

# **PLANNING COMMISSION'S UDO REMAPPING WORK SESSION AGENDA**

**February 3, 2015 – 9:00 a.m.**

## **City Council Chambers– Municipal Building**

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

- A. Comments from the Public – New comments not already delivered during the public comment period that ended September 30 and not included on this agenda. Note that comments received after February 6, 2015 will be forwarded to the City Council without the benefit of Planning Commission review.**
- B. UDO Remapping Public Comment – Change Requests**
  - a. Requests are grouped by CAC and Change Request Map Number. Property address and PIN are included for reference.**

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

**Note: Items related to Vehicle Fuels Sales and frontage designations will be discussed at a future meeting.**

These items, deferred from the January 20, 2015 agenda, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
Southwest	149	2916, 3000, 3020, 3040, & 3100 S Wilmington St	1702346427, 1702346225, 1702346005, 1702335897, 1702335750	176
	157	2916, 3000, 3020, 3040, & 3100 S Wilmington St	1702346427, 1702346225, 1702346005, 1702335897, 1702335750	77
Five Points	168	829 Washington St	1704331517	215
		900 St. Mary's St	1704332305	

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

CAC	Agenda Item	Address	PIN	Map No.	
Glenwood	181	2550/2600 Glenwood Ave	1705029420	178	
Northwest	182	2511 TW Alexander Dr	0758990749	14	
	183	4600 Crabtree Valley Ave	0796305907	29	
	184	10501 Little Brier Creek Ln	0768184675	47	
	185	5732 Westgate Rd	0778536990	80	
	186	7700 Glenwood Ave	0787125613	135	
	187	8901 Glenwood Ave	0777287975	152	
	188	7331 Acc Blvd	0778065480	7	
	189		5608 & 5612 Rush Springs Ct	0778746588, 0778746520	11
			8970 Ebenezer Church Rd	0778748776	
			9112 Willow Valley Ct	0778847913	
			5418 Windy Gap Ct	0778858161	
	190	9910, 9911, 9930, 9931, 9932, & 9951 Sellona St	0758636098, 0758626652, 0758630092, 0758624475, 0758622858, 0758614856	44	
	191	10701 Globe Rd	0758719148	46	
	192	9655 Collingdale Way	0758643319	48	
	193	5808, 5900, 5910 Duraleigh Rd	0786573160, 0786572402, 0786573672	211	
194	6320 Angus Dr	0778115525	213		
195	10310 Moncreiffe Rd	0768128681	218		

CAC	Agenda Item	Address	PIN	Map No.
Northwest	196	10370 Lumley Rd	0768233280	219
		0, 8011, 8115, 8121, 8161, 8331, 8341, & 8801 Brier Creek Pkwy	0768431808, 0768464394, 0768460198, 0768369074, 0768454921, 0768440719, 0768356389, 0768239018	
	197	7980, 7990, 8010, & 8020 Arco Corporate Dr	0768555829, 0768557740, 0768553790, 0768551384	220
	198	8045, 8051, 8080, & 8081 Arco Corporate Dr	0768642550, 0768547190, 0768435332, 0768531315	221
	200	4501 Creedmoor Rd	0796315688	229
	201	4325 & 4601 Glenwood Ave	0796502569, 0796418378	230
4530 & 4550 Creedmoor Rd		0796412584, 0796415629		
Wade	202	3800 Hillsborough St (Meredith Campus)	0794261272	59
	203	213 Oberlin Rd	1704011774	131 & 216
	204	2607 Glenwood Ave	1705023229	179
	205	207 / 209 Oberlin Rd	1704013536	224
	206	2 & 4 Maiden Ln	1704010469, 1704010578	225
Glenwood	207	3925 & 3929 Arrow Dr	0795695468, 0795696528	227
	208	3933 Arrow Dr	0795696783	228
	209	3514 Wade Ave	0794372031	43
	210	2550/2600 Glenwood Ave	1705029420	81
	211	1209, 1213, & 1215 Ridge Rd	0794275267, 0794275314, 0794274423	151
Northwest	212	6339 Glenwood Ave	0786679150	17
	213	10594 Sporting Club Dr	0768084863	21
	214	5151 & 5171 Glenwood Ave	0796220746, 0796126886	37
	215	7601 Glenwood Ave	0787212125	41

CAC	Agenda Item	Address	PIN	Map No.
Northwest	216	0 & 11109 Glenwood Ave	0759910693, 0759813420	45
		2501 TW Alexander Dr	0759809897	
	217	9600 & 9650 Brier Creek Pkwy	0758836853, 0758833743	73
	218	8750 Barefoot Industrial Rd	0777586532	75
	219	Aquinas Ave, Bessborough Dr, Caversham Way, Ladbrooke St, Marleybone Dr, Terregles Dr, Water Willow Dr	All PINs	84
		3351 Shady Grove Rd	0779008130	
220	11700/11710 New Leesville Blvd	0779605493, 0779604458	123	
Wade	221	3801 Hillsborough St	0794243022	39
	222	3101, 3105, & 3107 Hillsborough St	0794524349, 0794523298, 0794523525	86
		3112 Stanhope Ave	0794522382	
		5 & 7 Rosemary St	0794522408, 0794522403	
	223	20, 101, 104, 105, 106, 107, 108, 110, 111, 112, & 113 Turner St	0794338124, 0794337020, 0794337187, 0794336065, 0794337241, 0794336009, 0794337203, 0794336266, 0794335143, 0794336229, 0794335107	87
		3415 Hillsborough St	0794337401	
		407 Gorman St	0794335496	
	224	0, 2209, 2211, & 2301 Everett Ave	0794937185, 0794938125, 0794937135, 0794936184, 0794936104	95
501, 503, & 505 Oberlin Rd		0794928863, 0794928879, 0794937042		
2204, 2206, 2208, & 2302 Stafford Ave		0794927847, 0794927807, 0794926827, 0794925857		

CAC	Agenda Item	Address	PIN	Map No.
<b>Wade</b>	225	601, 609, 611, 615, 617, 619, 625, & 629 Oberlin Rd	0794938323, 0794938449, 0794938491, 0794938568, 0794938657, 0794939743, 0794938891, 0794939962	98
		614, 620, & 622 Tower St	0794937545, 0794937792, 0794937758	
	226	103, 106, 113, 115, 117, 119, 123, 125, 191, 201, 203, 204, 206, 208, 210, 216, & 220 Chamberlain St	0794817914, 0794910915, 0794828023, 0794829100, 0794829143, 0794829186, 0794920129, 0794920262, 0794920295, 0794921239, 0794921394, 0794921068, 0794922102, 0794922146, 0794922253, 0794923363, 0794923368	99
		2305, 2307, 2403, 2405, & 2407 Clark Ave	0794925305, 0794924356, 0794920367, 0794829385, 0794829324	
		6, 10, 12, 14, 15, 16, 17, 21, 25, 29, & 101 Enterprise St	0794917624, 0794917724, 0794917820, 0794917835, 0794915886, 0794917934, 0794915980, 0794915986, 0794925082, 0794925088, 0794925270	
		2204, 2205, 2208, 2209, 2216, & 2217 Garden Pl	0794924283, 0794924085, 0794924214, 0794924015, 0794923222, 0794923026	
		0 Ferndell Ln	1704012515	

CAC	Agenda Item	Address	PIN	Map No.
<b>Wade</b>	226	0, 2206, 2207, 2208, 2209, 2210, & 2212 Hope St	0794912950, 0794915901, 0794914755, 0794914952, 0794914705, 0794914902, 0794913922	99
		16, 18, 100, 106, 108, 114, & 118 Horne St	0794825070, 0794826016, 0794826182, 0794827158, 0794828202, 0794828245, 0794828390	
		102, 104, & 106 Logan Ct	0794911970, 0794912907, 0794921093	
		2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, & 20 Maiden Ln	1704010469, 1704010578, 0794918631, 0794919677, 0794918635, 0794919773, 0794918730, 0794918734, 0794919779, 0794918738, 0794918815, 0794919885, 0794918964	
		219 Oberlin Rd	0794919981	
	227	Hillsborough Street (Brooks to Logan)	Various	100
	228	1437 Chester Rd	1704077846	111
	229	2604 Hillsborough St	0794728039	134
	230	Hillsborough Street (Oberlin to Furches)	Various	153

**Pending Items**

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

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

**These items, related to Special R-30 zoning, have been deferred for further discussion:**

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

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

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

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

CAC	Agenda Item	Address	PIN	Map No.
<b>Central</b>	123	Downtown (Heights)	Various	N/A
	124	105 & 107 Stronachs Aly	1703764707, 1703764743	109
		116 E Cabarrus St	1703764861	
		513 S Wilmington St	1703763636	
	125	512 S Blount St	1703766549	110
	126	121 & 125 E South St	1703765249, 1703766221	138
		600 S Blount St	1703766323	
	127	13, 15 & 19 E Martin St	1703771985, 1703771994, 1703772935	139
	128	8, 12, 16 & 20 E Hargett St	1703781352, 1703781382, 1703782312, 1703782362	140
		206 & 216 S Wilmington St	1703782247, 1703782139	

CAC	Agenda Item	Address	PIN	Map No.
Central	129	104, 108, 112, 126, 128, & 212 E Hargett St	1703783371, 1703784204, 1703784275, 1703786238, 1703787208, 1703786254	141
		107, 123, & 135 E Martin St	1703774923, 1703776955, 1703776992	
		212, 214, 216, 218, 222, & 224 S Blount St	1703787212, 1703787106, 1703786156, 1703786096, 1703786091, 1703777908	
		205, 209, 211, 215, 217, 219, 223, 225, 227, 233, & 237 S Wilmington St	1703783278, 1703783265, 1703783262, 1703783270, 1703783167, 1703783165, 1703783190, 1703783098, 1703783096, 1703785164, 1703773964	
	130	112, 114, 120, 122, 124, & 126 S Blount St	1703787607, 1703787602, 1703787517, 1703787521, 1703786536, 1703787444	142
		111, 115, 117, 119, 123, 125, 131, & 133 E Hargett St	1703784458, 1703784494, 1703785456, 1703785485, 1703785436, 1703786434, 1703786472, 1703786492	
		126, 130, & 136 E Morgan St	1703785794, 1703786767, 1703787737	
		101, 105, 113, 117, 135, & 137 S Wilmington St	1703784761, 1703784713, 1703784622, 1703785518, 1703783478, 1703783482	
	131	101, 105, & 109 S Blount St	1703788787, 1703788771, 1703789654	143
		201 & 207 E Hargett St	1703789468, 1703881448	

<b>CAC</b>	<b>Agenda Item</b>	<b>Address</b>	<b>PIN</b>	<b>Map No.</b>
<b>N. Central</b>	134	300 Hillsborough St	1703596392	103
<b>Central</b>	135	421, 423, 427 S Blount St	1703778034, 1703768939, 1703768933	5
		209, 213, 215, 219, 223, 225, 227 E Cabarrus St;	1703769918, 1703769958, 1703860906, 1703860945, 1703860985, 1703861981, 1703861935	
		424, 426, 430 S Person St	1703861989, 1703861987, 1703861984	
	136	225 E Davie St	1703871564	69
		226, 228,& 230 E Martin St	1703871749, 1703871762, 1703872717	
	137	425 S Person St	1703862986	102
	138	111, 115, 117, 119, & 123 E Hargett St	1703784458, 1703784494, 1703785456, 1703785485, 1703785436	104
		135 & 137 S Wilmington St	1703783478, 1703783482	
	139	18 Commerce Pl	1703573695	105
		319 W Martin St	1703573758	
		328 W Davie St	1703573589	
	140	323 W Davie St	1703574387	106
		416 & 418 S Dawson St	1703575293, 1703575147	
141	404 & 406 S Dawson St	1703576349, 1703576333	107	

CAC	Agenda Item	Address	PIN	Map No.
Central	143	210, 214, 218, 224, 226, & 228 S Bloodworth St	1703886184, 1703886088, 1703887004, 1703877908, 1703876995, 1703876991	129
		304, 306, 314, & 330 E Hargett St	1703883244, 1703883284, 1703884280, 1703886253	
		313, 317, 319, 323, 325, & 327 E Martin St	1703874995, 1703875954, 1703886024, 1703876933, 1703876953, 1703876898	
		215, 219, & 227 S Person St	1703884007, 1703874926, 1703873964	

These items deferred from previous work sessions and related to Vehicle Fuel Sales and frontage designations will be discussed at a future meeting:

CAC	Agenda Item	Address	PIN	Map No.
North	10	5620 Atlantic Ave	1716990129	160
	12	6601 Falls of Neuse Rd	1717127972	162
Northeast	18	2744 Capital Blvd	1715829585	161
Atlantic	34	2823 Capital Blvd	1715936330	159
	35	2929 Capital Blvd	1725031568	156
Midtown	36	4101 Wake Forest Rd	1715494776	163
	37	2837 Wake Forest Rd	1715133422	166
Five Points	48	1942 Wake Forest Rd	1714193080	169
East	102	1809 New Bern Ave	1713497184	170
South	104	1960 Rock Quarry Rd	1712498642	165
Northwest	174	6712 Glenwood Ave	0786681528	157
Glenwood	175	4120 & 4123 Glenwood Ave	0796700071, 0795698823	158
Southwest	176	2516 S Saunders St	1702470709	164
Wade	177	3411 Hillsborough St	0794339499	155
	178	3611 Hillsborough St	0794336646	167
	179	3614/3616 Hillsborough St	0794337981	172
West	180	5633 Western Blvd	0784202723	173



**Planning Commission February 3, 2015  
 Z-27-14 Citywide UDO Remapping  
 Glenwood, Northwest & Wade CAC Areas**

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

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

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

**Items deferred from January 20, 2015 Agenda**

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

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

**Recommendation:** Further discussion.

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

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

**Recommendation:** Further discussion.

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

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

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

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

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

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

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

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

The property owner requests removal of the frontage designation as it is in conflict with current zoning conditions on the property. The property owner also requests a height designation of 5 stories instead of 12 stories. A 12 story height designation requires a minimum building height of

2 stories, a requirement that the property is currently not subject to. Staff agrees with both aspects of the request.

