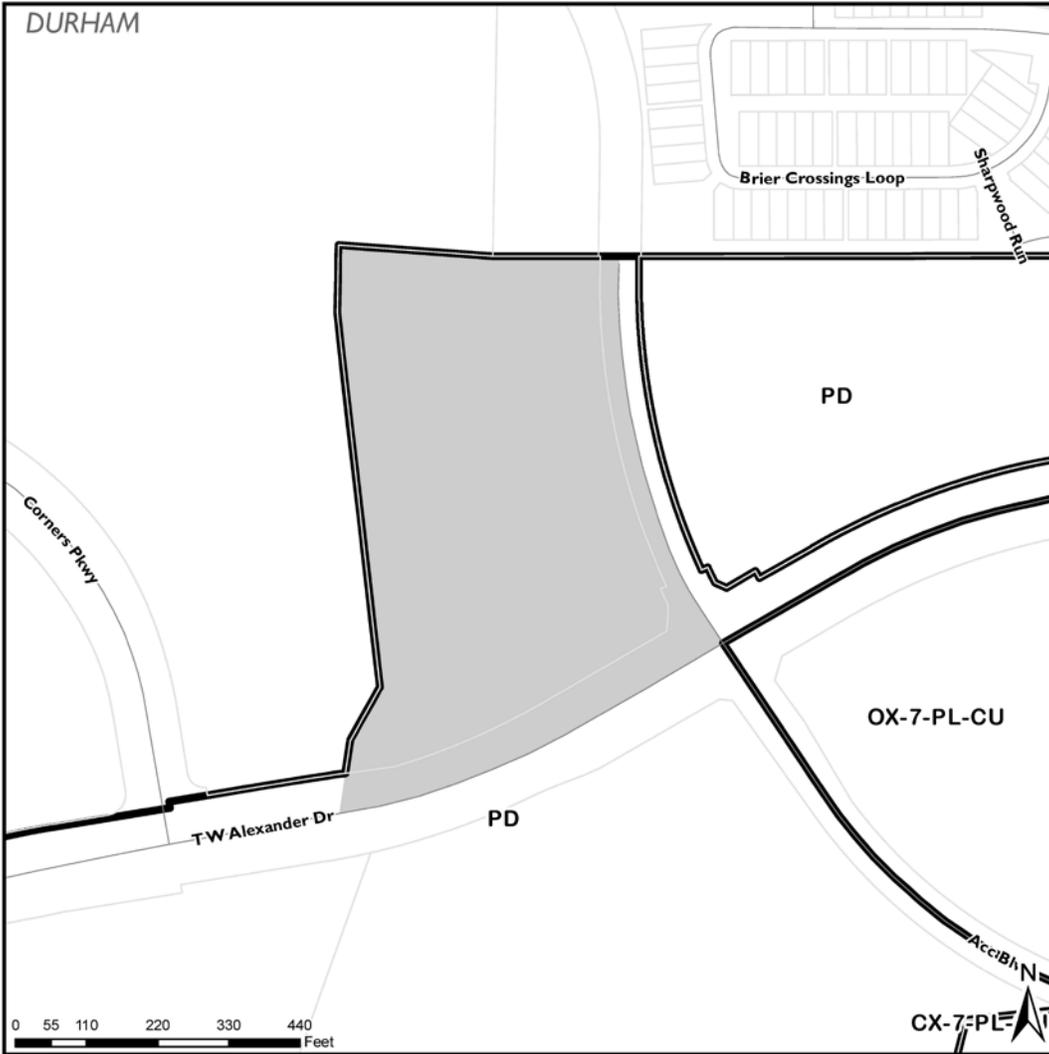
Conditions on the case serve three purposes. As mentioned above, use and intensity are limited such that the development potential is nearly identical to that allowed under existing zoning. Other conditions are intended to create a frontage similar to Parking Limited on ACC Blvd. These conditions, combined with the proposed zoning district, decrease setbacks and introduce a build-to. Parking between the building and ACC Blvd is also limited by the proposed conditions. A final condition dedicates a transit easement to the City.

Outstanding Issues

<p><i>Outstanding Issues</i></p>	<ol style="list-style-type: none"> 1. Frontage conditions preempt the use of administrative alternates should the case be approved. Administrative alternates may be called for due to site conditions. 2. The proposed zoning is inconsistent with the future land use map due to potential adverse impacts on nearby residential use. 	<p><i>Suggested Mitigation</i></p>	<ol style="list-style-type: none"> 1. Apply Parking Limited frontage to the zoning request with expectation of requesting administrative alternates or a variance upon approval. 2. Add a condition requiring neighborhood transition and/or building height setbacks for parcel boundary closest to residential area; or reduce requested height.
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Existing Zoning Map

Z-37-2016



Request:

6.99 acres from

PD

to CX-7-CU

Submittal Date

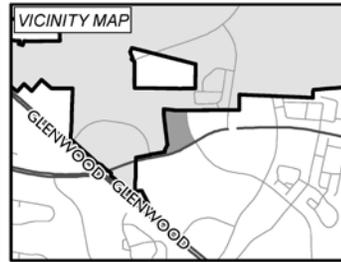
10/19/2016

Request:

6.99 acres from

PD

to CX-7-CU



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
Existing Zoning	Planned Development	Commercial General, Planned Development Residential (City of Durham/Wake County)	Planned Development	Planned Development, OX-7-PL-CU	Commercial General (City of Durham/Wake County)
Additional Overlay	n/a	n/a	n/a	n/a	n/a
Future Land Use	Office & Residential Mixed Use	n/a (City of Durham/Wake County)	Office & Residential Mixed Use	Office & Residential Mixed Use	n/a (City of Durham/Wake County)
Current Land Use	Vacant	Vacant/Stormwater feature	Medical	Vacant	Vacant
Urban Form (if applicable)	City Growth Center	n/a (City of Durham/Wake County)	City Growth Center	City Growth Center	n/a (City of Durham/Wake County)

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Residential Density:	(not permitted)	(not permitted)
Setbacks:		<i>Per Conditions:</i> 50% of bldg. w/n 0' to 100'
Front:	15'	
Side Street:	10'	5'
Side:	10' ¹	0' or 6'
Rear:	10' ¹	0' or 6'
Retail Intensity Permitted:	(not permitted)	(not permitted)
Office Intensity Permitted:	50,820 sf	46,200 sf

1. Type-D transitional protective yard required (Part 10 Code).

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
Total Acreage	6.99	6.99
Zoning	PD	CX-7-CU
Max. Gross Building SF (if applicable)	77,500	77,500

<i>Min. Gross Building SF</i>	41,580	-
<i>Max. # of Residential Units</i>	-	-
<i>Max. Gross Office SF</i>	50,820	46,200
<i>Min. Gross Office SF</i>	41,580	-
<i>Max. Gross Retail SF</i>	-	-
<i>Max. Gross Industrial SF</i>	-	-
<i>Potential F.A.R</i>	0.25	0.25

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

Compatible with the property and surrounding area.

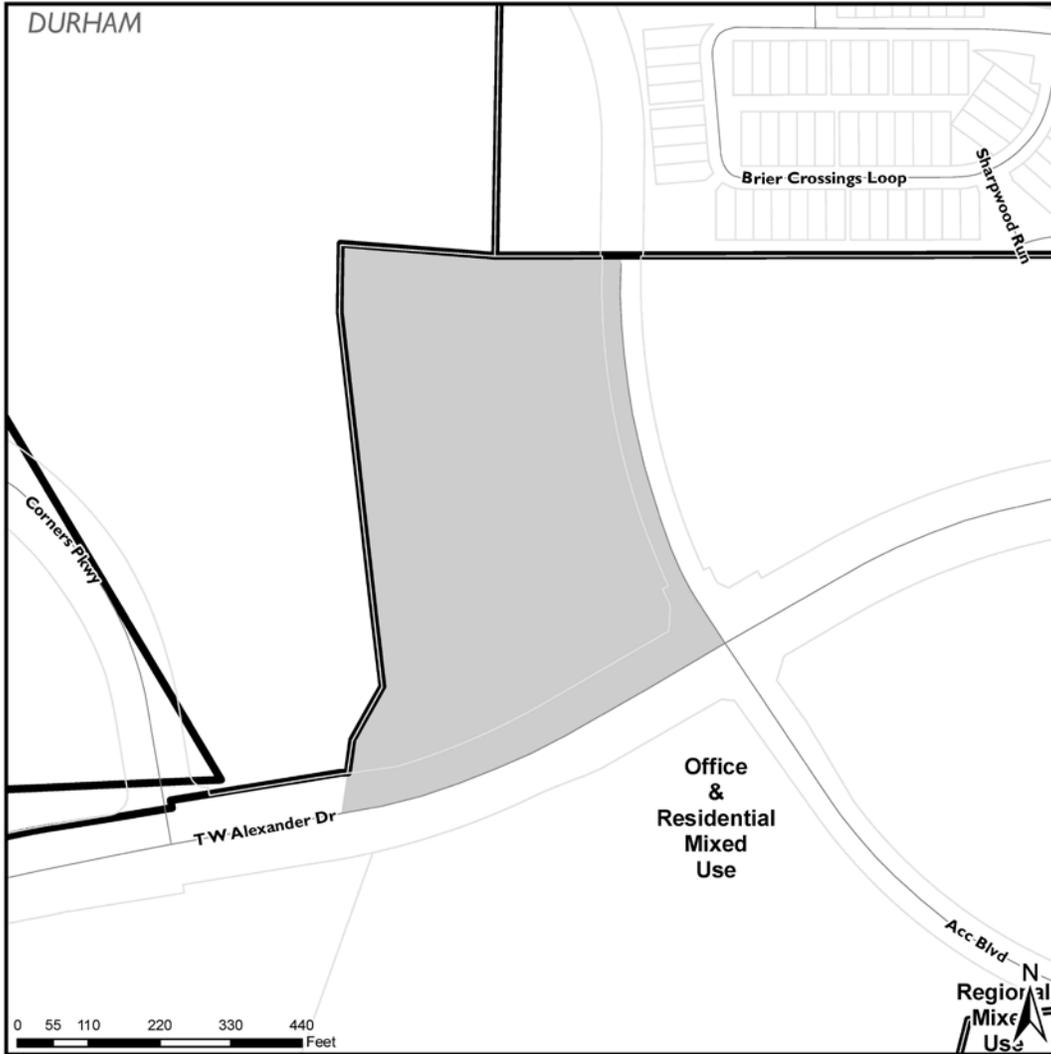
Incompatible.

Analysis of Incompatibility:

The proposed zoning allows uses that are largely compatible with the uses proposed in the nearby tracts of the Planned Development. The surrounding zoning is for office, hotel, and commercial uses with similar height allowances. The proposed height is not compatible with nearby residential use. Though the site does not abut any parcels containing dwellings, the nearest residential units are within 200 feet of buildable area.

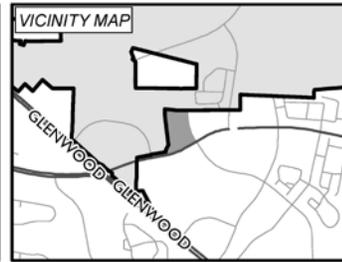
Future Land Use Map

Z-37-2016



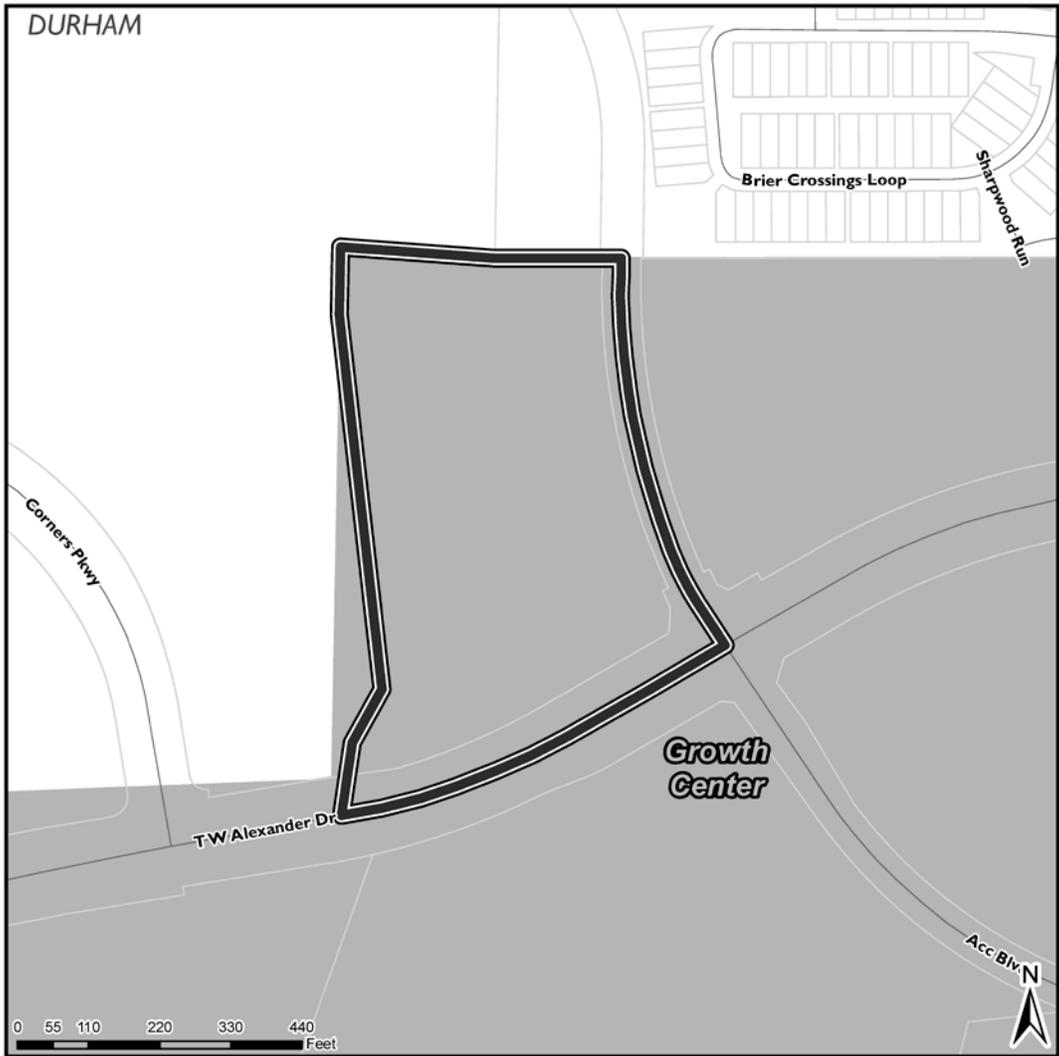
Submittal Date
10/19/2016

Request:
6.99 acres from
PD
to CX-7-CU



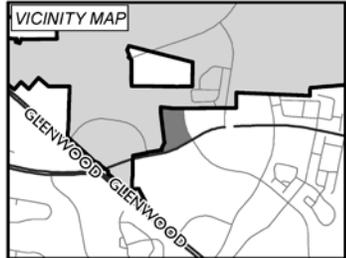
Map Date: 10/21/2016

Urban Form Map **Z-37-2016**




Submittal Date
10/19/2016

Request:
6.99 acres from
PD
to CX-7-CU



Map Date: 10/21/2016

2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. Overall, the proposal is consistent with the vision themes and policies of the Comprehensive Plan. The proposed density is consistent with “Managing Our Growth” as well as “Coordinating Land Use and Transportation” as it makes use of the existing utility, transit, and street systems. It is supportive of “Growing Successful Neighborhoods and Communities” by providing potential employment opportunities for nearby residents. It serves “Economic Prosperity and Equity” by fostering regional amenities in the area, drawing economic activity from a large range. The equity implications may be positive due to the proximity of transit stops and multi-family housing which may enable low- and middle-income employees residing nearby to reduce their transportation costs. There are no conditions to protect natural features on the site. Environmental protection will rely on the UDO and state statutes.
- B. The proposed zoning allows office and hotel only. Hotel at the proposed height is inconsistent with the Future Land Use Map in the site area.
- C. There is no area plan for this area. The intended character of the area is a mixed-use center. The proposed zoning allows for uses that would maintain this intended character and serve nearby planned uses.
- D. Uses allowed under the proposed zoning would be served by community facilities and streets. Conditions limiting development intensity improve the likelihood that existing facilities will be sufficient as the proposed zoning does not increase allowed development intensity on the site.

2.2 Future Land Use

Future Land Use designation: Office & Residential Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The conditions reduce the allowed uses to office and hotel. Hotel is only recommended in this Future Land Use designation in appropriate locations. Office and Residential Mixed Use offers height guidance that indicates the proposed combination of use and height is not appropriate so close to a neighborhood.

2.3 Urban Form

Urban Form designation: City Growth Center

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent

Analysis of Inconsistency:

The proposed zoning does not include a frontage. The presence of a riparian buffer on the southern edge of the site inhibits a frontage on T.W. Alexander Dr. The applicant has submitted conditions that mimic a Parking Limited frontage on ACC Blvd. The proposed zoning and conditions serve the Urban Design Guidelines to a significant extent considering the nature and location of the site.

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2—Future Land Use Map and Zoning Consistency

Policy LU 5.4—Density Transitions

As neighborhood transition yards are not required for sites adjacent to Durham zoning, this zoning may allow for very little density transition between the site and the townhouse community to the northeast.

Policy LU 5.6—Buffering Requirements

No buffering has been offered by the applicant for site boundaries shared with the neighboring residential development.

Policy LU 7.4—Scale and Design of New Commercial Uses

The height, mass, and scale allowed by the proposed zoning would contrast sharply with the residential neighborhood to the northeast.

Policy T 4.15—Enhanced Rider Amenities

There is no indication at this time that the applicant intends to construct transit stop improvements.

The low density residential near the rezoning parcel is not protected by Neighborhood Transition requirements because it is in Durham's jurisdiction. The proposed zoning would allow for a significant differential in height and scale in close proximity to low density residential without buffering or setbacks.

2.5 Area Plan Policy Guidance

The rezoning request is **inconsistent** with the following Area Plan policies:

[Area Plan Policy Number and Title]
--

[All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan]
--

[Staff response to policy guidance. Include any applicable policies, and discuss relevancy and consistency.]

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Makes use of currently unused public infrastructure.
- May create additional employment for community and region.
- Provides transit improvements in the form of a pad and landing zone for a transit stop.

3.2 Detriments of the Proposed Rezoning

- Nearby residents may experience negative visual impacts if the site is developed to the maximum height proposed.

4. Impact Analysis

4.1 Transportation

The Z-37-2016 site is located in the northwest quadrant of T W Alexander Drive and ACC Boulevard. T W Alexander Drive is maintained by the City of Raleigh; it is fully built out with curbs and sidewalks on both sides. ACC Boulevard currently terminates at TW Alexander, but will be extended at some future date. T W Alexander Drive is classified as a major street in the UDO Street Plan Map (Avenue, 4-Lane, Divided). ACC Boulevard is a mixed-use street (Avenue, 2-Lane, Divided).

Glenwood Avenue (US-70) lies approximately 1,800 feet west of the Z-37-2016 site. The NCDOT's Strategic Transportation Investment program is proposing to upgrade Glenwood Avenue from an arterial street to a freeway. The existing at-grade intersection of Glenwood Avenue and T W Alexander drive will be reconfigured as a grade-separated interchange.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the eastern boundary of the Z-37-2016 parcels.

Site access will be provided via T W Alexander Drive and ACC Boulevard (when ACC Boulevard is constructed). Due to the existing median, access onto T W Alexander Drive will be limited to a right-in, right-out driveway. The access onto ACC Boulevard may be a full movement driveway depending upon its ultimate cross section.

In accordance with UDO section 8.3.2, the maximum block perimeter for CX-7 zoning is 2,500 feet. Due to ongoing patterns of development, the street system for this area of the City

is incomplete. There are many planned street connections that will only be constructed as vacant parcels are developed. The block perimeter for Z-37-2016 cannot be computed.

The existing land is vacant and generates no traffic. Conditions have been submitted that effectively limit development to the maximum intensity allowed under current zoning. Approval of case Z-37-2016 would not increase average peak hour trip volumes or the average daily trip volume. A traffic impact analysis report is not required for rezoning case Z-37-2016.

Impact Identified: Block perimeter cannot be computed

4.2 Transit

1. Please provide a 15x20' transit easement along TW Alexander Dr which will advance Policies LU 47 and LU 6.4
2. Per the City Attorney change this to: "...location of the easement shall be agreed to by the Transportation Department ~~and then Property Owner...~~)

Impact Identified: Increased development will increase demand for transit but it is not expected to exceed the capacity of the current system. The offer of a transit easement will help mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	City of Raleigh Flood Study #348
<i>Drainage Basin</i>	Little Briar
<i>Stormwater Management</i>	Subject to Article 9.2 of the UDO
<i>Overlay District</i>	none

Impact Identified: Site is subject to Stormwater Regulations under Article 9.2 of the UDO. There is City of Raleigh Floodplain and Neuse Buffers located on the site. No impacts identified associated with rezoning.

4.4 Public Utilities- Brian.Casey@raleighnc.gov

The proposed rezoning would add 19,800 to the wastewater collection and water distribution systems of the City. There are no sewer mains adjacent to the site. Sewer easements are recorded BM2010 pg. 552. The developer will be responsible for the extension of the sewer to the site. Any required improvements would need permitting and to be constructed prior to release of a Certificate of Occupancy. Verification of water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	0	19,800
<i>Waste Water</i>	0	19,800

Impact Identified:

4.5 Parks and Recreation

1. There are no greenway trails, connectors, or corridors within or adjacent to this site. Nearest trail access is Hare Snipe Creek, 7.0 miles. The Brier Creek Greenway Corridor is approximately .6 miles to the east and bike and pedestrian access from this parcel to the corridor is expected via TW Alexander. This corridor does not have a schedule for implementation.

2. Recreation services are provided by Brier Creek Community Center, 2.5 miles.

Impact Identified:

4.6 Urban Forestry

1. The subject property is 6.99 acres in size, is completely wooded, and when developed, will be required to provide tree conservation areas as required by UDO Article 9.1.—Tree Conservation.
2. T. W. Alexander is classified as an avenue 4-lane divided—it is a thoroughfare as defined in UDO Article 12.2—Defined Terms.
3. UDO 9.1.4.A.8. requires an average 50'-wide primary tree conservation area along T W. Alexander Rd.
4. The proposed CX rezoning allows a 10'- 30' wide build-to for certain building types which would eliminate the required primary tree conservation area along T. W. Alexander.

Impact Identified: Potential required primary tree conservation area along T W Alexander Dr may be eliminated by this rezoning.

4.7 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District and/or Raleigh Historic Overlay District. It does not include or is adjacent to any National Register individually-listed properties and/or Raleigh Historic Landmarks.

Impact Identified: None

4.8 Community Development

n/a

Impact Identified:

4.9 Impacts Summary

Transit demand is expected to increase. The proposed zoning results in an increase in water and waste water capacity demand. It is unclear at this time if the block perimeter standard will be met as the street network is incomplete.

4.10 Mitigation of Impacts

A transit pad easement dedication has been offered as a zoning condition. The applicant has offered conditions limiting development intensity to mitigate infrastructure demand impacts. Sewer and fire flow requirements will have to be determined at the site plan stage of development. Block perimeter will need to be assessed during site planning of this and surrounding sites.

5. Conclusions

The proposed zoning is inconsistent with the Future Land Use map because it allows a combination of height and use that may adversely affect a nearby neighborhood. The case is consistent with a majority of relevant Comprehensive Plan policies. Inconsistencies arise primarily from the site's proximity to residential uses which, being in City of Durham jurisdiction, are not subject to the neighborhood transition requirements in Raleigh's UDO. Water and waste water demand would increase if the proposed zoning is approved.

A primary tree conservation area would be subject to removal if a frontage was included in the zoning petition. The presence of the primary TCA and a riparian buffer along the southern portion of the site conflicts with policy guidance related to urban form. A frontage would be appropriate for the site, but site conditions make it virtually impossible to meet the requirements of any of the six available frontages. The frontage created by conditions helps to align the proposed zoning with the Urban Design Guidelines to the extent practicable.

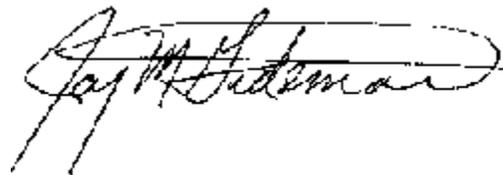
JANUARY 10, 2017 VOTING HIGHLIGHTS
Northwest / Umstead CAC Minutes

Attendance: 14+

Recorded votes

Z-37-16

After presentation and discussion, members in attendance voted **5 IN FAVOR** to **0 OPPOSED**.

A handwritten signature in black ink, appearing to read "Jay M. Gudeman", written over a horizontal line.

SUMMARY OF ISSUES

A neighborhood meeting was held on August 23, 2016 to discuss a potential rezoning located at 8001 ACC Boulevard in Raleigh. The neighborhood meeting was held at the Staybridge Suites, located at 1012 Airport Blvd, Morrisville, NC 27560. There were no neighbors in attendance. The general issues discussed were:

Summary of Issues:

None.

The realtor of the property being discussed, Karl Hudson, was in attendance. He had no questions or concerns on the potential rezoning.

Developer representatives waited 45 minutes and no neighboring property owner attended.

Exhibit A
Neighborhood Meeting Notice

August 12, 2016

RE: Rezoning of 8001 ACC Boulevard

Neighboring Property Owners,

You are invited to attend a neighborhood meeting on August 23rd 2016. The meeting will be held at Staybridge Suites (1012 Airport Blvd, Morrisville, NC 27560) and will begin at 5 pm.

The purpose of this meeting is to discuss a potential rezoning of the property located at 8001 ACC Boulevard, Raleigh, NC 27617. The site is currently zoned as a planned development district and is proposed to be rezoned to CX-7. The current zoning allowed use includes office and a 135-165 unit hotel. We are requesting the zone change in order to potential build a +/- 105 unit hotel.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning. Please feel free to attend this meeting and voice any questions, comments, or concerns. If you are unable to attend, written comments can be submitted to the John Anagnost with the Planning and Development Office at 919-996-2638 or john.anagnost@raleighnc.gov.

More specific information can be found with the Planning and Development Department. The City's website can be found at www.raleighnc.gov.

Feel free to contact us with any questions or concerns.

Sincerely,

Jon Lowry, P.E.
Lowry Engineering
jlowry@lowryeng.com
701-235-0199

Exhibit B
List of Property Owners to Whom Notices Were Sent

name	address	city	state	zip code
Brier Creek Arbors Drive Retail LLC	701 Crestdale Rd	Matthews	NC	28105-1700
Pulte Home Corporation	1225 Crescent Grn Ste 250	Cary	NC	27518-8119
Creekwood HWY 70 Alexander LLC	4949 Westgrove Dr Ste 100	Dallas	TX	75248-1949
SLF Ruby Jones LLC	PO Box 56607	Atlanta	GA	30343-0607
Wakemed Property Services	3000 New Bern Ave	Raleigh	NC	27610-1231
Brier Creek Independent Living LLC	6736 Falls of the Neuse RD STE 220	Raleigh	NC	27615

Exhibit C
Return Receipts

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CREEKWOOD HWY 70 ALEXANDER LLC
4949 WESTLAKE DR STE 100
DALLAS, TX 75248

2. Article Number

(Transfer from service label)

7015 1520 0001 0608 7551

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
Amy Justin Addressee
- B. Received by (Printed Name) C. Date of Delivery
Amy Justin *8-15-13*
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BRIER CREEK ARBOR DR RETAIL
701 CRESTDALE RD
MATHIEWS NC 28105

2. Article Number

(Transfer from service label)

7015 1520 0001 0608 7537

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
B. C. R. R. Addressee
- B. Received by (Printed Name) C. Date of Delivery
B. C. R. R. *8-15-13*
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

SIF RUBY JONES LLC
PO BOX 50607
ATLANTA GA 30343

2. Article Number

(Transfer from service label)

7015 1520 0001 0608 7568

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

T. Colby

C. Date of Delivery

8-18-16

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pulte Home Corporation
1225 Crescent Glen Ste 250
CARY, NC 27518

2. Article Number

(Transfer from service label)

7015 1520 0001 0608 7544

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

8/16/16

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NAKEMED PROPERTY SERVICES
3006 NEW BERN AVE
RALEIGH, NC 27610



9590 9402 1282 5246 4541 19

2. Article Number (Transfer from service label)

15 1520 0001 0608 7575

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

Nathan Nece

C. Date of Delivery

8/16/16

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery
 Insured Mail Signature Confirmation Restricted Delivery (over \$500)
 Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BRIER CREEK INDEPENDENT LIVING
 W 730 FALLS OF NEUSE RD STE 220
 RALEIGH NC 27615



9590 9402 1282 5246 4541 26

2. Article Number (Transfer from service label)

15 1520 0001 0608 7582

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Debbie Gaynor* Agent Addressee

B. Received by (Printed Name)

Debbie Gaynor

C. Date of Delivery

9-15-16

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®

Still Have Questions?

[Browse our FAQs >](#)



[Get Easy Tracking Updates >](#)
[Sign up for My USPS.](#)

Tracking Number: **70151520000106087582**

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
September 16, 2016 , 12:16 pm	Delivered, Front Desk/Reception	RALEIGH, NC 27617

Your item was delivered to the front desk or reception area at 12:16 pm on September 15, 2016 in RALEIGH, NC 27617.

September 15, 2016 , 9:24 am	Arrived at Unit	RALEIGH, NC 27613
September 14, 2016 , 3:58 pm	Departed USPS Facility	RALEIGH, NC 27676
August 18, 2016 , 11:15 am	Forwarded	RALEIGH, NC
August 18, 2016 , 11:14 am	Undeliverable as Addressed	RALEIGH, NC 27615
August 18, 2016 , 3:06 am	Arrived at Unit	RALEIGH, NC 27615
August 17, 2016 , 9:00 am	Out for Delivery	RALEIGH, NC 27615
August 17, 2016 , 8:50 am	Sorting Complete	RALEIGH, NC 27615
August 15, 2016 , 8:28 am	Arrived at USPS Facility	RALEIGH, NC 27676
August 12, 2016 , 10:29 pm	Departed USPS Facility	FARGO, ND 58102
August 12, 2016 , 9:55 pm	Arrived at USPS Facility	FARGO, ND 58102

Available Actions

[Text Updates](#)

[Email Updates](#)

Track Another Package

Tracking (or receipt) number

[Track It](#)

Manage Incoming Packages

Track all your packages from a dashboard
No tracking numbers necessary

[Sign up for My USPS >](#)



REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction # Rezoning Case #

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

The rezoning request is consistent with the master plan for the planned development district
1. Glenwood Avenue - T.W. Alexander Drive. The current zoning allows an office or 135-165 unit hotel. We are requesting the rezoning in order to provide a 106 unit hotel.

2.

3.

4.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

The rezoning request provides a public benefit by allowing for the property's economic
1. development in an area where development is desired and by increasing the tax base.

2.

3.

4.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a “mixed use center” or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form. There are a number of office, retail, and residential establishments within walking distance on nearby parcels. The proposed hotel is consistent with the existing master plan providing mixed use development.</p>
2.	<p>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing. N/A - there are no low density developments adjacent to this property.</p>
3.	<p>A mixed use area’s road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial. The development's street layout and design has already been established and approved. This rezone request will not change any street layout.</p>
4.	<p>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan. No new public streets are anticipated with this property's rezone.</p>
5.	<p>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets. The rezone of this property will not affect existing blocks.</p>
6.	<p>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property. Loading areas will be located in the rear of the property.</p>
7.	<p>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option. The lot fronts ACC Boulevard without on-street parking therefore the parking lot layout will be consistent with the UDO Parking Limited Frontage</p>
8.	<p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection. Due to the platted tree conservation area, the building will not be able to be located at the intersection.</p>
9.	<p>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well. Outdoor amenity areas will be provided in compliance the UDO which satisfies this guideline</p>
10.	<p>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space. Outdoor amenity areas will be provided in compliance the UDO which satisfies this guideline</p>
11.	<p>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential. Outdoor amenity areas will be provided in compliance the UDO which satisfies this guideline</p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor “room” that is comfortable to users. Outdoor amenity areas will be provided in compliance the UDO which satisfies this guideline</p>
13.	<p>New public spaces should provide seating opportunities. Outdoor amenity areas will be provided in compliance the UDO which satisfies this guideline</p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. Parking lot layout will be consistent with the UDO Parking Limited Frontage.</p>
15.	<p>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less. Parking lot layout will be consistent with the UDO Parking Limited Frontage.</p>

16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>No parking structure is anticipated with the development of the property.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Pedestrian access to nearby transit stops are anticipated, and are consistent with the current transit plan.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Sidewalks will be provided from the building to the public sidewalk which will lead to transit stops.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>Development will not disturb platted tree conservation area and 100 yr flood plain.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>No new public streets are anticipated.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Sidewalks will be provided in compliance with the UDO which satisfies this guideline.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>Street trees will be provided in compliance with the UDO which satisfies this guideline.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>Proposed uses will be consistent with the existing development plan.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p>The primary entrance will on any building will face ACC Boulevard.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p>Pedestrian interest will be created along sidewalks as required by the UDO which satisfies this guideline</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p>Pedestrian interest will be created along sidewalks as required by the UDO which satisfies this guideline</p>

Z-37-2016 Existing Land Use (Vacant)		Daily	AM	PM
Z-37-2016 Current Zoning Entitlements (Hotel trips)		Daily 0	AM 0	PM 0
Z-37-2016 Proposed Zoning Maximums (Hotel trips)		Daily 1,104	AM 87	PM 99
Z-37-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily 0	AM 0	PM 0
Z-37-2016 Traffic Study Worksheet				
6.23.4 Trip Generation				
Meets TIA Conditions? (Y/N)				
A	Peak Hour Trips \geq 150 veh/hr		No, the change in average peak hour trip volume is zero	
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane road		Not Applicable	
C	More than 100 veh/hr trips in the peak direction		No	
D	Daily Trips \geq 3,000 veh/day		No, the change in average daily trip volume is zero	
E	Enrollment increases at public or private schools		Not Applicable	
6.23.5 Site Context				
Meets TIA Conditions? (Y/N)				
A	Affects a location with a high crash history [Severity Index \geq 8.4 or a fatal crash within the past three years]		No	
B	Takes place at a highly congested location [volume-to-capacity ratio \geq 1.0 on both major street approaches]		No	
C	Creates a fourth leg at an existing signalized intersection		No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.		No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map		Yes, T. W. Alexander Drive is classified as a major street (Avenue, 4-lane, Divided) Given a zero change in trip volumes and the crash history of adjacent streets, Transportation Planning staff waives the need for a traffic study for Z-37-2016.	
F	Proposed access is within 1,000 feet of an interchange		No	
G	Involves an existing or proposed median crossover		No	
H	Involves an active roadway construction project		No	
I	Involves a break in controlled access along a corridor		No	
6.23.6 Miscellaneous Applications				
Meets TIA Conditions? (Y/N)				
A	Planned Development Districts		No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns		None received by Transportation Planning as of December 5, 2016	



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: Z-40-16 – Oak Forest Road

<i>Location</i>	Oak Forest Road, north side, west of Capital Boulevard Address: 5700 Oak Forest Road PINs: 1726380863, 1726286588
<i>Request</i>	Rezone property from Industrial Mixed Use-4 stories-Parking Limited-Conditional Use (IX-4-PL-CU) to Commercial Mixed Use-4 stories-Parking Limited (CX-4-PL)
<i>Area of Request</i>	7.87 acres
<i>Property Owner</i>	William Hedrick 1978 Old Crawford Wake Forest, NC 27587-4933
<i>Applicant</i>	David Hedrick 5700 Oak Forest Drive Raleigh, NC 27616-2963
<i>Citizens Advisory Council (CAC)</i>	North: Michael O'Sullivan, Chairperson; (919) 302-7557, mjo78@nc.rr.com
<i>PC Recommendation Deadline</i>	April 23, 2017

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Community Mixed Use
<i>URBAN FORM</i>	Center: City Growth Center Corridor: Urban Thoroughfare (Oak Forest Road) Within ½-Mile Transit Buffer: No (<i>just beyond</i>)
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 5.4 – Density Transitions Policy LU 11.2 – Location of Industrial Areas Policy LU 11.4 – Rezoning/Development of Industrial Areas
<i>INCONSISTENT Policies</i>	(None identified.)

Summary of Proposed Conditions

(Not applicable – no conditions being proposed.)