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

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

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

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

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

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

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

186.	<i>Address:</i> 7700 Glenwood Ave
	<i>PIN:</i> 0787125613
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 135 / GEN-0505
	<i>Existing Zoning:</i> TD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> OX-3-PK
	<i>Requested Zoning:</i> CX-3-PK
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> US 70 Corridor Plan
	<i>Urban Form Designation:</i> N/A

Commentor requests CX- zoning to preserve allowed, but as yet not established retail use of the parcel. Staff agrees with the request: CX- is the closest comparative district to the current zoning and consistent with the Future Land Use Map designation of Community Mixed Use.

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

187.	<i>Address:</i> 8901 Glenwood Ave
	<i>PIN:</i> 0777287975
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 152 / GEN-0527
	<i>Existing Zoning:</i> TD w/ AOD & MPOD
	<i>Current Use:</i> Single-Unit Living
	<i>Proposed Zoning:</i> R-4 w/ AOD & MPOD
	<i>Requested Zoning:</i> CX-3 w/ AOD & MPOD
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> US 70 Corridor Plan
	<i>Urban Form Designation:</i> N/A

The commentor requests alternate zoning to R-4 because of the parcel's location within the AOD which prohibits residential use. Staff agrees that alternate zoning is required, but disagrees about the base district. Current base district zoning is TD and Future Land Use Map designation is Business & Commercial Services; IX- zoning is the closest comparative district in the UDO.

**Recommendation:** The requested zoning is consistent with the Future Land Use Map and it would be reasonable and in the public interest to implement the City's Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned IX-3 w/AOD and MPOD.

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

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

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

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

189.	<i>Address:</i>	5608 & 5612 Rush Springs Ct; 8970 Ebenezer Church Rd; 9112 Willow Valley Ct; 5418 Windy Gap Ct
	<i>PIN:</i>	0778746588, 0778746520; 0778748776; 0778847913; 0778858161
	<i>CAC:</i>	Northwest
	<i>Change Request/Comment ID:</i>	11 / CC1-0170, GEN-0116 & -0325
	<i>Existing Zoning:</i>	CUD TD, R-6-CU, R-10-CU
	<i>Current Use:</i>	Single-Unit Living; HOA Open Space
	<i>Proposed Zoning:</i>	OX-3-CU, R-6-CU, R-10-CU
	<i>Requested Zoning:</i>	R-6
	<i>Future Land Use Designation:</i>	Low Density Residential
	<i>Area Plan Guidance:</i>	N/A
	<i>Urban Form Designation:</i>	N/A

The commenters request R-6 zoning to remove split zoning from these parcels. Staff's recommendations represent comparative districts to current split zoning and preserve the conditions currently regulating the parcels. Boundaries of conditional use districts cannot be altered administratively and residential districts R-1, R-2, R-4, R-6, and R-10 are not proposed to be rezoned as part of the citywide remapping process. As of September 2013 these districts are regulated by the Unified Development Ordinance.

**Recommendation:** Further discussion.

190.	<i>Address:</i>	9910, 9911, 9930, 9931, 9932, & 9951 Sellona St
	<i>PIN:</i>	0758636098, 0758626652, 0758630092, 0758624475, 0758622858, 0758614856
	<i>CAC:</i>	Northwest
	<i>Change Request/Comment ID:</i>	44 / GEN-0337 thru -0341; GEN-0526
	<i>Existing Zoning:</i>	CUD TD
	<i>Current Use:</i>	Vacant
	<i>Proposed Zoning:</i>	OX-3-PK
	<i>Requested Zoning:</i>	CX-5 (CX-5-PK)
	<i>Future Land Use Designation:</i>	Office & Residential Mixed Use
	<i>Area Plan Guidance:</i>	Brier Creek Village Center Plan
	<i>Urban Form Designation:</i>	City Growth Center Frontage on Parkway Corridor

The commentor requests CX- zoning instead of OX-. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96 and development context of multi-family residential and a school. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions.

**Recommendation:** Further discussion.

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

The commentor requests CX- zoning instead of RX-. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of multi-family residential, and Future Land Use Map designation. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions.

**Recommendation:** Further discussion.

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

The commentor requests CX- zoning instead of R-6. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of single- and multi-family residential, and Future Land Use Map designation. While staff has

recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions.

**Recommendation:** Further discussion.

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

The property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that property would be made non-conforming by application of frontage. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage. Staff disagrees with the request, but notes that 5808 Duraleigh Road should be treated similarly to other Vehicle Fuel Sales properties discussed previously.

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

194.	<i>Address:</i> 6320 Angus Dr
	<i>PIN:</i> 0778115525
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 213 / PC-0021
	<i>Existing Zoning:</i> TD w/AOD
	<i>Current Use:</i> Retail Sales, Office
	<i>Proposed Zoning:</i> IX-3-PK w/AOD
	<i>Requested Zoning:</i> IX-3-PL w/AOD
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> US 70 Corridor Plan
	<i>Urban Form Designation:</i> N/A

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

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

**Recommendation:** Further discussion.

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

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

**Recommendation:** Further discussion.

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

Property owner requests an alternate frontage designation. Parkway frontage was recommended for the parcels in response to existing TD zoning and Urban Form Map designation of Brier Creek Parkway and Glenwood Avenue as a Parkway Corridors. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements. The zoning districts are not concurrent with property lines in this request and portions of 8161 and 8331 Brier Creek Parkway were not initially recommended for Parkway frontage along Glenwood Avenue. Upon further review, staff recommends that if the Parkway frontage designation is upheld the same should be added to the general use TD zoned area.

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

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

Property owner requests an alternate frontage designation. Parkway frontage was recommended for the parcels in response to existing TD zoning and Urban Form Map designation of Glenwood Avenue and I-440 as a Parkway Corridors. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements. The zoning districts are not concurrent with property lines in this request and portions of 8010 and 8020 Arco Corporate Drive were not initially recommended for Parkway frontage along Glenwood Avenue. . Upon further review, staff recommends that if the Parkway frontage designation is upheld the same should be added to the general use TD zoned area.

**Recommendation:** Further discussion.

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

Property owner requests alternate zoning of OX-7-PL instead of OP-5-PK. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96, development context of office, and Future Land Use Map designation of Office/Research & Development (not Office and Residential Mixed Use). While staff has recommended that the conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions. There is no specific policy guidance that would suggest height greater than 5 stories. While the parcel may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning. Parkway frontage was recommended for the parcels in response to existing TD zoning and Urban Form Map designation of Glenwood Avenue and I-440 as a Parkway Corridors. Depending on circumstance, a 90, 50, or 30 foot setback is required by TD zoning. The recommended PK frontage requires a standard 50 foot setback and is the best translation in the new code of the TD setback requirements.

**Recommendation:** Further discussion.

200.	<i>Address:</i> 4501 Creedmoor Rd
	<i>PIN:</i> 0796315688
	<i>CAC:</i> Northwest
	<i>Change Request/Comment ID:</i> 229 / PC-0060
	<i>Existing Zoning:</i> CUD SC, O&I-1, O&I-2
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> CX-7-CU, CX-7
	<i>Requested Zoning:</i> 12 Stories
	<i>Future Land Use Designation:</i> Regional Mixed Use/ Public Parks & Open Space
	<i>Area Plan Guidance:</i> Crabtree Small Area Plan Crabtree Valley Transportation Study
	<i>Urban Form Designation:</i> City Growth Center Frontage on Urban Thoroughfare

The property owner requests greater height designation. This property has an approved site plan for a tall building containing a hotel, residential and retail space, which was approved in 2005. Only the foundation of the building has been constructed to date. The site is encumbered by the floodplain.

**Recommendation:** Further discussion.

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

The property owner is concerned that current development on the site does not satisfy the development standards of the UL frontage, that property would be made non-conforming by application of frontage, and that it would be difficult to improvement or expand to the frontage standards. During development of recommendations for the citywide remapping, staff identified the need for a non-conformity clause for application of frontage to be added to the Unified

Development Ordinance. Staff will be proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

**Recommendation:** Further discussion.

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

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

**Recommendation:** Further discussion.

203.	<i>Address:</i> 213 Oberlin Rd
	<i>PIN:</i> 1704011774
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 131 & 216 / GEN-0495; PC-0054, -0025
	<i>Existing Zoning:</i> O&I-1 w/SRPOD
	<i>Current Use:</i> Single-Unit Living
	<i>Proposed Zoning:</i> OX-3-GR w/SRPOD
	<i>Requested Zoning:</i> RX-3-GR-CU w/SRPOD
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> Cameron Park Neighborhood Plan Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Within Half-Mile Transit Buffer

The property owner requests RX- zoning instead of OX- and that the twenty foot Transitional Protective Yard, per Code Sec. 10-2082.9 be maintained. This aspect of code was not carried

when the Unified Development Ordinance was adopted; the request would require a text change.

**Recommendation:** Further discussion.

205.	<i>Address:</i> 207 / 209 Oberlin Rd
	<i>PIN:</i> 1704013536
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 224 / PC-0050, -0057
	<i>Existing Zoning:</i> O&I-1 & NB w/SRPOD
	<i>Current Use:</i> Church
	<i>Proposed Zoning:</i> OX-3-GR w/SRPOD
	<i>Requested Zoning:</i> NX-4 w/SRPOD
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> Cameron Park Neighborhood Plan Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Within Half-Mile Transit Buffer

The property owner requests NX- zoning instead of OX. The property is currently split-zoned O&I-1 and NB. OX zoning was recommended as it accommodates the current use as a church, existing office buildings development and is consistent with the Future Land Use Map designation of Office & Residential Mixed Use.

**Recommendation:** Further discussion.

204.	<i>Address:</i> 2607 Glenwood Ave
	<i>PIN:</i> 1705023229
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 179 / GEN-0575
	<i>Existing Zoning:</i> O&I-1
	<i>Current Use:</i> Office
	<i>Proposed Zoning:</i> OX-3-GR
	<i>Requested Zoning:</i> OX-3
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Frontage on Transit Emphasis Corridor

The property owner requests removal of the Green frontage. Frontage recommendation was made in response to parcel frontage on a Transit Emphasis Corridor. Designation on south side of the street for this parcel, as well as 2609 and 2615 Glenwood Avenue opposite Green frontage designation on the north side for 2626 Glenwood Avenue.

**Recommendation:** Further discussion.

206.	<i>Address:</i> 2 & 4 Maiden Ln
	<i>PIN:</i> 1704010469, 1704010578
	<i>CAC:</i> Wade
	<i>Change Request/Comment ID:</i> 225 / PC-0051, -0052
	<i>Existing Zoning:</i> BC, R-20, & O&I-1 w/SRPOD
	<i>Current Use:</i> Two-Unit Living, Fraternity, Parking
	<i>Proposed Zoning:</i> RX-3 w/SRPOD
	<i>Requested Zoning:</i> OX-3 w/SRPOD
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Within Half-Mile Transit Buffer

Property owner requests OX- zoning instead of RX to continue the currently allowed use of the site as a Commercial Parking Facility in the O&I-1 district. These two lots are split zoned with the rear portion of both being zoned O&I-1. Commercial Parking Facility use is prohibited by the existing BC and R-20 zoning, as well as the proposed RX zoning.

**Recommendation:** Further discussion.

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

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

**Recommendation:** Further discussion.

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

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

**Recommendation:** Further discussion.

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

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

The property owner requests greater height designation. There is no specific policy guidance, nor is there existing context that would suggest height greater than 3 stories. While the parcel

may be rezoned in the future to allow for greater height, staff believes that decision should be made as part of the public process of a privately initiated rezoning.

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

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

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

See agenda item 181 for comment from the property owner.

**Recommendation:** No action; addressed as item 181.

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

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

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

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

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

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

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

The commentor (not the property owner) request residential zoning. The base district recommendation was made based on the conditions set forth in zoning case Z-65-96,

development context of single- and multi-family residential, and frontage on an Avenue 6-Lane Divided. While staff has recommended that these conditions be removed, the base district recommendations carry forward the mix and balance of land uses established by the conditions.

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

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

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

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

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

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

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

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

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

**Recommendation:** It would be consistent with the Future Land Use Map, as well as reasonable and in the public interest to implement the City’s Unified Development Ordinance by translating the legacy zoning district into a comparative district in the UDO. The property should be zoned RX-5-PK and OX-3-PK.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

226.	<i>Address:</i>	103, 106, 113, 115, 117, 119, 123, 125, 191, 201, 203, 204, 206, 208, 210, 216, & 220 Chamberlain St; 2305, 2307, 2403, 2405, & 2407 Clark Ave; 6, 10, 12, 14, 15, 16, 17, 21, 25, 29, & 101 Enterprise St; 2204, 2205, 2208, 2209, 2216, & 2217 Garden Pl; 0 Ferndell Ln; 0, 2206, 2207, 2208, 2209, 2210, & 2212 Hope St; 16, 18, 100, 106, 108, 114, & 118 Horne St; 102, 104, & 106 Logan Ct; 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, & 20 Maiden Ln; 219 Oberlin Rd
	<i>PIN:</i>	0794817914, 0794910915, 0794828023, 0794829100, 0794829143, 0794829186, 0794920129, 0794920262, 0794920295, 0794921239, 0794921394, 0794921068, 0794922102, 0794922146, 0794922253, 0794923363, 0794923368; 0794925305, 0794924356, 0794920367,

	0794829385, 0794829324; 0794917624, 0794917724, 0794917820, 0794917835, 0794915886, 0794917934, 0794915980, 0794915986, 0794925082, 0794925088, 0794925270; 0794924283, 0794924085, 0794924214, 0794924015, 0794923222, 0794923026; 1704012515; 0794912950, 0794915901, 0794914755, 0794914952, 0794914705, 0794914902, 0794913922; 0794825070, 0794826016, 0794826182, 0794827158, 0794828202, 0794828245, 0794828390; 0794911970, 0794912907, 0794921093; 1704010469, 1704010578, 0794918631, 0794919677, 0794918635, 0794919773, 0794918730, 0794918734, 0794919779, 0794918738, 0794918815, 0794919885, 0794918964; 0794919981
	<b>CAC:</b> Wade
	<b>Change Request/Comment ID:</b> 99 / WEB-32642
	<b>Existing Zoning:</b> R-20 w/SRPOD
	<b>Current Use:</b> Single-Unit Living, Two-Unit Living, Multi-Unit Living, Church, Fraternity
	<b>Proposed Zoning:</b> RX-3 w/SRPOD
	<b>Requested Zoning:</b> RX-5 w/SRPOD
	<b>Future Land Use Designation:</b> Moderate Density Residential
	<b>Area Plan Guidance:</b> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<b>Urban Form Designation:</b> Within Half-Mile Transit Buffer

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

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

227.	<b>Address:</b> Hillsborough Street (Brooks to Logan)
	<b>PIN:</b> Various
	<b>CAC:</b> Wade
	<b>Change Request/Comment ID:</b> 100 / WEB-32658
	<b>Existing Zoning:</b> NB & CUD SC w/PBOD & SRPOD
	<b>Current Use:</b> Commercial
	<b>Proposed Zoning:</b> NX-4-SH & NX-4-SH-CU
	<b>Requested Zoning:</b> NX-5+
	<b>Future Land Use Designation:</b> Neighborhood Mixed Use
	<b>Area Plan Guidance:</b> Cameron Village & Hillsborough Street Small

	Area Plan (Under Study)
	Frontage on Main Street
<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridor Within Half-Mile Transit Buffer

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

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

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

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

**Recommendation:** No action.

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

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

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

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

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

**Recommendation:** No action.



# HILLSBOROUGH STREET

## COMMUNITY SERVICE CORPORATION

Board of Directors

September 24, 2014

Dan Howe  
President  
City of Raleigh

To: City Councilors – City of Raleigh, NC

Douglas Andrew  
Vice President  
Institution

Honorable City Councilors:

Ralph Recchie  
Treasurer  
NCSU

Thank you for your support of the Hillsborough Street Community, and particularly for your direct partnership with the Board in an economic development study to develop a refined updated vision for the future of the district. We are excited about the opportunity and anticipate hard work and great results over the next several months.