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
8/29/16	(not yet scheduled)	1/24/17		

Attachments

1. Staff Report
2. Current Zoning Conditions: Z-2-01 [Ordinance (2001) 942 ZC 494]
3. Traffic Study Worksheet

Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

Planning Director

Date

Planning Commission Chairperson

Date

Staff Coordinator:

Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Z-40-16

General Use District

Case Summary

Overview

The proposal seeks to rezone two contiguous parcels to increase opportunity for mixed use development. The current zoning conditions prohibit residential uses, and restrict retail uses to Personal Services (defined in UDO Sec. 6.4.9), while permitting industrial uses. The proposed zoning would allow the full range of residential development, as well as most commercial uses. Limited industrial uses would also be permitted, although not the Light Industrial, Commercial Vehicle Repair, Warehouse & Distribution, and Wholesale Trade operations currently permitted.

The two-parcel site is part of a larger area which was zoned Industrial-1 Conditional Use District in 2001 ([Z-2-01](#)). The IND-1 CUD designation was converted to Industrial Mixed Use-4 stories-Parking Limited-Conditional Use (IX-4-PL-CU) following the adoption of the Unified Development Ordinance (per Z-27B-14). The conditions of the 2001 rezoning currently remain in effect; a copy is attached below. (Note that while a condition limits construction to 3 stories, it permits buildings to be 55 feet, which would only be allowed in a 4-story/ 62' zoning district.)

At present, the site is mostly wooded. The tract on the west is undeveloped. The eastern parcel contains a single dwelling, as well as a 2/3-acre pond. Topography slopes gradually down from Oak Forest Road toward the pond's location, in the site's northeast corner.

Existing development nearby displays widely-varied land uses. Undeveloped, IX-zoned parcels edge the site on the west and northwest. Of the two IX parcels immediately west, the front 230 feet of each were part of the 2001 rezoning; the provisions now in place on the subject site would remain in effect there if the current request is approved.

Further west on Oak Forest Road, a 35,000-square foot, two-story light manufacturing facility has just been completed. A bowling alley, zoned IX-3, lies to its west, while a 17-acre parcel west of that property was recently rezoned to CX-3-CU (zoning case [Z-32-15](#)). Flex warehouse and small-scale retail establishments dominate closer to Old Wake Forest Road; zoning there is mostly IX, with heights limited to 3 stories and Parking Limited frontage prescribed along major streets. The wooded back lots of automobile dealerships border the site on the north and east, all of which front Capital Boulevard and are zoned Commercial Mixed Use-3 stories-Parking Limited (CX-3-PL). Immediately south of the site, across Oak Forest Road, is the Oak Forest Estates neighborhood, developed in the 1950s and zoned Residential-6, although parcels are approximately 1 acre in size.

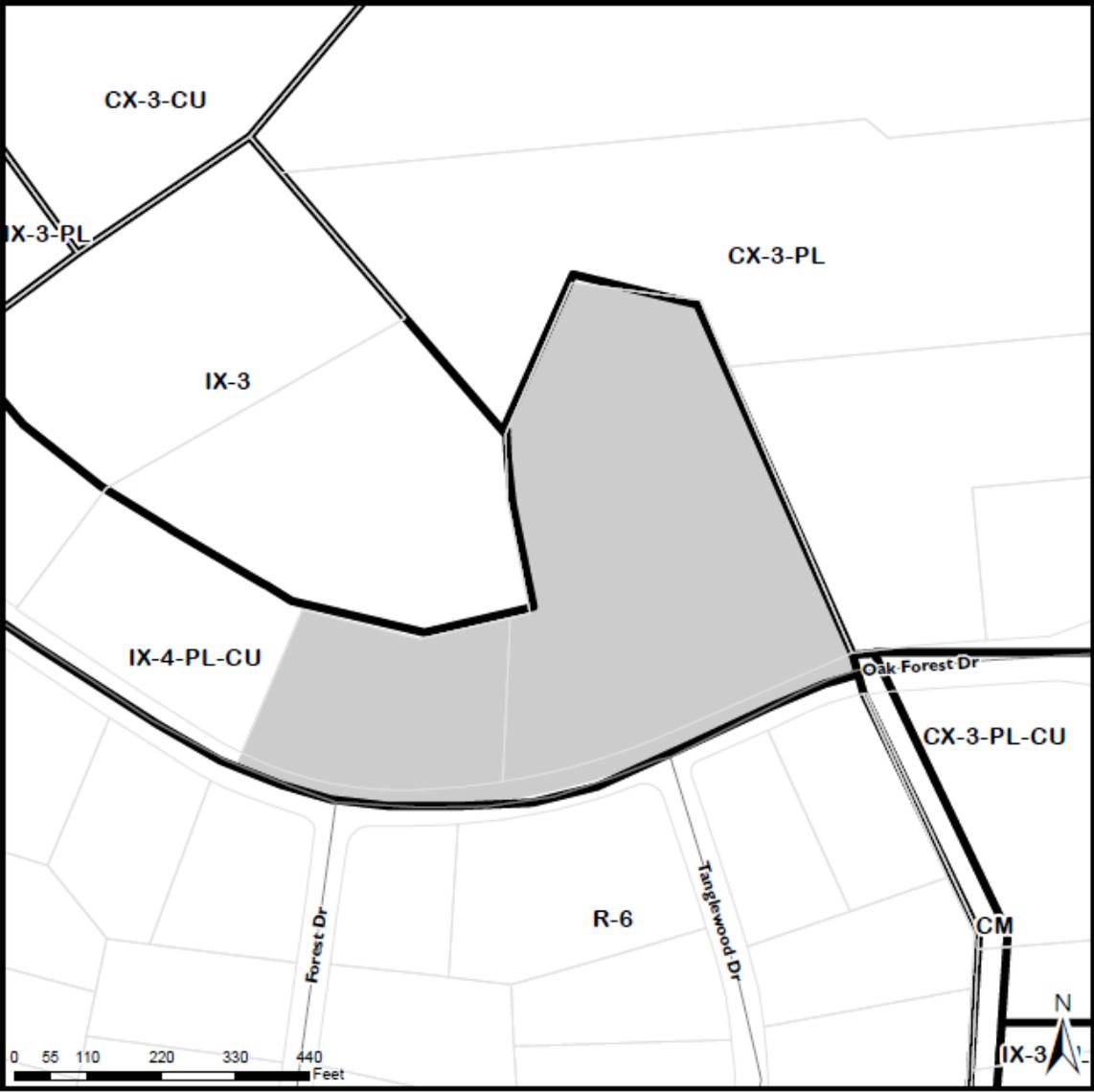
The Future Land Use Map and Urban Form Map foresee retail uses expanding across the immediate area, as part of on-going urbanization within the 1,500-acre City Growth Center focused on the Triangle Town Center Mall. The site is located just beyond a designated ½-mile radius Transit Buffer, centered at the mall. Urban Thoroughfare designation is applied to most major roads in the area, including Oak Forest Drive, supporting redevelopment with buildings closer to the street. Parking Limited frontage, which permits a maximum of two bays of parking between building and street, is considered consistent with that guidance; the zoning request would retain the site's current PL frontage designation.

The requested Commercial Mixed Use (CX) zoning is supported by the Future Land Use designation for the site—Community Mixed Use—which applies across the surrounding area. Current zoning conditions limit building height to 3 stories/ 55 feet; the proposal would permit four-story construction. Conditions also require a minimum 25-foot wide streetyard (though measured from the current right-of-way); removal would default site development to UDO Street Protective Yard standards (width 10 to 35 feet, with plantings and/or fence per Sec. 7.2.4.B). Several zoning conditions adopted in 2001 are no longer applicable, being superseded by subsequent regulation (e.g., stormwater standards; r/w reimbursement values; lighting; equipment screening). The chief change stemming from condition removal would be the permitting of retail uses and free-standing residential buildings (including apartments).

Outstanding Issues

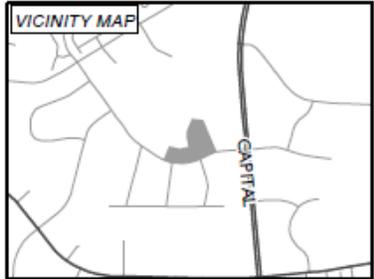
<p><i>Outstanding Issues</i></p>	<ol style="list-style-type: none"> 1. Block perimeter exceeds maximum allowed by UDO. 2. Sewer and fire flow matters may need to be addressed upon development. 	<p><i>Suggested Mitigation</i></p>	<ol style="list-style-type: none"> 1. Address block perimeter at the site plan stage. 2. Address sewer and fire flow capacities at the site plan stage.
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Existing Zoning Map Z-40-2016




Submittal
Date
12/30/2016

Request:
7.87 acres from
IX-4-PL-CU
to CX-4-PL



Map Date: 11/17/2016

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Industrial Mixed Use-4 stories-Parking Limited-Conditional Use	Commercial Mixed Use-3 stories-Parking Limited	Residential-6	Commercial Mixed Use-3 stories-Parking Limited	Industrial Mixed Use-3 stories; Industrial Mixed Use-4 stories-Parking Limited-Conditional Use
<i>Additional Overlay</i>	(n/a)	(n/a)	(n/a)	(n/a)	(n/a)
<i>Future Land Use</i>	Community Mixed Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Community Mixed Use
<i>Current Land Use</i>	Single-Unit Living; Vacant	Vacant; Vehicle Sales	Single Unit Living	Vehicle Sales	Vacant
<i>Urban Form</i>	City Growth Center; Urban Thoroughfare	City Growth Center	City Growth Center; Urban Thoroughfare	City Growth Center; Transit Emphasis Corridor	City Growth Center; Urban Thoroughfare

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	Not permitted (per zoning conditions)	23.25 DUs/ acre (Max. 183 DUs)
<i>Setbacks:</i>	<i>Parking Limited Frontage:</i> 50% of bldg. width w/n 100'	<i>Parking Limited Frontage:</i> 50% of bldg. width w/n 100'
<i>Front:</i>	<i>If Mixed Use Building:</i> 5'	<i>If Mixed Use Building:</i> 5'
<i>Side:</i>	0' or 6'	0' or 6'
<i>Rear:</i>	0' or 6'	0' or 6'
<i>Retail Intensity Permitted:</i>	87,175	87,175
<i>Office Intensity Permitted:</i>	156,230	167,803

1.3 Estimated Development Intensities

	Existing Zoning*	Proposed Zoning*
<i>Total Acreage</i>	7.87	7.87
<i>Zoning</i>	IX-4-PL-CU	IX-4-PL-CU

<i>Max. Gross Building SF</i>	197,587	215,808
<i>Max. # of Residential Units</i>	<i>(not permitted)</i>	183
<i>Max. Gross Office SF</i>	156,230	167,803
<i>Max. Gross Retail SF</i>	87,175**	87,175
<i>Max. Gross Industrial SF</i>	158,305	158,305
<i>Potential F.A.R.</i>	0.58	0.63

**The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

*** Personal Services uses only.*

The proposed rezoning is:

Compatible with the property and surrounding area.

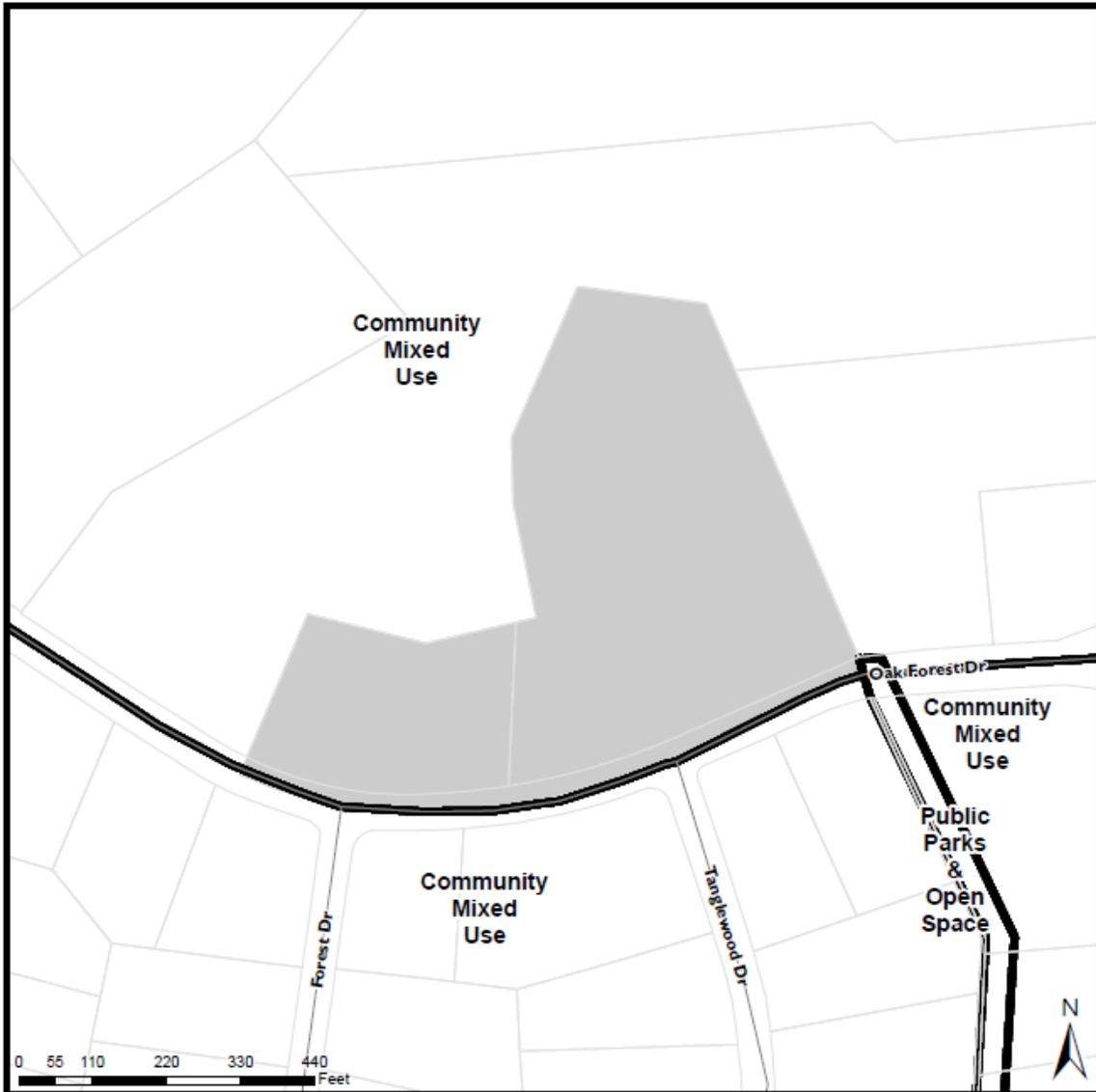
Incompatible.

Analysis of Incompatibility:

Rezoning would permit residential and/ or retail uses which are currently prohibited on site, but would be consistent with Comprehensive Plan guidance. No abutting parcels currently contain residential development. The proposal would allow construction up to 4-stories/ 62' in height, with the same minimum setback to the side and back as the present zoning (six to zero feet). Per Building Type and PL frontage requirements, setbacks from the Oak Forest Drive would be between 5 to 100 feet, with required streetscape and protective yard plantings offering added transition to the large-lot, low-density properties on the south side of the street.

Future Land Use Map

Z-40-2016



Submittal
Date

12/30/2016

Request:

7.87 acres from
IX-4-PL-CU
to CX-4-PL

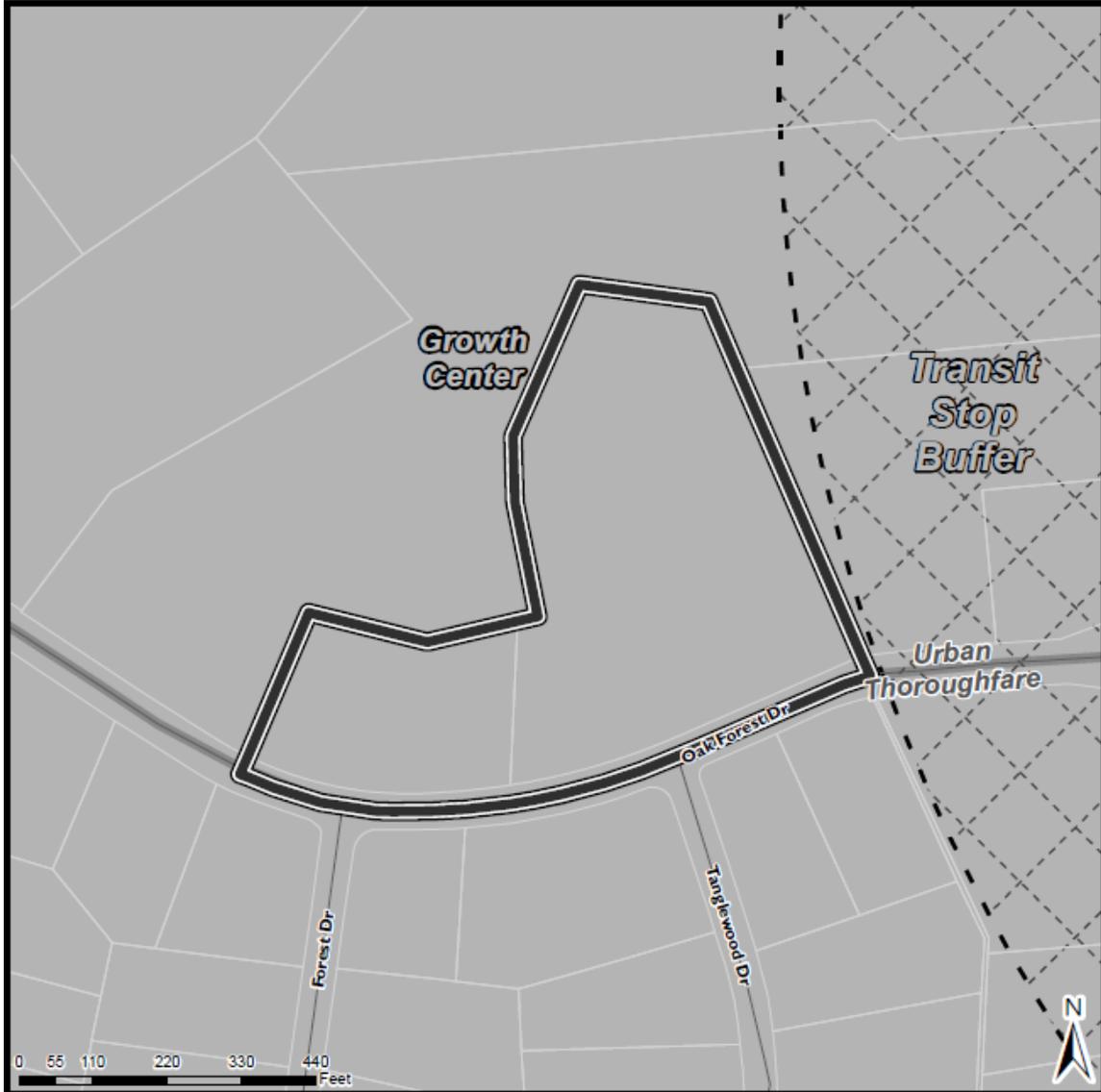
VICINITY MAP



Map Date: 11/17/2016

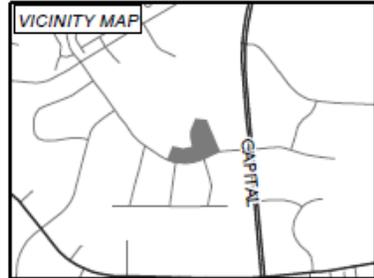
Urban Form Map

Z-40-2016




Submittal Date
12/30/2016

Request:
7.87 acres from
IX-4-PL-CU
to **CX-4-PL**



Map Date: 11/17/2016

2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the Comprehensive Plan, which supports more varied, mixed-use redevelopment of the site; current zoning and zoning conditions greatly limit residential and retail uses. The Urban Form Map identifies the site as being with a City Growth area, and Oak Forest Drive as an Urban Thoroughfare. The former supports more intensive mixed-use development; the latter calls for minimizing parking between buildings and the street. The requested zoning is consistent with both. The proposal may also be considered consistent with Vision Themes “Growing Successful Neighborhoods and Communities” and “Managing Our Growth.”
- B. The proposed CX zoning is cited in the Comprehensive Plan as being that district most consistent with the Future Land Use Map’s Community Mixed Use designation.
- C. The permitted land uses are supported by the Future Land Use Map.
- D. Existing community facilities and streets appear to be sufficient to serve the uses possible under the proposed zoning.

2.2 Future Land Use

Future Land Use designation: Community Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

(n/a)

2.3 Urban Form

Urban Form designation: Center: City Growth; Corridor: Urban Thoroughfare

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent

Analysis of Inconsistency:

(n/a)

2.4 Policy Guidance

The rezoning request is **consistent** with the following policies:

Policy LU 1.2 - Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The Future Land Use Map designates the site Community Mixed Use. The Comprehensive Plan notes that "CX is the primary corresponding zoning district" for that designation.

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposal would allow more diverse uses of the property than are currently permitted, including the option of all-residential development. Existing City facilities appear to be able to accommodate such change.

Policy LU 5.1 - Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

All adjacent properties on the north side of Oak Forest Drive are zoned either IX or CX. The proposal would permit construction up to 4 stories in height; surrounding properties allow a maximum of 3 stories. However, all contiguous parcels carry Parking Limited frontage designation.

Policy LU 5.4 - Density Transitions

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

All adjacent properties are zoned for industrial or commercial development; the latter currently consists of automobile sales facilities. Frontage areas of parcels immediately west on Oak Forest

Drive will retain the conditioned prohibition of residential uses (and most retail uses) adopted in 2001. Existing nearby low-density development lies on the opposite side of Oak Forest Drive from the site. The current zoning conditions include requirement of a 25-foot wide streetyard, but that width could be reduced upon site development. The conditioned streetyard width is calculated from the present right-of-way width, which measures approximately 55 feet. The Raleigh Street Plan designates Oak Forest Road an Avenue 2-Lane Undivided roadway, which carries a minimum right-of-way width of 64 feet.

Policy LU 11.1 - Preserving Industrial Land

Support land use policies that protect competitive opportunities to locate industrial, flex, and warehouse sites near major transportation corridors and the airport.

Policy LU 11.4 - Rezoning/Development of Industrial Areas

Allow the rezoning and/or redevelopment of industrial land for non-industrial purposes when the land can no longer viably support industrial activities or is located such that industry is not consistent with the Future Land Use Map. Examples include land in the immediate vicinity of planned transit stations.

Policy LU 11.2 - Location of Industrial Areas

Accommodate industrial uses—including municipal public works facilities—in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of industrial uses. Such areas are generally designated as “General Industrial” on the Future Land Use Map.

The site is located one and a half miles from the I-540/ Capital Boulevard interchange, and construction of a 35,000-square foot light manufacturing facility has recently been completed 400 feet west of the site. Just beyond that, however, in 2015 a 17-acre tract was rezoned from Industrial to Commercial Mixed Use (CX) zoning; the site has subsequently been approved for townhouse development (per subdivision [S-79-15](#), “City Walk”). The Comprehensive Plan supports similar diversification of redevelopment on the subject site and in the surrounding area. The site's current IX zoning, and accompanying conditions prohibiting residential and most retail uses, may be considered inconsistent with the site's Future Land Use designation--Community Mixed Use.

The rezoning request is **inconsistent** with the following policies:

(None identified.)

2.5 Area Plan Policy Guidance

The proposed rezoning is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Removal of the current prohibition of residential uses could increase housing options in close proximity to existing goods and services.
- Removal of the current prohibition of retail uses could increase commercial development options in the subject section of the City.

3.2 Detriments of the Proposed Rezoning

- The use of the site for industrial purposes would be restricted.
-

4. Impact Analysis

4.1 Transportation

The site is located on the north side of Oak Forest Drive, approximately 0.10 mile west of Capital Boulevard. Oak Forest Drive is maintained by the City of Raleigh. This segment of Oak Forest Drive currently has a two-lane, ribbon-paved cross section without curbs or sidewalks. Oak Forest Drive is shown as a mixed-use street (Avenue, 2-Lane, undivided) in the UDO Street Plan Map.

There are no City of Raleigh CIP projects or state STIP projects planned for Oak Forest Drive. The current Raleigh Capital Improvement Program calls for widening Old Wake Forest Road to a four-lane median-divided section with curb and gutter, sidewalks, bicycle lanes, and streetlights from Litchford Road to Capital Boulevard (US 1). This project is slated to be finished in FY 2017.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the eastern, northern or western boundaries of the Z-40-16 site.

Site access will be limited to Oak Forest Drive. The subject parcels have a combined frontage of approximately 900 feet. The logical place for site access would be opposite the existing public streets (Tanglewood Drive and Forest Drive) located on the south side of Oak Forest Drive.

In accordance with UDO section 8.3.2, the maximum block perimeter for IX-4 zoning is 4,000 feet. The block perimeter for Z-40-16, as defined by public rights-of-way for Oak Forest Drive, Capital Boulevard and Old Wake Forest Road is 10,400 feet.

The existing land use is a single-family dwelling which generates very little traffic. Approval of case Z-40-16 would not change the daily or peak period trips compared to trip volumes generated under current zoning. A traffic impact analysis report is not needed for Z-40-16.

Z-40-2016 Existing Land Use (SF Residence)	Daily	AM	PM
	10	2	2
Z-40-2016 Current Zoning Entitlements	Daily	AM	PM
	5,156	305	414
Z-40-2016 Proposed Zoning Maximums	Daily	AM	PM
	5,156	305	414
Z-40-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	0	0	0

Impact Identified: Block perimeter exceeds maximum allowed by UDO.

4.2 Transit

Transit is not currently available on Oak Forest Drive and neither the City of Raleigh Short Range Transit Plan nor the Wake County Transit Plan anticipates service here. Capital Boulevard, approximately a block away, is designated as a premium transit corridor. It is currently served seven days a week by GoRaleigh route 1 Capital.

Impact Identified: None. Increased development will increase demand for transit but it is not expected to exceed the capacity of the system.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Perry Creek
<i>Stormwater Management</i>	Subject to stormwater regulations under Article 9 of UDO.
<i>Overlay District</i>	(none)

Impact Identified: There may be a Neuse River Buffer around the existing pond.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	250 gpd	8720 gpd	114,125 gpd
<i>Waste Water</i>	250 gpd	8720 gpd	114,125 gpd

The proposed rezoning would add approximately 114,125 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area in Oak Forest Drive.

Impact Identified: At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

4.5 Parks and Recreation

There are no proposed or existing greenway trails, corridors or connectors within or adjacent to the site. Nearest trail access is 0.8 miles, Spring Forest Trail. Recreation services are provided by Spring Forest Park, 1.4 miles distance.

Impact Identified: None.

4.6 Urban Forestry

The subject parcel is larger than 2 acres in size and so will be subject to UDO Article 9.1 Tree Conservation when the site is developed.

Impact Identified: None.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any designated Raleigh Historic Landmarks or properties listed on the National Register of Historic Places. However, the existing house on the eastern property has been inventoried as site WA4532 by the North Carolina State Historic Preservation Office (NCSHPO). The survey records the dwelling as the Hedrick House, described as a “1956 side gable Ranch” dwelling.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.10 Impacts Summary

- Block perimeter exceeds maximum allowed by UDO.
- Sewer and fire flow matters may need to be addressed upon development.

4.11 Mitigation of Impacts

- Address block perimeter at the site plan stage.
- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposed rezoning would permit site development consistent the Comprehensive Plan in terms of Future Land Use designation, Urban Form designation, and applicable policies, which support options of retail and residential development prohibited by zoning conditions currently in effect. Matters of block perimeter, and sewer and fire flow, remain to be addressed by site development.

Current Zoning Conditions

Ordinance (2001) 942 ZC 494
Effective: 2-20-01

Z-2-01 Oak Forest Drive, north side west of Capital Boulevard, being Wake County PIN 1726 38 0850. Approximately 11.76 acres rezoned Industrial-1 Conditional Use.

Conditions dated: (02/08/01)

A. The Property will be developed in accordance with Planning Commission Certified Requirement 7107.

B. Any right-of-way required to be dedicated for future improvements to adjacent roadways shall qualify for reimbursement at R-6 values.

C. The Property shall not be used for any residential purpose, and shall not contain any multi-family dwelling, manufactured home, single-family detached dwelling and/or townhouse development.

D. The Property shall not be used for any "Retail Sales" purposes other than uses consistent with "Personal Service Retail Sales" as all such terms are defined in Section 10-2071 of the Raleigh City Code in effect on the date hereof.

E. No building constructed on the Property shall exceed three (3) stories in height (maximum of 55 feet), excluding any and all basements, crawl-spaces or below-grade construction.

F. The Property shall contain a minimum twenty-five (25) foot streetyard (running from the current right of way of Oak Forest Road onto the Property), and following the development of the Property or the development of any lot comprising a part of the Property, such streetyard located on the Property or on such subdivided lot shall contain a minimum of fifty percent (50%) of all trees twelve (12) inches or larger in diameter located within such streetyard immediately prior to such development. Additionally, six (6) understory trees shall be planted every one-hundred (100) feet in the streetyard.

G. No noxious or offensive trades, services or activities (specially including any excessive night time noise) shall be conducted and remain upon the Property nor shall anything be done thereon that may substantially interfere with the lawful uses (for example - conduct that is offensive, dust, omission of fumes, odors, noise, vibrations, gasses or smoke) to the owners of the Property or to the owners of any of Lots 1 through 51, inclusive, of the Oak Forest Estates, as such Lots are shown on a plat recorded in Book of Maps 1954, Page 30, Wake County Registry.

H. All site lighting, including wall pack fixtures, shall be directed downward and designed in such a way that a light source will not be visible from neighboring properties.

I. All mechanical equipment shall be fully screened from public view and the adjacent properties, and that screening shall be of a design and material compatible with those of the associated building.

J. There shall be no outdoor storage of equipment or materials on the property.

Date: August 12, 2016

Re: (1) lot of 5.94 acres -pin no. 1726380863 5700 Oak Forest Dr. Raleigh, N.C. 27616

(2) lot of 1.93 acres -pin no. 1726286588 5700 Oak Forest Dr. Raleigh, N.C. 27616

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on Monday, August 29, 2016. The meeting will be at 1805 N. New Hope Rd. and will begin at 7:30 PM.

The purpose of this meeting is to discuss a potential rezoning of the properties located at 5700 Oak Forest Dr. The sites are currently zoned IX-4-PL-CU, and is proposed that these properties be rezoned to IX-4-PL.

The City of Raleigh requires that prior to the submittal of any rezoning application a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning be held.

If you have any questions I can be reached at 919-740-0426. The City's contact information is 919-996-2626 and their email address is rezoning@raleighnc.gov. Their web address is www.raleighnc.gov. You may review the section of the code addressing these requirements at this address. My contact person at the Department of City planning is John Anagnost whose number is 919-996-2638.

Thank you,

Dr. William Hedrick and David Hedrick

SUMMARY OF ISSUES

A neighborhood meeting was held on Aug 29, 2016 (date) to discuss a potential rezoning located at 5700 Oak Forest Dr Raleigh 27616 (property address).

The neighborhood meeting was held at 1805 71 New Hope Rd Raleigh (location).

There were approximately 4 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

① concerns about residential which might result in more traffic on Oak Forest Dr.

② concerns about subsidized housing coming into this area.

③ there were no other issues brought up

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST			
<input checked="" type="checkbox"/> General Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			OFFICE USE ONLY Transaction # Rezoning Case # 2-40-16
Existing Zoning Base District	IX	Height 4	
Proposed Zoning Base District	CX	Height 4	Frontage PL-CA Overlay(s) _____
Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
If the property has been previously rezoned, provide the rezoning case number: 2-201			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
460197			

GENERAL INFORMATION			
Date	10/21/16	Date Amended (1)	12/30/16
Date Amended (2)			
Property Address	5700 Oak Forest Drive Raleigh NC 27616		
Property PIN	1726380863+1726286588	Deed Reference (book/page)	
Nearest Intersection	Oak Forest Dr + Capital Blvd		
Property Size (acres)	7.87ac	(For PD Applications Only) Total Units	Total Square Feet
Property Owner/Address William Hedrick	Phone	919-7400426	Fax 919-231-7784
	Email	dwilliamhedrick@hotmail.com	
Project Contact Person/Address David Hedrick	Phone	919- 740-0426 696-2681	Fax
	Email	stungsof9@hotmail.com	
Owner/Agent Signature	David Hedrick		Email

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis

The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.

OFFICE USE ONLY

Transaction #

Rezoning Case #

Z-40-16

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

1. *The requested zoning conforms with the city's Master Plan and 2030 Comprehensive Plan*
2. *to be rezoned to CX-4-PL. ✓*
- 3.
- 4.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. *this rezoning brings this property up to the standards of future planning*
- 2.
- 3.
- 4.



Z-40-2016 Existing Land Use (SF Residence)		Daily	AM	PM
		10	2	2
Z-40-2016 Current Zoning Entitlements (mix of Industrial, Office & Retail)		Daily	AM	PM
		5,156	305	414
Z-40-2016 Proposed Zoning Maximums (mix of Office & Retail)		Daily	AM	PM
		5,156	305	414
Z-40-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily	AM	PM
		0	0	0
Z-40-2016 Traffic Study Worksheet				
6.23.4 Trip Generation		Meets TIA Conditions? (Y/N)		
A	Peak Hour Trips \geq 150 veh/hr		No, the change in average peak hour trip volume is Zero	
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane road		No	
C	More than 100 veh/hr trips in the peak direction		No	
D	Daily Trips \geq 3,000 veh/day		No, the change in average daily trip volume is Zero	
E	Enrollment increases at public or private schools		Not Applicable	
6.23.5 Site Context		Meets TIA Conditions? (Y/N)		
A	Affects a location with a high crash history [Severity Index \geq 8.4 or a fatal crash within the past three years]		No	
B	Takes place at a highly congested location [volume-to-capacity ratio \geq 1.0 on both major street approaches]		No	
C	Creates a fourth leg at an existing signalized intersection		No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.		No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map		No	
F	Proposed access is within 1,000 feet of an interchange		No	
G	Involves an existing or proposed median crossover		No	
H	Involves an active roadway construction project		No	
I	Involves a break in controlled access along a corridor		No	
6.23.6 Miscellaneous Applications		Meets TIA Conditions? (Y/N)		
A	Planned Development Districts		No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns		None received by Transportation Planning as of January 4, 2017	



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-42-16 Pearl Road

<i>Location</i>	East and west sides at its intersection with Camelot Village Avenue Address: 4328, 4327, 4313 Pearl Road, and 4772 Queen Pierrette Street. PIN: 1731077826, 1737082074, 1731085186, 1731086402
<i>Request</i>	Rezone property from Neighborhood Mixed Use-3 Stories-Conditional Use (NX-3-CU), Residential-6-Conditional Use (R-6-CU), Residential-4 (R-4) to Residential-10-Conditional Use (R-10-CU)
<i>Area of Request</i>	10.48 acres
<i>Property Owner</i>	Camelot Development, LLC PO Box 20667 Raleigh, NC 27669-0667
<i>Applicant</i>	Tony M. Tate Landscape Architecture, PA 5011 Southpark Drive, Suite 200 Durham, NC 27713
<i>Citizens Advisory Council (CAC)</i>	South Chairperson Norman Camp normancamp@bellsouth.net
<i>PC Recommendation Deadline</i>	April 24, 2017

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use (5.68 acres) Moderate Density Residential (2 acres) Low Density Residential (2.8 acres)
<i>URBAN FORM</i>	None
<i>CONSISTENT Policies</i>	Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 8.1 Housing Variety Policy T 2.4 Road Connectivity Policy UD 5.1 Contextual Design
<i>INCONSISTENT Policies</i>	Policy LU 1.2 Future Land Use Map and Zoning Consistency Policy LU 1.3 Conditional Use District Consistency

Summary of Proposed Conditions

- | |
|---|
| 1. Apartment building type is prohibited. |
|---|

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
November 10, 2016	Case scheduled for February 13, 2017	January 24, 2017	

Attachments

1. Staff report
2. Proposed Conditions
3. Current Zoning Conditions (Ordinance 2003 551 ZC 544)
4. Street Closing STC-08-2016
5. Traffic Worksheet

Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

Planning Director

Date

Planning Commission Chairperson

Date

Staff Coordinator:

Sophie Huemer: (919) 996-2652; Sophie.Huemer@raleighnc.gov



Zoning Staff Report – Z-42-16

Conditional Use District

Case Summary

Overview

This site consists of 10.48 acres on the east and west sides of the intersection of Pearl Road and Camelot Village Road. The proposal seeks to rezone four properties to a single zoning classification, permitting the parcels to be more readily developed as a single development. The proposed zoning would allow solely the uses permitted in the proposed zoning district, Residential-10. Conditions prohibit the apartment building type.

The properties are currently undeveloped and are bordered by predominantly single family residential uses. The most recent development in the area is the subdivision of the Camelot Village neighborhood to the west of the proposed rezoning. Rock Quarry Road is approximately half a mile east of the site. Connectivity to the west is encumbered by the Big Branch stream and floodway located a quarter of a mile from the property.

At present, three different zoning districts and future land use designations govern four of the properties. The property located west of Pearl Road (5.68 acres) is zoned NX-3-CU. The properties located at the southeast corner of Pearl Road and Camelot Village Road (2 acres) are zoned R-6-CU. The property located at 4313 Pearl Road (2.8 acres) is zoned R-4. The properties zoned NX-3-CU and R-6-CU were part of a larger, 46.4 acre rezoning in 2003, allowing for a mix of uses. 44.48 acres of that district has been subdivided according to the conditions of Ordinance 2003 551 ZC 544. The applicant is seeking to rezone the remaining 1.92 acres of R-6-CU as well as the 5.68 acres of NX-3-CU which would eliminate any commercial uses.

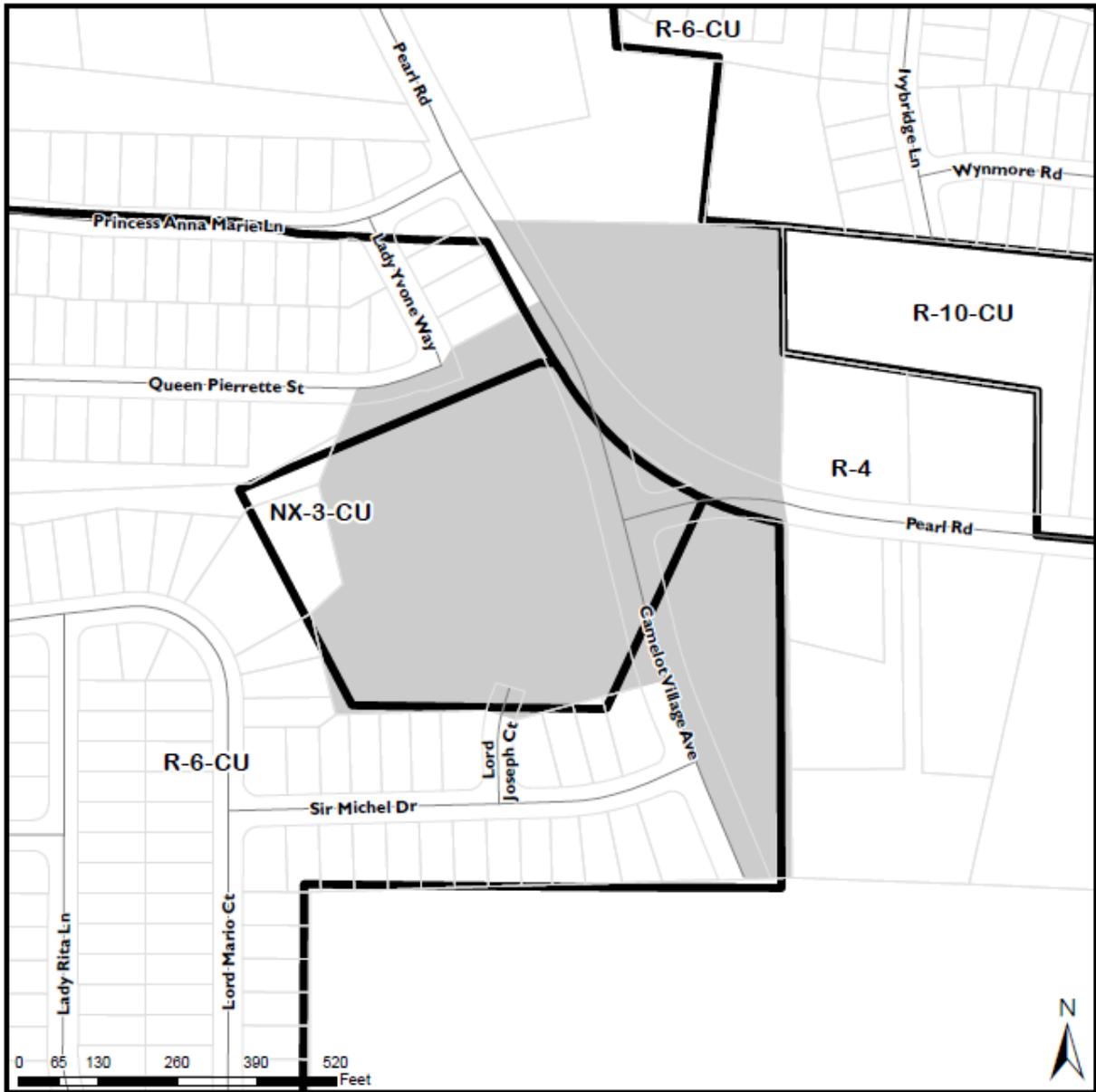
The proposed zoning, Residential -10, is inconsistent with the Neighborhood Mixed Use and Low Density Residential future land use designations but not with the Moderate Density Residential future land use designation. Neighborhood Mixed Use supports a mix of uses with residential and upper story housing. Low Density Residential supports development up to 6 dwelling units per acre. Moderate Density Residential supports 6 to 14 units an acre which is consistent with the R-10 density of 10 dwelling units per acre.

Outstanding Issues

<i>Outstanding Issues</i>	1) Transit Easement requested.	<i>Suggested Mitigation</i>	1) Transit easement can be granted through conditions of this case.
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Existing Zoning Map

Z-42-2016



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Neighborhood Mixed Use-3 Stories-Conditional Use; Residential-4; Residential-6-Conditional Use	Residential-6-Conditional Use; Residential-4	Residential-6-Conditional Use; Residential-4	Residential-10-Conditional Use; Residential-4	Residential-6-Conditional Use
<i>Additional Overlay</i>	None	None	None	None	None
<i>Future Land Use</i>	Low Density Residential; Moderate Density Residential; Neighborhood Mixed Use	Low Density Residential; Moderate Density Residential	Low Density Residential; Moderate Density Residential	Low Density Residential	Moderate Density Residential
<i>Current Land Use</i>	Undeveloped	Single Family Residential	Single Family Residential; Undeveloped	Single Family Residential	Single Family Residential; Undeveloped
<i>Urban Form (if applicable)</i>	None	None	None	None	None

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning			Proposed Zoning
<i>Residential Density:</i>	5.06 Du/ac			10 Du/ac
<i>Setbacks:</i>	NX-3-CU	R-6-CU	R-4	Townhome Building Type: 10' 0' or 6' 20'
<i>Front:</i>	5'	10'	20'	
<i>Side:</i>	5'	10'	15'	
<i>Rear:</i>	0' or 6'	20'	30'	
<i>Retail Intensity Permitted:</i>	25,086 SF			Not Permitted
<i>Office Intensity Permitted:</i>	77,059 SF			Not Permitted

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	10.48	10.48
<i>Zoning</i>	NX-3-CU, R-6-CU, R-4	R-10-CU
<i>Max. Gross Building SF (if applicable)</i>	140,734	n/a
<i>Max. # of Residential Units</i>	53	104
<i>Max. Gross Office SF</i>	77,059	n/a
<i>Max. Gross Retail SF</i>	25,000	n/a
<i>Max. Gross Industrial SF</i>	n/a	n/a
<i>Potential F.A.R</i>	.31	n/a

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

1.4 Summary of Existing and Proposed Zoning Conditions

	Existing			Proposed
	NX-3-CU	R-6-CU*	R-4**	R-10-CU
<i>Uses</i>	Permitted: Offices, eating establishments, food store-retail, fuel sales, residential dwellings, day care, retail sales-convenience	Permitted: Single Family Residential	n/a	All uses permitted in R-10
<i>Building Type</i>	-	Detached Homes, Attached Homes, Townhomes permitted	-	Apartment Building Type is prohibited
<i>Open Space</i>	-	10% of site shall be open space	n/a	Per UDO standards
<i>Density/Intensity</i>	Dwelling Units limited to 211 Maximum		n/a	Per UDO standards
	Townhome Development should not exceed 20% of total dwelling units			
	Total Retail Space shall not exceed 25,000SF			

*R-6-CU district included 46.4 acres. 44.48 acres of that district has been subdivided according to the conditions of Ordinance 2003 551 ZC 544. The applicant is seeking to rezone the remaining 1.92 acres.

**R-4 parcel does not have any existing conditions.

The proposed rezoning is:

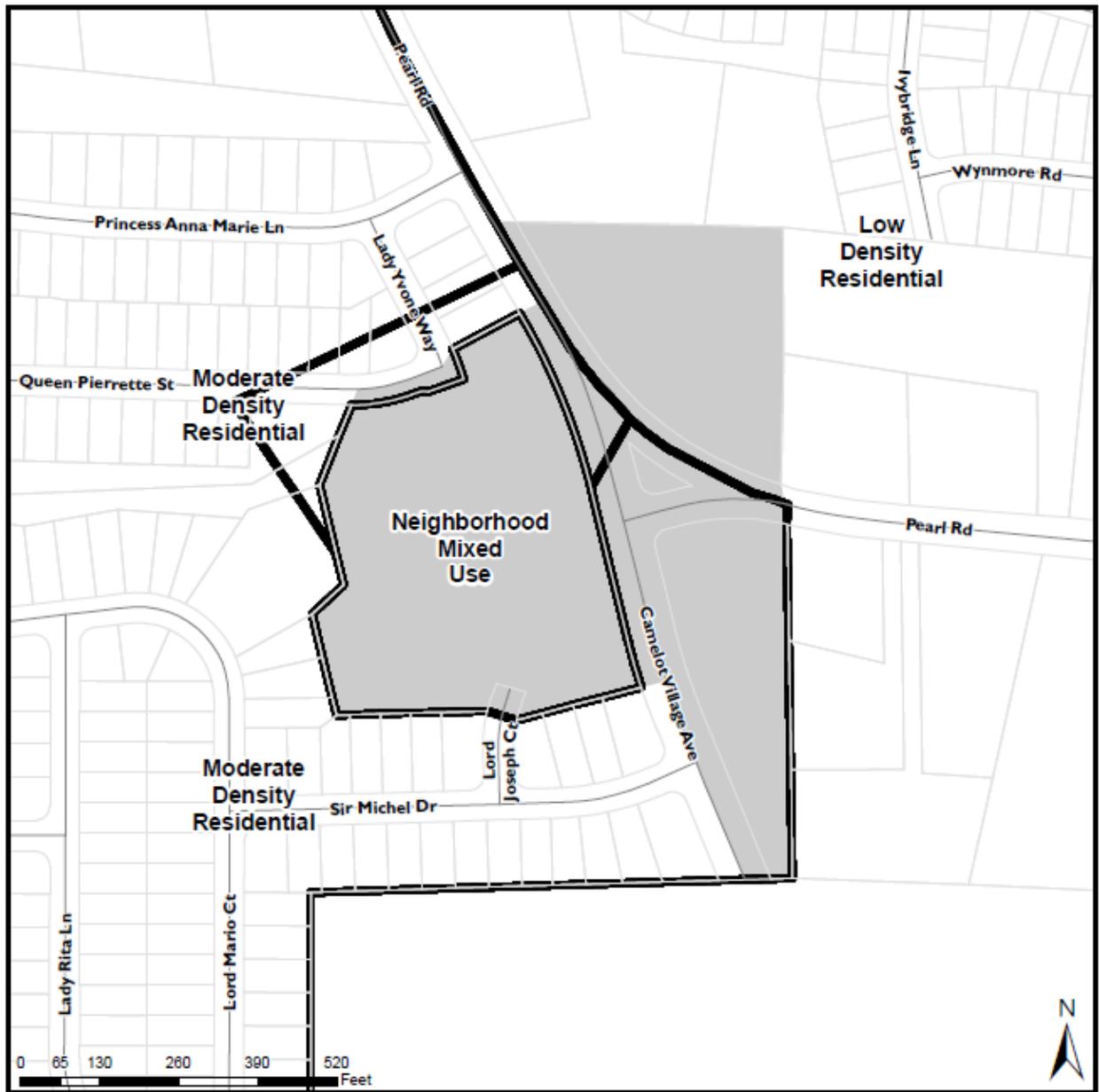
Compatible with the property and surrounding area.

Incompatible.

The Residential-10 zoning district is compatible with the surrounding area, which is predominantly zoned for residential use. R-10 does not permit the commercial uses that would have been allowed under the NX-3-CU designation. Conditions prohibit the apartment building type.

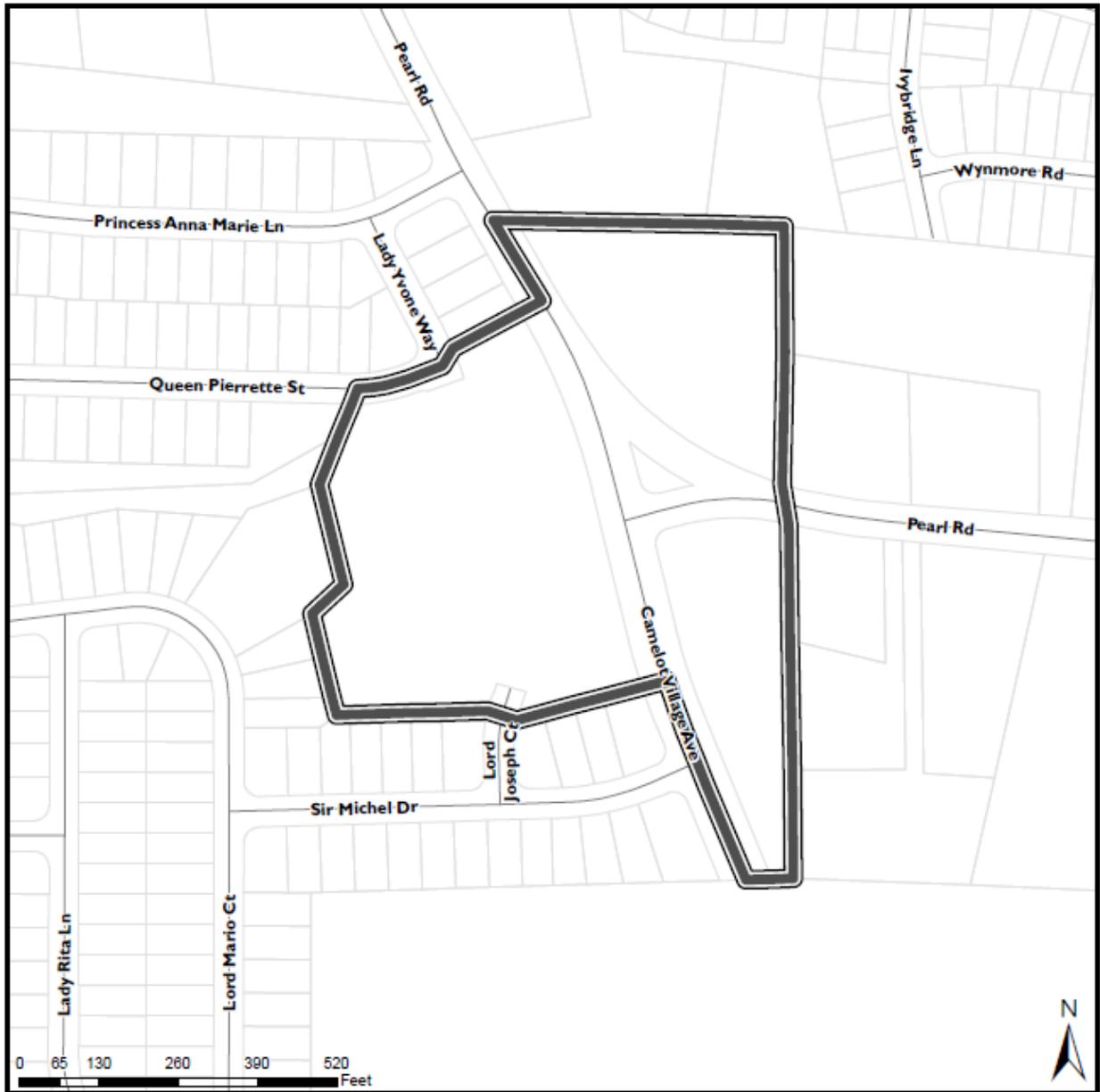
Future Land Use Map

Z-42-2016



Urban Form Map

Z-42-2016



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the vision, themes, and policies of the Comprehensive Plan.
- B. The Residential-10 zoning district is not consistent with the Neighborhood Mixed Use and the Low Density Residential future land use designations. However, the Moderate Density Residential designation does support 6 to 14 dwelling units per acre which is consistent with 10 dwelling units per acre in the R-10 zoning district.
- C. The proposed district will eliminate any potential for a mix of uses on the property but will not adversely affect the character of the area as it is compatible with the surrounding uses. The zoning has been conditioned to prohibit the apartment building type. Townhome building type is an appropriate transition from the street to the established single family neighborhood.
- D. City infrastructure and services appear sufficient to accommodate the development possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The Residential-10 zoning district is not consistent with the Neighborhood Mixed Use and the Low Density Residential future land use designations. Neighborhood Mixed use supports a mix of uses where residential and upper story housing would be supported in the NX zoning district. Low Density Residential supports density up to 6 dwelling units per acre. However, the Moderate Density Residential designation does support 6 to 14 dwelling units per acre which is consistent with 10 dwelling units per acre in the R-10 zoning district.

2.3 Urban Form

Urban Form designation:

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent
Analysis of Inconsistency:

Not applicable.

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2 Future Land Use Map and Zoning Consistency
The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

Policy LU 1.3 Conditional Use District Consistency
All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

Neighborhood Mixed Use supports a mix of uses where residential and upper story housing would be supported in the NX zoning district. Low Density Residential supports density up to 6 dwelling units per acre. Residential-10 zoning does not support a mix of uses and exceeds the density consistent with the Low Density Residential designation.

2.5 Area Plan Policy Guidance

The proposed rezoning is not subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Improved opportunity for development under single zoning district rather than three.
- Increased potential for a variety of housing types close to public services.

3.2 Detriments of the Proposed Rezoning

- Density on one part of the development is beyond that supported by the Comprehensive Plan.

4. Impact Analysis

[Assess impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.]

4.1 Transportation

The site is located at the intersection of Pearl Road and Camelot Village Avenue. Pearl Road (SR 2550) is maintained by the NCDOT. This segment of Pearl Road currently has a two-lane cross section with curbs and sidewalks on both sides, except for a short segment that lacks a sidewalk. To date, public right of way has been dedicated for Camelot Village Avenue but the street has not been constructed. Both Pearl Road and Camelot Village Avenue are classified as mixed-use streets in the UDO Street Plan Map (Avenue, 2-Lane, Undivided).

There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-42-2016 site.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There is a public street stub (Lord Joseph Court) abutting the southern boundary of parcel 1731-08-2074. Public right of way for Lord Joseph Court has been dedicated but the street has not been constructed.

Site access will be provided via Pearl Road. Additional access may be provided via Camelot Village Avenue and Lord Joseph Court at some future date.

In accordance with UDO section 8.3.2, the maximum block perimeter for R-10 zoning is 2,500 feet. Due to ongoing patterns of development, the street system for this area of the City is incomplete. There are many planned street connections that will only be constructed as vacant parcels are developed. The block perimeter for Z-42-2016 cannot be computed.

The existing land is vacant and generates no traffic. Conditions have been submitted that effectively limit development to less than the maximum intensity allowed under current zoning. Approval of case Z-42-2016 would not increase average peak hour trip volumes or the average daily trip volume. A traffic impact analysis report is not required for rezoning case Z-42-2016.

Impact Identified: Block perimeter cannot be computed

4.2 Transit

This area is not currently served by transit however the Wake County Transit Plan proposes future routes traveling along Rock Quarry Rd and Barwell Rd to meet on Pearl Rd. A transit easement is already in place from previous rezoning. To advance policies LU6.4, T4.1, T4.8 and T4.15, if transit has been instituted or is planned within 180 days of when permits are pulled please improve the transit easement with a 15x20' cement pad, 30' cement landing zone between the back-of-curb and sidewalk, sleeve for a 2" square post, litter container and ADA compliant shelter.

Impact Identified: Development will increase demand for transit in the area. The offer of a transit easement and associated amenities will mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Big Branch

<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

Impact Identified: Alluvial soils are located on the property. No major impacts identified, development will have to comply with all stormwater management regulations.

Any changes to density and/or impervious area when the development is permitted will have to demonstrate compliance if utilizing a shared device associated with Camelot Village Subdivision.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0 gpd	33,125 gpd	65,000 gpd
<i>Waste Water</i>	0 gpd	33,125 gpd	65,000 gpd

Impact Identified:

1. The proposed rezoning would add approximately 65,000 gallons per day to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area, though some portions may require a public main extension by the developer.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

4.5 Parks and Recreation

1. There are no proposed or existing greenway trails, corridors, or easements located on this site. Nearest trail access is 3.0 miles, Neuse River Trail.
2. Recreation services are provided by Barwell Road Community Center, 1.0 miles distance. The process for updating the master plan of Barwell Road Community Center is underway. It is expected to be completed by Fall 2017.
3. The Streets Plan shows Camelot Village Ave proposed to continue as an undivided 2-lane avenue through the PRCR Pearl Rd. property, and then south all the way to Auburn Church Rd. At the pre-application conference, there was discussion about cutting off Camelot Village Ave at Sir Michel Drive. This would limit access to the park. There is no master plan for this site so the current access points are not determined. Vehicular and pedestrian access to the park should be considered.

Impact Identified: None

4.6 Urban Forestry

1. Two the four subject parcels are larger than two acres in size and are subject to UDO Article 9.1. Tree Conservation.
2. When all four parcel are developed, establishment of tree conservation area will be required.
3. The proposed rezoning and conditions will have no impact on UDO Article 9.1. tree conservation area requirements.

Impact Identified: None

4.7 Designated Historic Resources

Impact Identified: None, No historic resources

4.8 Community Development

Impact Identified: None

4.9 Impacts Summary

- 1) Development will increase demand for transit in the area. The offer of a transit easement and associated amenities will mitigate this impact.
- 2) Downstream sewer capacity study may be requested.
- 3) Water verification for fire flow will be needed.

4.10 Mitigation of Impacts

- 1) Transit easement should be granted as part of the conditions.
- 2) Sewer study at site plan.
- 3) Verification of water at building permit.

5. Conclusions

The proposal seeks to rezone four properties to a single zoning classification, permitting the parcels to be more readily developed as a single development. The proposed zoning would allow solely the uses permitted in the proposed zoning district, Residential-10. Conditions prohibit the apartment building type. The Residential-10 zoning district is compatible with the surrounding area, which is predominantly zoned for residential use. R-10 does not permit the commercial uses that would have been allowed under the NX-3-CU designation.

ORDINANCE (2003) 551 ZC 544

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

1. Z-35-03 – Pearl Road, southwest side, being Wake County PIN's 1721.08-98-4487, 1721.08-97-6991 and 1731.01-08-5130. Approximately 52.9 acres rezoned to Residential-6 Conditional Use (46.4 acres) and Neighborhood Business Conditional Use (6.5 acres).

Conditions dated: (11/26/03)

1. Re-imbusement for future right-of-way dedication shall remain at R-4 values for the entire property.
2. Open-air stormwater detention facilities shall be screened with evergreen vegetation planted at 5' on-center, 18" height at time of planting and treated as amenities.
3. Total dwelling units shall be limited to 211 units maximum.
4. A minimum 5' wide paved pedestrian connection from Pearl Road and the NB portion to the western property line shall be provided.
5. All lots shall have vehicular and minimum 5' wide paved pedestrian access to the NB portion without accessing Pearl Road.
6. Townhome development shall not exceed 20% of the total dwelling units.
7. Any townhome development must be adjacent (including across public rights-of-way) to or included within commercial uses.
8. General layout, development, and amenities shall incorporate the key elements of the Urban Design Guidelines where applicable based on a concept plan (including elevations of the residential and commercial uses) approved by the Planning Commission prior to approval of preliminary subdivision or individual site plans.
9. No development shall occur within the FEMA mapped floodplain.
10. Stormwater detention facilities shall accommodate the 2-year and 10-year storm, unless exempted by Part 10, Chapter 9 of the Raleigh Code.

R-6 PORTION:

1. A minimum of 10% of site shall be open space. The open space shall be provided in no more than 3 contiguous areas each comprising at least 20% of the total open space. All hardwood 12 inches and greater measured 4 and ½ feet above grade and within the open space areas shall be preserved. A maximum of 30% of the open space area may be disturbed where required for installation of utilities, easements, roads, stormwater devices, and active recreation facilities.
2. An active recreation area of no less than 0.5 acres shall be provided within the open space.

- 3. Development on this tract shall be limited to single family detached homes on individual lots, single family attached townhomes “approved as a townhome development” under Part 10, Chapter 3 of the City Code and allowable residential accessory uses.
- 4. Building height shall not exceed 30 feet.
- 5. Single family homes and townhomes shall be a minimum of 1,280 sf. (heated space).
- 6. No more than 20% of the total dwelling units shall be no less than 1,350 sf. (heated space).
- 7. The initial four single family homes, the “models”, shall be a minimum of 1,576 sf. (heated space).

NB PORTION:

- 1. Allowed uses shall be limited to:
 - (a) office, agency and studio of a professional or business agent or political, labor, or service association.
 - (b) eating establishments of any type.
 - (c) food store – retail, which includes convenience items and sale of fuel.
 - (d) residential dwellings and accessory uses.
 - (e) day care facility.
 - (f) retail sales – convenience (as defined in §10-2002).
- 2. Portions of the property remaining on the east side of the Pearl Road re-alignment shall be limited to uses permitted in R-4 zoning districts.
- 3. Outdoor lighting shall be full-cut off and directed away from residential properties.
- 4. Building height shall not exceed 30 feet.
- 5. Vinyl siding shall be prohibited.
- 6. Roofs shall be pitched minimum 5:12.
- 7. Ground high profile signs shall be prohibited. Signs shall be either all low profile (quantity as allowed by code) or one (1) medium profile.
- 8. Residential density shall be limited to 6 units/acre maximum.
- 9. At the time of site plan submittal, the applicant shall provide a copy of the development plan to the South Citizens Advisory Council.
- 10. All non-residential buildings shall comply with Unity of Development standards.
- 11. No reduction in the required Transitional Protective Yards adjacent to residential uses shall be allowed.
- 12. Only one vehicular access to Pearl Road shall be allowed.
- 13. A bus/transit stop easement shall be provided along Pearl Road (size and location shall be determined by the transit division of City of Raleigh Transportation Department at time of site plan development).
- 14. No single use shall be greater than 5,000 sf. (heated space).
- 15. Total retail space shall not exceed 25,000 sf. (heated space). Prior to recording any plats, a declaration of retail sales shall be approved by the city attorney and recorded with local county register of deeds.
- 16. Drive-thru windows shall be limited to a maximum of one.

2. Z-44-03 – Kyle Drive and R. B. Drive, northwest side, being Wake County PIN 1736.13-13-3929. Approximately 0.459 acre rezoned to Residential-4.

3. Z-45-03 – Louisburg Road, east side being Wake County PIN 1736.06-37-3864. Approximately 40.17 acres rezoned to Rural Residential Conditional Use with Special Highway Overlay District-1.

Conditions dated: (8/10/03)

The following will not be permitted on this property:

- Airports
- Landing Strips
- Day Care Centers
- Swim Clubs

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. If this ordinance or any application thereof is held invalid as to any person or application thereof, such invalidity shall not affect other provisions or applications of the ordinances which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Raleigh Planning Commission following a recommendation of the Planning Commission.

Section 5. That this ordinance shall become effective as indicated below.

Adopted: 12/2/03
Effective: 12/2/03

Distribution: Planning: Chapman, Hallam, Sumpter, Brandon, Powell
G. Ellis
D. Tew
D. Yost
J. Taylor

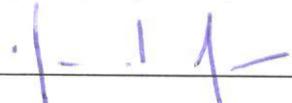
Conditional Use District Zoning Conditions

Zoning Case Number	OFFICE USE ONLY Transaction #
Date Submitted	
Existing Zoning Proposed Zoning	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The Apartment Building Type per Section 1.4.1.D is prohibited.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

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

Owner/Agent Signature  Print Name Howard Moya
Manager



City of Raleigh

North Carolina

To: Ruffin Hall, City Manager

From: Eric J. Lamb, PE, Transportation Planning Manager

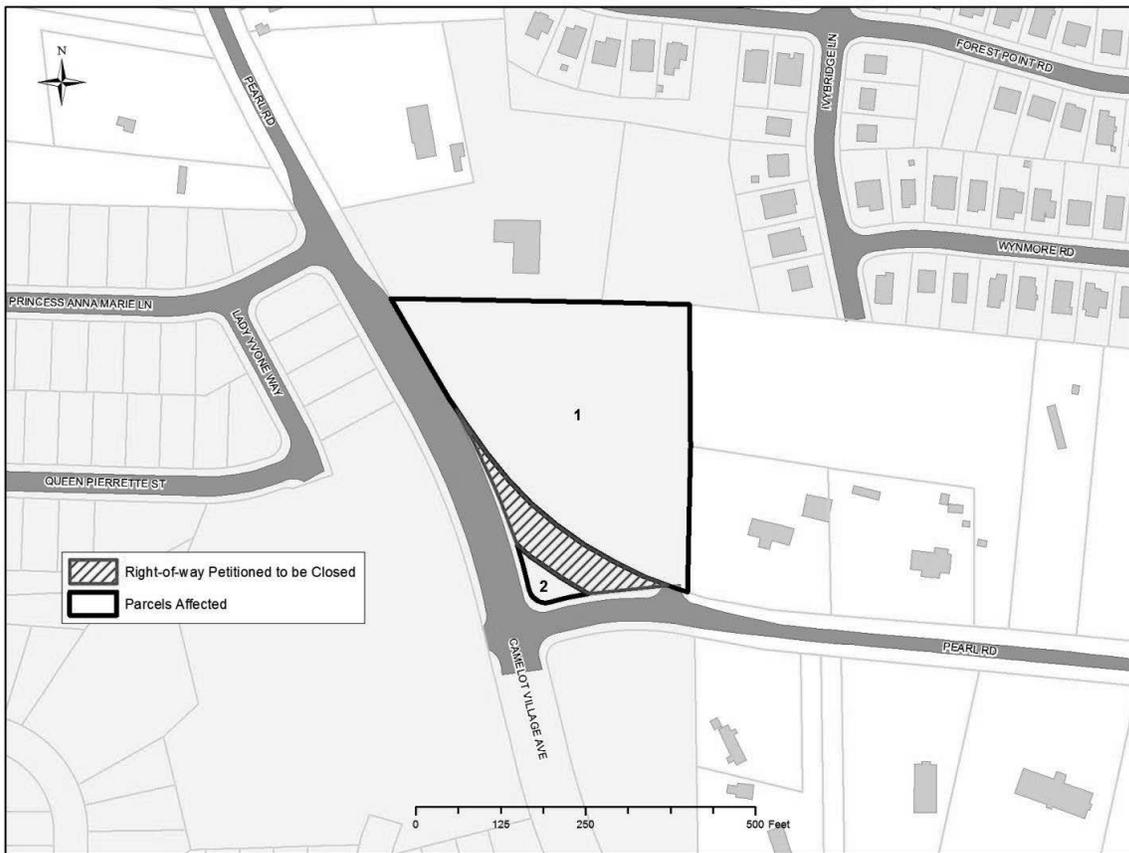
Date: December 13, 2016

Re: January 3, 2016 City Council Agenda Item - Street Closing, STC-08-2016 / Pearl Road at Camelot Village Avenue

REQUEST: Howard Moye is petitioning the City of Raleigh to close a portion of public right-of-way located in Raleigh.

The City Council may authorize a public hearing on the request through adoption of a resolution. In doing so the Council may further consider whether the request is in the public interest and consistent with adopted policies.

RECOMMENDATION: That this item be placed on the January 3, 2017 City Council Agenda and that Council adopt a resolution authorizing a public hearing to be held on February 7, 2017.



STC-08-2016: Pearl Road at Camelot Village Avenue

The right-of-way known as Pearl Road at Camelot Village Avenue is located northeast of the intersection of Pearl Road and Camelot Village Avenue. The City of Raleigh is being petitioned to close this right-of-way bordering the properties with the following PINs: 1731086402 (1), and 1731085186 (2) at the time of petition submission (November 2, 2016).

SUMMARY ANALYSIS & STAFF FINDINGS:

Infrastructure & Lot Layout Review: Pearl Road at Camelot Village Avenue is located northeast of the intersection of Pearl Road and Camelot Village Avenue. The subject right-of-way remains from the previous alignment of Pearl Road, and is approximately 1/3 of an acre. The owner of the abutting lots wishes to abandon the right-of-way servicing these lots in order to consolidate that portion of the block for future use.

Recommendation: Adopt a resolution authorizing a public hearing to be held on Tuesday, February 7, 2017 to consider closure of the right-of-way as requested.

This petition has been reviewed by City staff, and no reason has been found that would preclude the City Council from authorizing a public hearing to consider closure of the right-of-way as requested. Property owners must agree to the right-of-way closure and will be required to sign the new recombination plat.

Comprehensive Plan Review: The proposed right-of-way closure has been reviewed against Map T-1 and Policy T 2.7 in the 2030 Comprehensive Plan. The following are the applicable Comprehensive Plan policies and analysis providing guidance regarding this request:

Policy T 2.7 Analysis

Test	Analysis
1. The closure will not compromise the integrity of the City's street network, nor lead to a significant loss of vehicular or pedestrian connectivity.	Closure would not compromise the integrity of the overall street network.
2. The closure will not impair the ability to provide utility service.	There are no utilities located within the petitioned right-of-way.
3. The closure will not adversely impact the health, safety and welfare of the community, including access by emergency vehicles.	This closure will not have any operational impacts.
4. The proposed closure is not in conflict with adopted Raleigh Historic Development Commission policy regarding street, alley, or other public right-of-way closures in local historic and National Register districts.	This street is not located within a local or National Register historic district.
5. The proposed closure is in the public interest.	The proposed closure will remove a remnant piece of right-of-way.

Summary: The closure of Pearl Road at Camelot Village Avenue as proposed is consistent with the Comprehensive Plan and prior City Council approvals. Staff recommends approval of the closure.

Cc: City Clerk



Tony M. Tate Landscape Architecture, P.A.

Date: October 24, 2016

Re: 4772 Queen Pierrette Street, Raleigh, NC
4313 Pearl Road, Raleigh, NC
4327 Pearl Road, Raleigh, NC
4328 Pearl Road, Raleigh, NC

Neighboring Property Owners:

You are invited to attend a neighborhood meeting 7:00 - 8:00 PM, November 10, 2016 . The meeting will be held at the Barwell Road Community Center, 5857 Barwell Park Drive, Raleigh, NC.

The purpose of this meeting is to discuss a potential rezoning of the properties located at 4772 Queen Pierrette Street, Raleigh, NC, 4313 Pearl Road, Raleigh, NC, 4327 Pearl Road, Raleigh, NC, and 4328 Pearl Road, Raleigh, NC. These properties are currently zoned NX-3-CU, R-6-CU, and R-4. The site is located on the east and west sides of Pearl Road, between intersections with Pearl Road and Camelot Village Avenue. The proposed zone for all four properties is R-10-CU.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning be held. More information is available at www.raleighnc.gov and City Planning Department. Also, City Planning can be reached at 919-996-2626 or by email at rezoning@raleighnc.gov.

If you have any concerns or questions, I (we) can be reached at:

919-484-8880

Thank you,

Tony M. Tate

SUMMARY OF ISSUES

A neighborhood meeting was held on November 10, 2016 (date) to discuss a potential rezoning located at 5857 Barwell Park Road, Raleigh (property address).

The neighborhood meeting was held at Barwell Community Center (location).

There were approximately 0 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

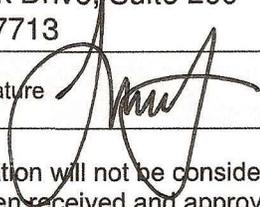
No members of the neighborhood attended so no items were discussed.

Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			OFFICE USE ONLY Transaction #
Existing Zoning Classification <u>NX-3-CU, R-6-CU, R-4</u>			
Proposed Zoning Classification Base District <u>R-10-CU</u> Height _____ Frontage _____			
If the property has been previously rezoned, provide the rezoning case number: Z-35-03			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
488754			

GENERAL INFORMATION			
Property Address Pearl Road and Camelot Village Avenue		Date 11-02-16	
Property PIN 1731-07-7826, 1731-08-2074, 5186, 6402		Deed Reference (book/page) DB16448 PG 689	
Nearest Intersection Pearl Road		Property Size (acres) 10.48	
Property Owner/Address Camelot Development, LLC PO Box 20667 Raleigh, NC 27669-0667		Phone 919-880-1320	Fax _____
		Email dsmarlowe@aol.com	
Project Contact Person/Address Tony M. Tate Landscape Architecture, PA 5011 Southpark Drive, Suite 200 Durham, NC 27713		Phone 919-484-8880	Fax 919-484-8881
		Email tony@tmtla.com	
Owner/Agent Signature 		Email tony@tmtla.com	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

REZONING APPLICATION ADDENDUM	
Comprehensive Plan Analysis	OFFICE USE ONLY Transaction # Rezoning Case #
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	
STATEMENT OF CONSISTENCY	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
1. The property has no urban form designation as designated by the City of Raleigh.	
2. The property is not located within an Urban Growth Center.	
3. The property is consistent with the following 2030 Raleigh Comprehensive Plan Policies; LU 4.5 Connectivity, LU 6.4 Bus Stop Dedication, LU 8.1 Housing Variety	
4. The rezoning request is only inconsistent with the Plan in the aspect regarding non-residential use restriction. The proposed use will yield residential densities within the Low to Medium Density Residential range.	
PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1. The rezoning will provide for a diversity of residential housing options within an area of increasingly similar housing types and price points.	
2. The rezoning will provide a development option that will decrease traffic generation as opposed to the existing retail and commercial options available under the existing NX Zoning designation.	
3.	
4.	

Camelot Village Raleigh 2030 Comprehensive Plan Consistencies

This rezoning request for the undeveloped tracts of the Camelot Village neighborhood is consistent with the following Land Use Policies of the 2030 Comprehensive Plan.

1. LU 4.5 Connectivity- The project is currently bisected by a stream buffer and this rezoning and development will provide a connection via streets and sidewalks that will allow neighbors to get to the other side of the neighborhood without getting on to Camelot Village avenue.
2. LU 6.4-This projects has platted into the largest of the rezoning tracts bordering Camelot Village Avenue a transit stop easement as required by the previous zoning approval. This easement will stay in place and provide for future transit needs.
3. LU 8.1-This rezoning request will allow for a housing type and price point that is needed in the area. The immediate area around Pearl Road is all single family homes of the same sizes.

Z-42-2016 Existing Land Use (Vacant)		Daily	AM	PM
Z-42-2016 Current Zoning Entitlements (Residential, Office & Retail)		Daily 0	0	0
Z-42-2016 Proposed Zoning Maximums (Residential Only)		Daily 3,829	AM 185	PM 234
Z-42-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily 754	AM 55	PM 75
		Daily -3,075	AM -130	PM -159
Z-42-2016 Traffic Study Worksheet				
6.23.4 Trip Generation				
A	Peak Hour Trips \geq 150 veh/hr		Meets TIA Conditions? (Y/N) No, the change in average peak hour trip volume is less than zero	
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane road		No	
C	More than 100 veh/hr trips in the peak direction		No	
D	Daily Trips \geq 3,000 veh/day		No, the change in average daily trip volume is less than zero	
E	Enrollment increases at public or private schools		Not Applicable	
6.23.5 Site Context				
A	Affects a location with a high crash history [Severity Index \geq 8.4 or a fatal crash within the past three years]		No	
B	Takes place at a highly congested location [volume-to-capacity ratio \geq 1.0 on both major street approaches]		No	
C	Creates a fourth leg at an existing signalized intersection		No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.		No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map		No	
F	Proposed access is within 1,000 feet of an interchange		No	
G	Involves an existing or proposed median crossover		No	
H	Involves an active roadway construction project		No	
I	Involves a break in controlled access along a corridor		No	
6.23.6 Miscellaneous Applications				
A	Planned Development Districts		Meets TIA Conditions? (Y/N) No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns		None received by Transportation Planning as of December 6, 2016	



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: Z-23-16 – Poole Road

<i>Location</i>	Poole Road, at its intersection with Norwood Street Address: 2405 Poole Road PIN: 1713770253
<i>Request</i>	Rezone property from Residential-6 (R-6) to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU)
<i>Area of Request</i>	1.2 acres
<i>Property Owner</i>	Longview Acre, LLC 2405 Poole Road Raleigh, NC 27610-2748
<i>Applicant</i>	Daniel Coleman Building Contractors 517 Rock Quarry Road Raleigh, NC 27610-3353 dancoleman@hotmail.com
<i>Citizens Advisory Council (CAC)</i>	East— Chairperson: Deborah Ford: 919-835-3566, dialmeupford@ymail.com
<i>PC Recommendation Deadline</i>	March 10, 2017

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Low Density Residential
<i>URBAN FORM</i>	Center: (n/a) Corridor: (n/a) Within ½-Mile Transit Buffer: No
<i>CONSISTENT Policies</i>	Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 6.4 – Bus Stop Dedication Policy LU 7.6 – Pedestrian Friendly Development Policy T 4.15 – Enhanced Rider Amenities Policy EP 8.1 – Light Pollution Policy EP 8.3 – Light and Noise Impacts Policy EP 8.9 – LED Lighting Policy UD 2.3 – Activating the Street Policy UD 2.4 – Transitions in Building Intensity Policy UD 5.1 – Contextual Design



Zoning Staff Report – Z-23-16

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the site to allow non-residential uses. The current zoning would only permit redevelopment as low-density detached or attached housing.

The property has been zoned Residential-6 since the mid-1950s (annexed 10/17/55). At that time, the west section of the present site (former address: 2401 Poole Road) was the location of a free-standing residence, with a separate store building located on the east section (2405 Poole Road). In 1995, the residence was razed; the store, however, has remained in continuous operation as a non-conforming permitted use.

While the requested CX zoning would acknowledge that long-time retail presence, it runs counter to the Future Land Use Map, which foresees Low Density Residential development prevailing over time both on the subject site and elsewhere nearby. All properties within one-eighth mile are currently zoned residential. The subject site is abutted on the north and east by the King Charles Neighborhood Conservation Overlay District, which has a base zoning of Residential-4. An institutional use, the Poe Montessori Magnet Elementary School, occupies the 12.75-acre tract across Poole Road from the site, but the majority of nearby properties are built out with single-family residences under Residential-10 zoning.

Existing zoning supportive of retail is concentrated to the north, at the Longview Shopping Center on New Bern Avenue, and some 840 feet to the west, on Poole Road. (At present, the Future Land Use Map foresees the eventual redevelopment of the closest parcels in the latter area into single-family housing, further expanding area residential uses.)

The site's present R-6 zoning requires a minimum setback of 10 feet from the adjoining streets, and a maximum building height of 3 stories/ 40 feet. The adjoining King Charles Neighborhood Conservation Overlay District provides that buildings within the district be set back a minimum of 76 feet from the street right-of-way, and be limited to two stories in height. The proposed rezoning could allow a Mixed Use building to be 5 feet from the street, but at that setback, conditioned to 2 stories/35 feet tall, and also required to have a pitched roof. UDO Transition Zones will require a minimum 50-foot setback from adjoining residential property lines, within which the proposal conditions a 20-foot average-width Type 2 Protective Yard, and a fence a minimum of 6.5 feet in height. Conditions require two-story construction, and provide that second-floor space house only residential uses. Total site redevelopment would be capped at 10,800 square feet. Conditions cap density at 6 dwelling units per acre, the same as allowed under the present zoning. CX zoning would also allow townhouse or apartment building construction, which is not allowed in the present R-6 zoning.

The Southeast Raleigh Streetscape Master Plan calls for specific landscaping improvements to be made at the street corner on Poole and Norwood. The proposal conditions a landscape easement to accommodate those improvements.

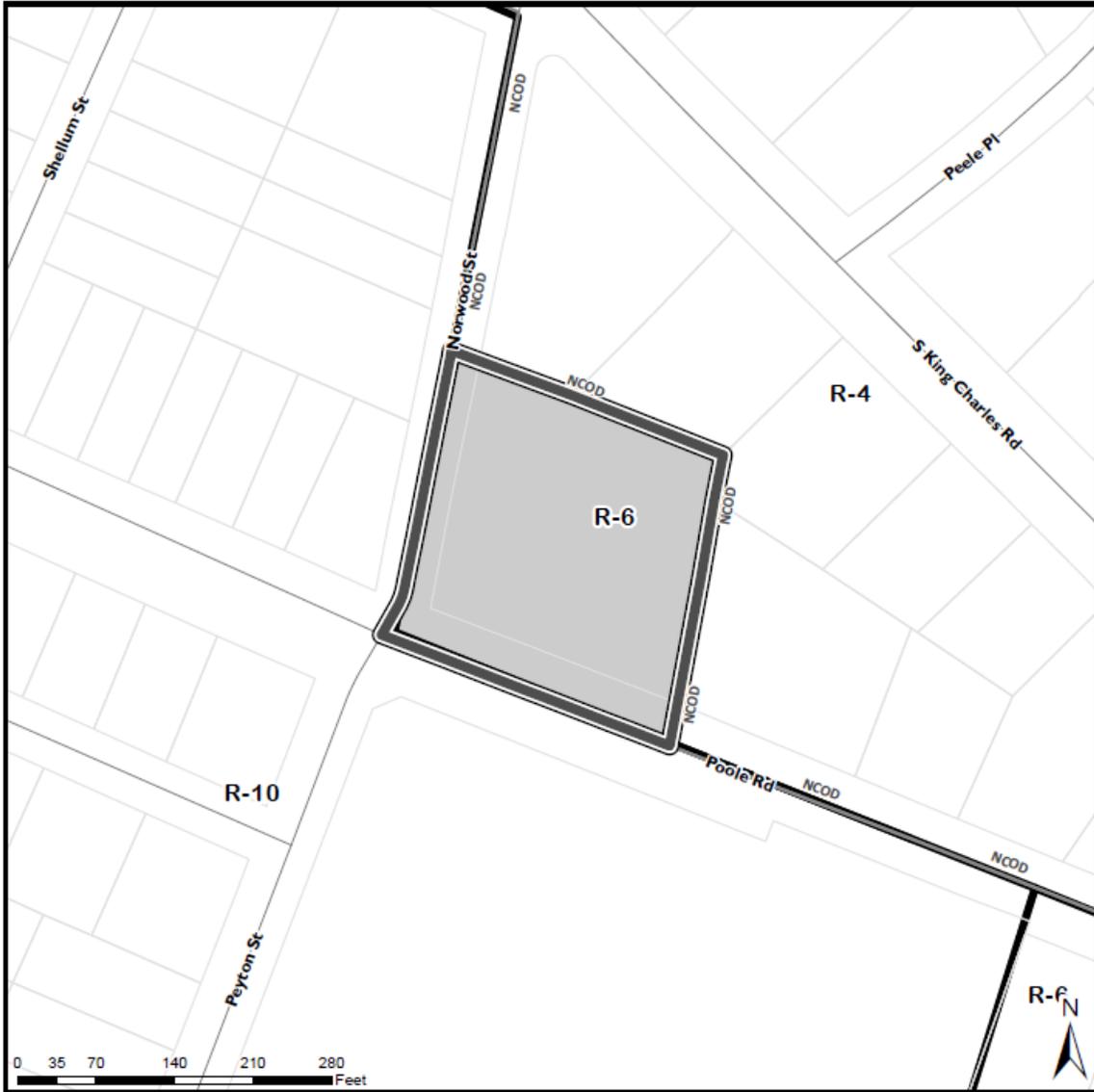
The site has been the subject of two previous rezoning proposals in recent years, both seeking to expand commercial use of the site : [Z-24-10](#), which requested Neighborhood Business Conditional Use (under the previous City Code) and [Z-18-09](#), which requested Shopping Center Conditional Use (also under the previous Code). Both requests were denied.

Outstanding Issues

<p><i>Outstanding Issues</i></p>	<ol style="list-style-type: none"> 1. Sewer and fire flow matters may need to be addressed upon development. 2. Staff comments on amended conditions. 	<p><i>Suggested Mitigation</i></p>	<ol style="list-style-type: none"> 1. Address sewer and fire flow capacities at the site plan stage. 2. Address staff comments.
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Existing Zoning

Z-23-2016



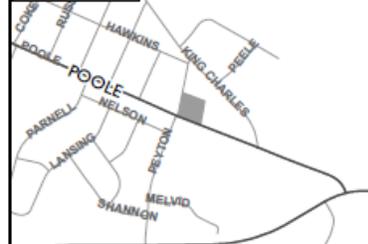
**Submittal
Date**

8/3/2016

Request:

1.2 acres from
R-6
to **CX-3-CU**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-6	Residential-4	Residential-10	Residential-4	Residential-10
<i>Additional Overlay</i>	(n/a)	Neighborhood Conservation	(n/a)	Neighborhood Conservation	(n/a)
<i>Future Land Use</i>	Low Density Residential	Low Density Residential	Public Facilities	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Convenience Retail	Single Unit Living	Elementary School	Single Unit Living	Single Unit Living
<i>Urban Form (if applicable)</i>	(n/a)	(n/a)	(n/a)	(n/a)	(n/a)

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning**
<i>Residential Density:</i>	6 DUs/ acre	6 DUs/ acre
<i>Setbacks:</i>		<i>Per Mixed Use Building:</i>
<i>Front:</i>	10'	5'
<i>Side:</i>	10' (street)/ 5' (lot line)	5' (street); 50' (lot line)**
<i>Rear:</i>	20'	50'***
<i>Retail Intensity Permitted:</i>	(not permitted)	10,800
<i>Office Intensity Permitted:</i>	(not permitted)	10,800

***Per Transition Zone A & B standards.

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning**
<i>Total Acreage</i>	1.2	1.2
<i>Zoning</i>	R-6	CX-3-CU
<i>Max. Gross Building SF</i>	10,800*	10,800
<i>Max. # of Residential Units</i>	6	6
<i>Max. Gross Office SF</i>	(not permitted)	10,800
<i>Max. Gross Retail SF</i>	(not permitted)	10,800
<i>Max. Gross Industrial SF</i>	(not permitted)	0
<i>Potential F.A.R.</i>	(n/a)	0.21*

*Development intensities estimated using an impact analysis tool, as a guide for analysis.

**Per zoning conditions.

The proposed rezoning is:

Compatible with the property and surrounding area.

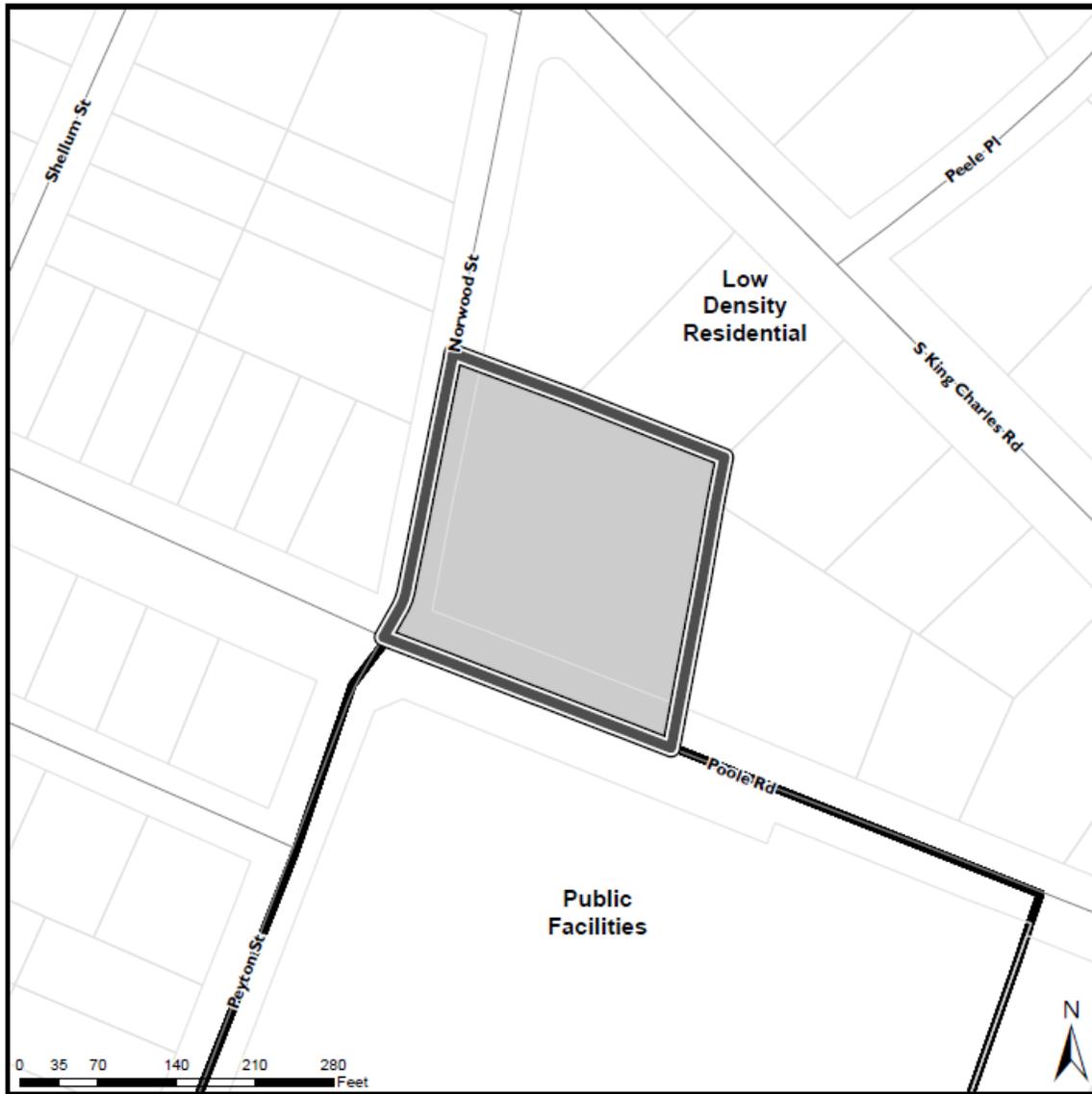
Incompatible.

Analysis of Incompatibility:

The requested rezoning would provide building form and height compatible with nearby properties (e.g., conditioned to max. 10,800 sf of redevelopment; 2 story/ 35' maximum height, with pitched roof required). The proposal also restricts site uses and design features to reduce potential impacts on neighboring residences, prohibiting fuel sales, vehicle sales; medium- or high-profile ground signs while providing a 20-foot average-width buffer with fence, full cutoff LED lighting a maximum height of 20-feet, a transit stop and shelter, and corner easement for landscaping.

Future Land Use Map

Z-23-2016



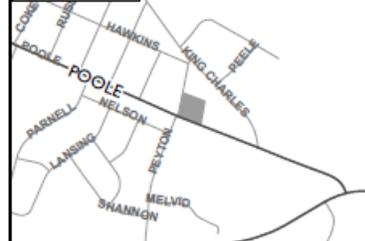
**Submittal
Date**

8/3/2016

Request:

1.2 acres from
R-6
to **CX-3-CU**

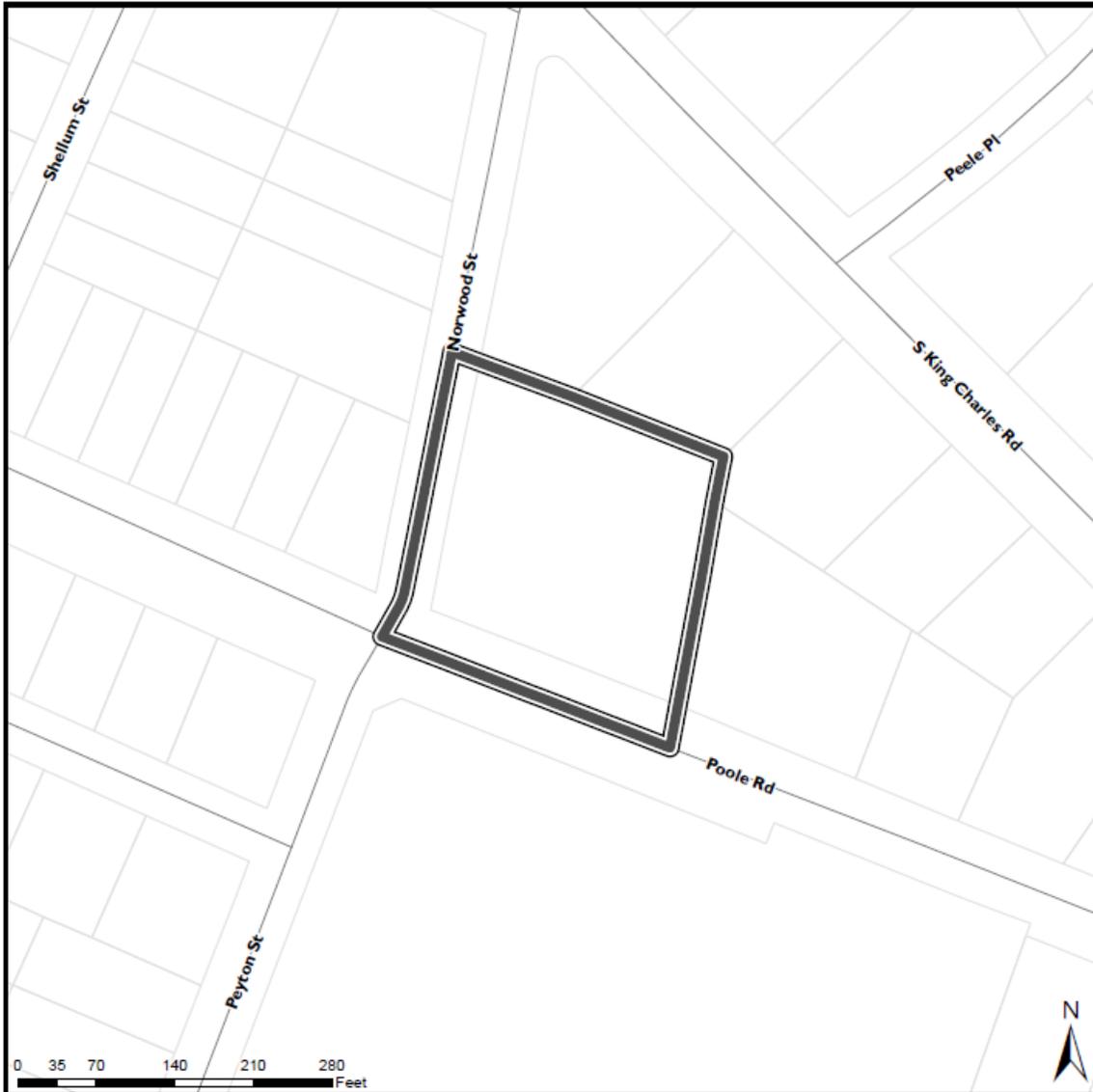
VICINITY MAP



Map Date: 8/3/2016

Urban Form

Z-23-2016

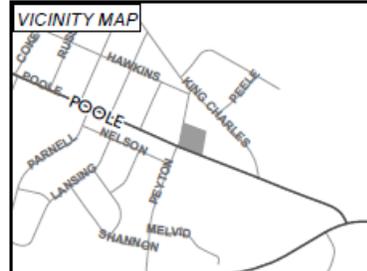


Submission Date

8/3/2016

Request:

1.2 acres from
R-6
to **CX-3-CU**



Map Date: 8/3/2016

2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. While the proposal is inconsistent with the Future Land Use Map, which envisions only low-density redevelopment of the site, the rezoning request provides multiple measures for mitigating potential impacts from non-residential uses.
Conditions would serve to mitigate issues of land use (prohibiting many non-residential uses otherwise permitted in CX districts) and of form (limiting building height, roof design, and maximum square footage, and specifying a buffer and fence along residential lot lines), while encouraging transit and pedestrian access. Site square footage could be more than triple that of the existing, grandfathered store (10,800 vs. current 3,000), yet the building(s) would be two stories in height, with the second floor restricted to residential uses. Such provisions support Vision Themes “Growing Successful Neighborhoods and Communities,” “Managing Our Growth,” and, by encouraging alternative transportation modes, “Coordinating Land Use and Transportation.”
The Urban Form Map does not indicate the site to be within a designated Growth Area, or along a designated roadway Corridor.
- B. The proposal is inconsistent with the Future Land Use Map in permitting non-residential uses. The request, though, limits density to 6 dwelling units per acre, the same maximum supported by the site’s present Low-Density Residential designation, and requires residential uses on the conditioned second story.
- C. With two existing retail areas located within 1,000 feet of the site (and a third area supported by the Future Land Use Map for future retail), the area can be considered well served by non-residential uses. The existing retail use has been grandfathered and in operation, however, for many years. Case conditions require mixed-use development on site.
- D. Community facilities and streets appear to be sufficient to accommodate the redevelopment possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation: Low Density Residential

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The Future Land Use Map designates the site for Low Density Residential development (up to 6 dwellings per acre). The proposed zoning would permit retail and office uses. However, conditions cap density at 6 units per acre, the same as permitted under the current zoning, and require housing on the second floor of site buildings.

2.3 Urban Form

Urban Form designation:

Not applicable (no Urban Form designation).

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent.

Analysis of Inconsistency:

(N/A)

2.4 Policy Guidance

The rezoning request is **consistent** with the following policies:

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

City infrastructure appears to be sufficient to accommodate the redevelopment possible under the proposed rezoning.

Policy LU 5.1 - Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Policy LU 5.4 - Density Transitions

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

Policy LU 5.6 - Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

Policy UD 2.4 - Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship can be improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

Policy UD 5.1 - Contextual Design

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

Site construction is capped at a maximum height of 2 stories/ 35 feet; the adjoining low-density residential properties in the King Charles Neighborhood Conservation Overlay District area also limited to 2-stories. Pitched roofs—typical of neighboring residences—likewise are conditioned; since height is calculated to the roof peak, building wall height would be effectively reduced further. Type 2 Protective Yards (i.e., 20-foot vegetated buffers, with 6½-foot tall fence) are conditioned adjacent to existing adjacent residential properties. Density is capped at the existing level (6 units/ acre). Multiple high-impact uses (bar/nightclub/tavern/lounge, car wash, vehicle fuel sales) which otherwise would be permitted in the requested CX district are prohibited. Medium and High-Profile ground signs are prohibited. An easement is conditioned for landscaping at the street intersection, per the Southeast Streetscape Raleigh Master Plan.

Policy LU 6.4 - Bus Stop Dedication

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

Policy T 4.15 - Enhanced Rider Amenities

Promote the use of transit facilities and services through enhanced pedestrian access and provisions for seating, shelter, and amenities.

A transit easement and bus stop amenities are required, per case conditions.

Policy LU 7.6 - Pedestrian-Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Policy UD 2.3 - Activating the Street

New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections, particularly along designated Main Street corridors.

New sidewalks will be required along both street frontages as part of site development. Conditions require at least one primary building entrance on Poole Road, directly connected to the public sidewalk. That connection would also provide direct accessibility to the conditioned transit stop.

Policy EP 8.1 - Light Pollution

Reduce light pollution and promote dark skies by limiting the brightness of exterior fixtures and shielding adjacent uses from light sources, provided safety is not compromised. Minimize flood lighting and maximize low level illumination. Promote the use of efficient, full cut-off lighting fixtures wherever practical. Full cut-off fixtures emit no light above the horizontal plane.

Policy EP 8.4 - Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

Policy EP 8.9 - LED Lighting

Use high-efficiency Light-Emitted Diode (LED) lighting for outdoor illumination where feasible; newer technologies should be considered as they become available.

The proposal requires outdoor lighting to be of full cut-off design, with LEDs. The maximum height of pole-mounted fixtures would be 20 feet, ten feet less than the maximum permitted under the UDO, helping to reduce light-source visibility from off site. Drive-thrus, which often include electronic audio communication, are prohibited.

The rezoning request is **inconsistent** with the following policies:

Policy LU 1.2 - Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

Policy LU 1.3 - Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

The proposal is inconsistent in permitting non-residential uses on the site, although residential development is required per conditions, capped at the same density as the existing zoning: 6 dwelling units per acre.

Policy LU 10.6 – Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear “strip” pattern unless ancillary to office or high-density residential use.

While there has been a retail establishment on site for more than half a century, it has been a grandfathered, non-conforming use since the time at which the house that had shared the lot was removed. The existing store measures 3,000 square feet. The case is conditioned to allow up site redevelopment of up to 10,800 square feet, but requires second story residential use. The Future Land Use Map foresees area retail redevelopment concentrated to the north of the site, at the Longview Shopping Center on New Bern Avenue, and to the south, east of the intersection of Peyton Street and Martin Luther King, Jr. Boulevard. The subject property is not contiguous to either area, situated instead approximately halfway between.

2.5 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan (although it is contiguous to the King Charles Plan area).

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provision of additional goods or services in the area.
- Provision of mixed use development (second-story housing, in addition to non-residential ground floor uses).
- Offer of a transit easement and shelter.

3.2 Detriments of the Proposed Rezoning

- Possible intensification of traffic.

4. Impact Analysis

4.1 Transportation

The site is located in the northeast quadrant of Poole Road and Norwood Street. It is directly across Poole Road from Poe Montessori Magnet Elementary School. Both Poole Road and Norwood Street are maintained by the City of Raleigh. Norwood Street and Poole Road currently have curbs and sidewalks. The intersection of Poole and Norwood is signalized and equipped with pedestrian signal and pedestrian push buttons on all four corners. Poole Road is classified as a mixed-use street in the UDO Street Plan Map (Avenue, 2-Lane, Divided). Norwood Street is a local street (Neighborhood Street). There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-23-16 site.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO Sec. 8.3.5.D. There are no public street stubs abutting the boundary of the Z-23-16 parcel. Site access will be provided in accordance with Sec. 6.5.3 of the Raleigh Street Design Manual.

The block perimeter for Z-23-16, as defined by public rights-of-way for Poole, King Charles Road and Norwood Street is 2,400 feet. The maximum block perimeter for CX-3-CU zoning is 3,000 feet (Raleigh UDO Sec. 8.3.2).

The existing land use is a convenience store/gas station. Approval of case Z-23-16 would increase average peak hour trip volumes by 58 veh/hr in the AM peak and by 89 veh/hr in the PM peak; daily trip volume will increase by approximately 900 veh/day compared to the existing land use.

There were a total of 13 crashes at the intersection of Poole and Norwood in the 5½ years from January 1, 2011 to June 30, 2016. This equates to an average crash frequency of slightly over two crashes per year. Two crashes resulted in major injuries. However, the injury crash rate for Poole/Norwood (35 crashes per 100M entering vehicles) is approximately half of the average rate for Wake County overall. There is no clear, recognizable pattern to the crashes at Poole/Norwood. Therefore, Transportation Planning staff waives any additional traffic study for case Z-23-16.

Impact Identified: Adjacent to an Elementary school campus.

4.2 Transit

This area is currently served by GoRaleigh Route 18 Worthdale seven days a week and serves an unimproved bus stop on Poole Rd at Norwood St. Both the City of Raleigh Short

Range Transit Plan and the Recommended Wake County Transit Plan call for continued service along Poole Road.

The offer of a 15'x20' transit easement along Poole Road will advance Policy LU 6.4 and the offer of an appropriate pad, landing zone, ADA-compliant shelter and associated amenities on the transit easement will advance Policy T 4.15.

In lieu of deeding an easement, with the consent of the Transportation Department, a transit shelter may be constructed in the public right-of-way at the sole expense of the owner of the re-zoned property in satisfaction of this condition.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Walnut
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

Impact Identified: No major impacts identified.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	1,860 gpd	1,500 gpd	11,060 gpd
<i>Waste Water</i>	1,860 gpd	1,500 gpd	11,060 gpd

The proposed rezoning would add approximately 9,200 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Impact Identified: At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

4.5 Parks and Recreation

No existing or proposed greenway trails, connectors, or corridors are located within the site. Nearest greenway access is 0.9 miles, Walnut Creek Trail. Recreation services are provided by Roberts Park, 1.4 miles.

Impact Identified: None.

4.6 Urban Forestry

There are no existing or proposed Tree Conservation Areas for this site; site plans and subdivision less than 2 acres are not subject to UDO Article 9.1 Tree Conservation.

Impact Identified: None.

4.7 Designated Historic Resources

The site is within 1,000 feet of the Longview Gardens National Register Historic District.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.10 Impacts Summary

1. The site is located opposite an elementary school campus.
2. Sewer and fire flow matters may need to be addressed upon development.

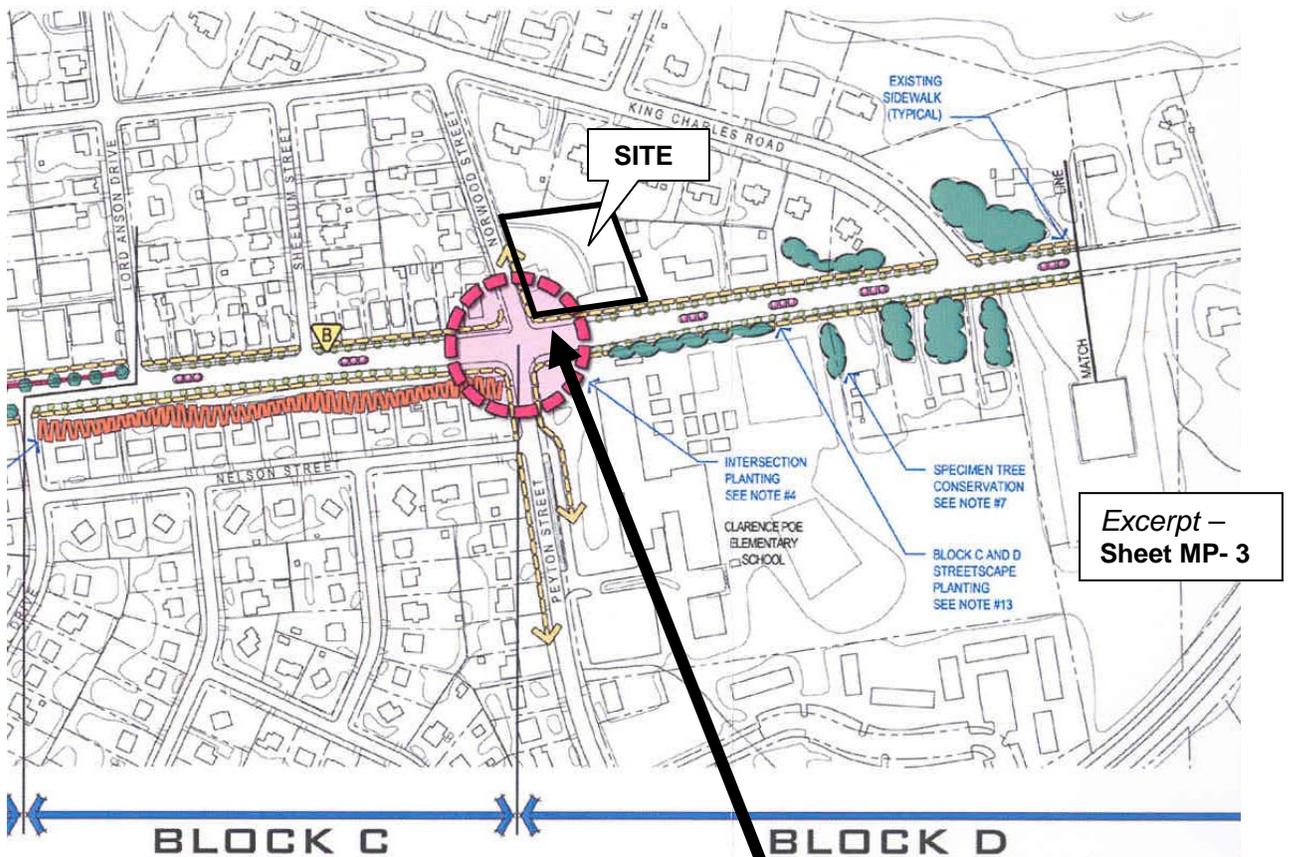
4.11 Mitigation of Impacts

1. Address any traffic matters related to school proximity at the site plan stage.
2. Address sewer and fire flow capacities at the site plan stage.