Alan Lovette  
Secretary  
Merchant

As is true with a number of on-going studies and plans, the Board anticipates that implementation steps resulting from the study may suggest changes in zoning patterns in the district to support the new vision. Because the study schedule does not directly track with the UDO mapping schedule, the Board wishes to go on record noting that some of the study recommendations may conflict with zoning categories put in place during the UDO re-mapping process. We hope that the Council will understand and acknowledge this, and keep an open mind as to possible further adjustments to the zoning map after the results of the study are available.

Thomas Crowder  
City of Raleigh

Dan Adams  
Member  
NCSU

Ted Van Dyk  
East Property Owner

TJ Barringer  
West Property Owner

Joe Whitehouse  
Property Management

We greatly value the Board's ongoing partnership with the Council to make the Hillsborough Street district an economically-healthy, world-class, safe, exciting and attractive neighborhood in our City. The progress we've seen to date has been gratifying, and, thanks to investments made by the City, by property owners and the University, our future is bright. Your ideas, encouragement and support are sincerely appreciated.

Kristie Nystedt  
Merchant

Charles Phaneuf  
Arts & Culture

Sincerely,

Rachel Dame  
Student Government

Daniel A. Howe

Bob Mosher  
Resident

President, Hillsborough Street Community Services Corporation

Jeff Murison  
Executive Director  
Jeff@hillsboroughstreet.org

Joe Whitehouse  
Chair, Economic Development Committee

Jeff Murison  
Executive Director

GEN-0566  
-0567  
-0568  
-0569  
-0570

GEN-0566-0570\_WEB-15362.pdf

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 29, 2014



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

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

Dear Mr. Becker:

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

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

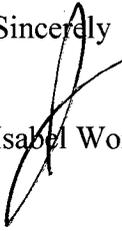
We request that you reconsider the proposed zoning and revise it to CX-3.

Mr. Dan Becker  
September 29, 2014  
Page 2

GEN-0566-0570\_WEB-15362.pdf

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

Sincerely

  
Isabel Worthy Mattox



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

---

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

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

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

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

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

---

Good afternoon,

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

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

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

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

Please contact me at your earliest convenience to discuss. More information on the UDO remapping can be found at [www.raleighudo.us](http://www.raleighudo.us).

Thank you.

**Carter Pettibone, AICP**

Urban Planner  
Raleigh Urban Design Center  
An Office of the Planning & Development Department  
220 Fayetteville Street, Suite 200, Raleigh, NC 27601  
919.996.4643

[carter.pettibone@raleighnc.gov](mailto:carter.pettibone@raleighnc.gov)  
[www.raleighnc.gov/urbandesign](http://www.raleighnc.gov/urbandesign)

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**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

September 29, 2014

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

Re: 2600 Glenwood Avenue  
PIN# 1705029420 000

Dear Mr. Becker:

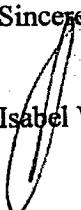
As counsel for Glenwood Gardens, LLC, owner of the above described property, I write to convey our concerns about the proposed zoning for this property.

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

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

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

Sincerely,

  
Isabel Worthy Mattox

cc: R. Gordon Grubb

Mr. Dan Becker  
October 1, 2014  
Page 2

Anne Stoddard  
Thomas C. Worth, Jr.

**From:** [Walter, Bynum](#)  
**To:** [Rezoning](#)  
**Subject:** FW: 4600 Crabtree Valley Avenue; PIN 0796305907 000  
**Date:** Friday, May 30, 2014 5:21:24 PM

---

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

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]  
Sent: Friday, May 30, 2014 5:20 PM  
To: Walter, Bynum  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Thanks.

Michael D. Kaney, P.E.  
Senior Development Manager

WEINGARTEN REALTY  
9420 Forum Drive, Suite 101 | Raleigh, NC 27615  
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]  
Sent: Friday, May 30, 2014 5:16 PM  
To: Michael Kaney  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

I talked your suggestion over with folks here. We are comfortable supporting the 5 story height limit.  
Thanks - Bynum

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

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]  
Sent: Tuesday, May 27, 2014 2:12 PM  
To: Walter, Bynum  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Thanks Bynum. Obviously, based on the current zoning, our property is not encumbered with a minimum number of stories and we do not want it encumbered with a specific minimum number of stories with the mapping exercise.

I appreciate your assistance.

Thanks,  
Michael

Michael D. Kaney, P.E.  
Senior Development Manager

WEINGARTEN REALTY  
9420 Forum Drive, Suite 101 | Raleigh, NC 27615  
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]  
Sent: Tuesday, May 27, 2014 1:26 PM  
To: Michael Kaney  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Michael - I need to discuss this possibility with some of my colleagues. I'll be back in touch later in the week. Thanks - Bynum

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

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

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]  
Sent: Tuesday, May 27, 2014 9:49 AM  
To: Walter, Bynum  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Walter:

We believe the 2-story minimum requirement may be an issue, and we believe the five-story height limitation with no minimum number of stories is a more appropriate designation for this parcel. Please modify the proposed map designation accordingly.

Thank you,  
Michael

Michael D. Kaney, P.E.  
Senior Development Manager

WEINGARTEN REALTY  
9420 Forum Drive, Suite 101 | Raleigh, NC 27615  
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]  
Sent: Thursday, May 22, 2014 5:09 PM  
To: Michael Kaney  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Michael - you are correct that the 12 story height allowance requires a minimum of two story construction. This is true of each of the height categories starting with 7 stories up through 40. The five story height limit and below do not have that minimum. Would you like to discuss a lower height designation for this parcel? Please let me know if you have further questions or need additional information. Thanks, Bynum

---

From: Michael Kaney [[MKaney@Weingarten.com](mailto:MKaney@Weingarten.com)]

Sent: Wednesday, May 21, 2014 4:30 PM  
To: Walter, Bynum  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Walter:

On the above referenced property that we previously corresponded about, we were intending to have single level retail. However, the Height designation of "12" includes with it that we are required to have a minimum of 2 stories. That is a problem as we are looking to have single level commercial buildings. Am I interpreting the minimum number of stories correctly under the "12" category and we would have to be two-stories?

Thanks,  
Michael

Michael D. Kaney, P.E.  
Senior Development Manager

WEINGARTEN REALTY  
9420 Forum Drive, Suite 101 | Raleigh, NC 27615  
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]  
Sent: Wednesday, May 21, 2014 2:02 PM  
To: Michael Kaney  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

That's right, the conditions and base district regulate frontage in this instance. Thanks - Bynum

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]  
Sent: Wednesday, May 21, 2014 1:33 PM  
To: Walter, Bynum  
Subject: RE: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Thanks Bynum. I appreciate the feedback. Since there is no frontage designation now proposed for the new zoning (such as UL, UG, etc) I assume that means no specific frontage requirement, other than what is provided for in the conditions or that required per the CX zoning district, correct?

Thanks,  
Michael

Michael D. Kaney, P.E.  
Senior Development Manager

WEINGARTEN REALTY  
9420 Forum Drive, Suite 101 | Raleigh, NC 27615  
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

From: Walter, Bynum [<mailto:Bynum.Walter@raleighnc.gov>]  
Sent: Wednesday, May 21, 2014 1:29 PM  
To: Michael Kaney  
Subject: FW: 4600 Crabtree Valley Avenue; PIN 0796305907 000

Dear Michael - Thanks for your message. I reviewed your question and the current conditions on the

property with other members of the planning staff.

We agree that there is a conflict between the requirements of Urban Limited (UL) frontage and the conditions on the property. In light of the conflict, we believe it would be appropriate to change the recommendation for rezoning from CX-12-UL-CU to CX-12-CU.

Thanks for your input and please let me know if you have further questions or need additional information - Bynum

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

From: Rezoning  
Sent: Monday, May 19, 2014 2:35 PM  
To: Walter, Bynum  
Subject: FW: 4600 Crabtree Valley Avenue; PIN 0796305907 000

From: Michael Kaney [<mailto:MKaney@Weingarten.com>]  
Sent: Monday, May 19, 2014 1:54 PM  
To: Rezoning  
Subject: 4600 Crabtree Valley Avenue; PIN 0796305907 000

I have a question about the above referenced property. Per the proposed zoning map, the above referenced property will be zoned from CUD SC to CX-12-UL-CU. The UL frontage prohibits parking between the street and the building, but one of our conditions of our current zoning allows for a maximum of two rows of parking between the building and the street. Will the existing conditions supersede the new zoning designation so we may have a minimal amount of parking between the street and the building if it works for our site planning? This property is only 2.7 acres. I assume it may be used for all retail uses and does not need to include any office or residential. The parcel referenced above was part of a larger property that was rezoned together and the remainder of the property will have residential uses on it.

Thanks,  
Michael

Michael D. Kaney, P.E.  
Senior Development Manager

WEINGARTEN REALTY  
9420 Forum Drive, Suite 101 | Raleigh, NC 27615  
919.845.3950 O | 919.610.2583 C | 919.841.9706 F People-to-People. Coast-to-Coast.

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**From:** [Lacy Reaves](#)  
**To:** [Rezoning](#)  
**Subject:** 5732 Westgate Road (PIN 0778536990)  
**Date:** Friday, May 30, 2014 11:21:32 AM

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The interactive UDO rezoning map shows the existing zoning of this parcel as CUD I-1 with the AOD. That is incorrect. In zoning case Z-10-12 the AOD **was removed from this parcel**. Its current zoning is CUD I-1. The proposed UDO zoning as shown on the City's map is CUD IH with the AOD. **Please remove the AOD from the proposed UDO zoning.**

**Please confirm that the requested action was taken to the undersigned.**

Thank you,

Lacy Reaves

Lacy H. Reaves | Partner  
[lreaves@smithlaw.com](mailto:lreaves@smithlaw.com) | [bio](#)  
(p) 919.821.6704 | (f) 919.821.6800  
SMITH ANDERSON  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.  
2500 Wells Fargo Capitol Center  
150 Fayetteville Street, Suite 2300  
Raleigh, NC 27601  
[www.smithlaw.com](http://www.smithlaw.com) | [map/directions](#)

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

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

September 30, 2014

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

Re: Remapping of 8901 Glenwood Avenue (0777-28-7975) (the "Property")

Dear Bynum:

On behalf of the owner of the Property, we are submitting this letter in response to the City's proposed rezoning designation for the Property.

The Property is currently zoned Thoroughfare District with Airport Overlay District and Metro Park Overlay District. The City is proposing to rezone the Property to Residential-4 with the aforementioned overlay districts. The owner disagrees with this proposal because of the severe reduction in permitted uses and the inconsistency with the Future Land Use Map.

Based on the following reasons, the owner is requesting the City rezone the Property from Thoroughfare District to CX-3:

1. The Property is currently zoned Thoroughfare District, which permits commercial, office and residential uses. Even though the Airport Overlay District prohibits residential uses, the underlying zoning district permits residential uses at a high density level, and the Property could be developed for residential if the Airport Overlay District was removed.
2. The Property is designated "Business & Commercial Services", which recommends higher intensity commercial uses. The category description notes that such areas would generally be zoned IX. The CX district permits many of the higher intensity commercial uses permitted in the IX district, but still preserves the ability to develop the Property for residential uses if the Airport Overlay District is removed.
3. A rezoning to Residential-4 is inconsistent with the Future Land Use Map, and it is incompatible to rezone the Property to Residential-4 when the adjoining properties along Glenwood Avenue are zoned Thoroughfare District and proposed to be remapped to IX.

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

Sincerely,

  
Michael Birch

**From:** [Walter, Bynum](#)  
**To:** [Michael Birch](#)  
**Cc:** [Rezoning](#)  
**Subject:** RE: Remapping Comment re: 8901 Glenwood Avenue (GEN-0527)  
**Date:** Thursday, October 09, 2014 9:43:07 AM

---

Dear Michael –

Thanks for your comment about the proposed rezoning of 8901 Glenwood Avenue.