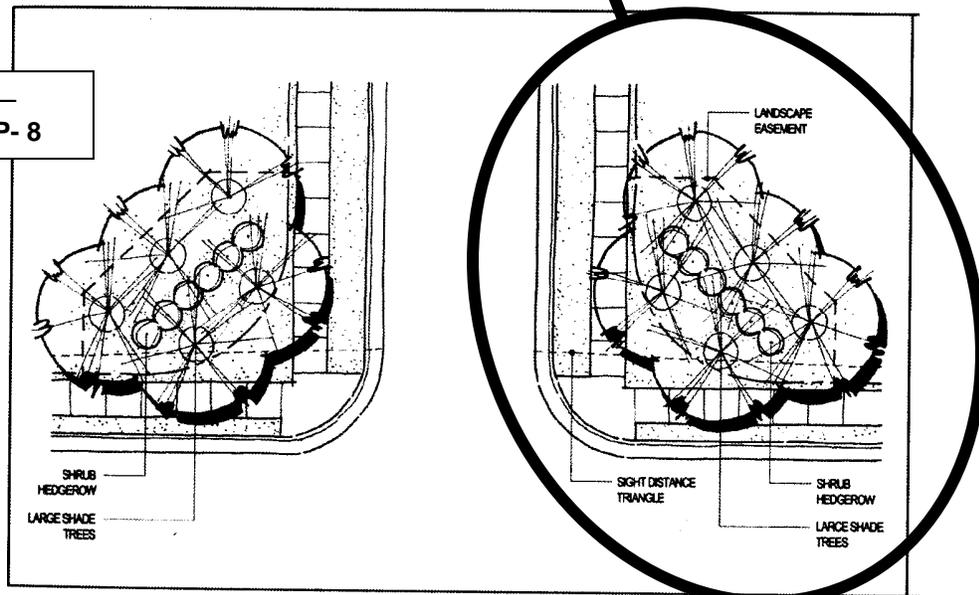
5. Conclusions

The proposed land use is inconsistent with the Future Land Use Map. However, case conditions propose multiple measures for mitigating development impacts, ranging from use and site square footage and restrictions, to building form and transition yard/ fence requirements. While the proposal would allow retail or office development, it also would require residential uses on a second floor, with density capped at 6 units per acre--the same maximum as allowed under the present zoning.

Excerpts— Southeast Raleigh Streetscape Master Plan



Excerpt –
Sheet MP- 8



INTERSECTION STREETSCAPE PATTERN

Southeast Raleigh Streetscape Master Plan

Note #4 -- Intersection Planting:

#4 LANDSCAPE EASEMENT TO BE ACQUIRED AT EACH QUADRANT OF THE INTERSECTION FOR A PLANTING CONSISTING OF MEDIUM SHADE TREES AND A HEDGEROW OF SHRUBS. A SUGGESTED INTERSECTION STREETScape PATTERN IS SHOWN ON SHEET MP-8. NOTE THAT SHRUBS SHALL BE PLACED OUTSIDE OF A TRIANGULAR SIGHT DISTANCE AREA MEASURED 20 FEET ALONG EACH RIGHT-OF-WAY LINE FROM THE INTERSECTION. THE PROPOSED PLANTING PATTERN MAY BE UNFEASIBLE AT SOME QUADRANTS OF THE INTERSECTION DUE TO EXTREME NATURAL FEATURES, EXISTING UTILITIES, AND/OR OTHER IMPROVMENTS.

Staff Comments: Z-23-16 Conditions

(as amended December 12, 2016)

Condition 1

Remove “Multi-unit supportive housing residence” from the list of prohibited uses. Allowing that use is required by State Law.

Condition 3

Add the phrase “upon redevelopment” between “and” and “shall contain.” Otherwise, the existing one-story structure would be made nonconforming by the condition.

Condition 7

In the first line, change the word “requires” to “required.”

Condition 10

Replace “Public Works Department” with “Transportation Department” to reflect recent city reorganization.

Condition 14

In the first line, omit the word “of” between “full” and “cut-off.”



Certified Recommendation

Raleigh Planning Commission

CR# 11402

Case Information Z-24-10 / Poole Road at Norwood Street

<i>Location</i>	Northeast quadrant of Poole Road/Norwood Street intersection
<i>Size</i>	1.2 acres
<i>Request</i>	Rezone property from Residential-6 to Neighborhood Business Conditional Use District.

Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Low Density Residential
<i>Applicable Policy Statements</i>	<p>Policy LU 1.3 - Conditional Use District Consistency</p> <p>Policy LU 6.4 - Bus Stop Dedication</p> <p>Policy LU 7.6 – Pedestrian Friendly Development</p> <p>Policy LU 8.12—Infill Compatibility</p> <p>Policy LU 10.6 – Retail Nodes</p> <p>Policy UD 2.3 – Activating the Street</p>

Consistent

Inconsistent

Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> 1. The following uses are excluded: sale of drug paraphernalia, agricultural uses, recreational uses, cemeteries, correctional/penal facilities, special care facilities, residential transitional housing (with the exception of supportive housing residence), bars, nightclubs, taverns, lounges, adult establishments, eating establishments, alcohol sales for on-site consumption, hotel/motel, commercial parking facilities, movie theater, pest exterminating services, kennel, cattery, riding stable, outdoor stadium, reservoirs, water control structures, landfills, utilities, telecommunication tower, mini-warehouses, airfield, landing strip, heliport, veterinary hospital 2. Residential density not to exceed 6 dwellings per acre 3. Building height no higher than 35' 4. Minimum 30' setback from future rights-of-way 5. Building ground floor not to exceed 5,500 square feet 6. Building second floor will be composed of dwellings 7. Driveways limited to one on Poole Road and one on Norwood Street 8. Building materials and colors to match Poe Elementary School 9. Alcohol and tobacco product advertisements cannot be seen from Poe Elementary School 10. A transit easement, bus shelter and concrete pad will be provided 11. Screening of trash containers 12. Roof construction to be either hip or gable, maximum pitch 5:12 13. The petitioner will contribute \$500 annually to Poe Elementary School, for 20 years
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Zoning Staff Report – Z-24-10

Conditional Use District

Request

<i>Location</i>	Northeast quadrant of Poole Road/Norwood Street intersection
<i>Request</i>	Rezone property from R-6 to Neighborhood Business Conditional Use
<i>Area of Request</i>	1.2 acres
<i>Property Owner</i>	Longview Acre LLC
<i>PC Recommendation Deadline</i>	February 16, 2011

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-6	NB Conditional Use
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Food store - retail	Retail uses and residential uses of up to 6 dwellings per acre are permitted.
<i>Residential Density</i>	6 Units per acre (max. of 7 units)	6 Units per acre (max. of 7 units)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Residential-4 with Neighborhood Conservation Overlay District	Residential-10	Residential-4 with Neighborhood Conservation Overlay District	Residential-10
<i>Future Land Use</i>	Low density residential	Public facilities	Low density residential	Low density residential
<i>Current Land Use</i>	Low density residential	Institutional (Poe Montessori Magnet Elementary School)	Low density residential	Low density residential, medium density residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Low density residential
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 1.3 - Conditional Use District Consistency Policy LU 6.4 - Bus Stop Dedication

	Policy LU 7.6 – Pedestrian Friendly Development Policy LU 8.12—Infill Compatibility Policy LU 10.6 – Retail Nodes Policy T 5.1 – Enhancing Bike/Pedestrian Circulation Policy UD 2.3 – Activating the Street
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Contact Information

<i>Staff</i>	James Brantley – (919) 516-2651, james.brantley@raleighnc.gov
<i>Applicant</i>	Dan Coleman – (919) 832-8293 buildcon@bellsouth.net
<i>Citizens Advisory Council</i>	East – Mark Turner

Case Overview

The request is to rezone the property from Residential-6 to Neighborhood Business Conditional Use. The existing Residential-6 zoning district allows up to 6 dwellings per acre. This zoning district does not allow retail uses. The proposed zoning district, Residential Business, is intended for neighborhood-scale retail in close proximity to residential development, though residential uses are allowed.

The site is surrounded on the west, north and east by single family housing. To the south is Poe Elementary. There are no retail uses adjacent or in proximity to this site. The property has existed as a commercial use and structure for over 50 years. The existing commercial use is currently non-conforming.

Conditions attached to the application prohibit several more intense land uses, restrict building height and setbacks and limit curb cuts.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The proposed rezoning is inconsistent with the Future Land Use Map of the Comprehensive Plan. The site is designated on the Future Land Use Map for low density residential uses, that is, up to six dwellings per acre. The rezoning would permit retail uses.

1.2 Policy Guidance

The following policy guidance is applicable with this request

Policy LU 1.3 - Conditional Use District Consistency All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan
--

The proposal is inconsistent with this policy. Conditions do not assure compatibility of the site with the surrounding single family neighborhood. Particularly, see LU 8.12, LU 10.6 below.

Policy LU 6.4 - Bus Stop Dedication

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

The proposal is consistent with this policy. A stop and shelter have been offered in the conditions.

Policy LU 7.6 – Pedestrian Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

The proposal is consistent with this policy. It provides a retail use that is small-scaled and easily accessed by pedestrians. A recently approved text change would require that, upon redevelopment, sidewalk connections to the public right-of-way be made.

Policy LU 8.12 - Infill Compatibility

Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts

The proposal is inconsistent with this policy. The conditions do not address matters of parking placement, building massing or ground sign height. The applicant might want to offer conditions to address compatibility with surrounding context.

Policy LU 10.6 – Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear “strip” pattern unless ancillary to office or high-density residential use.

The proposal is inconsistent with this policy as the proposal is for a “spot zoning” of one property for retail uses. The subject property is not contiguous with other retail zoning or uses.

Policy UD 2.3 – Activating the Street

New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections.

The proposal is consistent with this policy, since it provides retail uses that are easily accessible to pedestrians and bicyclists.

1.3 Area Plan Guidance

Future site development at the Poole/ Norwood intersection will be subject to provisions of the Southeast Raleigh Streetscape Master Plan. The Plan text explains that there will need to be a “landscape easement to be acquired at each quadrant of the intersection for a planting consisting of medium shade trees and a hedgerow of shrubs,” adding “that shrubs shall be placed outside of a triangular sight distance area measured 20 feet along each right-of-way line from the intersection...” The proposal is conditioned to provide a landscape easement at the corner.

2. Compatibility of the proposed rezoning with the property and surrounding area

All properties within the immediate vicinity (i.e., one-eighth mile) are zoned residential, with the exception of a funeral home located 700 feet from the subject site, on the opposite side of Poole Road. The subject site is abutted on two sides by the King Charles Neighborhood Conservation Overlay District. Poe Montessori Magnet Elementary School is located across Poole Road from the site, but the majority of nearby properties are built out with single-family residences. The proposed rezoning would create an isolated instance of shopping center zoning within this residential environment. The site's present R-6 zoning allows a minimum setback of 20 feet from the street, and at that setback a maximum building height of 40 feet. The adjoining King Charles Neighborhood Conservation Overlay District provides that buildings within the district be set back a minimum of 76 feet from the street right-of-way, and be limited to two stories in height. The proposal provides a maximum building height of 35 feet, and specifies a minimum front yard setback of 30 feet.

3. Public benefits of the proposed rezoning

The proposed zoning could provide additional goods or services to the area. However, adjacent residences are already in close proximity to existing commercial areas, on both Poole Road and New Bern Avenue.

4. Detriments of the proposed rezoning

Permitted uses could result in increased traffic, and elevated levels of lighting and noise.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

Primary Streets	Classification	Current Volume (ADT)	2035 Future Volume (ADT)		
Poole Road	Minor Thoroughfare	7,200	15,315		
Norwood Road	Collector Street	N/A	N/A		
Street Conditions					
Poole Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	Back-to-back curb and gutter section	84'	Yes, both sides	None
City Standard	3	Back-to-back curb and gutter section	80'	minimum 5' sidewalks on both sides	4' striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	YES	NO
Norwood Road	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	Back-to-back curb and gutter section	50'	5' sidewalk on east side of street	None
City Standard	2	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	N/A
Meets City Standard?	YES	YES	NO	YES	N/A
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>		

AM PEAK	5	35	30		
PM PEAK	7	135	128		
Suggested Conditions/Impact Mitigation:	None				
Additional Information:	Neither NCDOT nor the City of Raleigh have any projects scheduled in the vicinity of this case.				

5.2 Transit

Impact Identified: The rezoning could result in a more intense land use, thereby increasing the need for transit services. The applicant has offered a condition to grant a transit easement to the City.

5.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Walnut Creek
<i>Stormwater Management</i>	Site is subject to Part 10, Chapter 9, Stormwater Control and Watercourse Buffer Regulations
<i>Overlay District</i>	No buffer, no WSPOD.

Impact Identified: No impact

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	4,200 gpd	7,500 gpd
<i>Waste Water</i>	4,200 gpd	7,500 gpd

Impact Identified: The proposed rezoning will add approximately 3,300 gpd to the wastewater collection and water distribution systems of the City. There is an existing six (6") inch water main in Norwood Street and an existing twelve (12") water main in Poole Road rights-of-way and an existing eight (8") inch sanitary sewer in Norwood Street and Poole Road rights-of-way.

5.5 Parks and Recreation

The property is not located adjacent to any proposed greenway areas. There are no park search areas in this vicinity

Impact Identified: No impacts to the level of recreation service.

5.6 Urban Forestry

The site is smaller than the two acre threshold for tree conservation.

Impact Identified: None

5.7 Wake County Public Schools

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Wiley	386	100.3%	386	100.3%
Daniels	1,162	101.5%	1,162	101.5%
Enloe	368	78.0%	368	78.0%

Impact Identified: No impact; the number of dwellings allowed in the current zoning is the same as the number of dwellings allowed in the proposed zoning.

5.8 Designated Historic Resources

The site is not a designated landmark and is not in either a National Register or local historic district.

Impact Identified: No impact.

5.9 Impacts Summary

No significant impacts identified.

5.10 Mitigation of Impacts

N/A

6. Appearance Commission

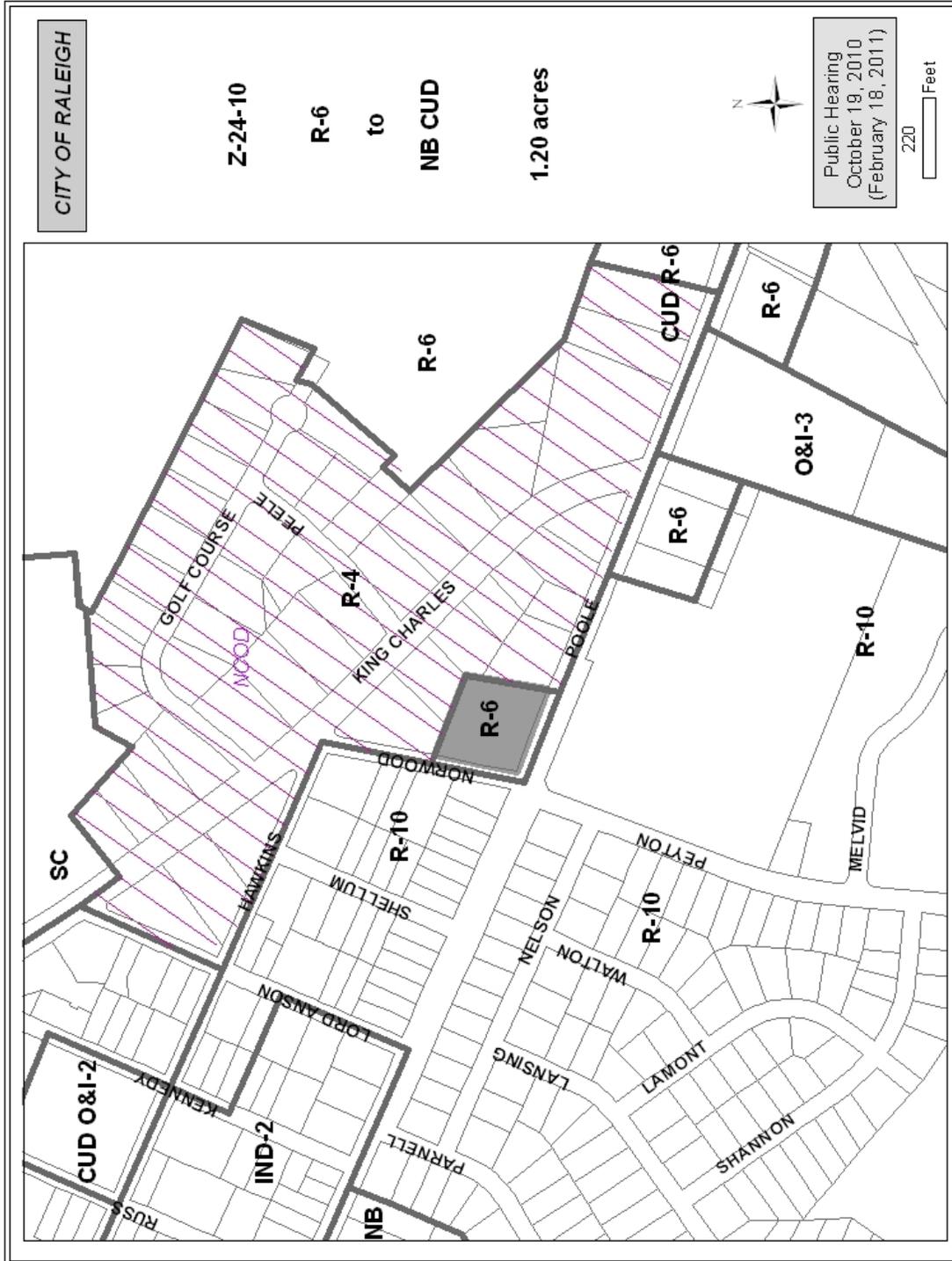
Not subject to Appearance Commission review.

7. Conclusions

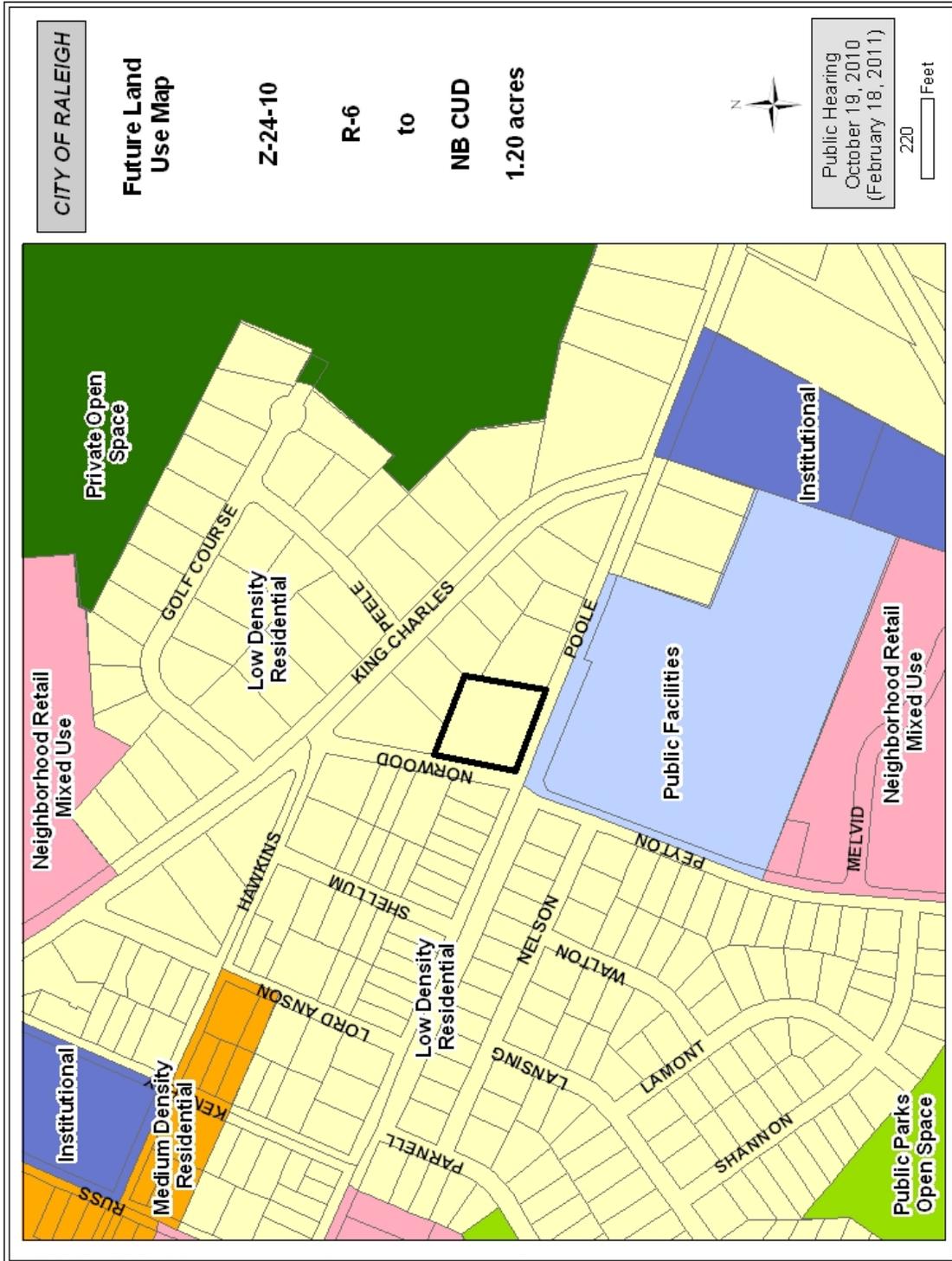
The proposed rezoning is inconsistent with the Comprehensive Plan. The site is designated for low density residential uses; the proposed rezoning would allow retail uses. The proposal would be “spot zoning,” as there is no adjacent retail zoning.

The petitioner may wish to consider conditions that address compatibility and buffering to the adjacent neighborhood. The petitioner has offered conditions that relate to the sale and advertisement of certain items. The City cannot enforce these conditions; they should be removed.

Existing Zoning Map



Future Land Use Map



Conditional Use District Zoning Conditions

Zoning Case Number	Z-23-16	OFFICE USE ONLY Transaction #
Date Submitted	December 12, 2016	
Existing Zoning	Residential 6	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following land uses will be prohibited:

- Multi-unit supportive housing residence
- Boardinghouse
- Congregate care
- Dormitory, fraternity, sorority
- Life care community
- Rest home
- Emergency shelter type A
- Emergency shelter type B
- Special care facility
- Cemetery
- Telecommunication tower (<250 ft)
- Telecommunication tower (>250 ft)
- Adult establishment
- Golf course
- Outdoor sports or entertainment facility (<250 seats)
- Outdoor sports or entertainment facility (>250 seats)
- Commercial parking lot
- Remote parking lot
- Heliport, all others
- Bar, nightclub, tavern, lounge
- Food truck
- Pawnshop
- Detention center, jail, prison
- Light manufacturing
- Research & Development
- Self-Service Storage
- Car wash
- Vehicle repair (minor)
- Vehicle repair (major)
- Urban farm
- Vehicle Fuel Sales
- Vehicle Sales/Rental

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

Owner/Agent Signature _____ Print Name _____

Conditional Use District Zoning Conditions

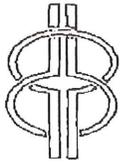
Zoning Case Number	Z-23-16	OFFICE USE ONLY Transaction #	
Date Submitted	December 12, 2016		
Existing Zoning	Residential 6		Proposed Zoning

NARRATIVE OF ZONING CONDITIONS OFFERED

2. Residential density shall not exceed 6 dwellings per acre.
3. Building height shall not exceed 2 stories, 35' and shall contain a minimum of 2 stories above grade.
4. Building maximum gross square footage shall be 10,800
5. Only residential uses shall be permitted on the 2nd floor.
6. Roof construction shall be restricted to either hip or gable form, with a minimum pitch of 3:12, and a maximum pitch of 5:12.
7. Where a neighborhood transition is required by the UDO Article 3.5, a Type 2 Protective Yard with an average width of 20 feet and a fence meeting the requirements of UDO section 7.2.4D between 6.5 feet and 9 feet tall and shall be installed prior to the issuance of a certificate of occupancy.
8. Commercial drive-thru activity is prohibited. 'Commercial drive-thru' is a drive-thru for any commercial use listed in the UDO Section 6.1.4 = Allowed Principal Use Table.
9. At a minimum of one primary street facing entrance per building shall be provided toward Poole Road, with direct pedestrian access provided between the building entrance and the public sidewalk along Poole Road.
10. Prior to issuance of a building permit for new development, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15' in depth and 20' in width) and location of the easement along Poole Road shall be approved by the Public Works Department and the easement document approved by the City attorney's Office. If, prior to issuance of the building permit, the Transportation Department requests in writing installation of a shelter, and ADA accessible shelter shall be constructed on a 15' x 20' cement pad on the easement, and a 30' long cement landing zone installed between the sidewalk and curb, paralleling the street, with all construction plans to be approved by the Transportation Department.
11. Loading areas shall not be permitted on any side of the building facing a street.
12. High Profile Ground Signs or Medium Profile Ground Signs shall not be permitted.
13. Changeable Copy Signs shall not be permitted.
14. All outdoor lighting fixtures shall be full of cut-off design and be LED. The maximum height of pole-mounted fixtures shall be twenty (20) feet, unless a more restrictive height is required by the UDO for specific areas of the site.
15. Prior to issuance of a building permit for new development, a landscape easement shall be deeded to the City and recorded in the Wake County Registry, meeting the specifications of Sheet MP-8 of the Southeast Raleigh Streetscape Master Plan.

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

Owner/Agent Signature _____ Print Name _____



BUILDING CONTRACTORS

517 Rock Quarry Road
Raleigh, North Carolina 27610-3353
(919) 524-1655
dancoleman1@hotmail.com (E-mail)

Doug Hill
City of Raleigh Planner
Raleigh, NC 27602

Re: Continuation, Statement of Consistency, Rezoning for 2405 Poole Road

As I stated in Statement #1, the whole theme of our Comprehensive Plan is "...based on the desire for a more compact and walkable development pattern with residential, retail, services and jobs located more closely together, the land available for development should last longer than 22 years." This idea of 22 years is how long it will take to develop all the land Raleigh is destined to develop once all the allowable annexations have occurred considering we are in the process of doubling our population over the next 20 years.

To facilitate that goal we have developed specific policies to guide our land use decisions. I have assembled those land use policies that support the rezoning we currently want to have considered.

LU 2.1 Development within Raleigh's jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.

The current site was a rural country store with the owner living next door when Raleigh annexed this property. I think, and the record reflects, that policy has been geared toward the idea that the retail use would give way to residential use and thus over the years decisions have been geared toward that outcome.

70 years plus later, we have been waiting for this voluntary switch from retail use to residential use occur. The current building challenges the idea of being visually attractive, safe and accessible, functional, or inclusive. It does however have its own distinctive identity but does little to improve the local character, less and the old country store is the character we want for this intersection, this community.

LU 2.2 New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

The proposed rezoning will indeed erase the current negative impact of

this low intensity, non-contiguous old county store by bringing the commercial use toward the intersection of Norwood St. and Poole Rd, allowing for residential development over the some of the commercial uses. This type of development is best exemplified by the development at 1000 Brookside drive.

Furthermore, by moving the commercial closer to the Norwood and Poole intersection it will provide for a more compact land use pattern in support of our existing public serves and improve the performance of our existing transportation network.

LU 2.5 New development, redevelopment, and infrastructure investment should strive to promote healthy communities and active lifestyles by providing or encouraging enhanced bicycle and pedestrian circulation, access, and safety along roads near areas of employment, schools, libraries, and parks.

The new bicycle lanes on Poole Road goes a long way toward enhancing bicycle circulation. Bringing the commercial development toward the intersection of Poole and Norwood will greatly improve the pedestrian circulation. Currently pedestrians cross Poole Road in front of the current store to trade in the store and that is a very serious traffic safety issue considering pedestrians are crossing Poole Rd mid-block.

LU 7.1 Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

The intersection of Poole Road and Norwood Street is a key location in the midst of several apartment complexes and existing large compact single family residential developments. The proposed rezoning will meet or exceed the new design standards that address height, mass and scale of development.

The latest economic data suggests that the residents living in the census tracts surrounding this rezoning are dependent on mass transportation. This development, will not directly cause residents to be pedestrian or otherwise, but we will provide a safer environment for both the numerous pedestrians already in the community and will cause safer vehicular activity.

LU 7.4 **New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.**

The proposed development will be built out addressing the height, mass, scale and design that will be appropriate and compatible with the surrounding area. If the conditions we have listed do not fully make that commitment, we are willing to add additional conditions that will.

LU 8.3 **Recognize the importance of balancing the need to increase housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources and restore the environment.**

The proposed rezoning is the best means available to recognize the importance of balancing the need to increase housing supply and expanding neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources and restore the environment. Please keep in mind that this site has been a neighborhood resource/asset, providing good and services to the local residents well before A&P, Winn-Dixie and Kerr Drug Store open their facilities back in the 60's.

LU 8.10 **Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.**

The site consists of a vacant lot where the home of the store owner was once located and is now a "gap" between Norwood St and the old country store. The proposed development will complement the established character of the area and will not create a sharp change in the physical development pattern. There is a retail facility on the site now and that is not changing.

LU 8.11 **Facilitate the development of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these.**

Not wanting to come off as contrary but keeping this site R-6 for over 70 years, confining, limiting the possibilities to just barely maintaining an old county store has been a constraint that has doomed this site to its historical facade, considering

that the highest and best use, as obviously displayed by the various owners and neighborhood customers, has been retail.

LU 8.12 Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.

The site consists of a vacant lot where the home of the former store owner was once located and is now a "gap" between Norwood St and the old country store. The proposed development will complement the established character of the area and will not create a sharp change in the physical development pattern. There is a retail facility there now and that is not changing.

Furthermore the adjacent King Charles Neighborhood Conservation Overlay District apparently excluded this site, though we are willing to use the standards of height, massing, setbacks, and design will be incorporated in the development of this site.

Thank you very much for your consideration of the issues raised in this further elaboration of our Statement of Consistency.

Sincerely,

Dan Coleman

SUMMARY OF ISSUES

A neighborhood meeting was held on May 16th, 2016 (date) to discuss a potential rezoning located at 2405 Poole Road (property address).

The neighborhood meeting was held at Worthdale Community Center (location).

There were approximately Zero (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

No issues were discussed

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Betty Parker
c/o Wake County Public Schools
1551 Rock Quarry Road
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Parker:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Jennifer Leigh Bumgarner
318 South King Charles Road
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Bumgarner:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Mr. Russell W. Dement, Jr.
PO Box 58161
Raleigh, North Carolina 27658

April 30, 2016

Re: 2405 Poole Road

Mr. Dement:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
buildcon@bellsouth.net

Ms. Emma Jean Fort
2413 Poole Road
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Fort:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Vilma Suyapa Romero.
2313 Nelson St.
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Romero:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Lisa K. Hodge & Marcellin D. Hodge
1804 Cynthia Place
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Hodge:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Lisa K. Hodge
1804 Cynthia Place
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Hodge:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Mr. Sherron Andrew McGilberry
322 South King Charles Road
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Mr. McGilberry:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Mr. Anthony Integlia.
c/o Potenza Investments
3824 #2 New Bern Ave
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Mr. Integlia:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Veda Nicole Price
316 South King Charles Road
Raleigh, North Carolina 27610

April 30, 2016

Re: 2405 Poole Road

Ms. Price:

Long time no see my friend. You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Building Contractors
517 Rock Quarry Road
Raleigh, North Carolina 27610
dancoleman1@hotmail.com

Ms. Robin W. Westbrook
3906 Carnegie Lane
Raleigh, North Carolina 27612

April 30, 2016

Re: 2405 Poole Road

Mr. Dement:

You are cordially invited to a meeting on

May 16th
Worthdale Community Center,
1001 Cooper Road
Raleigh
6:00 pm

to discuss this rezoning of 2405 Poole Road from Residential 6 to CX2- CU, or Commercial Use, not to exceed 2 stories with Conditional Uses. Those uses can be found in the City of Raleigh Unified Development Ordinance (UDO) pages 145 through 172. We will be offering to exclude uses that would be offensive to you, a transitional yard that would protect the surrounding residential development, attention to lighting and any other issues that you may feel important.

I look forward to your attendance and participation.

Sincerely,

Dan Coleman

Rezoning Application



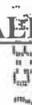
Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			OFFICE USE ONLY Transaction # 465549
Existing Zoning Classification <u>Residential 6</u>			
Proposed Zoning Classification Base District <u>CX-3-CUD</u> Height <u>25'</u> Frontage _____			
If the property has been previously rezoned, provide the rezoning case number:			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
			465549

GENERAL INFORMATION			
Property Address 2405 Poole Road		Date 8/5/2016	
Property PIN 1713770253		Deed Reference (book/page) 13290 / 1686	
Nearest Intersection Norwood St		Property Size (acres) +/- 1.2 acres	
Property Owner/Address Longview Acre, LLC 2405 Poole Road Raleigh, NC 27610-2748		Phone 919-333-1802	Fax
		Email	
Project Contact Person/Address Daniel Coleman Building Contractors 517 Rock Quarry Road Raleigh, NC 27610-3353		Phone 919-524-1655	Fax
		Email dancoleman1@hotmail.com	
Owner/Agent Signature <i>Dan Coleman</i>		Email dancoleman1@hotmail.com	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

AUG 5 2016 PM 3:57



REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis

OFFICE USE ONLY

Transaction #
465549
Rezoning Case #
Z-23-16

The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

The most important point to make certain is that this site is not in the King Charles NCOD per the boundary map found on page 425 in the current Comprehensive Plan. Furthermore it complies with the following intent published in the Comprehensive Plan, page 30 "...since this Comprehensive Plan is based on the desire for a more compact and walkable development pattern with residential, retail, services, and jobs located more closely together, the land available for development should last longer than 22 years." . And this application meets the intent set out in the definition Neighborhood Mixed Use Comp Plan page 33.

1. This application finds support in the following Comprehensive Plan Policy Statements LU 2.1, 2.2, 2.5, 7.1, 7.4, 8.2, 8.3, 8.10, 8.11 & 8.12 with a narrative attached hereto.

3.

4.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. Approval of this request will allow the current old country store structure to be demolished and the site developed as defined in Neighborhood Mixed Use guidelines with both retail on and residential, not unlike the development at 1000 Brookside Drive.

2. Approval of this request will bring about a ripple effect throughout the neighborhood with the jobs that will be provided, the pleasant appeal of the structures constructed and the landscaping that will make this corner more consistent with the school and the beautiful homes and businesses to the east of the site.

3. Approval of this request will also allow the developer to add much needed affordable housing in the community, on a dedicated transit line that will permit the residents to not be vehicular dependent, off which is consistent with the goals outlined in the Comprehensive Plan.

4.

Z-23-2016 Traffic Study Worksheet rev 092816		
6.23.4	Trip Generation	Meets TIA Conditions? (Y/N)
A	Peak Hour Trips \geq 150 veh/hr	No, the change in average peak hour trip volume is 89 veh/hr compared to the existing land use
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane road	No
C	More than 100 veh/hr trips in the peak direction	No
D	Daily Trips \geq 3,000 veh/day	No, the change in average daily trip volume is 855 veh/day compared to the existing land use
E	Enrollment increases at public or private schools	Not Applicable
6.23.5	Site Context	Meets TIA Conditions? (Y/N)
A	Affects a location with a high crash history [Severity Index \geq 8.4 or a fatal crash within the past three years]	Yes, Type-A injuries on 3/17/15 (Pedestrian) and 3/26/16 (Left Turn). It is noted that there were a total of 13 crashes at the intersection of Poole and Norwood in the 5 1/2 years from January 1, 2011 to June 30, 2016. This equates to an average crash frequency of slightly over two crashes per year. The injury crash rate for Poole/Norwood (35 crashes per 100M entering vehicles) is approximately half of the average rate for Wake County overall. There is no clear, recognizable pattern to the crashes at Poole/Norwood. Therefore, Transportation Planning staff waives any additional traffic study for case Z-23-2016.
B	Takes place at a highly congested location [volume-to-capacity ratio \geq 1.0 on both major street approaches]	No
C	Creates a fourth leg at an existing signalized intersection	No
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	No
F	Proposed access is within 1,000 feet of an interchange	No
G	Involves an existing or proposed median crossover	No
H	Involves an active roadway construction project	No
I	Involves a break in controlled access along a corridor	No
6.23.6	Miscellaneous Applications	Meets TIA Conditions? (Y/N)
A	Planned Development Districts	No
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	None received by Transportation Planning as of September 28, 2016



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: Z-38-16 – Buffalo Road

<i>Location</i>	Buffaloe Road, at its intersection with N. New Hope Road Address: 4115 Buffaloe Road PIN: 1725789080
<i>Request</i>	Rezone property from Residential-6 (R-6) to Neighborhood Mixed Use-3 stories-Conditional Use (NX-3-CU)
<i>Area of Request</i>	6.17 acres
<i>Property Owner</i>	Joan B. Edwards 5119 Eagles Landing Drive Raleigh, NC 27616-6171
<i>Applicant</i>	David L. York, Attorney Smith Moore Leatherwood LLP 434 Fayetteville Street - Suite 2800 Raleigh, NC 27601
<i>Citizens Advisory Council (CAC)</i>	Northeast Chairperson - Lillian Thompson: (919) 850-4594; lillianonline@icloud.com
<i>PC Recommendation Deadline</i>	April 10, 2017

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use
<i>URBAN FORM</i>	Center: <i>(None)</i> Corridor: Urban Thoroughfare (Buffaloe & New Hope roads) Within ½-Mile Transit Buffer: No
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.2 – Managing Commercial Development Impacts Policy LU 5.6 – Buffering Requirements Policy LU 6.4 – Bus Stop Dedication Policy LU 7.4 – Scale and Design of New Commercial Uses Policy T 1.6 – Transportation Impacts Policy LU 6.4 – Bus Stop Dedication Policy T 4.8 – Bus Waiting Areas Policy T 4.15 – Enhanced Rider Amenities Policy EP 8.1 – Light Pollution

	Policy EP 8.4 – Noise and Light Impacts Policy EP 8.9 – LED Lighting Policy LU 7.6 – Pedestrian Friendly Development <i>Buffaloe-New Hope Area Plan:</i> --Building Height --Neighborhood Transitions --Mitigating Light and Noise Impacts --Improving Safety, Accessibility, and Connectivity for All Transportation Modes
INCONSISTENT Policies	Policy UD 7.3 – Urban Design Guidelines <i>Buffaloe-New Hope Area Plan:</i> --Frontage

Summary of Proposed Conditions

<ol style="list-style-type: none"> 1. Certain uses and drive-through windows prohibited. 2. Transit easement and shelter offered. 3. Hours of public access, deliveries and solid waste service limited. 4. Building height limited to maximum of 1 story/ 33 feet. 5. Subdivision of property prohibited. 6. Masonry wall min. 7' in height required along northern and eastern boundaries, min. of 15' from boundaries. 7. Type 3 (50' avg.) Protective Yard required along northern and eastern boundaries. 8. Site buildings limited to max. floor area gross of 36,000 square feet. 9. Vehicle surface areas between buildings and northern and eastern boundaries restricted. 10. Signalized cross-walks to be installed at adjacent intersection. 11. Light fixture heights restricted; LED or similar fixtures required. 12. Internal sidewalks to connect with streets; at least one will not cross internal vehicular surfaces, and will include bench. 13. Number of site parking spaces limited.