I've had a chance to discuss this request with other members of the planning staff. Upon review staff agrees that the initial recommendation of R-4 is not appropriate given the overlay district. Staff would recommend instead IX-3 with airport overlay district and metro park overlay district. This alternate recommendation will be forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

More information on the remapping project as the Planning Commission begins its review is available at [www.RaleighUDO.us](http://www.RaleighUDO.us). Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic "[UDO - Unified Development Ordinance](#)." You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

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

---

**From:** Michael Birch [mailto:[mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com)]  
**Sent:** Tuesday, September 30, 2014 4:42 PM  
**To:** Walter, Bynum  
**Subject:** Remapping Comment re: 8901 Glenwood Avenue

Bynum,

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

Thanks,

Michael



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

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any transaction or matter addressed herein.

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

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

September 30, 2014

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

Re: Remapping for:

9910 Sellona Street (0758-63-6098)	9655 Collingdale Way (0758-64-3319)
9911 Sellona Street (0758-62-6652)	10701 Globe Road (0758-71-9148)
9930 Sellona Street (0758-63-0092)	11109 Glenwood Avenue (0759-81-3420)
9931 Sellona Street (0758-62-4475)	2501 T. W. Alexander Drive (0759-80-9897)
9932 Sellona Street (0758-62-2858)	0 Glenwood Avenue (0759-91-0693)
9951 Sellona Street (0758-61-4856)	10501 Little Brier Creek Lane (0768-18-4675)

Dear Bynum:

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

The properties located at 9910, 9911, 9930, 9931, 9932 and 9951 Sellona Street are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone these properties OX-3-PK. The owner disagrees with this proposal, and requests that the City rezone these properties CX-5. The CX district is the most appropriate district for these properties based on the current zoning entitlements. The properties' current zoning permits residential, office and commercial uses. It is important to note that the properties are located in Area D under the applicable zoning conditions, and that Area D is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses. Based on our review of the build-out of Area D, it appears there are nearly 100 acres of the commercial land use allocation still available within Area D. The CX district accommodates all of the uses encouraged within Area D, unlike the City's proposed designation. The proposed height of five stories is consistent with the Comprehensive Plan guidance for these properties located within the core of a regional growth center. Also, the Parkway frontage designation is not appropriate because these properties do not front along a parkway corridor.

The property located at 9655 Collingdale Way is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing the rezone this property Residential-6. The owner disagrees with this proposal, and requests that the City rezone this property CX-3. The CX district is the most appropriate district for this property based on the current zoning entitlement. The property's current zoning permits residential, office and commercial uses. It is important to note that the property is located in Area B under the applicable zoning conditions, and that Area B is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses.

Based on our review of the build-out of Area B, it appears there is nearly 50 acres of the commercial land use allocation still available within Area B. The CX district accommodates all of the uses encouraged within Area B, unlike the City's proposed designation.

The property located at 10701 Globe Road is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property RX-3-PK. The owner disagrees with this proposal, and requests that the City rezone this property CX-5. The CX district is the most appropriate district for this property based on the current zoning entitlement. The property's current zoning permits residential, office and commercial uses. It is important to note that the property is located in Area D under the applicable zoning conditions, and that Area D is allocated up to 125 acres of commercial land uses, in addition to acreage allocated to residential, office and industrial uses. Based on our review of the build-out of Area D, it appears there is nearly 100 acres of the commercial land use allocation still available within Area D. The CX district accommodates all of the uses encouraged within Area D, unlike the City's proposed designation. The five-story height designation is consistent with the Comprehensive Plan guidance for property designated Medium Density Residential on the Future Land Use Map and located within the core of a regional growth center. The Parkway frontage designation is not appropriate because this property does not front along a parkway corridor.

The properties located at 2501 T. W. Alexander Drive, 0 Glenwood Avenue and 11109 Glenwood Avenue are currently zoned Thoroughfare District Conditional Use (Z-54-08). The City is proposing to rezone these properties RX-3-PK-CU. The owner agrees with the proposed RX district and PK frontage type, but disagrees with the height designation. The owner requests that these properties be rezoned to RX-5-PK-CU, which would permit up to five stories in height. The five story height request is consistent with the Comprehensive Plan guidance for properties designated Office Mixed Use on the Future Land Use Map, such as these properties.

The property located at 10501 Little Brier Creek Lane is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property to Residential-4. The owner disagrees with this proposed district, and requests that the City rezone this property to Residential-6. The Residential-6 designation is consistent and compatible with surrounding zoning and uses.

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

Sincerely,



Michael Birch

**From:** [Walter, Bynum](#)  
**To:** [Michael Birch](#)  
**Cc:** [Rezoning](#)  
**Subject:** RE: Remapping Comment re: CIP Brier Creek Properties (GEN-0526, GEN-0396)  
**Date:** Thursday, October 09, 2014 11:00:03 AM

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Dear Michael – Thanks for your comments about proposed rezoning in the Brier Creek area.

Of the 12 Brier Creek area properties you identified six parcels have addresses on Sellona Street: 9951, 9911, 9931, 9932, 9930, and 9910. The staff recommendation for these parcels was OX-3-PK; the base district recommendation was made based on the conditions set forth in zoning case Z-65-96. While staff has recommended that these conditions be removed, the zoning recommendations were intended to carry forward the balance/mix of land uses established by the conditions. For these parcels you requested CX-5-PK instead of OX-3-PK zoning. Staff believes this batch of requests is outside of administrative purview and merits review by the Planning Commission. Staff does not agree with the request since it is in conflict with the current zoning conditions that apply to the parcels in question. However, the request will be forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

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

For 10701 Globe Road you requested CX-5 instead of the proposed RX-3-PK-CU. Staff believes this request is outside of administrative purview and merits review by the Planning Commission. This request will be forwarded to the Planning Commission for their consideration without a staff recommendation.

The remaining requests in the Brier Creek vicinity include:

2501 T.W. Alexander Dr  
0 Glenwood Ave (PIN 0759910693)  
11109 Glenwood Ave

You requested RX-5-PK-CU for these parcels instead of RX-3-PK-CU. Staff feels that this request is outside of administrative purview and merits review by the Planning Commission. This request will be forwarded to the Planning Commission for their consideration without a staff recommendation.

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

More information on the remapping project as the Planning Commission begins its review is available at [www.RaleighUDO.us](http://www.RaleighUDO.us). Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic “[UDO - Unified Development Ordinance](#).” You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

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

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**From:** Michael Birch [mailto:mbirch@morningstarlawgroup.com]  
**Sent:** Tuesday, September 30, 2014 4:43 PM  
**To:** Walter, Bynum  
**Subject:** Remapping Comment re: CIP Brier Creek Properties

Bynum,

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

Thanks,

Michael



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

---

**IRS Compliance:** Any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or applicable state or local tax law or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

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

---

Dear Dean –

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

Thanks – Bynum

---

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

Dear Dean –

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

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

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

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

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

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

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

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

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

The remaining requests in the Brier Creek vicinity include:

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

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

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

Sincerely – Bynum

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

Bynum,

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

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

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

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

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

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

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

Sincerely, Bynum

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

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

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

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

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

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

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

Dean,

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

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

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

Thanks.

**Carter Pettibone, AICP**

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

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

---

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

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

Bynum,

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2740 NC Hwy 55, Suite 200  
Cary, NC 27519

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

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

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

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

Sincerely, Bynum

Bynum Walter, AICP  
Senior Planner  
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One Exchange Plaza, Suite 300 (27601)  
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919-996-2178 (v); 919-516-2684 (f)  
<http://www.raleighnc.gov>

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

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

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

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

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

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

Dean,

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

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

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

Thanks.

**Carter Pettibone, AICP**  
Urban Planner  
Raleigh Urban Design Center  
An Office of the Planning & Development Department  
220 Fayetteville Street, Suite 200, Raleigh, NC 27601  
919.996.4643  
[carter.pettibone@raleighnc.gov](mailto:carter.pettibone@raleighnc.gov)  
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**From:** [Walter, Bynum](#)  
**To:** [Rezoning](#)  
**Subject:** Fwd: UDO remapping Comment #GEN-0210 = 9655 Collingdale Way  
**Date:** Thursday, August 21, 2014 8:46:32 AM  
**Attachments:** [CIP Brier Creek 2014.xlsx](#)  
[ATT00001.htm](#)  
[CK Wakefield Properties LLC 2014.xlsx](#)  
[ATT00002.htm](#)

---

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

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

Begin forwarded message:

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

Bynum,

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

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

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

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

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

<[Carter.Pettibone@raleighnc.gov](mailto:Carter.Pettibone@raleighnc.gov)>

Cc: Rezoning <[Rezoning@raleighnc.gov](mailto:Rezoning@raleighnc.gov)>; patc <[patc@crownc-companies.com](mailto:patc@crownc-companies.com)>; timd <[timd@crownc-companies.com](mailto:timd@crownc-companies.com)>

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

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

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

Sincerely, Bynum

Bynum Walter, AICP  
Senior Planner  
Long Range Planning Division  
Raleigh Department of City Planning  
One Exchange Plaza, Suite 300 (27601)  
PO Box 590, Raleigh NC, 27602  
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**From:** Dean Marion [<mailto:jdandmt@aol.com>]

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

**To:** Pettibone, Carter

**Cc:** Walter, Bynum; Rezoning; [patc@crownc-companies.com](mailto:patc@crownc-companies.com); [timd@crownc-companies.com](mailto:timd@crownc-companies.com)

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

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

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To: jdandmt <[jdandmt@aol.com](mailto:jdandmt@aol.com)>

Cc: Walter, Bynum <[Bynum.Walter@raleighnc.gov](mailto:Bynum.Walter@raleighnc.gov)>; Rezoning <[Rezoning@raleighnc.gov](mailto:Rezoning@raleighnc.gov)>

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

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

Dean,

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

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**Carter Pettibone, AICP**

Urban Planner

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220 Fayetteville Street, Suite 200, Raleigh, NC 27601

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[carter.pettibone@raleighnc.gov](mailto:carter.pettibone@raleighnc.gov)

[www.raleighnc.gov/urbandesign](http://www.raleighnc.gov/urbandesign)

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

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

Widgeon Associates, LLC

5808 Duraleigh Rd.

5900 Duraleigh Rd.

5910 Duraleigh Rd.

PIN: 0786573160, 0786572402 & 0786573672

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

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

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

Vireo Properties, LLC  
6320 Angus Drive  
Raleigh, NC  
PIN: 0778115525

**City Proposal: IX-3-PK Owner Request: IX-3-PL**

**Rationale: Owner concerns regarding proposed frontage continuing non-conforming status instead of fixing same.**

# AMERICAN ASSET CORPORATION

PC-0029-0048.pdf

7990 Arco Corporate Drive  
Suite 119  
Raleigh, North Carolina 27617

Telephone: 919-821-2700  
Facsimile: 919-755-2200  
Internet: www.aacusa.com

December 15, 2014

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

Re: Remapping for:

10310 Moncreiffe Road (0768-12-8681)	7980 Arco Corporate Drive (0768-55-5829)
10370 Lumley Road (0768-23-3280)	7990 Arco Corporate Drive (0768-55-7740)
0 Brier Creek Parkway (0768-43-1808)	8010 Arco Corporate Drive (0768-55-3790)
8331 Brier Creek Pkwy (0768-44-0719)	8020 Arco Corporate Drive (0768-55-1384)
8115 Brier Creek Pkwy (0768-46-0198)	8030 Arco Corporate Drive (0768-44-5641)
8161 Brier Creek Pkwy (0768-45-4921)	8040 Arco Corporate Drive (0768-54-0402)
8341 Brier Creek Pkwy (0768-35-6389)	8045 Arco Corporate Drive (0768-64-2550)
8801 Brier Creek Pkwy (0768-23-9018)	8051 Arco Corporate Drive (0768-54-7190)
8011 Brier Creek Pkwy (0768-46-4394)	8080 Arco Corporate Drive (0768-43-5332)
8121 Brier Creek Pkwy (0768-36-9074)	8081 Arco Corporate Drive (0768-53-1315)

Dear Ms. Walter:

On behalf of the owner(s) of the above referenced properties, we are submitting this letter in response to the City's proposed rezoning designations for the properties.

The property located at 10310 Moncreiffe Rd is currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property CX-3-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and the height designation. The owner requests that this property be rezoned to CX-5-PL, which would permit up to five stories in height. The five story height request is consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center. Also, the owner requests the frontage to be rezoned as PL given the mixed-use designation for the property, its location in the core of a regional growth center, the surrounding infrastructure and is compatible with the surrounding zoning, notably the adjacent Brier Creek Village Center (MP-2-04) planned development district (PDD) which allows for reduced setbacks with development closer to the street.

The properties located at 10370 Lumley Road, 0 Brier Creek Parkway, 8331 Brier Creek Pkwy, 8115 Brier Creek Pkwy, 8161 Brier Creek Pkwy, 8341 Brier Creek Pkwy, 8801 Brier Creek Pkwy, 8011 Brier Creek Pkwy and 8121 Brier Creek Pkwy are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property as CX-5-PK. The owner agrees with the proposed CX district and height designation, but disagrees with the PK Frontage type. The owner requests that this property be rezoned with a PL frontage designation which is consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center and is compatible with surrounding zoning, uses and infrastructure.

The properties located at 7980 and 7990 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone this property as CX-5-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and the height designation. The owner requests that this property be rezoned to CX-7-PL, which would permit up to seven stories in Height. The seven story height request and request for PL frontage is consistent with the Comprehensive

Plan guidance for this property located within the core of a regional growth center and is compatible with surrounding zoning, uses and infrastructure.

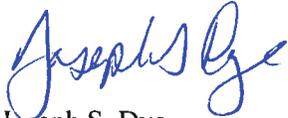
The properties located at 8010 Arco Corporate Drive and 8020 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone these properties as CX-5-PK. The owner agrees with the proposed CX district, but disagrees with the PK Frontage type and the height designation. The owner requests that this property be rezoned to CX-7-PL, which would permit up to seven stories in Height. The seven story height request and request for PL frontage is consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center and is compatible with surrounding zoning, uses and infrastructure.

The properties located at 8045 Arco Corporate Drive, 8051 Arco Corporate Drive, 8080 Arco Corporate Drive and 8081 Arco Corporate Drive are currently zoned Thoroughfare District Conditional Use (Z-65-96). The City is proposing to rezone the properties as OP-5-PK. The owner disagrees with these proposals, and requests that the City rezone these properties OX-7-PL. The OX district is the most appropriate district for these properties based on current zoning entitlements, and is compatible with surrounding zoning, uses and infrastructure. Similarly, the seven story height and frontage requests are consistent with the Comprehensive Plan guidance for this property located within the core of a regional growth center and are compatible with surrounding zoning, uses and infrastructure.