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
11/24/16	11/10/16; 12/8/16: Y- 21, N- 1	1/10/17 (deferred); 1/24/17		

Attachments

1. Staff Report
2. Staff Comments on Z-38-16 Conditions (as amended 1/13/16)
3. Traffic Study Worksheet
4. **CR & Staff Report for previous rezoning request: Z-4-13**

Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

Planning Director	Date	Planning Commission Chairperson	Date
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Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Z-38-16

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the site to permit non-residential development. The present zoning, R-6, would permit only housing to be developed on the site. The proposed zoning, NX-3-CU, would permit a variety of residential, office, and/ or commercial uses.

The property was the subject a previous zoning case which was denied, [Z-4-13](#). That proposal sought to rezone the site to the pre-UDO district classification of NB (Neighborhood Business) to permit commercial development (more specifically, construction of a gas station/ convenience store). Citizen concerns raised by the case led to the development and adoption of the [Buffaloe–New Hope Area Plan](#), which in its Vision Statement mandates “new development at the intersection that brings complementary commercial, office, and/or residential uses.”

The area plan was adopted in May, 2015. While the plan was in development, a rezoning request was filed for the two properties immediately south of the subject site, in the southeast quadrant of the Buffaloe/ New Hope intersection (case [Z-12-15](#)). In July, 2015, the two parcels were rezoned to Neighborhood Mixed Use-3 stories-Conditional Use (NX-3-CU). In July, 2016, a retail development totaling 66,000 square feet was approved for those 15.7 acres, as [SR-16-15](#). Site work has not yet begun there, however.

All other adjacent properties are built out in low-density residential development: to the north and east, the Cobblestone neighborhood, zoned R-6; to the west, across N. New Hope Road, subdivisions zoned R-4, and to the southeast, across Buffaloe Road, the Top of the Pines townhouses, zoned R-6. Improvements to New Hope Road in the 1990s and to Buffaloe Road in the early 2000s included installation of sidewalks on both street frontages of the subject property. Sidewalks are continuous eastward on the north side of Buffaloe Road for more than ¾ mile, but are largely absent on the south side (although the approved development at the New Hope intersection will be required to provide them there). New Hope Road has continuous sidewalks on both sides of the corridor, from Louisburg Road to New Bern Avenue.

Topographically, the subject site sits atop a slight rise, close to grade along New Hope Road (though slightly below grade at the street intersection) but nearly 8 feet lower than Buffaloe Road at the site’s southeast corner. A line of trees stands along the swale there; elsewhere on site, trees are scattered, but include a row of pines along the sidewalk at the northwest and a grouping of crape myrtles at the intersection.

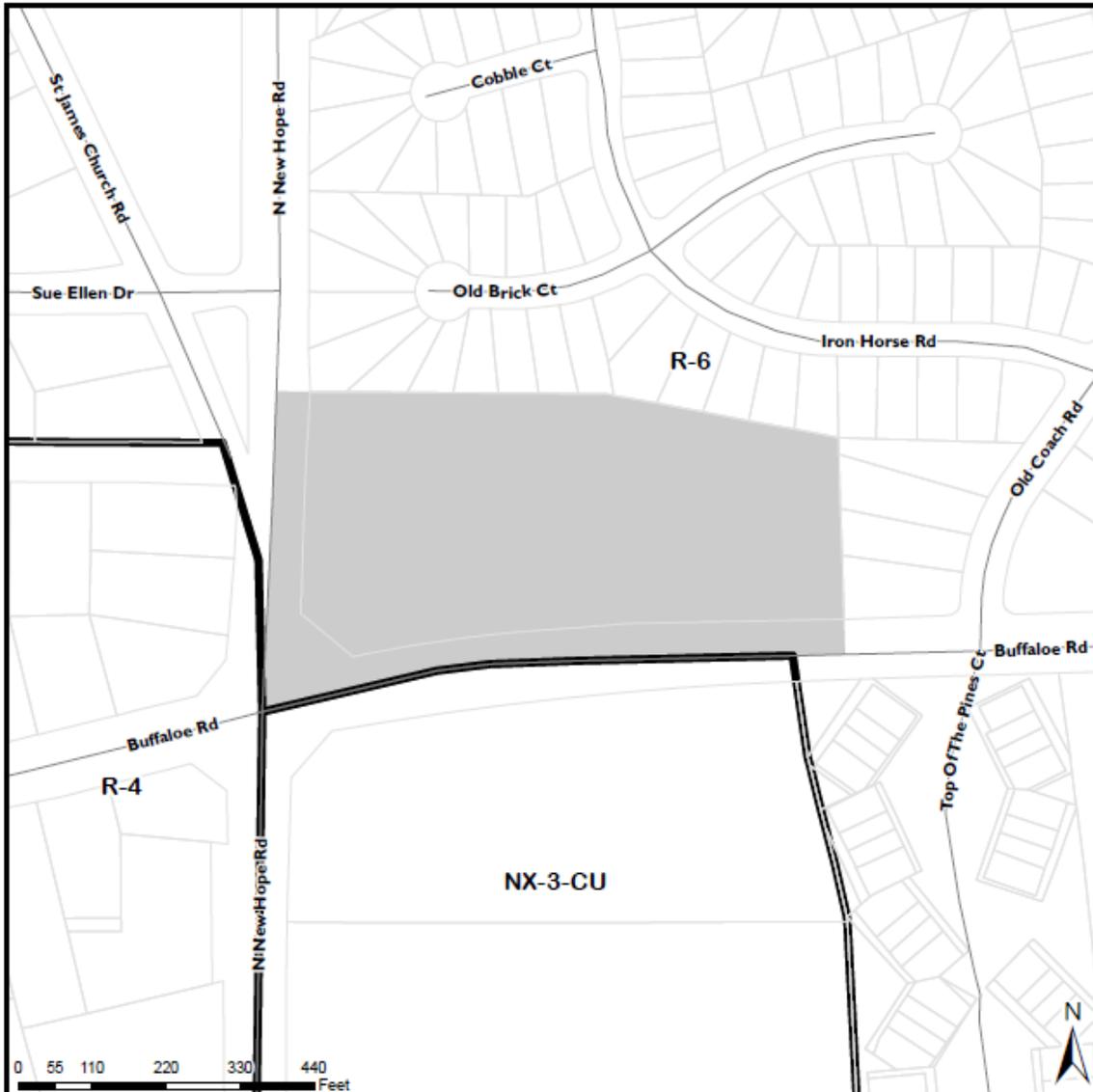
Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> 1. Absence of Frontage. 2. Sewer extension required; fire flow may need to be addressed upon development. 3. Additional stormwater control measures may be needed to detain a larger 	<i>Suggested Mitigation</i>	<ol style="list-style-type: none"> 1. Provide Frontage designation. 2. Extend sewer line to site; address fire flow capacities at the site plan stage. 3. Address stormwater control at the site plan
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	storm event. 4. Staff comments on amended conditions.		stage. 4. Address staff comments.
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Existing Zoning Map

Z-38-2016



Submittal Date

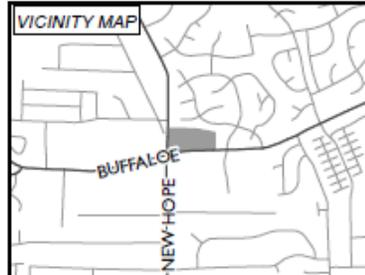
11/2/2016

Request:

6.17 acres from

R-6

to NX-3-CU



Map Date: 11/3/2016

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-6	Residential-6	Neighborhood Mixed Use-3 stories-Conditional Use; Residential-6	Residential-6	Residential-6; Residential-4
<i>Additional Overlay</i>	(None)	(None)	(None)	(None)	(None)
<i>Future Land Use</i>	Neighborhood Mixed Use	Low Density Residential	Neighborhood Mixed Use; Moderate Density Residential	Low Density Residential	Moderate Density Residential; Low Density Residential
<i>Current Land Use</i>	Vacant	Single Unit Living	Vacant; Townhouses	Single Unit Living	Vacant; Single Unit Living
<i>Urban Form (if applicable)</i>	Urban Thoroughfares: Buffaloe Road; New Hope Road	(N/ A)	Urban Thoroughfares: Buffaloe Road; New Hope Road	(N/ A)	Urban Thoroughfare: New Hope Road

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	6 DUs/ acre (Max. 37 DUs)	3.24 DUs/ acre (Max. 20 DUs)
<i>Setbacks:</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	<i>If Conventional Development:</i> 10' 10' (from side street); 5' (from lot line) 20'	<i>If General Building:</i> 5' 5' (from side street); 50' (per Transition Zones) 50' (per Transition Zones)
<i>Retail Intensity Permitted:</i>	(not permitted)	36,000
<i>Office Intensity Permitted:</i>	(not permitted)	36,000

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	6.17	6.17
<i>Zoning</i>	R-6	NX-3-CU

Max. Gross Building SF	(n/a)	36,000
Max. # of Residential Units	37	20
Max. Gross Office SF	(not permitted)	36,000
Max. Gross Retail SF	(not permitted)	36,000
Max. Gross Industrial SF	(not permitted)	36,000
Potential F.A.R.	(n/a)	0.13

**The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

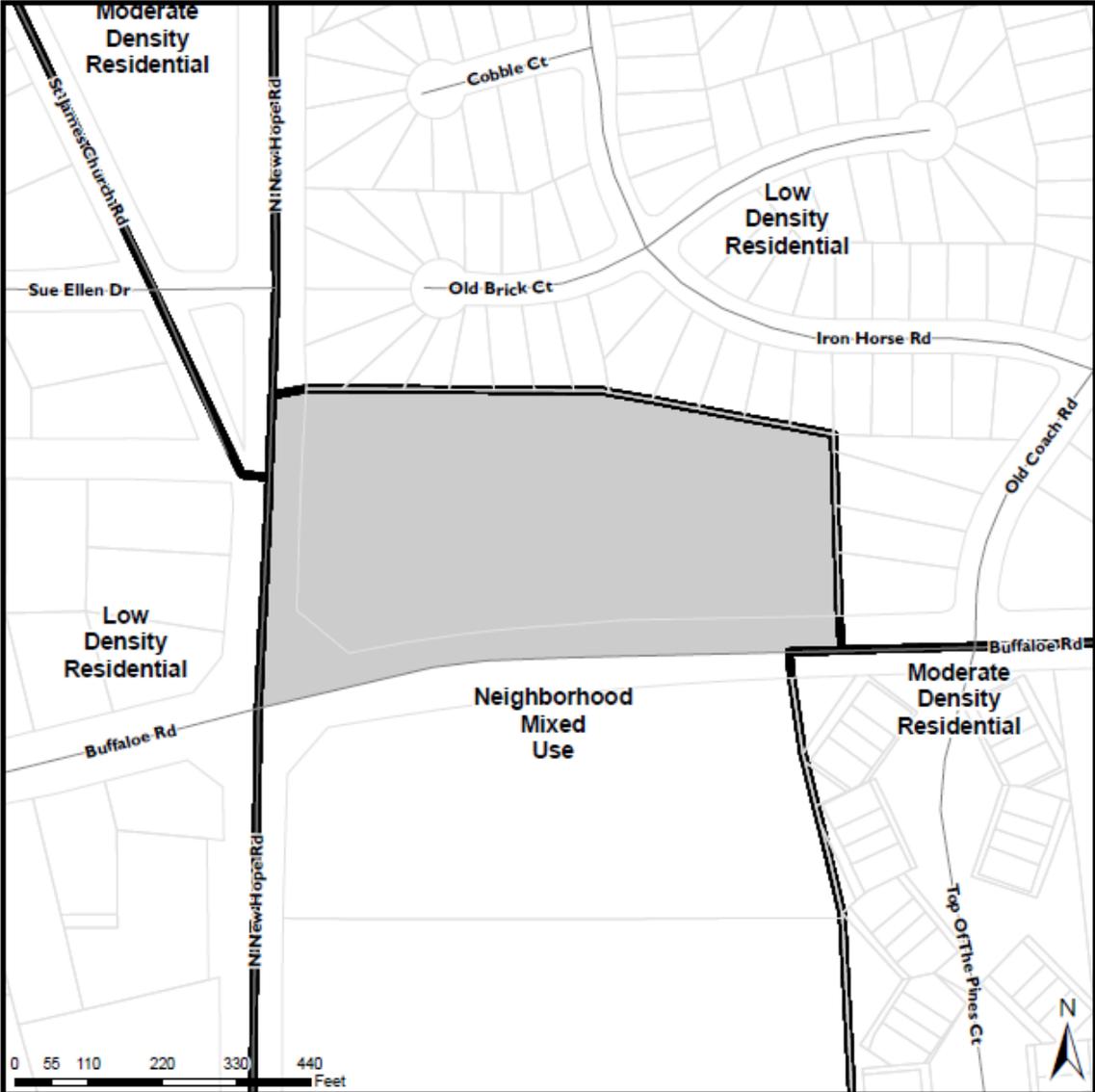
The proposed rezoning is:

Compatible with the property and surrounding area.

Incompatible.

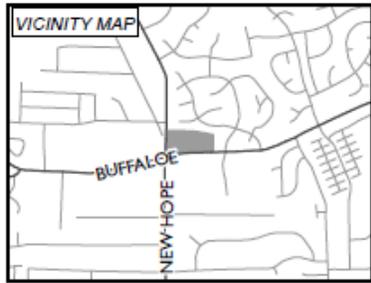
Case conditions exceed Code in limiting building height limits and providing transition buffers compatible with neighboring residential development. Building height is restricted to a maximum of one story/ 33 feet; the surrounding residential lots permit houses of up to 3 stories/ 50 feet (through most are built out as two stories, with pitched roofs). UDO Transition Zone requirements require site buildings to be set back a minimum of 50 feet from neighboring lot lines; conditions additionally specify Type 3 (50-foot average width) Protective Yards, with added plantings specified, a masonry screen wall a minimum of 7 feet in height, and restrictions on vehicular surface areas between site buildings and neighboring residential properties. Conditions also reduce potential noise and lighting impacts (e.g., through limitations on lighting height, vehicular surface areas between building and neighboring properties, and prohibition on drive-through windows.

Future Land Use Map Z-38-2016




Submittal Date
 11/2/2016

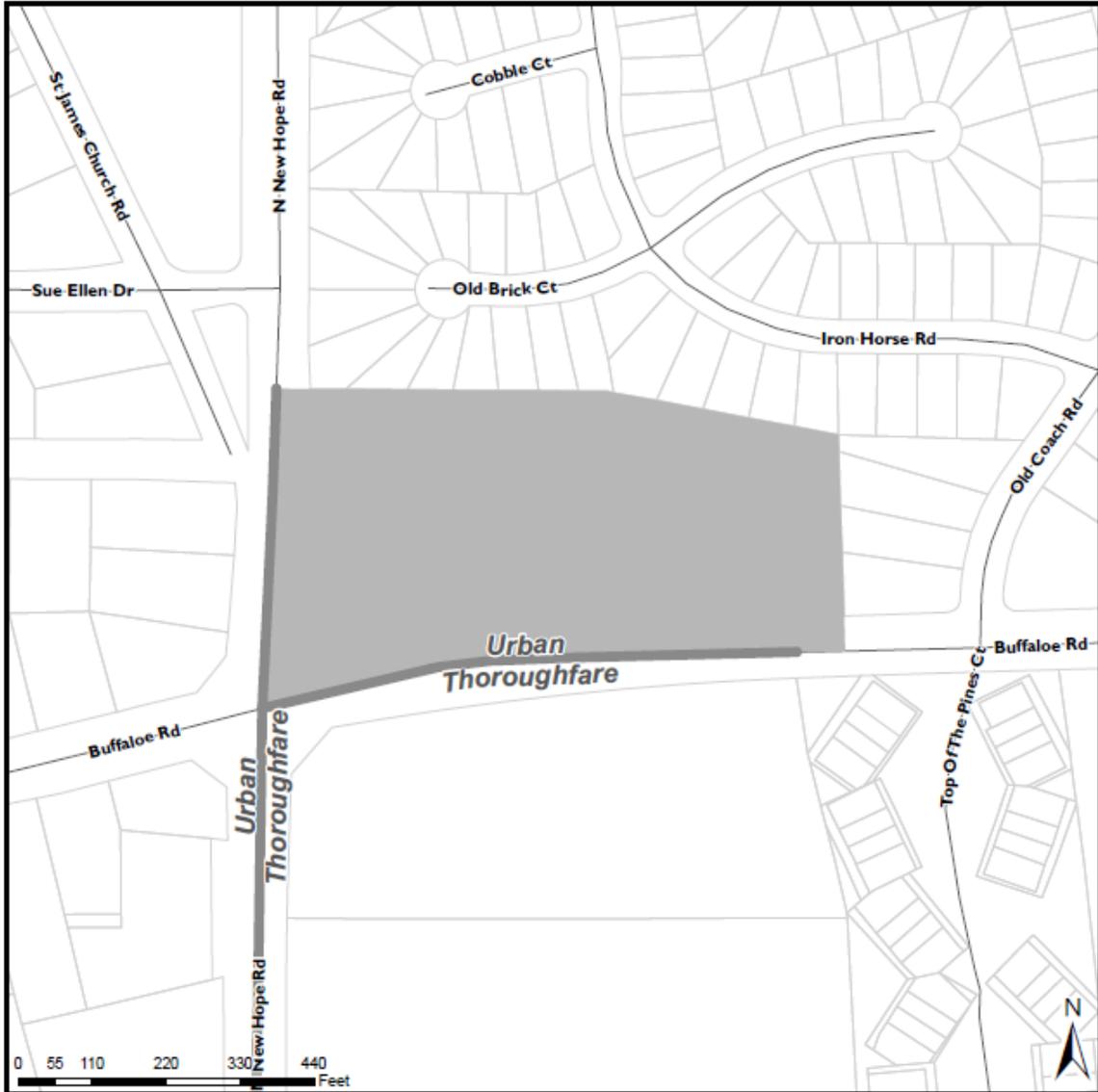
Request:
 6.17 acres from
R-6
 to **NX-3-CU**



Map Date: 11/3/2016

Urban Form Map

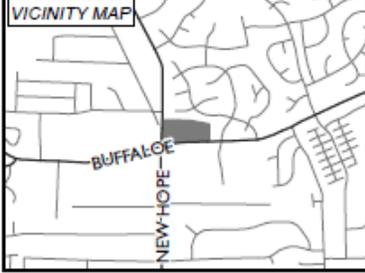
Z-38-2016



Submittal Date

11/2/2016

Request:
6.17 acres from
R-6
to **NX-3-CU**



Map Date: 11/3/2016

2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. In the main, the proposal may be considered consistent with the Comprehensive Plan, but lack of Frontage designation is an outstanding issue.
- The Future Land Use Map designates the site for Neighborhood Mixed Use; the proposed district—NX—is that recommended by the Comprehensive Plan for such areas. The proposal also is consistent with most applicable Plan policies, with case conditions mitigating impacts of form and use, while supporting transit access.
- However, both the Urban Form Map and the Buffalo-New Hope Area Plan call for a more proximate relationship of site buildings with the two adjacent streets. The Map designates both New Hope Road and Buffalo Road as Urban Thoroughfares; the Area Plan specifically states “a Parking Limited frontage should be implemented to accommodate pedestrian activity.” PL frontage would restrict parking to two bays and a drive aisle between the principal building and the streets, and also require at least one primary street facing entrance, connected directly to the public sidewalk. While the latter provision is conditioned by the proposal, lack of a Frontage designation would leave street setbacks to UDO Building Type; for a General Building or a Mixed Use Building, though, no Build-To maximum is required; multiple bays of parking could therefore front the streets.
- While the proposal can be considered consistent with Vision Themes ‘Coordinating Land Use and Transportation’ in its provisions for transit, and ‘Managing Our Growth’ in its compatibility with City street infrastructure, it is less so with ‘Growing Successful Neighborhoods and Communities,’ as the Area Plan developed and adopted with the surrounding neighborhoods promotes a more urban approach to site design.
- B. The uses possible under the proposal are consistent with those associated with the “neighborhood shopping centers” supported by the Future Land Use Map.
 - C. Possible uses are those specifically designated on the Future land Use Map.
 - D. Community streets appear to be sufficient to serve the development possible under the proposal. The request is conditioned to provide a transit stop and pedestrian-oriented improvements. The developer will be required to extend a sewer line to the site.

2.2 Future Land Use

Future Land Use designation: Neighborhood Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

(N/A)

2.3 Urban Form

Urban Form designation: Urban Thoroughfares (Buffaloe Road; New Hope Road)

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent

Analysis of Inconsistency:

The proposal is inconsistent with the Urban Form Map in not providing a Frontage designation. The Buffaloe-New Hope Area Plan recommends Parking Limited Frontage. The Urban Form Map designates both adjoining streets Urban Thoroughfares, for which Parking Limited or any of the four Urban frontages (Green, Urban Limited, Urban General, or Storefront) are considered appropriate.

2.4 Policy Guidance

The rezoning request is **consistent** with the following policies:

Policy LU 1.2 - Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

Policy LU 1.3 - Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

The Future Land Use Map designates the site for Neighborhood Mixed Use, of which the Comprehensive Plan states: "NX is the most appropriate zoning district for these areas." The conditioned use prohibitions, rear setbacks and buffers reduce neighborhood impacts.

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Policy T 1.6 - Transportation Impacts

Identify and address transportation impacts before a development is implemented.

Submittal of the proposal has included a Traffic Impact Analysis (TIA) report, which has been reviewed and accepted by the City Transportation staff. While there are no existing sanitary sewer mains at the site, the developer will be responsible for extending a sewer line there.

Policy LU 5.2 - Managing Commercial Development Impacts

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

Policy LU 5.6 - Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

Policy LU 7.4 - Scale and Design of New Commercial Uses

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

Under the proposal, building height is conditioned to a maximum of 1 story/ 33 feet, with a combined maximum footprint of 36,000 square feet. Per UDO Neighborhood Transition standards, setbacks from the adjoining residential lots will be at least 50 feet; within that setback, the proposal would place a 50-foot average-width Type 3 Protective Yard, planted to standards which exceed minimum UDO requirements:

Plantings per 100'	Type 3 Requirements	Z-38-16: Condition 7
Shade Trees	6	7
Understory Trees	5	6
Shrubs	60	65

Site development would be further screened from neighboring residences by a 7-foot tall masonry wall, installed no closer than 15 feet from adjacent residential properties. Conditions restrict vehicular surface area between site buildings and neighboring residential properties, as well as lighting height.

Policy LU 6.4 - Bus Stop Dedication

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

Policy T 4.8 - Bus Waiting Areas

Developments located within existing and planned bus transit corridors should coordinate with CAT to provide a stop facility that is lit and includes a shelter, bench, and other amenities (such as a waste receptacle) as appropriate.

Policy T 4.15 - Enhanced Rider Amenities

Promote the use of transit facilities and services through enhanced pedestrian access and provisions for seating, shelter, and amenities.

The proposal conditions a bus stop and rider amenities.

Policy EP 8.1 - Light Pollution

Reduce light pollution and promote dark skies by limiting the brightness of exterior fixtures and shielding adjacent uses from light sources, provided safety is not compromised. Minimize flood lighting and maximize low level illumination. Promote the use of efficient, full cut-off lighting fixtures wherever practical. Full cut-off fixtures emit no light above the horizontal plane.

Policy EP 8.4 - Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

Policy EP 8.9 - LED Lighting

Use high-efficiency Light-Emitting Diode (LED) lighting for outdoor illumination where feasible; newer technologies should be considered as they become available.

Conditions set the maximum height of light fixtures at 20 feet (ten feet less than the UDO maximum), reducing the potential for off-site (although flood lighting also could be installed). Light sources are conditioned to be LEDs or 'similar' technology. Potential for noise impacts is reduced through restriction of vehicle surface areas between the building and adjoining residential properties, and prohibition of drive-through window operations.

Policy LU 7.6 - Pedestrian-Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

The proposal conditions crosswalk improvements at the New Hope/ Buffalo intersection and offers a transit stop. There also is provision for connecting the building entrance to the street right-of-way, including at least one which would not require crossing internal vehicular surface areas.

The rezoning request is **inconsistent** with the following policy:

Policy UD 7.3 -Design Guidelines

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit emphasis corridors or in City Growth, TOD and Mixed-Use centers, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The proposal is inconsistent with Guidelines 6, 7 and 8, which call for streets in Mixed Use areas to be "lined by buildings rather than parking lots," with a maximum of "one bay of parking" between the building and a high volume corridor preferred, and "the main part of the building" at the street intersection. The proposal also defers addressing many Design Guidelines to the time of site plan submittal.

2.5 Area Plan Policy Guidance

The rezoning request is **consistent** with the following policies of the Buffalo-New Hope Area Plan:

Building Height

Buildings that are part of new development on the vacant parcels at the Buffalo-New Hope intersection should be limited to a maximum of three-stories and 50 feet in height.

Building height is conditioned to a maximum height of 1 story/ 33 feet.

Neighborhood Transitions

If redevelopment to a more intense use (higher density residential, retail, office, or mixed-use) occurs at the Buffalo-New Hope intersection, buffering and transition areas between these higher intensity uses and adjacent single-family residential areas should exceed standards in Article 3.5 of the Unified Development Ordinance (UDO).

Adjacent to existing residential lot lines, case conditions provide a Type 3 50-foot average width Protective Yard, with added plant materials and a 7-foot tall masonry screen wall. Vehicular surface areas are prohibited between the building and northern lot line, and between any building within 200 feet of the eastern boundary and the adjoining residential properties.

Improving Safety, Accessibility, and Connectivity for All Transportation Modes

Any transportation projects implemented at the Buffalo-New Hope intersection and in its vicinity should take into consideration the needs of all transportation modes, including pedestrians, bicyclists, and vehicles. It is important to note the trade-offs involved in this policy. Making the intersection more pedestrian-friendly will likely impact traffic congestion. Connectivity among residential areas, commercial areas, and community amenities should also be a priority.

The proposal is conditioned to provide a transit stop with a shelter, as well as improvements to pedestrian crosswalks at the adjacent street intersection.

Mitigating Light and Noise Impacts

If redevelopment to a more intense use occurs at the Buffalo-New Hope intersection, light and noise impacts should be mitigated. This could include prohibiting uses that are associated with late-night activity; limiting hours of operation; and/or altering the height, placement, or type of lighting that will be utilized.

Site operating hours are limited (although enforcement may be problematic in that the specified off-hours are outside city staff work hours). Also limited are certain uses which typically could include late-night activity (e.g., vehicle fuel sales; bar, nightclub, tavern, lounge); drive-through windows are prohibited. Maximum height of light fixtures is reduced, and LED fixtures offered (though flood lighting is not addressed).

The rezoning request is **inconsistent** with the following Area Plan policy:

Frontage

If redevelopment occurs at the Buffalo-New Hope intersection, a Parking Limited frontage should be implemented to accommodate pedestrian activity.

The request does not address this policy. Since the UDO does not provide a minimum/ maximum Build-To for General Building or Mixed Use Building types, site building(s) could be placed back

into the property, with multi-bay parking lots fronting the streets. Applicant responses to the Urban Design Guidelines defer confirmation of building proximity to the streets until the time of site plan submittal.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provision of additional goods and services proximate to existing neighborhoods.
- Offer of transit easement, shelter, and amenities,

3.2 Detriments of the Proposed Rezoning

- Possible dominance of surface parking at the street intersection, with site building(s) an undetermined distance from the street.

4. Impact Analysis

4.1 Transportation

The Z-38-16 site is located in the northeast quadrant of Buffalo Road and N New Hope Road. Both Buffalo Road (SR 2215) and New Hope Road (SR 2036) are maintained by the NCDOT. Both streets have multilane cross sections with curbs on both sides. Sidewalks are in place along the parcel frontages on both streets. Buffalo Road and New Hope Road are classified as major streets in the UDO Street Plan (Avenue 4-Lane Divided).

There are no City of Raleigh CIP projects or state STIP projects planned for either Buffalo Road or New Hope Road in the vicinity of the Z-38-16 site. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO Section 8.3.5.D.

There are no public street stubs abutting the northern or eastern boundaries of the Z-38-16 parcel. Site access will be provided via Buffalo Road and New Hope Road. Access limitations will be determined in consultation with NCDOT upon submission of a site plan.

In accordance with UDO Section 8.3.2, the maximum block perimeter for NX-3 zoning is 3,000 feet. The block perimeter for Z-38-16, as defined by public rights-of-way for Buffalo Road, Old Coach Road, Ivy Hill Road, Cobble Creek Lane, Fawn Glen Drive and New Hope Road is 5,465 feet.

The existing parcel is vacant and generates no traffic. Approval of case Z-38-16 would increase average peak hour trip volumes by 48 veh/hr in the AM peak and by 156 veh/hr in the PM peak; daily trip volume will increase by approximately 2,500 veh/day compared to maximum buildout under current zoning. Since peak period traffic volumes will increase by more than 150 vph, and because access will be onto major streets, a traffic impact analysis report is necessary for case Z-38-16.

Z-38-2016 Existing Land Use (Vacant)	Daily	AM	PM
	0	0	0
Z-38-2016 Current Zoning Entitlements (Residential)	Daily	AM	PM
	421	36	43
Z-38-2016 Proposed Zoning Maximums (Retail SC)	Daily	AM	PM
	2,910	84	199
Z-38-2016 Trip Volume Change (Proposed Maximums minus Current)	Daily	AM	PM
	2,489	48	156

Impact Identified: Block perimeter exceeds UDO standard.

4.2 Transit

GoRaleigh Route 15L currently serves Buffalo Rd and the Wake County Transit Plan anticipates service on New Hope Road. The offer of a transit easement and shelter is acceptable.

Impact Identified: None. Development will increase demand for transit, but the offer of a transit easement and shelter will mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Marsh & Beaver-E
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

Impact Identified: The downstream property owner, located at 3705 Old Coach Road, has filed a drainage complaint with the City indicating structural flooding. The subject property may be required to implement additional stormwater control measures to detain a larger storm event, depending on the proposed site and stormwater layout.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0	13,320 gpd	7,200 gpd
<i>Waste Water</i>	0	13,320 gpd	7,200 gpd

Water mains are adjacent to the proposed rezoning area. However there are no existing sanitary sewer mains adjacent to the site. The developer will be responsible for the extension of the sewer lines to the property.

Verification of available water for fire flow is required as part of the building permit process. Any water systems improvements required to meet fire flow requirements will also be required of the developer.

Impact Identified: Extension of a sewer main to the site will be required of the developer. Any water system improvements needed to meet fire flow standards will also be required.

4.5 Parks and Recreation

There are no existing or proposed greenway trails, corridors, or connectors on or adjacent to this site. Nearest trail access is 2.5 miles, Neuse River Trail. Recreation services are provided by Marsh Creek Community Center, 0.6 miles distance.

Impact Identified: None.

4.6 Urban Forestry

Site will need to show compliance with UDO 9.1 at the time of development plan submittal.

Impact Identified: No impacts identified at this time.

4.7 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District and/or Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties and/or Raleigh Historic Landmarks.

Impact Identified: None.

4.8 Community Development

The site is not located within a designated Redevelopment Plan area.

Impact Identified: None.

4.9 Impacts Summary

- Developer will be required to extend sewer line to site; fire flow may need to be addressed upon development.
- Additional stormwater control measures may be needed to detain a larger storm event.

4.10 Mitigation of Impacts

- Extend sewer line to site; address fire flow capacities at the site plan stage.
- Address stormwater control at the site plan stage.

5. Conclusions

The proposal would permit site development consistent with the Future Land Use Map and most applicable policies of the Comprehensive Plan. Its lack of Frontage designation, however, is inconsistent with the Urban Form Map and the 2015 Buffalo-New Hope Area Plan, both of which support a maximum of two bays of parking between site building(s) and the two adjacent streets. The developer will need to extend a sewer line to the property. Site development may have to address off-site drainage issues.

Staff Comments – Z-38-16 Conditions *(as amended 1-13-17)*

Condition 11

- Add the word “be” between the words “may” and “no” in the second line of the provision.
- The phrase “or similar light source technology” is not defined; please clarify (e.g., ones with reduced energy usage?).



Certified Recommendation

Raleigh Planning Commission

CR# 11541

Case Information Z-4-13 New Hope Road

<i>Location</i>	Northeast quadrant of the intersection of New Hope and Buffaloe Road.
<i>Request</i>	Rezone property from Residential-6 to Neighborhood Business Conditional Use
<i>Area of Request</i>	6.17 acres
<i>Property Owner</i>	Fannie B. Buffaloe Trust
<i>Applicant</i>	Dean Marion (919)303-9448
<i>Citizens Advisory Council</i>	Northeast CAC
<i>PC Recommendation Deadline</i>	July 12 th , 2013

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

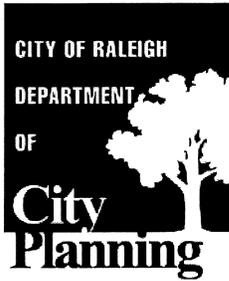
The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use
<i>CONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 4.5 – Connectivity Policy LU 5.2 – Managing Commercial Development Impacts Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 7.4 – Scale and Design of New Commercial Uses Policy EP 8.4 – Noise and Light Impacts Policy UD 2.4 – Transitions in Building Intensity Policy UD 2.1 – Building Orientation Policy UD 2.3 – Activating the Street Policy UD 7.3 – Design Guidelines

Summary of Proposed Conditions

1. Prohibited Uses
2. Building height limited to 40 feet
3. Maximum overall retail square footage of 30,000 sq ft
4. Fence adjacent to residential uses
5. Lighting restricted to full-cutoff shielded design
6. Transit easement
7. Medium profile signage
8. Bicycle racks



Zoning Staff Report –Z-4-13

Case Summary

Overview

The subject property is located in the northeast quadrant of the intersection of Buffaloe and New Hope Road. Applicant is proposing to amend the zoning in this location from Residential-6 to Neighborhood Business Conditional Use. The Future Land Use Map designates this property as being appropriate for Neighborhood Mixed Use.

Applicant has offered several zoning conditions prohibiting the development of certain uses on the property, limiting overall size of retail development and prohibiting multifamily development. Conditions providing a closed fence adjacent to residential uses, limiting building height and types of lighting were also offered by the applicant. The current zoning conditions offered provide adequate buffering and transitions to surrounding residential, while also ensuring the size of any future retail development on this site is appropriate in scale. While being consistent with most Comprehensive Plan policies as well as the Future Land Use Map, outstanding issues remain. Significant increases in traffic could result in the development as proposed on the subject property.

Outstanding Issues

<i>Outstanding Issues</i>	1. Traffic impacts	<i>Suggested Mitigation</i>	1. Traffic mitigation.
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ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	<i>Subject Property</i>	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Existing Zoning</i>	Residential-6	Residential-6	Residential-6	Residential-6	Residential-4 and Residential-6
<i>Additional Overlay</i>	None	None	None	None	None
<i>Future Land Use</i>	Neighborhood Mixed	Low Density Residential	Neighborhood Mixed	Low Density Residential	Low Density Residential
<i>Current Land Use</i>	Vacant	Single family residential	Vacant undeveloped land	Single family residential	Single family residential

1.2 Current vs. Proposed Zoning Summary

	<i>Existing Zoning</i>	<i>Proposed Zoning</i>
<i>Residential Density:</i>	37 dwelling units	61 dwelling units
<i>Setbacks:</i>		
<i>Front:</i>	20	30
<i>Side:</i>	5 (agg. 15)	0
<i>Rear:</i>	20	0
<i>Retail Intensity Permitted:</i>	None	30,000 sq. ft.
<i>Office Intensity Permitted:</i>	None	30,000 sq. ft.

The proposed rezoning is:

Compatible with the property and surrounding area.

Incompatible.

Analysis of Incompatibility:

Proposed rezoning request is compatible with the surrounding area. Applicant has provided zoning conditions that include provisions to limit retail square footage, building height and lighting. Proposed conditions will help to ensure compatible development and provide adequate buffers and transitioning to surrounding residential uses.

2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

Proposed rezoning is consistent with the Future Land Use Map. Property is designated as being appropriate Neighborhood Mixed Use. Request to rezone to Neighborhood Business Conditional Use is consistent with this designation.

2.2 Policy Guidance

The rezoning request is **consistent** with applicable Comprehensive Plan policies:

2.3 Area Plan Policy Guidance

There are no applicable area plans in this location.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Consistent with Future Land Use designation.
- Would provide opportunity for retail within close proximity to residential.

3.2 Detriments of the Proposed Rezoning

- Potential increases in traffic.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)	2035 Traffic Volume Forecast (CAMPO)			
New Hope Road	Secondary Arterial	24,000	34,400			
Buffaloe Road	Major Thoroughfare	14,000	17,600			
Street Conditions						
New Hope Road	Lanes	Street Width	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	5	73'	Back-to-back curb and gutter section	100'	5' sidewalks on both sides	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	YES	NO	YES	NO
Buffaloe Road	Lanes	Street Width	Curb and Gutter	Right-of-Way	Sidewalks	Bicycle Accommodations
Existing	5	73'	Back-to-back curb and gutter section	105'	5' sidewalk on the north side of the street	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	YES	NO	NO
Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential			
AM PEAK	36	266	230			
PM PEAK	43	479	436			
Suggested Conditions/ Impact Mitigation:	<p>Traffic Study Determination: Staff has reviewed a Traffic Impact Analysis (TIA) report for this case. Staff concludes that traffic impacts associated with Z-4-13 will not result in excessive delays during the AM Peak hours but anticipate significant congestion at the intersection of Buffaloe Road and New Hope Road during the PM Peak hours. Delay for the eastbound approach will increase and the level of service will degrade from LOS E to LOS F based on the level of development proposed with this case. Increased congestion will result 30% increase in delay with degrades of LOS-C to LOS E in the westbound direction and LOS E to LOS F in the eastbound direction.</p>					
Additional Information:	Neither NCDOT nor the City of Raleigh has any scheduled roadway construction projects in the vicinity of this case.					

Impact Identified: Increased congestion at the Buffaloe Road and New Hope Road intersection will result 30% increase in delay with degradation of LOS-C to LOS E in the westbound direction and LOS E to LOS F in the eastbound direction along Buffaloe Road.

It should be noted that Policy LU 2.6 of the Comprehensive Plan states that staff should carefully evaluate all amendments to the zoning map that significantly increase permitted

density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

4.2 Transit

Applicant has included a transit easement in proposed zoning conditions.

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	
<i>Drainage Basin</i>	
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	

Impact Identified: None

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>	<i>Estimated Remaining Capacity</i>
<i>Water</i>	21,595 gpd	27,765 gpd	
<i>Waste Water</i>	21,595 gpd	27,765 gpd	

Impact Identified: The proposed rezoning would add approximately 6,170 gpd to the wastewater collection and water distribution systems of the City. There is currently a twenty-four (24") inch water main within the New Hope Road and a twelve (12") inch water main within the Buffalo Road rights-of-way at the property. Sanitary sewer would be required to be extended by the petitioner/developer to the property. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

The subject property is not located adjacent to a corridor of the Capital Area Greenway. The subject tract does not impact the Recreation Level of Service.

Impact Identified: None

4.6 Urban Forestry

Impact Identified: The property is excess of two acres in size, and tree conservation will be required. This rezoning is not expected to have an impact on the application of the Tree Conservation Ordinance 10-2082.14 to the property. Ordinance requirements should be addressed in priority order as outlined in the ordinance.

4.7 Designated Historic Resources

The subject property is not within a historic district and does not contain any historic landmarks.

Impact Identified: None

4.9 Appearance Commission

Proposal is not subject to review by the Appearance Commission.

4.10 Impacts Summary

- Increase in traffic.

4.11 Mitigation of Impacts

- Provide traffic mitigation.

5. Conclusions

The proposed rezoning request is consistent with the Future Land Use map. The designation on the subject property is Neighborhood Mixed Use. The proposal to rezone to Neighborhood Business Conditional Use is consistent with this designation. The applicant has included several zoning conditions to help ensure a compatible, smaller scale retail development in this location to help serve surrounding residential neighborhoods.

While the proposal is consistent with the Future Land Use and most Comprehensive Plan policies, significant increases in traffic could result from this rezoning request. Policy LU 2.6 of the Comprehensive Plan states that staff should carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.



City of Raleigh North Carolina

December 9, 2016

MEMORANDUM

TO: Doug Hill
Planner II

FROM: Bowman Kelly, PE, PTOE *ABK*
Transportation Engineer

SUBJECT: Traffic Impact Analysis Review for Rezoning Case Z-38-2016

I have reviewed the Traffic Impact Analysis (TIA) report for the proposed rezoning case Z-38-2016. The site is located in the northeast quadrant of Buffaloe Road and New Hope Road. Build-out is assumed to be complete in 2017. The following intersections were studied as part of this traffic analysis:

- New Hope Road at Sue Ellen Drive *(Unsignalized)*
- Buffaloe Road at New Hope Road *(Signalized)*
- Buffaloe Road at Old Coach Road *(Unsignalized)*
- Buffaloe Road at Valley Stream Drive *(Signalized)*
- New Hope Road at Sue Lane/ Jane Lane *(Unsignalized)*

Rezoning the subject parcels from R-6 to NX-3-CU would permit a mix of uses such as retail sales, offices and residential apartments, however the traffic study focused on impacts from a supermarket of approximately 36,000 sq. ft. Table 1 summarizes the expected change in trip volumes. Note that these volumes represent long-runs averages; actual trip volumes will vary from day to day. A study area map for the Z-38-2016 parcel is shown in Figure 1. Refer to Figure 2 for a map of the existing traffic lanes.

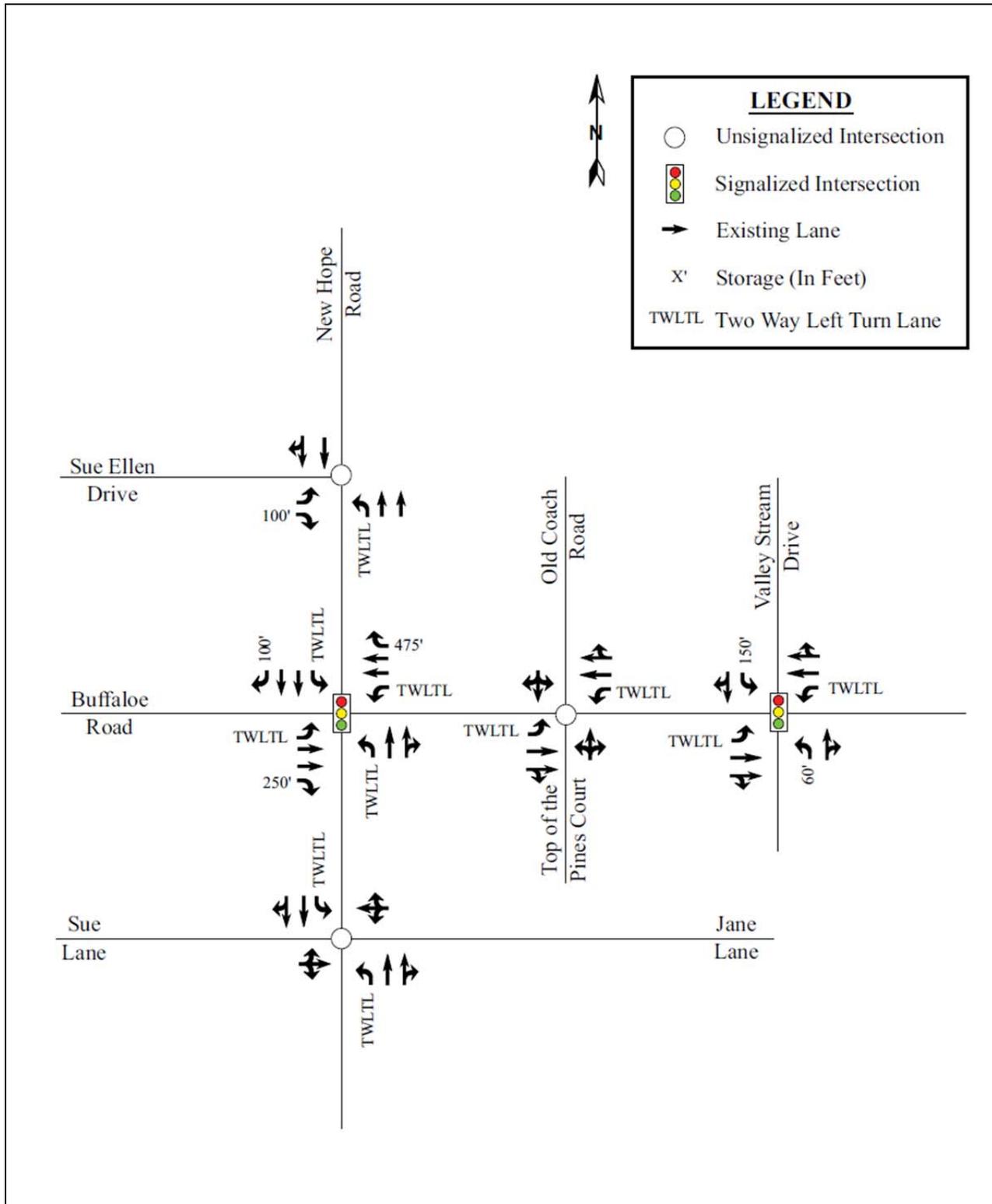
Table 1: Z-38-2016 Trip Generation

	Daily Trips (vpd)	AM Peak (vph)	PM Peak (vph)
Existing Use: Vacant	0	0	0
Current Zoning: Residential (R-6)	421	36	43
Proposed Zoning: Mixed Use (NX-3)	2,356	122	219
Net New External Trips	1,935	86	176

Figure 1: Z-38-2016 Study Area Map



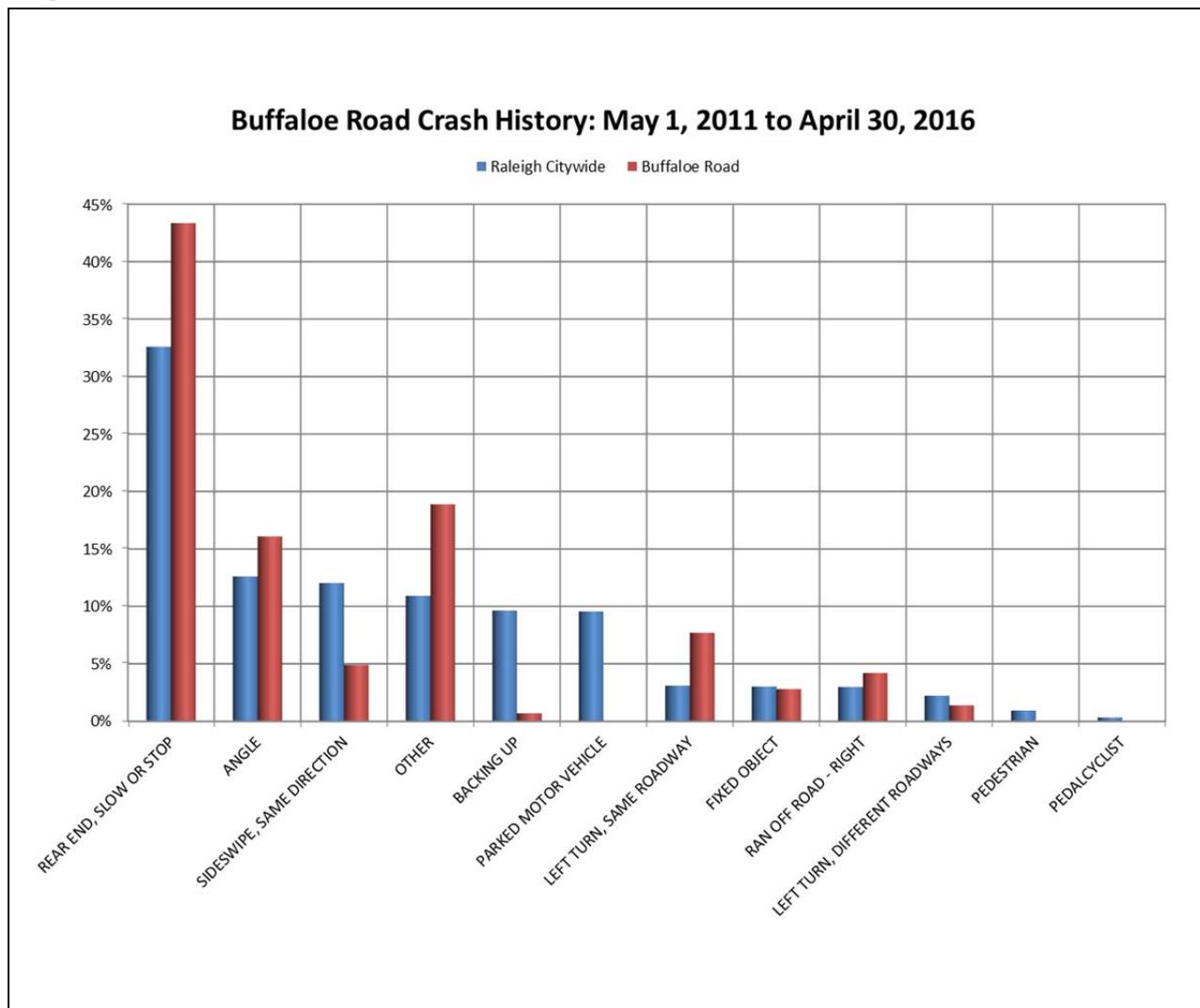
Figure 2: Z-38-2016 Existing Traffic Lanes Map



Crash History

Crash patterns within the study area are somewhat different from those found throughout the City as a whole. Figure 4 shows the relative percentages of crash types along Buffalo Road. There were 143 reported crashes along Buffalo Road (from east of Valley Stream Road to a point west of Old Buffalo Road) between May 1, 2011 and April 30, 2016. Of these, one crash resulted in a major injury and nine crashes resulted in minor injuries¹. Rear end collisions and angle crashes were the most recognizable crash pattern. These crashes are typically found at congested streets and intersections. Along New Hope Road, during this same period, there was one fatal crash in which a motorists ran off the road and struck a tree between Fawn Glen Drive and Sue Ellen Drive. The TIA report did not recommend any infrastructure improvements to address injury crashes.

Figure 4: Buffalo Road Crash Chart



¹ Major injury: An injury serious enough prevent a person from carrying on his or her normal activities for at least one day beyond the day of the crash. Lacerations that require stitches or broken bones are examples. (NC Crash Report Instruction Manual)

Traffic Impacts

Policy T5.1 of the City’s 2030 Comprehensive Plan calls for enhancing pedestrian and bicycle circulation, access, and safety along roadway corridors and near schools. Sidewalks are currently in place along both sides of New Hope Road between Sue Ellen Drive and Jane Lane. There is an existing sidewalk along the northern side of Buffaloe Road between Old Buffaloe Road and Old Coach Road. However, the existing sidewalks have been in place for many years and do not appear to meet current City standards. There are no facilities for bicycles along either street. The intersection of Buffaloe at New Hope does not provide pedestrian actuated signals at any of the corners.

The Z-38-2016 site will be served by GoRaleigh’s cross-town route 15L. Route 15L circulates around Capital Boulevard, Buffaloe Road, New Hope Road and US-64; buses run every 45 minutes between approximately 5:30AM until 11:00PM. The closest approach of route 15L to the Z-38-2016 parcel is a bus stop at the southwest corner of Buffaloe Road and New Hope Road.

Multi-modal analyses were performed for the Rezoning-Approved (2017) traffic condition using ARTPLAN 2012 software to determine the levels-of-service for bicyclists, pedestrians, and buses in the study area. The traffic study reports that Pedestrian and Bicycle levels-of-service were LOS D and LOS E, respectively, while Transit level-of-service was LOS F for streets in the study area. The TIA report did not recommend any infrastructure improvements to address multimodal levels of service.

Changes in traffic volumes and traffic delay are not linear: a relatively small increase in traffic volume can lead to a proportionally larger change in delay, and vice versa. Analyses indicate that the signalized intersection of Buffaloe Road at New Hope Road would operate at LOS E in the PM peak hour if the subject parcels were developed under current zoning. Approval of this rezoning case would lead to a slight increase in delay while level of service would remain at LOS E. Note that delays are higher for the PM peak compared to the AM peak period. Refer to Table 2 for traffic impacts at the signalized intersections. Figure 3 shows additional Level of Service details for public street intersections within the study area.

Table 2: Z-38-2016 Traffic Impacts

PM Peak Period for Current Zoning vs Proposed Zoning*			
Intersection	Change in Volume	Change in Delay	Change in Level-of-Service
Buffaloe/New Hope Overall	+ 2%	+ 5%	Same (LOS E)
Buffaloe/Valley Stream Overall	+ 3%	+ 0%	Same (LOS B)

*Assumes no improvements made to existing street system

In order to reduce impacts to the adjoining street system, the TIA report recommended constructing turn pockets at the site entrances on Buffaloe Road and New Hope Road. It further recommended retiming the traffic signal at Buffaloe/New Hope. However, it is not practical to retime this one signal in isolation since it is coordinated with other adjacent signals along Buffaloe Road. The report did not recommend any other infrastructure improvements for other streets in the study area. Figure 4 shows a map of these proposed improvements.

Figure 3: Z-38-2016 Level of Service Map

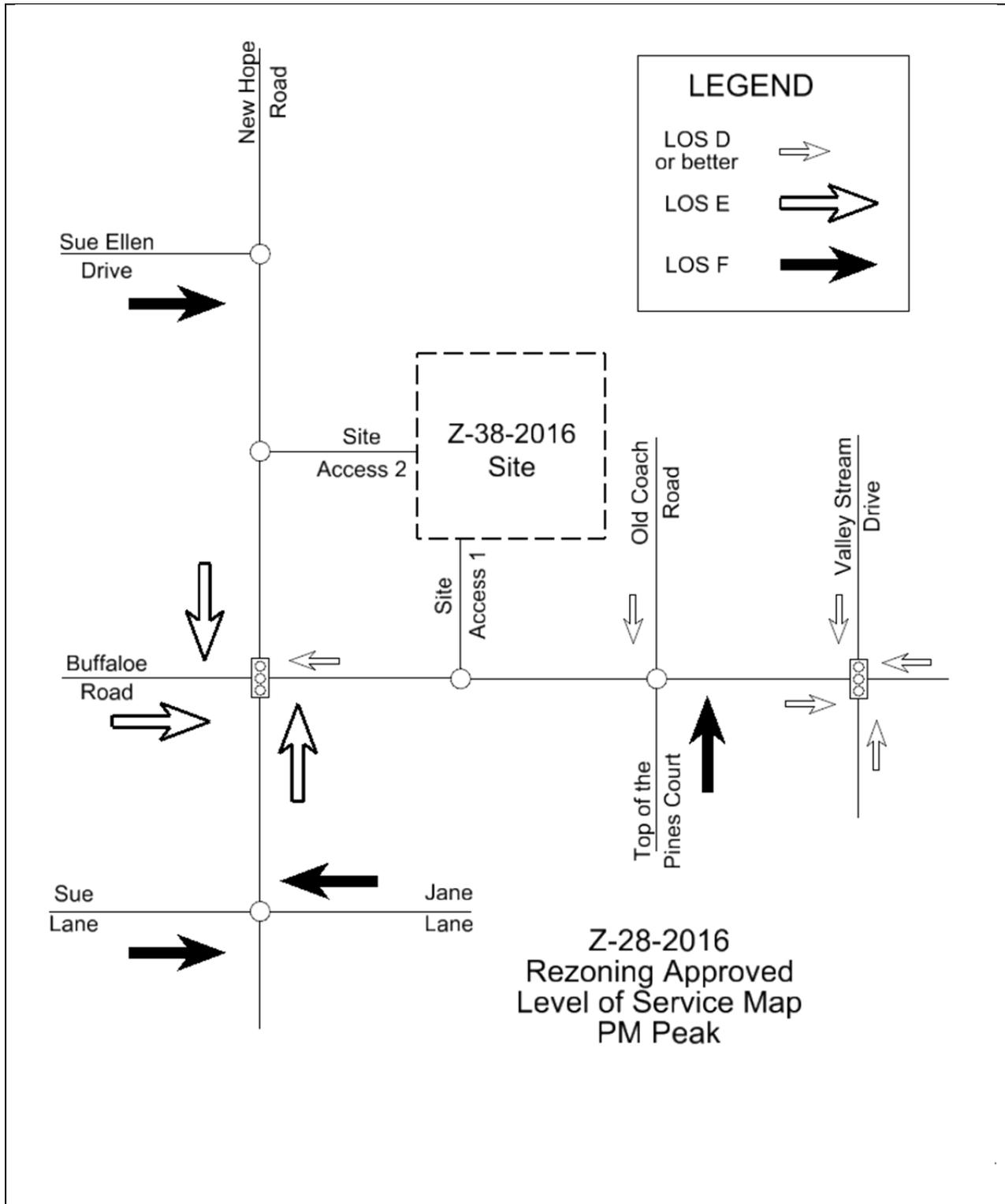
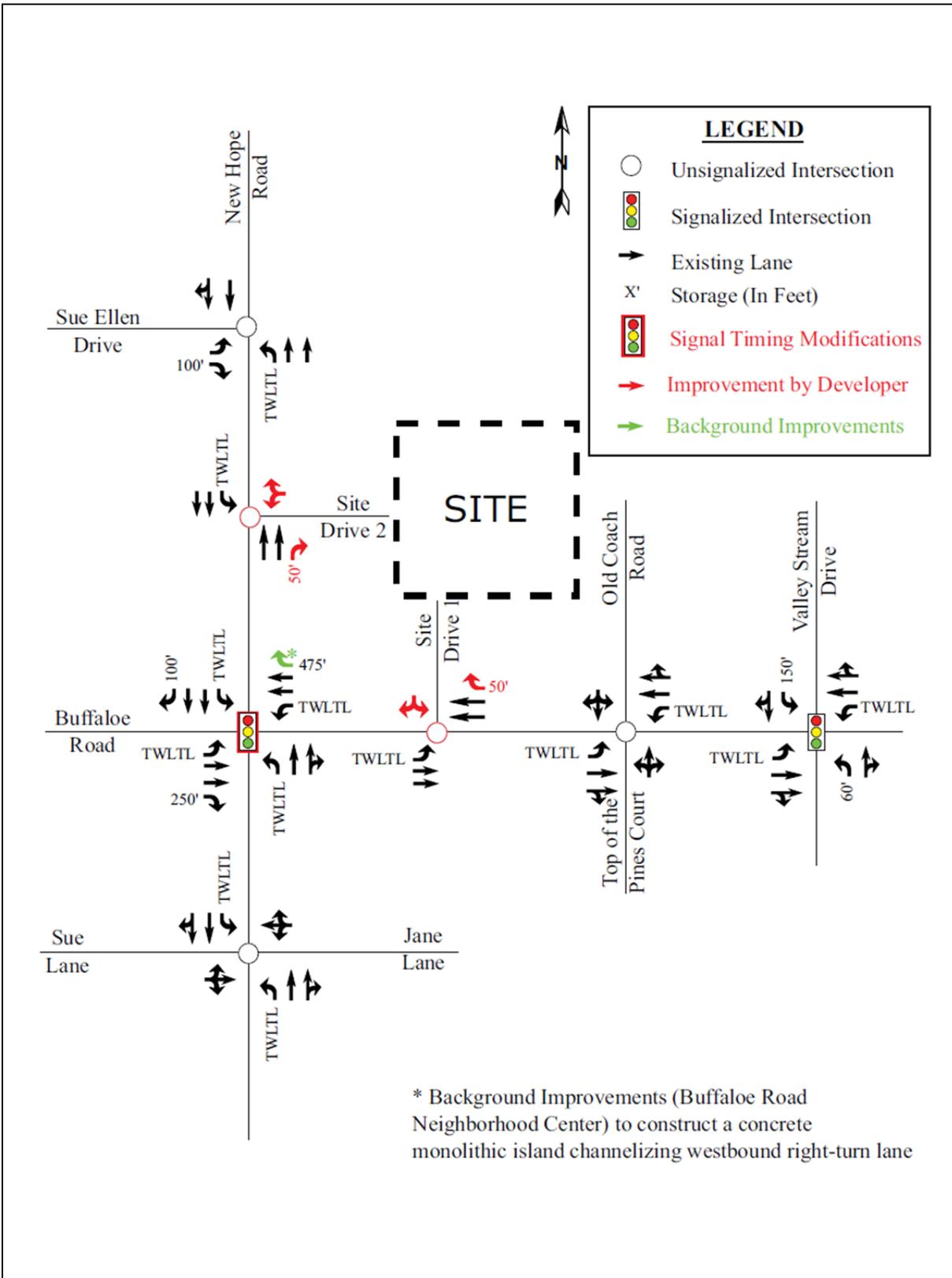


Figure 4: Z-38-2016 Recommended Improvements Map





Planning & Development

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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-38-16		Transaction Number
Date Submitted 13-Jan-2017		
Existing Zoning R-6	Proposed Zoning NX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited: telecommunication towers – all types; outdoor sports or entertainment facilities – all types; vehicle sales/rental; detention center, jail, prison; vehicular repair (minor); any establishment engaged in the sale of fuel (gasoline or diesel fuel); game arcade; tattoo parlor; check cashing establishment; pawn shop; bar, nightclub, tavern or lounge. Restaurant, as defined in N.C.G.S. § 18B-1000(6), is permitted. Drive-through windows shall be prohibited.
2.	Prior to the issuance of a building permit for new development, if requested in writing by the City of Raleigh, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement shall be agreed to by the Transportation Department and then Property Owner, and the easement deed approved as to form by the City Attorney's Office. If requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following prior to issuance of the first certificate of occupancy on the Property: (a) a 15'x 20' cement pad; a 30-foot long cement landing zone between the back of curb and sidewalk; (b) an ADA-accessible transit waiting shelter with bench; and (c) a litter container.
3.	The hours of public access to any establishment operating on the property shall be limited to the period from 6:00 am until 11:00 pm. There shall be no deliveries to or shipments from establishments upon the Property between 11:00 pm and 6:00 am. Trash shall not be picked up, or dumpsters emptied, upon the Property between 11:00 pm and 6:00 a.m. Vehicles making deliveries to or shipments from establishments upon the Property, or picking up trash or emptying dumpster upon the Property, shall not arrive upon the Property prior to 6:00 am.
4.	The height of any building constructed upon the Property shall not exceed one (1) story and 33 feet.
5.	The Property shall not be subdivided.
	(Conditions continued on next page.)

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

Owner/Agent Signature	Print Name JOAN B. EDWARDS
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 1 Exchange Plaza, Suite 400
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 Phone 919-996-2495
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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-38-16		Transaction Number
Date Submitted 13-Jan-2017		
Existing Zoning R-6	Proposed Zoning NX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
6.	Unless prohibited by the UDO or NC DOT, beginning at the right-of-way of New Hope Road as established at the time of site plan approval (or as close thereto as allowed by NCDOT and the City's Department of Transportation) and extending along the northern and eastern boundary lines of the Property (along the common boundary lines of Lots 1-4, and 10-14 and 16-22 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry) to the right-of-way of Buffaloe Road as established at the time of site plan approval (or as close thereto as allowed by NCDOT and the City's Department of Transportation), there shall be constructed and maintained a masonry wall at least seven (7) feet in height. Except where appropriate to save existing vegetation, said wall shall be located no closer than fifteen (15) feet from said northern and eastern boundary lines of the Property. In the event, compliance with the tree conservation requirements of the UDO prohibit installation of the masonry wall within the 50-foot buffer, the masonry wall may be located outside the buffer.
7.	In addition to the masonry wall described in Condition 6 above, a 50-foot wide Type 3 (Zone A) Protective Yard shall be installed and maintained along the northern and eastern boundaries of the Property (along the common boundary lines of Lots 1-4, and 10-14 and 16-22 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry), except for areas required for tree conservation, the yard shall be planted to at the rate of 7 shade trees, 6 understory trees and 65 shrubs per 100 lineal feet. This development proposes that the following be planted (or preserved in a TCA where required): 3 shade trees and 2 understory trees per 100 lineal feet on the adjacent property side of the proposed masonry wall in the buffer. This development would also plant the other required 4 shade trees and 4 understory trees per 100 lineal feet on the development side of the proposed masonry wall in the buffer. It is also proposed that the applicant plant shrubs at a rate of 65 shrubs per 100 lineal feet, evenly distributed on each side of the masonry wall.
8.	Buildings situated on the Property shall not exceed a total of 36,000 square feet of floor area gross.
9.	No vehicular surface area shall be located directly between any buildings situated on the Property and the immediately adjacent northern boundary line of the Property (along the common boundary lines of Lots 10-14 and 16-22 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry). Where the building is within 200' feet of the adjacent eastern property line, no vehicular surface area shall be located directly between any building situated on the Property and the immediately adjacent eastern boundary line of the Property (along the common boundary lines of Lots 1-4 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry).
	(Conditions continued on next page.)

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

Owner/Agent Signature	Print Name JOAN B. EDWARDS
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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number Z-38-16		Transaction Number
Date Submitted 13-Jan-2017		
Existing Zoning R-6	Proposed Zoning NX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
10.	If requested in writing to do so by Raleigh Department of Transportation or North Carolina Department of Transportation, signalized pedestrian crosswalks shall be installed across New Hope Road north of its intersection with Buffalo Road and across Buffalo Road west of its intersection with New Hope Road. Such crosswalk installation to occur prior to issuance of any certificate of occupancy for the Property.
11.	Unless a more restrictive height is noted within the UDO for specific areas of the site, light fixtures within parking and vehicular display areas may be no higher than 20 feet; and all wall pack fixtures may be no higher than 15 feet. Light fixtures within parking and vehicular display areas and wall pack fixtures will employ LED or similar light source technology.
12.	The internal pedestrian circulation shall connect the sidewalks in the adjacent public street rights-of-way to the primary building entrance. At least one such connection shall not require crossing an internal vehicular surface area, and at least one such connection shall have at least one pedestrian bench between the right of way and the primary building entrance.
13.	Notwithstanding the provisions of UDO Section 7.1.2.D, parking shall not exceed 150% of the required parking ratio as established in Section 7.1.2.C.

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

Owner/Agent Signature	Print Name JOAN B. EDWARDS
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October 7, 2016

Neighboring Property Owner

Re: Meeting to Discuss Possible Rezoning of 4115 Buffalo Road

Dear Sir or Madam:

Our firm represents Lidl US LLC regarding a possible re-zoning request for property they have contracted to purchase in the northeast quadrant of the intersection of Buffalo Road and New Hope Road (the "Property"). You are receiving this letter because the public records indicate that you own property in close proximity to the Property. You are invited to attend a neighborhood meeting on October 24, 2016. The meeting will be held at the New Hope Baptist Church, located at 4301 Louisburg Road in Raleigh, and will begin at 7:00 p.m. in the Fellowship Hall

The purpose of this meeting is to discuss the potential rezoning of approximately 6.17 acres located at 4115 Buffalo Road in Raleigh. This site is currently zoned R-6. We anticipate a request to amend the zoning map designation from R-6 to a Neighborhood Mixed Use, 3-Story, conditional use district (NX-3-CU). For your reference, a map highlighting the Property in question is on the reverse side of this letter.

We find that a dialogue with the neighbors is always helpful in assuring that your concerns are being carefully considered.

Please join us on Monday, October 24th, at 7:00 p.m. at the New Hope Baptist Church Fellowship Hall, located at 4301 Louisburg Road in Raleigh to discuss this re-zoning request.

More specific information about the Property is available at the Department of City Planning. They can be reached by e-mail at rezoning@raleighnc.gov, or by phone at 919-996-2626. You can also access them by using the City's Web Portal at <http://www.raleighnc.gov/planning>.

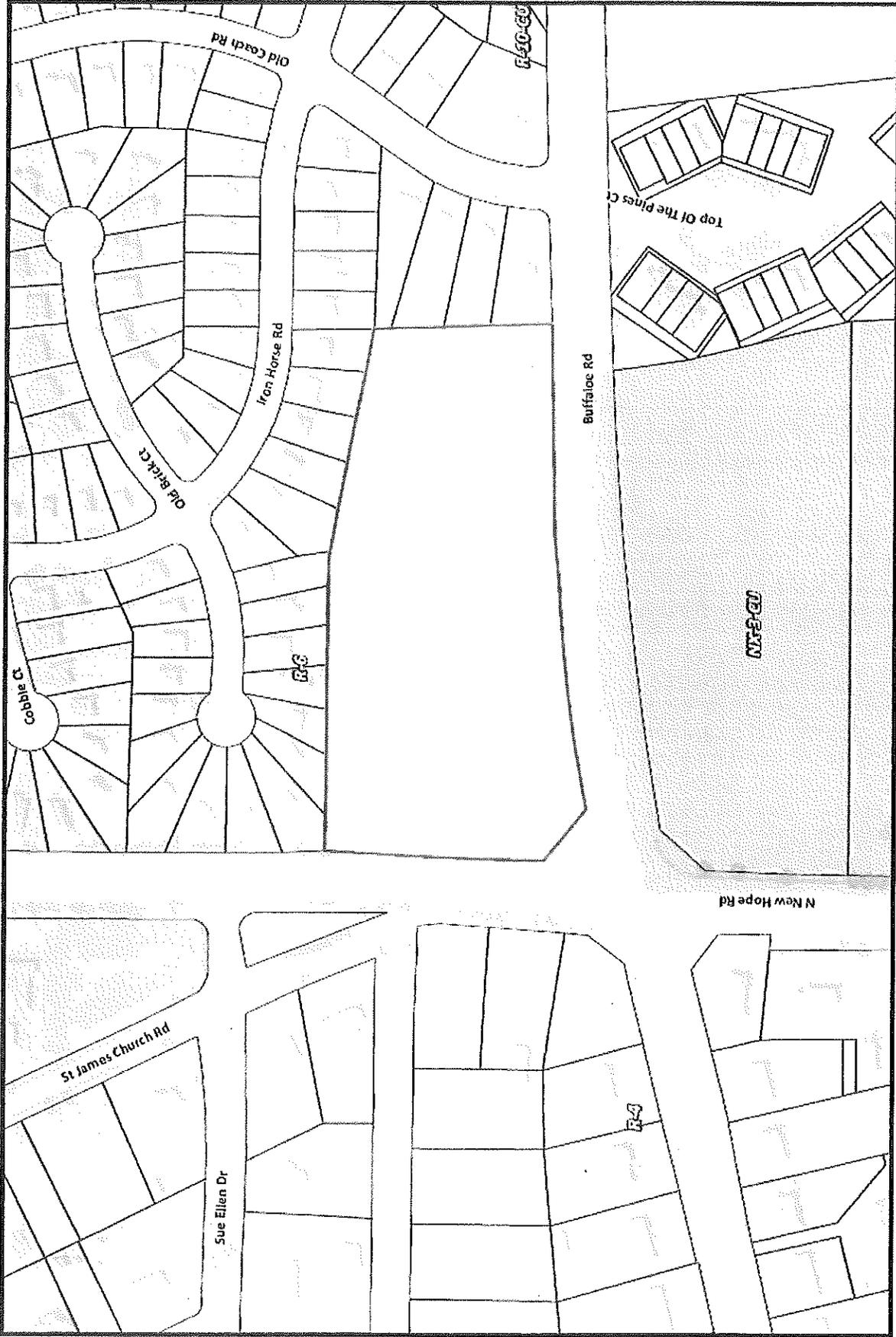
I look forward to seeing you at the meeting. Please call or e-mail me with any questions.