The properties located at 8030 Arco Corporate Drive and 8040 Arco Corporate Drive are currently zoned as a planned development district (PDD) via matters MP-2-11|Z-16-11. With this, our understanding is that these properties will remain with the entitlements set forth for each referenced matter.

Please do not hesitate to contact me with any questions or comments. I can be reached at 919.821.2700 or by email at [jdye@aacusa.com](mailto:jdye@aacusa.com).

Very truly yours,  
AMERICAN ASSET CORPORATION



Joseph S. Dye  
Executive Vice President



Mack Paul | Partner  
630 Davis Drive, Suite 200  
Morrisville, NC 27560

919-590-0377  
mpaul@morningstarlawgroup.com  
www.morningstarlawgroup.com

January 19, 2015

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

Re: Remapping of 4501 Creedmoor Rd. (0796-31-5688) (the "Property")

Dear Bynum:

On behalf of the owner of the Property, we are submitting this letter in response to the City's proposed rezoning designation for the Property. The City is proposing to remap the Property to CX-7-CU. The owner concurs with the proposed base zoning district of Commercial Mixed Use. However, the owner disagrees with the proposed height designation of seven stories.

We are requesting that the Property be remapped with a maximum building height of twelve stories (CX-12), based on the following:

1. The Property is designated Regional Mixed Use on the Future Land Use Map, and Table LU-2 "Recommended Height Designations" recommends a height of up to twenty stories for property designated Regional Mixed Use and located in a "core/transit" area;
2. The Property is located near the intersection of a transit emphasis corridor and urban thoroughfare within a city growth center, such that it is within the "core/transit" area for purposes of the recommended height designation;
3. The Property is among parcels developed with multi-story buildings, a few of which are proposed to be remapped to CX-12;
4. The Property has an approved site plan (SP-52-2005) for a 480' tall building which has been partially constructed.

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

Sincerely,

A handwritten signature in black ink that reads "Mack Paul". The signature is fluid and cursive, with the first name "Mack" and last name "Paul" clearly legible.

Mack Paul

# ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 19, 2015

Mr. Steve Schuster, Chairman  
Raleigh Planning Commission  
c/o Ms. Bynum Walter  
Urban Design Center City of Raleigh  
One Exchange Plaza, Suite 300  
Raleigh, NC 27601

Re: Crabtree Valley Mall, 4325 Glenwood Avenue  
PIN 0796502569 and PIN 0796415629  
Macy's Store PIN 0796412584  
Sears Store PIN 0796418378

Dear Chairman Schuster:

As counsel for CVM Holdings, LLC, owner or operator of the above described properties, I write to convey our concerns about the proposed remapping for this property.

The proposed rezoning is CX-12-UL. The Urban Limited Frontage designation is problematic in that it precludes parking areas between the building(s) and public street. This designation does not accommodate the existing mall in its current configuration or its future expansion.

The Crabtree Valley Mall dominates its block on Glenwood and it is hard to imagine a situation where the Mall or other properties in this area are constructed and operated in a way which is consistent with the Urban Limited Frontage. The Crabtree Valley Mall is not a dilapidated shopping mall in need of redevelopment in accordance with the mandates of the Urban Limited Frontage. It is one of the most successful malls in the Southeast and in the top 5% of malls in the USA based on sales per square foot as well as the most highly valued (assessed value) parcel in Wake County. In order to stay vibrant and viable Crabtree needs to be able to nimbly adapt and adjust to market trends without having to address this Urban Limited Frontage zoning classification, which in this instance is both inappropriate and onerous.

January 20, 2015

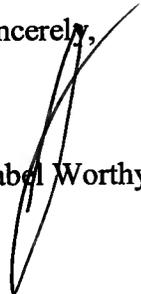
Page 2

We also note that sites of the Macy's store and Sears store owned by The May Department Stores Co. (PIN 0796412584) and U.S. Bank Trust National Association (PIN 0796418378), respectively, but operated as a part of Crabtree Valley Mall, also have the proposed Urban Limited Frontage rezoning. Because these properties are connected to the shopping mall and are operated according to the terms of a Reciprocal Easement Agreement between the parties, we register our objection to the UL designation for these properties as well.

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

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

Sincerely,



Isabel Worthy Mattox

cc: Mr. Rick Rowe  
Mr. Neil Rudolph  
Mr. Thomas C. Worth, Jr.

**From:** [Walter, Bynum](#)  
**To:** [Craig M. Barfield](#)  
**Cc:** [Cooke, John](#); [Rezoning](#)  
**Subject:** RE: Request from Meredith College (GEN-0441)  
**Date:** Thursday, October 09, 2014 12:08:26 PM

---

Dear Mr. Barfield –

Thanks for your comments about the proposed rezoning of properties owned by Meredith College. I'm glad we had the chance to meet and discuss the matter in person previously.

I have had a chance to review your requests with other members of the planning staff. We feel that your request for additional height is outside of staff's administrative purview for the remapping process. Your request for additional height will be forwarded to the Planning Commission for their consideration without a recommendation from staff.

More information on the remapping project as the Planning Commission begins its review is available at [www.RaleighUDO.us](http://www.RaleighUDO.us). Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic "[UDO - Unified Development Ordinance](#)." You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

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

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

**From:** Craig M. Barfield [mailto:[craigb@meredith.edu](mailto:craigb@meredith.edu)]  
**Sent:** Wednesday, September 24, 2014 10:02 AM  
**To:** Walter, Bynum  
**Cc:** Cooke, John  
**Subject:** Request from Meredith College

Bynum,

Thanks for meeting with me on July 18th concerning the remapping of the portion of our campus south of Wade Avenue.

I have a request. Would the planning staff support an OX5 or OX6 remapping/rezoning of the portion of our campus south of Wade Avenue? Our thinking is that the campus is separated from other properties by a major highway or roads. As we have watched the City's adoption of a new comprehensive plan and UDO, it appears that the City foresees increased density and building height occurring inside the Beltline; and allowing increased density and building height is one of the City's policy initiatives. So, from our perspective, our request is consistent with the City's vision and will enhance the College's ability to better plan the campus in light of the ever-changing nature of higher education and the community around the College.

Meredith College has contributed to the community since 1899. We are dedicated to continuing our contributions to Raleigh by educating and inspiring students to live and lead with integrity. Our request is made with the goal of enhancing our mission and contribution to our City without adversely impacting our neighbors.

Thank you in advance for the planning staff's kind consideration of our request.

Should you have any questions about our request, please contact me.

Craig Barfield  
Vice President for Business & Finance

**THE HOWELL LAW FIRM, P.A.**

ATTORNEYS AND COUNSELORS AT LAW  
1618 GLENWOOD AVENUE  
POST OFFICE BOX 2210  
RALEIGH, NORTH CAROLINA 27602

W. BRIAN HOWELL  
CERTIFIED MEDIATOR  
T. COOPER HOWELL

TELEPHONE: (919) 856-1605  
FACSIMILE: (919) 829-0939  
www.howelllaw.net

September 25, 2014

Remapping Raleigh  
PO Box 590  
Raleigh, NC 27602

RE: Remapping Request for Residential UDO Zoning; 213 Oberlin Road;  
Wake Real Estate ID 60078, Wake PIN # 1704011774

Dear Planning Staff, City of Raleigh:

This request for alternative UDO residential and specific "Remapping" zoning is submitted on behalf of the Owners Russell Stephenson and wife Ellen Longino. The specific property, 213 Oberlin Road, is shaded in yellow on the attached UDO ReMapping diagram, same reflecting proposed "OX-3-GR, Office Mixed Use".

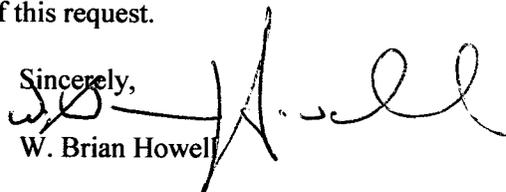
This request is specifically reflective of specific provisions of the City of Raleigh's "2030 Comprehensive Plan" specifically the "Historic Preservation" elements of such Plan. Further, this request mirrors the long standing and recognized residential use of this treasured property and the Owners' commitment to its historic preservation. The historic significance of this residence and gardens, a designated Raleigh Historic Landmark, is also recognized by its inclusion in the National Register of Historic Places as "The Isabelle Bowen Henderson House and Gardens". Home to highly regarded North Carolina portrait artist, Isabelle Henderson for over three decades, both the buildings and gardens display the talents of an artist and an award winning horticulturist. A detailed diagram of the grounds is enclosed and a collection of Preservation North Carolina photographs can be viewed at [http://localwiki.net/raleigh/Isabelle\\_Bowen\\_Henderson\\_Architecture](http://localwiki.net/raleigh/Isabelle_Bowen_Henderson_Architecture).

The Comprehensive Plan recognizes that development of properties adjoining historic resources can present issues of both scale and proximity. Accordingly, transitional areas of properties adjoining, both north and south of the Property must be afforded due consideration. The Owners thus request that appropriate zoning that recognizes and assures continued historic residential use likewise preserve existing transitional protection areas that have applied to their Property and adjacent properties for decades.

Thank you for your review and consideration of this request.

Sincerely,

W. Brian Howell



ReMapping Raleigh  
September 25, 2014  
Page 2

Enclosures:  
UDO ReMapping Diagram  
Diagram: Isabelle Bowen Henderson House & Gardens

CC: Ken Bowers, AICP  
Interim Director Planning and Development  
City of Raleigh  
One Exchange Plaza, Raleigh, NC 27601

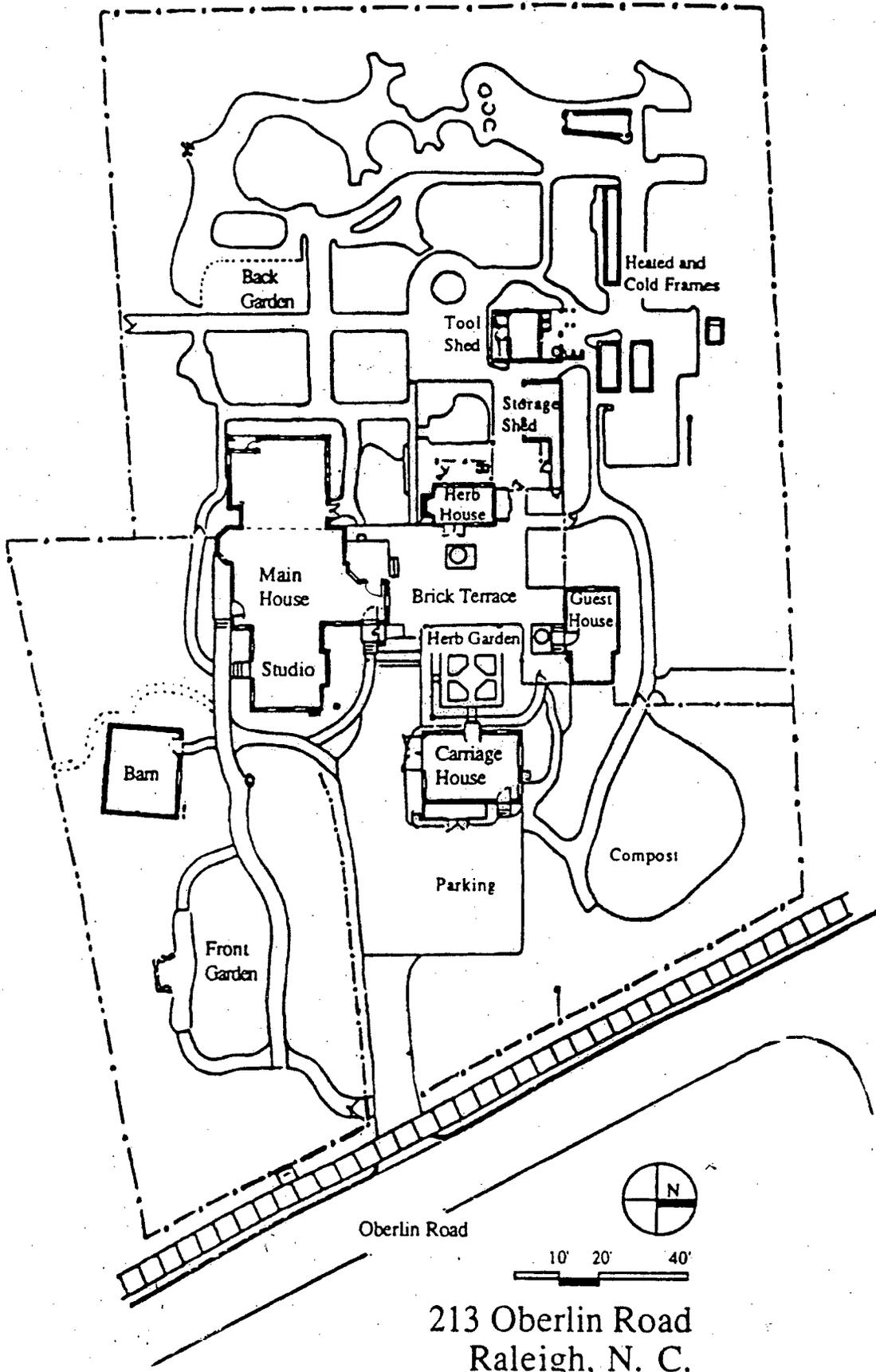
Gail G. Smith, CMC  
City Clerk and Treasurer  
City of Raleigh  
Raleigh Municipal Building  
222 W. Hargett St. – Suite 207, Raleigh, NC 27602

Russ Stephenson and Ellen Longino  
213 Oberlin Road  
Raleigh, NC 27605

# Isabelle Bowen Henderson House & Gardens

## National Register of Historic Places

GEN-0495-PC-0054-PC-0025.pdf





**THE HOWELL LAW FIRM, P.A.**

ATTORNEYS AND COUNSELORS AT LAW  
1618 GLENWOOD AVENUE  
POST OFFICE BOX 2210  
RALEIGH, NORTH CAROLINA 27602

W. BRIAN HOWELL  
CERTIFIED MEDIATOR  
T. COOPER HOWELL

TELEPHONE: (919) 856-1605  
FACSIMILE: (919) 829-0939  
www.howelllaw.net

December 19, 2014

**HAND DELIVERY**

Ms. Bynum Walter, AICP  
Senior Planner  
Raleigh Department of City Planning  
One Exchange Plaza, Suite 300  
Raleigh, NC 27601

RE: Remapping, 213 Oberlin Road; Wake Real Estate ID 60078, Wake PIN # 1704011774

Dear Ms. Walter:

In accordance with our brief meeting several weeks ago, I am submitting this in clarification of our September 25 Remapping Request. I have also discussed these matters with Mr. Lacy H. Reaves and Mr. Joe T. Knott, representatives of a number of abutting land owners, and am forwarding copies of this to each of them. I have previously provided our September 25 Request to each of them. My Clients' goal is to communicate and proceed in a fashion that reinforces individual land use goals and to do so with an acceptable alternative to Staff's OX-3-GR draft Remap. as follows:

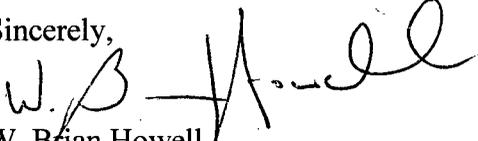
A): RX-3-GR Zoning strikes a very reasonable alternative balance between redevelopment goals of adjoining owners and my Clients' existing low density development, now spanning many years, the Henderson House & Gardens, a National Register treasure spanning many decades. This zoning could be conditioned to limit density as envisioned by the Comprehensive Plan; and,

B). Maintain the twenty (20) foot Transitional Protective Yard, per Code Sec. 10-2082.9, a requirement that has existed for many years. This would underscore the UDO's goal of equitable one-to-one transfer of existing entitlements. Limited property class application and/or UDO text changes may well afford the tools for this approach.