Sincerely,

Smith Moore Leatherwood LLP

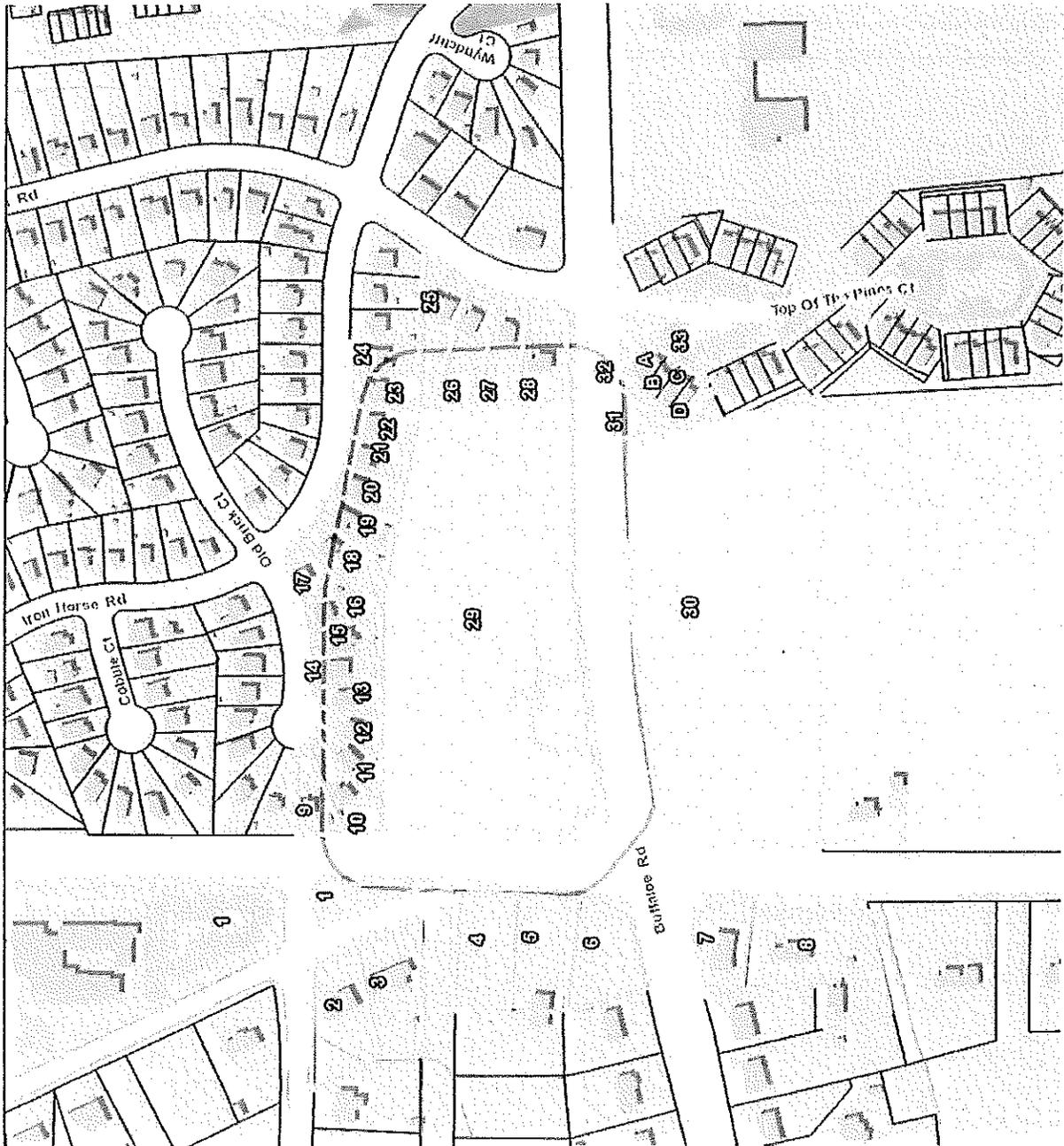


David L. York



4115 Buffalo Road

Disclaimer
 Macc makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for informational purposes, and are NOT surveyed. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Legend	PIN	Owner	Mail Address 1	Mail Address 2	Site Address	City
1	1725785825	ST JAMES UNITED METHODIST CHURCH	3808 SAINT JAMES CHURCH RD	RALEIGH NC 27604-5031	3808 ST JAMES CHURCH RD	RALEIGH
2	1725789080	POWELL, KEVIN E POWELL, MARY K	3805 SAINT JAMES CHURCH RD	RALEIGH NC 27604-5030	3805 SAINT JAMES CHURCH RD	RALEIGH
3	1725784128	WILLIAMS, CHARLES T WILLIAMS, DEBORHA M	5805 FOREST DR	RALEIGH NC 27616-1879	3801 SAINT JAMES CHURCH RD	RALEIGH
4	1725784092	CURRIN, CALLEN CURRIN, SUE A	PO BOX 97114	RALEIGH NC 27624-7114	4016 N NEW HOPE RD	RALEIGH
5	1725774992	CURRIN, C ALLEN CURRIN, SUE A	PO BOX 97114	RALEIGH NC 27624-7114	3705 N NEW HOPE RD	RALEIGH
6	1725775709	CURRIN, CALLEN CURRIN, SUE A	PO BOX 97114	RALEIGH NC 27624-7114	4017 BUFFALOE RD	RALEIGH
7	1725774429	CONTRERAS, JOSE	4014 BUFFALOE RD	RALEIGH NC 27604-5019	4014 BUFFALOE RD	RALEIGH
8	1725775346	DAVIS, MICHAEL WAYNE SR	223 LAUREL CIR	DAVENPORT FL 33837-8963	3607 N NEW HOPE RD	RALEIGH
9	1725788312	SHAHID, ABIDA AKBAR, MOHAMMAD	4100 OLD BRICK CT	RALEIGH NC 27616-5042	4100 OLD BRICK CT	RALEIGH
10	1725788226	HINES, ROSALYN HINES, ROGER A	4104 OLD BRICK CT	RALEIGH NC 27616-5042	4104 OLD BRICK CT	RALEIGH
11	1725788284	PARKER, VICKIE	4108 OLD BRICK CT	RALEIGH NC 27616-5042	4108 OLD BRICK CT	RALEIGH
12	1725789254	LI, XIUHUA	PO BOX 40744	RALEIGH NC 27629-0744	4112 OLD BRICK CT	RALEIGH
13	1725880205	SURIEL, MANUEL SURIEL, ADALGIZA	4116 OLD BRICK CT	RALEIGH NC 27616-5042	4116 OLD BRICK CT	RALEIGH
14	1725880255	GOOD, CHARLES R GOOD, KAY M	4120 OLD BRICK CT	RALEIGH NC 27616-5042	4120 OLD BRICK CT	RALEIGH
15	1725881216	POOR, VICKIE BORDEAUX POOR, GERTRUDE LILES	4124 OLD BRICK CT	RALEIGH NC 27616-5042	4124 OLD BRICK CT	RALEIGH
16	1725881266	HUNT, JASMINE V	4128 OLD BRICK CT	RALEIGH NC 27616-5042	4128 OLD BRICK CT	RALEIGH

Legend	PIN	Owner	Mail Address 1	Mail Address 2	Site Address	City
17	1725882322	VOJTA, MICHI CHRISTINE	3725 EAKLEY CT	RALEIGH NC 27606-2518	3941 IRON HORSE RD	RALEIGH
18	1725882266	CASHION, STEPHANIE L	3937 IRON HORSE RD	RALEIGH NC 27616-5044	3937 IRON HORSE RD	RALEIGH
19	1725883223	COX, DONALD J COX, PAULINE H	3933 IRON HORSE RD	RALEIGH NC 27616-5044	3933 IRON HORSE RD	RALEIGH
20	1725883291	GIDDENS, DANIEL F JR GIDDENS, GINGER S	3929 IRON HORSE RD	RALEIGH NC 27616-5044	3929 IRON HORSE RD	RALEIGH
21	1725884240	PUJOLS, DOMINGO	3925 IRON HORSE RD	RALEIGH NC 27616-5044	3925 IRON HORSE RD	RALEIGH
22	1725885108	COX, RHODA KATHLEEN	3921 IRON HORSE RD	RALEIGH NC 27616-5044	3921 IRON HORSE RD	RALEIGH
23	1725885169	TINGEN, JAMES TINGEN, AMANDA	3917 IRON HORSE RD	RALEIGH NC 27616-5044	3917 IRON HORSE RD	RALEIGH
24	1725886129	MANNES, CASSANDRA LEIGH	3913 IRON HORSE RD	RALEIGH NC 27616-5044	3913 IRON HORSE RD	RALEIGH
25	1725886079	GENTRY-MARTINEZ, JUAN M GENTRY-MARTINEZ, MARBEYA	3713 OLD COACH RD	RALEIGH NC 27616-5068	3713 OLD COACH RD	RALEIGH
26	1725886033	SHAW, ANTHONY B SHAW, SONJA G A	3709 OLD COACH RD	RALEIGH NC 27616-5068	3709 OLD COACH RD	RALEIGH
27	1725876926	BATTLE, MARTHA E	3705 OLD COACH RD	RALEIGH NC 27616-5068	3705 OLD COACH RD	RALEIGH
28	1725876920	WONG, KEVIN HOWARD	3701 OLD COACH RD	RALEIGH NC 27616-5068	3701 OLD COACH RD	RALEIGH
29	1725789080	EDWARDS, JOAN B	5119 EAGLES LANDING DR	RALEIGH NC 27616-6171	4115 BUFFALOE RD	RALEIGH
30	1725779568	RALEIGH BUFFALOE RETAIL INVESTMENT LLC	550 LONG POINT RD	MT PLEASANT SC 29464-7905	4100 BUFFALOE RD	RALEIGH
31	1725875703	TOP OF THE PINES TOWNHOUSES HOMEOWNERS ASSOCIATION INC	1816 PICTOU RD	RALEIGH NC 27606-3639	3661 TOP OF THE PINES CT	RALEIGH
32	1725875730	B & S DEVELOPMENT CORP	1816 PICTOU RD	RALEIGH NC 27606-3639	3663 TOP OF THE PINES CT	RALEIGH

Legend	PIN	Owner	Mail Address 1	Mail Address 2	Site Address	City
33	1725877155	TOP OF THE PINES TOWNHOUSES HOMEOWNERS ASSOCIATION INC	3600 TOP OF THE PINES CT	RALEIGH NC 27604- 5053	3638 TOP OF THE PINES CT	RALEIGH
A	1725876712	TOP OF THE PINES TOWNHOUSES HOMEOWNERS ASSOCIATION INC	9154 GREAT HEON CIR	ORLANDO FL 32836	3659 TOP OF THE PINES CT	RALEIGH
B	1725875699	TOP OF THE PINES TOWNHOUSES HOMEOWNERS ASSOCIATION INC	9154 GREAT HEON CIR	ORLANDO FL 32836	3657 TOP OF THE PINES CT	RALEIGH
C	1725875677	TOP OF THE PINES TOWNHOUSES HOMEOWNERS ASSOCIATION INC	9154 GREAT HEON CIR	ORLANDO FL 32836	3655 TOP OF THE PINES CT	RALEIGH
D	1725875654	TOP OF THE PINES TOWNHOUSES HOMEOWNERS ASSOCIATION INC	9154 GREAT HEON CIR	ORLANDO FL 32836	3653 TOP OF THE PINES CT	RALEIGH

SUMMARY OF ISSUES

A neighborhood meeting was held on Monday, October 24th, 2016 to discuss a potential rezoning located at 4115 Buffaloe Road at the corner of Buffaloe Road and New Hope Road. The neighborhood meeting was held at Fellowship Hall of the New Hope Baptist Church in Raleigh. There were approximately 15 neighbors in attendance. The general issues discussed were:

Summary of Issues:

- Limitations on the use on the property, specifically no fuels sales;
- Buffer from adjacent single family residential to include fence v. wall;
- Traffic concerns and vehicular access;
- Limitations on the hours of operation, including deliveries;
- Bus transit easement;
- Pedestrian circulation;
- New Hope/Buffaloe Road Small Area Plan;
- Limiting vehicular surfaces between building and single family residential;



Planning & Development

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Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

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Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification : R-6 Proposed Zoning Classification Base District NX Height 3 Conditional Use (NX-3-CU) _____ If the property has been previously rezoned, provide the rezoning case number. _____ Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 424660	Transaction Number

GENERAL INFORMATION		
Property Address 4115 Buffalo Road	Date Nov 2, 2016	
Property PIN 1725789080	Deed Reference (Book/Page) Book _____, Page _____ (86-E-1684)	
Nearest Intersection Buffaloe Road and New Hope Road	Property size (in acres) 6.17	
Property Owner/Address Joan B. Edwards 5119 Eagles Landing Drive Raleigh, NC 27616-6171	Phone	Fax
	Email	
Project Contact Person/Address David L York, Attorney Smith Moore Leatherwood LLP 434 Fayetteville Rd, Suite 2800 Raleigh, NC 27601	Phone 919-755-8749	Fax 919-838-3165
	Email david.york@smithmoorelaw.com	
Owner/Agent Signature <i>Joan B. Edwards</i> JOAN B. EDWARDS	Email	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



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Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number</p> <p>Zoning Case Number</p>

STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
1.	<p>The Property is designated for "Neighborhood Mixed Use" on the Future Land Use Map. This land use category encourages a mix of retail, office and moderate to medium density residential uses. The closest corresponding zoning district per the category description is NX. Accordingly, the rezoning request for NX is consistent with the Future Land Use Map.</p>
2.	<p>The Property is a portion of the properties that were the subject of Buffaloe – New Hope Small Area Plan. The Small Area Plan suggests that the Property be zoned with the base NX base district and 3-story building height. The proposed zoning district is consistent with the recommendations of the Buffaloe – New Hope Small Area Plan.</p>
3.	<p>The Property is a portion of the properties that were the subject of Buffaloe – New Hope Small Area Plan. Although the Small Area Plan suggests that the Property be zoned with Parking Limited frontage (PL), lengthy discussions with the Cobblestone residential community resulted in excluding the PL element in this request because allowing the transition yard and proposed building[s] to buffer the adjacent low density residential neighborhood from lights and noise associated with parking areas was viewed as a better public benefit to the neighbors.</p>
4.	<p>The rezoning is consistent with the following Comprehensive Plan Policies: LU1.2 (Future Land use Map and Zoning Consistency), LU 1.3 (Conditional Use District Consistency), LU 3.2 (Location of Growth).</p>

PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
1.	<p>This rezoning request provides a public benefit by rezoning the Property and allowing for its development consistent with the Future Land Use Map and Comprehensive Plan.</p>
2.	<p>This rezoning request provides a public benefit by providing for installation of a transit stop and easement.</p>
3.	<p>Because the Small Area Plan mentioned above was citizen driven, and the fact that this rezoning request is consistent with many recommendations of the Small Area Plan, the rezoning will benefit the public by rezoning in a fashion endorsed by the surrounding community.</p>
4.	<p>This rezoning provides a public benefit with a corresponding increase in the tax base.</p>

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>The Property is small in comparison to the NX zoned property to the south. The Property is immediately adjacent to residential uses. The development of the Property can be for retail and/or office uses. Rezoning the Property as requested will promote and enable the mixture of uses in a compact pedestrian friendly manner.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p>The Property is adjacent to a lower density residential neighborhood. By way of zoning condition, building height is limited to a single story and substantial buffering proposed.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p>All public streets proposed for the immediate area have already been constructed and opened. As such the existing built environment suggests that pedestrian and vehicular paths of movement to and through the Property can be achieved.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p>All public streets proposed for the immediate area have already been constructed and opened. Given the built environment, no cul-de-sacs or dead-end streets are anticipated.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p>All public streets proposed for the immediate area have already been constructed and opened. As such the existing built environment suggests that the block faces are existing and not likely to change.</p>
6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p>The actual location of buildings and parking will be determined at the site plan process.</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p>The actual location of buildings and parking will be determined at the site plan process; however, lengthy discussions with the Cobblestone residential community resulted in excluding the PL element in this request because allowing the transition yard and proposed building[s] to buffer the adjacent low density residential neighborhood from lights and noise associated with parking areas was viewed as a better public benefit to the neighbors.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p>The actual location of buildings will be determined at the site plan process; however, the topography of the property may dictate that the area at the intersection of the rights-of-way be used for stormwater facilities.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p>The actual location of open space will be determined at the site plan process at which time its location will take into consideration views and sun exposure.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p>The actual location of open space will be determined at the site plan process at which time its location will take into consideration direct access from adjacent streets.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p>The actual location of open space will be determined at the site plan process; however, given the size of the Property, same would be in close proximity to retail uses.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>The actual location of open space will be determined at the site plan process at which time creating an outdoor "room" that is comfortable will be taken into consideration.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>The actual location of open space will be determined at the site plan process at which time public seating will be taken into consideration.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>The actual location of buildings and parking will be determined at the site plan process; however, lengthy discussions with the Cobblestone residential community resulted in excluding the PL element in this request because allowing the transition yard and proposed building[s] to buffer the adjacent low density residential neighborhood from lights and noise associated with parking areas was viewed as a better public benefit to the neighbors.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p>The actual location of buildings and parking will be determined at the site plan process; however, lengthy discussions with the Cobblestone residential community resulted in excluding the PL element in this request because allowing the transition yard and proposed building[s] to buffer the adjacent low density residential neighborhood from lights and noise associated with parking areas was viewed as a better public benefit to the neighbors.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Parking structures are not anticipated for the Property.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>The zoning conditions included with this rezoning request provides for a transit stop should one be requested by the city. Existing transit routes pass by the property.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>The UDO requires convenient pedestrian access between transit stops and building entrances. The development of the Property will comply with the same should a transit stop be requested by the city.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>The Property has no steep slopes greater than 15%, watercourses or floodplains.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>All public streets proposed for the immediate area have already been constructed and opened.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Sidewalks along Buffalo Road and New Hope Road have already been installed. Any changes to the width or location of these sidewalks will be determined at the site plan process.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>The UDO specifically prescribes street trees based upon street typology.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>The actual location of buildings and parking will be determined at the site plan process; however, lengthy discussions with the Cobblestone residential community resulted in excluding the PL element in this request because allowing the transition yard and proposed building[s] to buffer the adjacent low density residential neighborhood from lights and noise associated with parking areas was viewed as a better public benefit to the neighbors.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p>The location and architectural features of building primary entrances will be determined at the site plan process; however, it is anticipated that same will convey their prominence on fronting facades.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p>The architectural features of building facades will be determined at the site plan process; however, it is anticipated that same will offer interest to pedestrians.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function. It is anticipated that the development of the Property will be of a design that facilitates social interaction and pedestrian movement; however, the specifics of same will be determined at the site plan process.</i></p>

Z-38-2016 Existing Land Use (Vacant)		Daily	AM	PM
Z-38-2016 Existing Land Use (Vacant)		0	0	0
Z-38-2016 Current Zoning Entitlements (Residential)		Daily	AM	PM
		421	36	43
Z-38-2016 Proposed Zoning Maximums (Retail SC)		Daily	AM	PM
		2,910	84	199
Z-38-2016 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily	AM	PM
		2,489	48	156
Z-38-2016 Traffic Study Worksheet				
6.23.4 Trip Generation				
Meets TIA Conditions? (Y/N)				
A	Peak Hour Trips \geq 150 veh/hr		Yes, the change in average peak hour trip volume is 156 veh/hr	
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane road		Not Applicable	
C	More than 100 veh/hr trips in the peak direction		No	
D	Daily Trips \geq 3,000 veh/day		No, the change in average daily trip volume is approximately 2,500 veh/day	
E	Enrollment increases at public or private schools		Not Applicable	
6.23.5 Site Context				
Meets TIA Conditions? (Y/N)				
A	Affects a location with a high crash history [Severity Index \geq 8.4 or a fatal crash within the past three years]		No	
B	Takes place at a highly congested location [volume-to-capacity ratio \geq 1.0 on both major street approaches]		No	
C	Creates a fourth leg at an existing signalized intersection		No	
D	Exacerbates an already difficult situation such as: RR Crossing, Fire Station Access, School Access, etc.		No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]		Yes, Buffalo Road and New Hope Road are both major streets (Avenue, 4-Lane, Divided)	
F	Proposed access is within 1,000 feet of an interchange		No	
G	Involves an existing or proposed median crossover		No	
H	Involves an active roadway construction project		No	
I	Involves a break in controlled access along a corridor		No	
6.23.6 Miscellaneous Applications				
Meets TIA Conditions? (Y/N)				
A	Planned Development Districts		No	
B	In response to Raleigh Planning Commission or Raleigh City Council concerns		None received by Transportation Planning as of November 9, 2016	



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: TC-17-16 / Attics & Basements

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	<p>Policy LU 5.2 Managing Commercial Development Impacts Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor noise and vibration impacts on surrounding residential areas.</p> <p>Policy LU 5.5 Transitional and Buffer Zone Districts Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit and office type uses. Zoning regulations and conditions for these areas should ensure that development achieves appropriate height and density transitions and protects neighborhood character.</p> <p>Policy LU 7.4 Scale and Design of Commercial Uses New uses within commercial districts should be developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.</p>
<i>Action Items</i>	N/A

Summary of Text Change

<i>Summary</i>	Amends the Part 10 Raleigh Unified Development Ordinance to clarify the regulations related to attics and basements. As currently written, the UDO permits a basement or an attic, or both to add to the building massing without counting as a story. The Development Services Department has received several site plan submittals for what can only be considered a four or five story building within a three story zoning district.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-17-16:</u></p> <ol style="list-style-type: none"> 1. The adoption of the text change would reflect the original intent of the UDO related to basements and attics. 2. If adopted, apartment or mixed use building types would not be permitted to claim an attic or a basement, or both, are exempt from the height regulations.
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Zoning Staff Report – TC-17-16

Attics and Basements

Request

<i>Section Reference</i>	Part 10 Unified Development Ordinance §1.5.7 Building Height
<i>Basic Information</i>	Amends the Part 10 Raleigh Unified Development Ordinance to clarify the regulations related to attics and basements. As currently written, the UDO permits a basement or an attic, or both to add to the building massing without counting as a story. The Development Services Department has received several site plan submittals for what can only be considered a four or five story building within a three story zoning district.
<i>PC Recommendation Deadline</i>	January 24, 2017

Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p>Policy LU 5.2 Managing Commercial Development Impacts Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor noise and vibration impacts on surrounding residential areas.</p> <p>Policy LU 5.5 Transitional and Buffer Zone Districts Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit and office type uses. Zoning regulations and conditions for these areas should ensure that development achieves appropriate height and density transitions and protects neighborhood character.</p> <p>Policy LU 7.4 Scale and Design of Commercial Uses New uses within commercial districts should be developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.</p>
<i>Action Items</i>	N/A

Contact Information

<i>Staff Coordinator</i>	Travis Crane: travis.crane@raleighnc.gov ; 919.996.2656
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History/Overview

This text change was requested by staff in the Department of City Planning. The Unified Development Ordinance contains regulations related to building height. The UDO includes regulations for calculating height, calculating height on a sloped lot, and provisions for basement and attic space. When the language in section 1.5.7 was drafted, the initial intention was that the attic and basement provisions would be used on single family structures.

Purpose and Need

This text change would alter the language related to height to reflect the original intent. Staff has received several site plan submittals that propose very large multi-story apartment or mixed use buildings that claim to have an attic, a basement, or both. The intent of the mixed use zoning districts was to remove density caps in favor of predictable building heights. Very simply, three story zoning should produce three story buildings. Recent submittals have proposed very large five story buildings in three story zoning.

Alternatives Considered

There were no other alternatives considered.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

Adoption of the text change would prevent apartment, general, and mixed use building types from constructing an attic or a basement. On sloping sites, a site developer may choose to build larger retaining walls. Staff has been authorized to create a hillside development manual that could explore and address this impact.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

If this text change is not adopted, the City will continue to receive site plan applications that propose buildings that contain more stories than might otherwise be expected in the zoning district. The predictability of building height would be lost.

Impacts Summary

Adoption of Proposed Text Change

The adoption of the text change would prevent a basement or attic in any building type other than a detached or attached building type. It could produce additional retaining walls, although this issue will be explored in the hillside development manual.

No action

The City will continue to receive site plan submittals that propose buildings that are taller than what would be expected in the zoning district.

**ORDINANCE NO. XXX- (2016)
TC-17-16**

AN ORDINANCE TO AMEND SECTION 1.5.7 OF THE PART 10 RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE BASEMENT AND ATTIC REGULATIONS

WHEREAS, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development;

WHEREAS, the existing regulations in Article 1.5 provide for an allowance for attics and basements which do not count as a story;

WHEREAS, building heights in the mixed use zoning districts were intended to be predictable by establishing maximum height in feet and number of stories;

WHEREAS, the Unified Development Ordinance does not regulate residential density in the mixed use districts in exchange for this more predictable form;

WHEREAS, the City of Raleigh has determined it appropriate to preserve this predictability related to building height in the mixed use districts;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Sec. 1.5.7.A.3 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

3. For a detached or attached building type only, or for any building type located within the Downtown Mixed Use District, ~~where a lot slopes downward from the primary street property line,~~ 1 story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

Section 2. Section 1.5.7.A.5 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

5. For a detached or attached building type only, An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling. To be classified as an attic, the space must also meet the specifications as provided in the defined term in Article 12.2.

Section 3. Section 1.5.7.A.6 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

6. A basement meeting the specifications of Article 12.2 with 50% or more of its exterior perimeter wall area (measured from finished floor elevation) surrounded by finished grade is not considered a story for the detached or attached building types, or for any other building type where the entirety of the floor is used for storage, mechanical equipment, parking, laundry or waste collection purposes.

Section 4. Section 1.5.7.B of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language:

Ground floor elevation is measured from the average curb level of the adjoining street(s), or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor. The floor of the basement meeting the specifications of Article 12.2 is not the ground floor.

Section 5. Section 12.2 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended to include the following defined terms, listed in alphabetical order:

Attic

An unfinished space between roof framing and the ceiling of rooms below that is accessed by ladder or permanent stairs. This area is used for storage or mechanical equipment and cannot be used as habitable space. If an attic is converted to a habitable space such conversion shall cause the area to be deemed as an additional story.

Mezzanine

An internal space above and open to the first floor below. When a mezzanine comprises less than 33% of the footprint area of the building, it is not considered a story. When a mezzanine comprises 33% or more of the footprint area of the building, it is considered a story.

Section 6. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This text change has been reviewed by the Raleigh City Planning Commission.

Section 9. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 10. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning

Submittal # 1
COMMENTS RECEIVED BY STAFF

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TC-17-16

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WHEREAS, the existing regulations in Article 1.5 provide for an allowance for attics and basements which do not count as a story;

WHEREAS, building heights in the mixed use zoning districts were intended to be predictable by establishing maximum height in feet and number of stories;

WHEREAS, the Unified Development Ordinance does not regulate residential density in the mixed use districts in exchange for this more predictable form;

WHEREAS, the City of Raleigh has determined it appropriate to preserve this predictability related to building height in the mixed use districts;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Sec. 1.5.7.A.3 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

3. For a detached or attached building type only; and for all other building types on lots that fall within Raleigh Urban Form map designated Downtown and City Growth centers, Transit Oriented Districts (TODs), and lots with frontage on Transit Emphasis Corridors and Urban Thoroughfares; ~~W~~where a lot slopes downward from the front property line, with a minimum natural grade change of 7.5 feet from front to rear, 1 story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

Comment [SG1]: This accommodates the concerns of downtown developers, and is consistent with the comp plan. It limits the "additional story" impacts on most suburban and residential areas; but provides for greater development density where the City wants it (downtown, growth areas, TODs, and transit emphasis areas).

Comment [SG2]: Or 6-8 feet, or whatever.

Section 2. Section 1.5.7.A.5 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

5. For a detached or attached building type only; and for all other building types on lots that fall within Raleigh Urban Form map designated Downtown and City Growth centers, Transit Oriented Districts (TODs), and lots with frontage on Transit Emphasis

[Corridors and Urban Thoroughfares](#) An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling. To be classified as an attic, the space must also meet the specifications as provided in the defined term in Article 12.2.

Section 3. Section 1.5.7.A.6 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

6. For any building type, building area that meets the specifications for **Lowest Floor** as provided in the defined term in Article 12.2 is not considered a story. Any ~~Attic~~ ~~basement detached or attached~~ building type, except -Townhouse or Apartment, with 50% or more of its exterior perimeter wall area (measured from finished floor elevation) surrounded by finished grade is considered to have a basement. In this context, the basement is not considered a story. A Townhouse or Apartment building type with 75% or more of its exterior perimeter wall area (measured from finished floor elevation) surrounded by finished grade is considered to have a basement. Basement use for Townhouse or Apartment building type shall be limited to storage, mechanical equipment, Residential Accessory Service, and allowed Recreational Use Related to a Residential Development as regulated in the UDO. To be classified as a basement, the space must also meet the specifications as provided as provided in the defined term in Article 12.2.

Comment [SG3]: This preserves Lowest Floor use for access, parking, or storage.

Comment [SG4]: Getting rid of basements or lower areas for parking or storage is ill-conceived will have unintended consequences – for any zoning district. This language preserves it, but prevents gaming the UDO for additional multi-family density.

Section 4. Section 12.2 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended to include the following defined terms, listed in alphabetical order:

Attic

An unfinished space between roof framing and the ceiling of rooms below that is accessed by ladder or permanent stairs. This area is used for storage or mechanical equipment and cannot be used as habitable space. If an attic is converted to a habitable space such conversion shall cause the area to be deemed as an additional story.

Mezzanine

An internal space above and open to the first floor below. When a mezzanine comprises less than 25% of the footprint area of the building, it is not considered a story. When a mezzanine comprises 25% or more of the footprint area of the building, it is considered a story.

Section 5. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 6 If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This text change has been reviewed by the Raleigh City Planning Commission.

Section 8. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 5 days after adoption.

Submittal # 2
COMMENTS RECEIVED BY STAFF

Changes to TC-17-16, Attics and Basements

Replace Sections 1 through 3 as follows:

Section 1. Sec. 1.5.7.A.3 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

3. For a detached or attached building type only, or for any building type in a DX zoning district, ~~Where~~ a lot slopes downward from the front property line, 1 story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

Section 2. Section 1.5.7.A.5 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

5. For a detached or attached building type only, or for any building type in a DX zoning district, ~~An~~ attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling. To be classified as an attic, the space must also meet the specifications as provided in the defined term in Article 12.2.

Section 3. Section 1.5.7.A.6 of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

6. ~~A basement~~ detached or attached building type, or any building type in a DX zoning district with 50% or more of its exterior perimeter wall area (measured from finished floor elevation) surrounded by finished grade is considered to have a basement. In this context, the basement is not considered a story. To be classified as a basement, the space must also meet the specifications as provided in the defined term in Article 12.2.

Add a new section 4A as follows:

Section 4A. Sec. 1.5.7.A. of the Part 10 Raleigh Unified Development Ordinance, building Height, is hereby amended by insertion of the following underlined language:

7. For all building types other than detached and attached in zoning districts other than DX zoning districts, the height allowances in paragraphs 3, 5 and 6 above shall be available; however, in no event shall such result in more than 1 story, in total, that is additional to the specified maximum number of stories.



City of Raleigh
North Carolina

To: Eric Braun, Chairperson
Members of the Planning Commission

From: Travis R. Crane, Assistant Planning Director

Date: 18 January 2017

Re: Committee of the Whole/Meeting Time

The Planning Commission has requested that staff identify an alternate time for the Committee of the Whole meeting. Currently, these meetings are held on the first Tuesday of each month at 9 am. The Committee of the Whole typically reviews rezoning requests that are both inconsistent with the Future Land Use Map and the Comprehensive Plan. The Commission wishes to shift the meeting to later in the day to better accommodate members of the public who may be interested in the discussion.

Staff began an analysis of available days of the week. The goal in identifying a suitable meeting day was to avoid other city meetings that might have similar focus or discussion. These meetings often require staff attendance from Department of City Planning employees or employees from other development-related departments. Additionally, members of the public attend these meetings, as development applications are discussed. The following standing meetings were identified:

1. City Council meetings. The City Council conducts one evening session on the first Tuesday of the month. The City Council also has subcommittees that meet on the second and fourth weeks of the month, some of which occur in the late afternoon or evening.
2. Planning Commission meetings. The Planning Commission meets on the second and fourth Tuesday of each month. The Planning Commission also has subcommittees that meet on the first and third Tuesday of the month.
3. Citizens Advisory Council Meetings. The nineteen Citizens Advisory Councils (CACs) meet in the evenings; many of them meet once a month. These meetings are held on Monday, Tuesday or Thursday evening, depending on the particular CAC. The Raleigh Citizens Advisory Council (RCAC) meets once a month as well.

After populating these standing meetings on a calendar, there were four evenings that are unencumbered with other city meetings. Two of these days of the week contain Planning Commission or subcommittee meetings. Staff has identified the following options:

- Option 1: The first Wednesday of the month
- Option 2: The fourth Thursday of the month
- Option 3: The fourth Tuesday of the month
- Option 4: The third Tuesday of the month

Option 1

The Commission members have previously indicated a 4-7 pm timeframe for the Committee of the Whole. Option 1 would represent a slight shift in the existing schedule. This option could have the following impacts:

1. Compressed review for staff. This option would compress staff time to revise and consolidate staff materials for the next available Planning Commission meeting, which would occur four business days later. Staff generally finalizes the Planning Commission packet the Thursday prior to the meeting, with a Friday delivery to the Commission members. If the COW meeting ends at 7 pm on Wednesday, staff would have eight business hours the next day to finalize all materials for a Planning Commission meeting the following week.
2. Delay in advancing the request. If the Committee requests additional information or conditions, the application would not progress to the next available Planning Commission meeting. Rather, the request would be delivered to the Planning Commission meeting on the fourth Tuesday of the month. This is not a large departure from existing practice, as new zoning conditions cannot be offered at the COW meeting for consideration at the next week's Planning Commission meeting. The delay in advancing the case could be the product of lack of time to process the request in a short period of time after the Committee has acted.

Option 2

Option 2 would shift the Committee of the Whole to the fourth Thursday of the month. This option could have the following impacts:

1. Difficulty with indirect referrals. The Planning Commission has recently adopted new bylaws that provide structure for Committee referrals. Applications that are inconsistent with the Comprehensive Plan and the Future Land Use Map will be referred directly to the Committee of the Whole. In this instance, there will be no real impact on the application.

Conversely, if the Planning Commission discusses an item on the fourth Tuesday of the month and refers the item to the Committee of the Whole, the item will not be heard for one month.

Option 3

Option 3 would shift the Committee of the Whole to the fourth Tuesday of each month. This option could have the following impacts:

1. Multiple Commission meetings. The Planning Commission meets on the second and fourth Tuesday at 9 am. This would place a meeting from 4-7 on a day when the Commission meets in the morning. This will have an impact on the Commissioners, as it would encumber up to 6 hours of the day for Commission meetings.

2. No delay in advancing the request. If the Committee discussed an item on the evening of the fourth Tuesday, a rezoning applicant could submit revised conditions later in the week in time for discussion at the next regular Planning Commission meeting.

Option 4

Option 4 would shift the Committee of the Whole to the third Tuesday of the month. This option could have the following impacts:

1. Multiple Commission meetings. Two subcommittees already meet on this day – Text Change from 9-11 and Strategic Planning from 11-1. This would place a third Committee meeting on the day, encumbering a large amount of time for certain commission members.
2. No delay in advancing the request. If the Committee discussed an item in Committee on Tuesday, it could be sent to the next regular Planning Commission meeting one week later.

Next Steps

Once the Commission members agree on a day of the week, staff will begin to transition the meeting time. All city information will be updated and applicants made aware of the change.

Planning Commission - potential evening meeting dates

	M	TU	W	TH	F
1	Central	City Council		Appearance Comm, North	
2	South, Southwest, BOA	Planning Commission	GNR	Southeast, Northeast, Midtown	
3	East	Text Change, Strategic Planning	RCAC	Atlantic, Hillsborough	
4	S Central, Glenwood	Planning Commission	GNR		

- Planning Commission
- CAC meeting
- City Council meeting
- No evening conflicts