It is our hope that this affords enhanced flexibility and the Planning Staff can support this approach. Thank you for your time, courtesies and consideration.

Ms. Bynum Walter  
December 19, 2014  
Page 2

Sincerely,



W. Brian Howell

CC: Lacy H. Reaves (Hand Delivery)  
Joe T. Knott (US Mail)

SMITH, ANDERSON, BLOUNT,  
DORSETT, MITCHELL & JERNIGAN, L. L. P.

LAWYERS

OFFICES  
Wells Fargo Capitol Center  
150 Fayetteville Street, Suite 2300  
Raleigh, North Carolina 27601

LACY H. REAVES  
DIRECT DIAL: (919) 821-6704  
E-Mail: lreaves@smithlaw.com

January 29, 2015

MAILING ADDRESS  
P.O. Box 2611  
Raleigh, North Carolina  
27602-2611

TELEPHONE: (919) 821-1220  
FACSIMILE: (919) 821-6800

Via Email and U.S. Mail

Chairman Steve Schuster and Members  
the Raleigh Planning Commission  
PO Box 590  
Raleigh, NC 27602

Re: UDO Remapping Agenda Item 203 – 213 Oberlin Road

Dear Chairman Schuster and Commissioners:

We represent several property owners with parcels adjoining the premises at 213 Oberlin Road, which is to be considered at your meeting on February 3. We have discussed with Mr. Brian Howell, attorney for the owners of the 213 Oberlin Road premises, his clients' request that their property be remapped RX-3-GR, rather than OX-3-GR as proposed by Staff. Mr. Howell provided us a copy of his letter to Ms. Bynum Walter of the Planning Staff dated December 19, 2014, which deals with this request. The letter also refers to the maintenance of a "twenty (20) foot Transitional Protective Yard." I have attached a copy of Mr. Howell's letter dated December 19.

As adjoining property owners, our clients have questions and concerns with regard to the remapping of the property at 213 Oberlin Road. They request a full explanation from the City Staff with regard to the effects which Mr. Howell's proposal would have upon their properties. They are concerned with regard to any required setbacks, buffering, shading limitations, and other consequences which could arise if the request is approved. Also, they do not understand Mr. Howell's reference to the "twenty (20) foot Transitional Protective Yard" and ask that it be explained.

We look forward to a full discussion of these matters at your meeting on Tuesday and a report from Staff as to the consequences to our clients if the request in Mr. Howell's letter is granted.

Very truly yours,



Lacy H. Reaves

LHR: kjr  
Enclosure  
cc: Ms. Bynum Walter (via email)  
W. Brian Howell, Esq. (via U.S. Mail and email)

**JOE KNOTT P.L.L.C.**

ATTORNEYS AT LAW

4800 Six Forks Rd., Suite 100  
Raleigh, NC 27609

December 12, 2014

Telephone (919) 783-5900  
Facsimile (919) 783-9650*Via e-mail to sschuster@clearscapes.com*Chairman Steven D. Schuster  
311-200 W. Martin Street  
Raleigh, NC 27601

Re: Zoning changes, 207 and 209 Oberlin Road

Dear Chairman Schuster:

I am writing on behalf of the undersigned Sarah T. Knott and Macon T. Newby. In the interest of full disclosure, I am married to Sarah T. Knott, and Macon T. Newby is my sister-in-law, married to Justice Paul M. Newby.

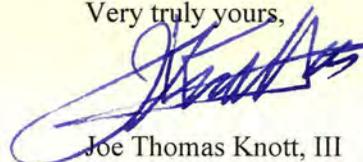
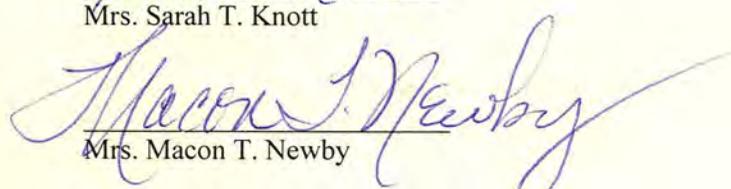
Mrs. Sarah Knott and Mrs. Macon Newby each own one-half undivided interest in lots 207 and 209 on Oberlin Road. They have owned these lots for over 40 years. In the past, their tenants have included retail establishments such as Domino's Pizza, florist shops, and other retail establishments. Currently the tenants are the Revolution Church and Labor Ready, Inc.

Mrs. Knott and Mrs. Newby would respectfully object to any change in zoning which would prohibit use for neighborhood business. The property was obtained 40 years ago and has been held and used as property which could be used for neighborhood business. Any zoning change which would not allow neighborhood business would be an unfair change to long-standing precedent and use. They would, therefore, object to any such downzoning.

Mrs. Knott and Mrs. Newby would ask that their objection to the proposed downzoning of their property be placed on the agenda of the Planning Commission for review. They would further request that they be provided notice when the matter is calendared for discussion. They would like to be present and be heard when the issue is discussed and when the issue is acted upon.

You may contact both Mrs. Newby and Mrs. Knott through me at the above-printed address. Thank you for your time and attention. We look forward to hearing from you.

Very truly yours,

  
Joe Thomas Knott, III  
Mrs. Sarah T. Knott  
Mrs. Macon T. Newby

SARAH KNOTT  
1620 OBERLIN ROAD  
RALEIGH, NC 27608

December 31, 2014

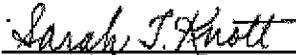
Via e-mail to [bynum.walter@raleighnc.gov](mailto:bynum.walter@raleighnc.gov)

Ms. Bynum Walter, AICP  
Senior Planner  
Raleigh Dept of City Planning  
1 Exchange Plaza, Ste. 300  
Raleigh, NC 27601

Re: 207 and 209 Oberlin Road downzoning (PIN 1704-01-3534 .65 acres)

Dear Ms. Walter:

Please find enclosed a letter we wrote to the chairman of the Raleigh Planning Commission, Steven D. Schuster. We thank you for your consideration of our position.



Mrs. Sarah T. Knott  
(919) 782-6262



Mrs. Macon T. Newby  
(919) 782-6376

SARAH KNOTT  
1620 OBERLIN ROAD  
RALEIGH, NC 27608

December 30, 2014

*Via e-mail to sschuster@clearscapes.com*

Chairman Steven D. Schuster  
Clearscapes  
311-200 W. Martin Street  
Raleigh, NC 27601

Re: 207 and 209 Oberlin Road-Proposed downzoning (PIN 1704-01-3534 .65 acres)

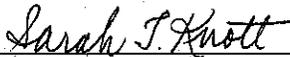
Dear Chairman Schuster:

We are respectfully writing concerning the above-referenced parcel. It is our understanding that the UDO remapping/zoning case proposes a downzoning of said parcel from neighborhood business and O&I-1 to OX-3-GR.

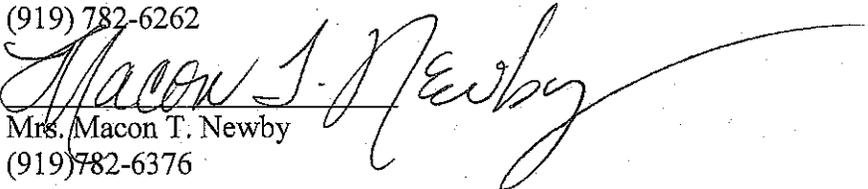
We would respectfully oppose that rezoning and would suggest in the alternative a unified zoning of NX-4 which would be consistent with the property zoning to the south, consistent with the current use, consistent with the historical use and the hoped for future use and consistent with the commercial use of the property across Oberlin Road (the PR parking lot).

We understand that one of the underlying principles of the UDO is that new zoning will be as consistent as possible with the old zoning. We believe our proposal is consistent with the old zoning. It is also our understanding that split-zoning under the UDO while possible is not preferred. We would respectfully request that the entire parcel be NX-4.

Thank you for your attention. We are available for conversation or questions at any time.



Mrs. Sarah T. Knott  
(919) 782-6262

  
Mrs. Macon T. Newby  
(919) 782-6376

**From:** [Walter, Bynum](#)  
**To:** [Ben Kuhn](#)  
**Cc:** [jpoole@insure-nc.com](mailto:jpoole@insure-nc.com); [Rezoning](#)  
**Subject:** RE: Letter Comments re Rezoning of 2607 Glenwood Avenue (GEN-0575)  
**Date:** Thursday, October 09, 2014 11:24:28 AM  
**Attachments:** [image001.jpg](#)

---

Dear Mr. Kuhn –

Thanks for your comment about the proposed rezoning of 2607 Glenwood Avenue. I've had a chance to review your request with other members of the planning staff.

Staff notes that the Green frontage designation reduces some parking requirements and may actually facilitate redevelopment of the parcel. Your request will be forwarded to the Planning Commission for their consideration without a staff recommendation.

More information on the remapping project as the Planning Commission begins its review is available at [www.RaleighUDO.us](http://www.RaleighUDO.us). Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic "[UDO - Unified Development Ordinance](#)." You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

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

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

---

**From:** Ben Kuhn [mailto:[bkuhn@rl-law.com](mailto:bkuhn@rl-law.com)]  
**Sent:** Tuesday, September 30, 2014 2:44 PM  
**To:** Walter, Bynum  
**Cc:** Bowers, Kenneth; Becker, Dan; [jpoole@insure-nc.com](mailto:jpoole@insure-nc.com)  
**Subject:** Letter Comments re Rezoning of 2607 Glenwood Avenue

Ms. Walter:

Please see attached letter comments re proposed rezoning of **2607 Glenwood Avenue** which are being hand-delivered to your office this afternoon. Thank you for your careful consideration and attention to this matter.

Cc Ken Bowers  
Dan Becker

Benjamin R. Kuhn

2840 Plaza Place, Suite 400, Raleigh, N.C. 27612

D 919.881.2201 | C 919.280.8139

[bkuhn@rl-law.com](mailto:bkuhn@rl-law.com) | [vcard](#)

[www.ri-law.com](http://www.ri-law.com)

Notices and Reservations of Rights: This communication is intended solely for the addressee and may be legally privileged and confidential.

If you are not an intended recipient, you are prohibited from reading, retaining and disseminating this communication. If you have received

this communication in error, please immediately notify Ragsdale Liggett PLLC and destroy the correspondence and its attachments. As contemplated

by IRS Circular 230, you are advised that, unless specifically indicated otherwise, any tax advice contained in this communication shall not be used for

the purpose of avoiding tax-related penalties or for any purpose by any party other than the addressee.



RAGSDALE LIGGETT<sup>PLLC</sup>  
LAWYERS

---

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

September 30, 2014

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

***Re: Proposed Remapping and Rezoning of property located at 2607 Glenwood Avenue***

Dear Ms. Bynum:

I represent James Wayland Poole, the owner of property located at 2607 Glenwood Avenue (the "Property"). Below, please find comments as to the proposed rezoning of the Property as shown on the City's UDO Zoning Remapping website (the "Remapping Site").

Currently, the Property is zoned O&I-1 together with adjacent properties located at 2609 and 2615 Glenwood Avenue, and the Gardens on Glenwood condominiums property located at 2801 Glenwood Gardens Lane. The two properties across the service road and the median divided four (4) lanes of Glenwood Avenue are currently zoned O&I-2. This includes 2600 and 2626 Glenwood Avenue. There is no existing single family residential zoning directly adjacent to the Property. Please see the attached maps showing the existing and proposed zoning classifications, and Property data.

As set forth by the Remapping Site, the Property is proposed to be rezoned "OX-3-GR." We believe OX-3 is an appropriate zoning classification for the Property, but that the GR frontage designation is inappropriate, inconsistent with similarly situated properties along the Glenwood Avenue corridor, and should be deleted for the following reasons:

- The designation for GR frontage, when the Property is located along a service road aside Glenwood Avenue that has two existing rows of landscaping buffer on either side, and a sidewalk, is unnecessary and will substantially and unnecessarily limit redevelopment of the Property given other site restrictions such as access, irregular trapezoidal lot shape, the depth of the lot (as measured from the adjacent right-of-way), and a landscaping easement along the rear property line associated with the development of the Gardens on Glenwood condominiums.
- Other than GR frontage designations for the Property, the two adjacent tracts at 2609 and 2615 Glenwood Avenue, and across the service road and 4 lanes of

Bynum Walker  
Remapping Team  
September 30, 2014  
Page 2

Glenwood Avenue at 2626 Glenwood, there are no other properties along Glenwood west of Five Points that have a designated GR frontage under the proposed zoning map.

- According to the UDO, the GR frontage designation is “intended for areas where it is desirable to locate buildings close to the street, but where parking between the building and street is not permitted . . . [and] [r]equires a landscaped area between the building and the street right-of-way.”
- Parking on the Property, which is only .36 acres in area, is already a challenge given the existing use, lot configuration, and landscape easement.
- The required frontage for the Property, if any, should be determined at site plan review as opposed to having it “baked” into the existing zoning classification under the UDO as “GR.” With an existing landscaping buffer along the rear lot line of the Property it may be necessary to locate parking closer to or adjacent to the street right-of-way to allow any economically feasible redevelopment of the site. Given that the Property actually fronts along the adjacent service road (not directly on Glenwood Avenue), with a sidewalk and existing landscape buffers along each side of said service road, and a landscaped median divided Glenwood Avenue, the purpose of the GR frontage is already accomplished given the existing off-site conditions fronting the property which are unlikely to be changed (i.e., “a landscaped area between the building and the street right-of-way”). See UDO § 3.4.6.
- Given that other OX-3 properties located west of Five Points and along Glenwood Avenue do not have the GR frontage designation (see 2424 Glenwood Avenue, 106 Lake Boone Trail, 3101 and 3105 Glenwood Avenue, and 3201 Glenwood Avenue) the GR designation for the Property at 2607 Glenwood Avenue is inappropriate. (It is notable that these properties, unlike the Property, directly abut multi-lane stretches of Glenwood Avenue, not a service road that already provides a transition from the thoroughfare to the Property.)
- The GR frontage designation shown on the Remapping Site is unnecessary and should be deleted.

Based on the factors listed above, the correct zoning classification for the Property under the UDO should be OX-3 without any frontage designation in order to allow for more flexibility at site plan review as to the appropriate frontage requirements, if any, in light of existing surrounding conditions which currently provide more than adequate landscaped area between the building on the Property and the right-of-way of Glenwood Avenue.

If Planning staff and the Planning Commission believe the GR frontage designation to be appropriate for the Property, we respectfully request that an OX-4 designation is more appropriate than the proposed OX-3 designation. If parking is required to be pushed away from

Bynum Walker  
Remapping Team  
September 30, 2014  
Page 3

the right-of-way at redevelopment due the GR frontage, the only feasible opportunity to provide adequate parking on the site will likely be to build directly above parking. For such design, necessitated by the GR frontage designation, to be economically feasible, a four (4) story height limit would be necessary. Please note, the residential condominium development to the rear of the Property is already built to a height of four (4) stories, so allowing a four (4) story height limitation for the Property (OX-4) would not be inconsistent with the adjacent residential use.

We appreciate your consideration of these comments and request that the Remapping Team acknowledges receipt of same and recommend to Planning Commission in October that the GR frontage designation will be removed and the Property will be recommended to have OX-3 zoning upon adoption of the new zoning classifications for the new official Zoning Map.

Sincerely,

RAGSDALE LIGGETT



Benjamin R. Kuhn

Attachments

Cc Ken Bowers  
Dan Becker  
James Wayland Poole

# UDO Zoning Remapping

Compare the current zoning with the proposed UDO zoning.

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

Search by address or PIN or click on the map

222 West Hargett Street



Selected Address: 2607 GLENWOOD AVE

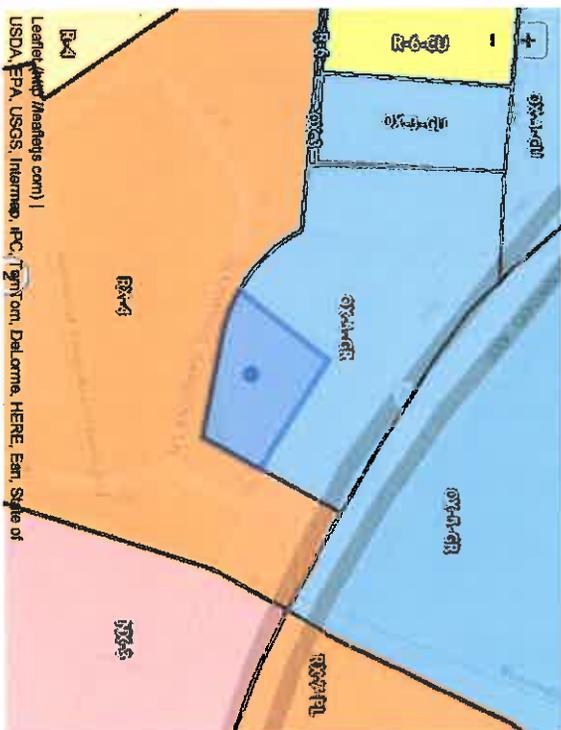
Give Feedback

### Current Zoning



**OX-3**

**Description**  
Office and Institutional-1 (OX-1)  
**Zoning**



### Proposed Zoning

**OX-3-GR**

**Description**  
Office Mixed Use (OX-) with Height up to 3 Stories with Green Frontage  
**Base Zoning**

Leaflet (http://leafletjs.com) |  
USDA, EPA, USGS, Intermap, iPC, TomTom, DeLorme, HERE, Esri, Swire

**O&I-1 (Office and Institutional-1):** This mixed-use district is intended for office and institutional use. Suburban office parks and medium to high density residential uses are typical of this district. Though other scenarios are possible, these areas will generally be rezoned to OX-, RX-, or OP- under the UDO. [Learn More](http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.html) (<http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.html>)

**OX- (Office Mixed Use):** This district is intended to provide for a variety of office and employment uses while allowing for housing and ancillary retail. Limited retail and service-related options are allowed subject to use standards that restrict the size and scale of each use. OX- is not intended to provide for areas exclusively dominated by office or employment uses but provide for developments that balance employment and housing options with access to convenience retail services and goods. OX- can serve as a land use transition between other mixed use districts and residential neighborhoods. [Learn More](http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#60/) (<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#60/>)

**Height**  
3 stories / 50 feet max [Learn More](http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#70/) (<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#70/>)

**Frontage**  
-GR (Green): This frontage is intended for areas where it is desirable to locate buildings close to the street, but where parking between the building and street is not permitted. Requires a landscaped area between the building and the street right-of-way. [Learn More](http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#77/) (<http://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance#77/>)

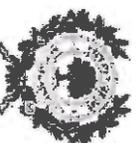


(<http://www.raleighnc.us>)

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

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

© 2014

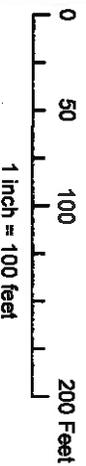


(<http://www.raleighnc.gov>)



# James Wayland Poole Property

PIN: 1705023229 000  
 Real Estate ID: 0052606  
 Map Name: 1705 17  
 Owner: POOLE, JAMES W  
 Mailing Address 1: PO BOX 31508  
 Mailing Address 2: RALEIGH NC 27622-1508  
 Deed Book: 008701  
 Deed Page: 00447  
 Deed Date: 10/04/2000  
 Deeded Acreage: 0.36  
 Assessed Building Value: \$136,553  
 Assessed Land Value: \$156,820  
 Total Assessed Value: \$293,373  
 Billing Class: Individual  
 Property Description: LOT2 GLENWOOD VILLAGE  
 Heated Area: 2638  
 Site Address: 2607 GLENWOOD AVE  
 City: RALEIGH  
 Township: Raleigh  
 Year Built: 1961  
 Total Sale Price: \$0  
 Type and Use: O/C GROSS  
 Design Style: Conventional  
 Land Class: COMM  
 Old Parcel Number: 464-00000-0105



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

Rob Baumgart  
5600 Rock Service Station Rd  
Raleigh, NC 27603

December 16, 2014

City of Raleigh Planning Commission  
Hand Delivered at Planning Meeting

PC-0051

RE: 2 and 4 Maiden Lane Raleigh, NC 27607 PIN #: 1704-01-0469 and 1704-01-0578

PC-0052

Dear Planning Commission Members,

I own two properties located at 2 and 4 Maiden Lane in Raleigh near the Bell Tower on Hillsborough St. I am writing to express my concerns and desires for the two parcels regarding the proposed rezoning under the new UDO.

These two properties are currently zoned BC, R-20, and O&I-1 with O&I-1 being the majority of the land. Under new UDO zoning the entire .98 acres will be rezoned RX-3. The properties are currently used in three different ways. The 2 Maiden Ln dwelling is a duplex and serves as rental housing. The 4 Maiden Ln dwelling is a larger single family that has served and continues to be a Fraternity house. Both 2 and 4 Maiden Ln land serves as a long term parking lot for students and nearby businesses. This has been the case well before I attended NC State and the parking component serves as a great resource for my tenants as well as the neighboring businesses and students. Furthermore the lot is used at least twice a year for community events and weekly for local church services.

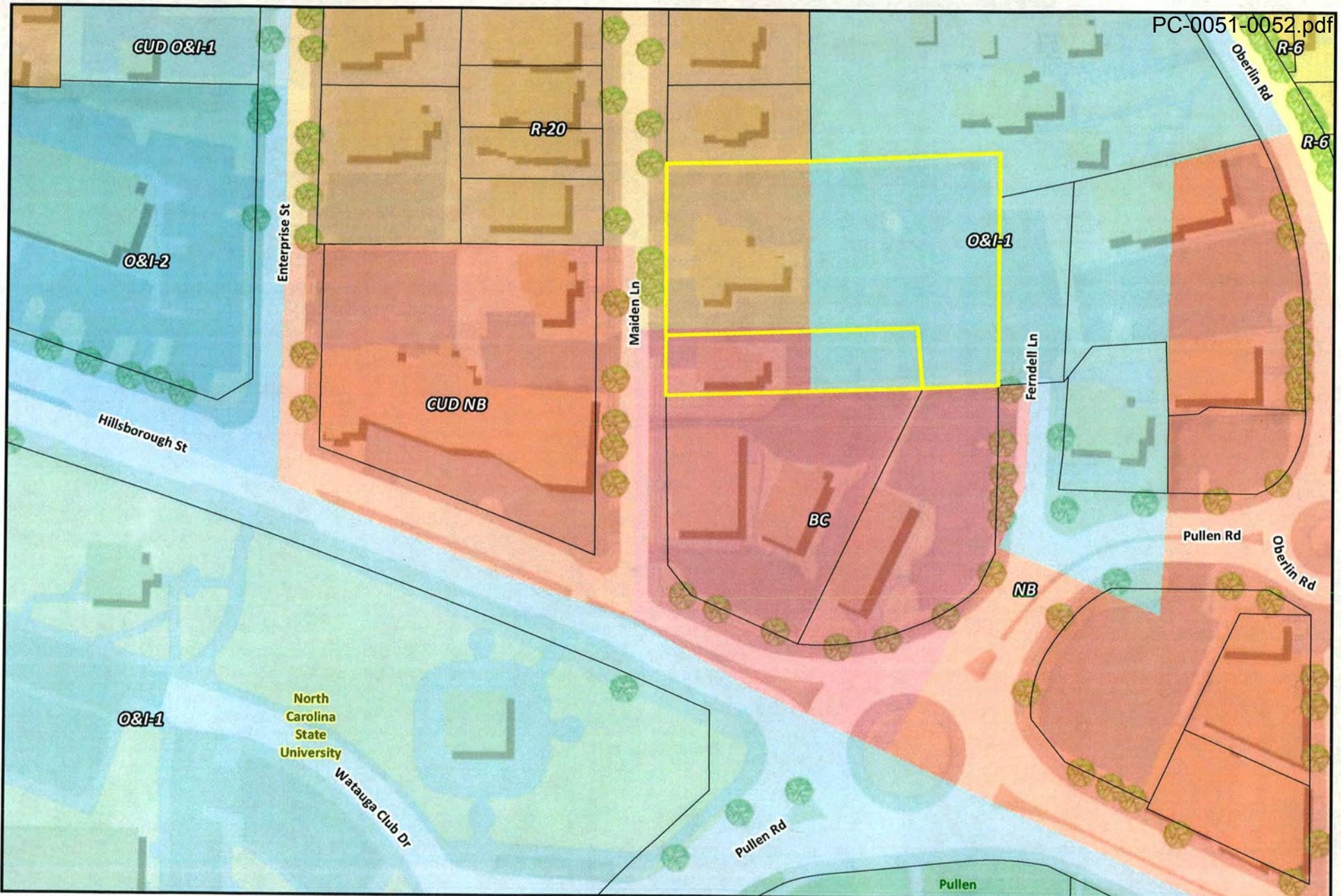
My concern with the proposed RX-3 zoning is the ability to retain the parking function of my two properties. According to Article 6.4.7 Parking Section C 2 d of the new UDO "a fee may not be charged for parking" in any of the R districts. If my properties were rezoned RX-3 and I had to stop offering parking the revenue loss would be significant and the loss to the local community as a resource would be significant.

I spoke with Bynum Walter who suggested I write this letter. She did not believe there was a "grandfathering" clause that would permit the existing use after this plan is finalized nor did she know what the penalties would be if the practiced continued. I would like to retain the use as is and have the lots continue to serve its much needed purpose for the surrounding area. Bynum suggested OX-3 which permits paid parking and matches the zoning of neighboring properties. I request the Planning Commission reevaluate the RX-3 zoning and consider OX-3 or some change that would permit the continued use of paid parking.

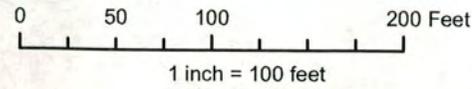
Sincerely,



Rob Baumgart  
919.795.4403  
rob@chatterbox3.com



2 / 4 Maiden Lane Current Zoning



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

# ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 6, 2015

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

Re: 3933 Arrow Drive; PIN# 0795696783

Dear Bynum:

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

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

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

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

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

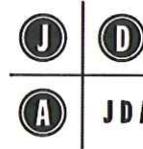
We request that you reconsider the proposed zoning and revise it to CX-12.

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

Sincerely,

Isabel Worthy Mattox

cc: Mr. Michael Abbott  
Capire, LLC



August 18, 2014

Mr. Carter Pettibone  
Department of City Planning and Economic Development  
City of Raleigh  
P. O. Box 590  
Raleigh, North Carolina 27602

**Re: Ridgewood Shopping Center  
Property Owner Response to UDO MAPPING**

Carter:

This letter is in response to the draft UDO Rezoning Map issued on 2014-05-16 by the City of Raleigh, and with regard to the property known as Ridgewood Shopping Center located at 3410 Wade Avenue. Our client concurs with the recommendation for the proposed zoning category of "Commercial Mixed Use", but is not in agreement on the proposed height of three (3) stories for this location. We note that under the existing "Shopping Center" (SC) zoning district, height is unlimited, and a building "...may be constructed to any height."

We acknowledge that the base or initial building height is fifty foot (50') at a building setback, with increase to height tied to increases in building setback. This increase in height is based on a 1:1 ratio, where each additional foot of setback allows an additional foot of building height. Ridgewood Shopping Center is located on an approximately ten (10) acre site, and the property is large enough to readily support taller buildings and provide the 1:1 height/setback transition under the SC zoning. Please see the attached exhibit that illustrates the area available on the site for a seven (7) story building.

We believe the appropriate height designation for this property is seven (7) stories based on existing zoning detailed above, and the following criteria:

1. The property is located at the intersection of three high-volume avenue-designated streets;
  - a. Wade Avenue (Avenue/6-Lane/Divided)
  - b. Ridge Road (Avenue/2-Lane/Undivided)
  - c. Faircloth Street ( Avenue/2-Lane/Divided)
2. The property is located less than  $\frac{1}{4}$  mile from the interchange of I-440 with Wade Avenue.
3. The property is the only mixed-use retail site of 10 acres or larger serving an area of Raleigh inside the western edge of the I-440 Beltline. There are very limited opportunities for comprehensive mixed use development in this area of our city.

4. Mixed use development on this site is supported by:
  - a. The property is served by both City of Raleigh CAT transit and TTA transit
  - b. Access to comprehensive local street network
  - c. Immediate proximity and access to the I-440 Beltline
  - d. Immediate access to the City of Raleigh Greenway System
  - e. Proximity of private and public schools located on Ridge Road
  - f. Adequate existing public infrastructure

We would welcome the opportunity for a meeting to discuss this item. Please call me if you have any questions or if we can supply any other information.

Sincerely,

A handwritten signature in black ink, appearing to read "David F. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

David F. Brown, RLA  
**JDavis Architects, PLLC**

Cc: Andrew Techet; Michael Birch

ADDITIONAL 40' SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

ZERO FEET (0') CORNER SIDE BUILDING SETBACK (REQUIRES PLANNING COMMISSION APPROVAL)

RIDGE ROAD

25' REAR BUILDING SETBACK

40' ADDITIONAL SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

RIDGEWOOD SHOPPING CENTER

WAKE PIN: 2794-37-2031

ZONING: SHOPPING CENTER DISTRICT

ADDRESS: 3514 WADE AVENUE

7 - STORY BUILDING ENVELOPE

ADDITIONAL 40' SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

25' REAR BUILDING SETBACK

BY ZONING CONDITION (Z-16-2010), BUILDING HEIGHT LIMIT IN THIS AREA IS REGULATED BY THE STANDARDS ESTABLISHED FOR THE R-4 ZONING DISTRICT: FIFTY FEET (50')

ZERO FEET (0') FRONT BUILDING SETBACK (REQUIRES PLANNING COMMISSION APPROVAL)

ADDITIONAL 40' SETBACK FOR 90' / 7-STORY HEIGHT BUILDING

WADE AVENUE

LIMIT OF CONDITIONAL USE ZONING (Z-16-2010)

FAIRCLOTH STREET



**From:** [Walter, Bynum](#)  
**To:** [David Brown](#)  
**Cc:** [mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com)  
**Subject:** RE: Ridgewood Shopping Center  
**Date:** Friday, August 29, 2014 4:54:22 PM

---

Dear David – I wanted to follow up on my message of last week. I had a chance to discuss this request with other members of the planning staff.

Height recommendations were made based on existing heights, valid approvals for height, and in some cases Comprehensive Plan guidance. None of these factors indicate that it would be appropriate for staff to recommend additional height for Ridgewood Shopping Center, however the request will be forwarded to the Planning Commission for their consideration. Planning Commission will take up the issue of citywide remapping at their meeting on October 14. You can sign up for email notifications of a more detailed schedule of their discussion online by clicking on the link in the green box in the upper left hand corner of this page:

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

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

---

**From:** Walter, Bynum  
**Sent:** Tuesday, August 19, 2014 2:06 PM  
**To:** David Brown  
**Cc:** 'mbirch@morningstarlawgroup.com'  
**Subject:** FW: Ridgewood Shopping Center

David –

Thanks for the email follow up. As I mentioned, I'll review this with other members of the planning staff later this week and be back in touch with additional information.

Talk to you soon – Bynum

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

---

**From:** David Brown [<mailto:davidb@jdavisarchitects.com>]  
**Sent:** Tuesday, August 19, 2014 2:01 PM  
**To:** Walter, Bynum  
**Cc:** Michael Birch  
**Subject:** Ridgewood Shopping Center

Hi Bynum,

Thanks again for the visit yesterday afternoon to discuss request for modification of UDO mapping for Ridgewood Shopping Center. Attached is a scanned copy of the letter and exhibit that we delivered to you yesterday for distribution to your team. Please let me know if you have any questions, or we can provide any other information to you for your review of this request. I have

copied Attorney Michael Birch who also represents the Ridgewood property in this matter.

Best Regards,

DB

David F. Brown, RLA, ASLA, LEED AP  
Associate/Senior Project Manager

**J DAVIS ARCHITECTS**  
Creating Vibrant, Livable Communities  
510 Glenwood Avenue, Suite 201 | Raleigh, NC 27603  
t: (919) 835-1500 | f: (919) 835-1510

[Raleigh, NC](#) | [Philadelphia, PA](#)

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

[Linked-In](#) | [Twitter](#) | [Google+](#)

**From:** [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov)  
**To:** [laurieraybould@gmail.com](mailto:laurieraybould@gmail.com)  
**Subject:** City of Raleigh Response Ref #18242  
**Date:** Thursday, August 07, 2014 3:16:12 PM

---

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

---

Feedback Received July 16th 2014, 8:14 pm

Reference #: 18242

Location: 2550 Glenwood Avenue

Comment Type: Existing Land Use/Proposed Zoning Mismatch

Comment: Great mapping tool! Very easy to use and it's nice to see current vs. proposed side-by-side. Currently I am a renting resident of these quaint, older (1953), two-story apartment buildings and I am concerned that the proposed zoning (RX-7-PL) would be incompatible with the neighborhood (golf course, single-family homes, mature trees, etc). I understand this property is valuable per city-data.com, so I am especially concerned that with the new zoning, a developer will purchase this property, tear down the historic register-eligible units, and build something incongruous in its place, like a high-end condo/apartment building with retail amenities that require parking and encourage driving. Interestingly, these apartment are priced very affordably in an area where this is unheard of, and changes in zoning could eliminate this needed affordable housing. It is for these reasons that I consider this proposed land use/zoning change to be mismatched. Thank you for reading/responding!

---

City Response on August 7th 2014, 03:16 pm

Apologies for the delay in further follow-up. We received your request that the zoning for this property not be changed. However, as this property exists in a zoning designation that no longer exists in the new development code, it must be changed to a district in our new development code.

As well, given that a site plan for a new development has already been approved for this property under the existing zoning, which fits in well with the zoning proposed for the property, staff cannot support your request. However, it will be forwarded to the Planning Commission for further consideration upon the closing of the public comment period, which ends September 30th. For more information on the approved development plan, see:

<http://www.raleighnc.gov/content/PlanDev/Documents/DevServ/DevPlans/Reviews/2013/SitePlan/SP-046-13.pdf>

---

Thanks for your time,

**City of Raleigh Remapping Team**

Email: [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov)

Web: [www.RaleighUDO.us](http://www.RaleighUDO.us)

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



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

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

September 30, 2014

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

Re: Remapping of 1209 Ridge Road (0794-27-5267); 1213 Ridge Road (0794-27-5314); 1215 Ridge Road (0794-27-4423) (the "Properties")

Dear Bynum:

On behalf of the owner of the Properties, we are submitting this letter in response to the City's proposed rezoning designation for the Properties. The owner concurs with the proposed base zoning district of Office Mixed Use. However, the owner disagrees with the proposed height designation of three stories.

We are requesting that the Properties be remapped with a maximum building height of five stories (OX-5), based on the following:

1. The Properties are designated Office/Residential Mixed Use on the Future Land Use Map, and Table LU-2 "Recommended Height Designations" recommends a height of five stories for property designated Office/Residential Mixed Use and located in a "general" area;
2. The Properties are located at the intersection of two high-volume streets – Wade Avenue (Avenue/6-Lane Divided) and Ridge Road (Avenue/2-Lane Divided);
3. The Properties are located less than a quarter mile from the interchange of Wade Avenue and Interstate 440;
4. The Properties are within walking distance to Raleigh CAT bus service (Route 4) and Triangle Transit bus service (Route 105, Durham-Raleigh Express, and Chapel Hill-Raleigh Express).

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

Sincerely,

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

Michael Birch

**From:** [Walter, Bynum](#)  
**To:** [Michael Birch](#)  
**Cc:** [Rezoning](#)  
**Subject:** RE: Remapping Comment re: Ridge Road Properties (GEN-0525)  
**Date:** Wednesday, October 08, 2014 9:12:09 PM

---

Dear Michael –

Thanks for your comment about the proposed rezoning of 1209, 1213, and 1215 Ridge Road.

I've had a chance to discuss this request with other members of the planning staff. Height recommendations were made based on existing heights, valid approvals for height, and in some cases Comprehensive Plan guidance. None of these factors indicate that it would be appropriate for staff to recommend additional height in this area. Staff does not agree with your request, however your comment will be forwarded to the Planning Commission for consideration as part of their review of the citywide remapping.

More information on the remapping project as the Planning Commission begins its review is available at [www.RaleighUDO.us](http://www.RaleighUDO.us). Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic "[UDO - Unified Development Ordinance](#)." You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

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

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

---

**From:** Michael Birch [mailto:[mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com)]  
**Sent:** Tuesday, September 30, 2014 4:43 PM  
**To:** Walter, Bynum  
**Subject:** Remapping Comment re: Ridge Road Properties

Bynum,

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

Thanks,

Michael



R. Michael Birch, Jr.  
Morningstar Law Group

630 Davis Drive, Suite 200  
Morrisville, NC 27560  
Office: (919) 590-0388  
Mobile: (919) 208-9427  
[mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com)  
[www.morningstarlawgroup.com](http://www.morningstarlawgroup.com)

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**From:** [Hill, Doug](#)  
**To:** [Mcgivernwil@aol.com](mailto:Mcgivernwil@aol.com)  
**Cc:** [Rezoning](#)  
**Subject:** RE: 10594 Sporting Club Drive [GEN-0072]  
**Date:** Tuesday, June 10, 2014 2:45:49 PM

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Mr. McGiven,

Thank you for your email.

In approaching remapping, a property's existing zoning has been a primary consideration. The present Thoroughfare District (TD) zoning permits a wide range of possible land uses, including many non-residential uses. The remapping aims for continuity in regard to such existing zoning entitlements. Another factor is existing use. Most other TD properties nearby are built out; their respective land uses have been factored into their proposed district designations. The subject property, though, is vacant.

Regarding height, note that three stories/ 50 feet is the lowest height City-wide for districts permitting non-residential uses. The adjacent residential properties are proposed for R-4 and R-6 zoning. The maximum building height permitted under Code in those residential districts is 40 feet.

Your comments are very much appreciated. Please know that they are being passed along to the staff team assisting in the initial remapping, and will be taken into consideration going forward.

Again, thanks.

Doug Hill, AICP  
Department of Planning and Development  
One Exchange Plaza – Suite 204  
PO Box 590  
Raleigh, NC 27602  
(919) 996-2622  
Email: [Doug.Hill@raleighnc.gov](mailto:Doug.Hill@raleighnc.gov)  
Web: [www.raleighnc.gov/planning](http://www.raleighnc.gov/planning)

**From:** [Mcgivernwil@aol.com](mailto:Mcgivernwil@aol.com) [<mailto:Mcgivernwil@aol.com>]  
**Sent:** Friday, June 06, 2014 4:35 PM  
**To:** Rezoning  
**Subject:** 10594 Sporting Club Drive

The proposed rezoning of this property adjacent to Brier Creek Country Club homes would create an eyesore in the neighborhood. The lot in question, once proposed to be a Firestone Tire Shop, would not be a good fit in the neighborhood. The entrance would be in the residential area, directly adjacent to a private home, as the lot in question sits up much higher than the houses in the surrounding area. A possible 50 foot high structure would stand above the adjacent homes, lights for the required parking

area would be a problem for those adjacent homes and in general would detract from the value of the homes in the area. This would be better served as residential or possible apartments similar to those situated across the street.

Sincerely,  
William McGivern  
9340 Palm Bay Circle

**From:** [Walter, Bynum](#)  
**To:** [Lindsey Calverley](#)  
**Subject:** RE: Recommended zoning changes [GEN-0303 thru -0308]  
**Date:** Thursday, August 14, 2014 11:54:06 AM

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Dear Lindsey Calverley –

I wanted to follow up on your comments about the proposed zoning for properties on Glenwood Ave, Falls of Neuse Rd, Hillsborough St, and Oberlin Rd. I had a chance to review your comment with other members of planning staff recently. The recommendations for the parcels you inquired about reflect the existing context and entitlements. While these parcels may be rezoned in the future to allow for greater height, staff believes that those decisions should be made as part of the public process of a privately initiated rezoning.

The public comment period for the remapping process will remain open until September 30, subsequently the remapping recommendations and all comments will be forwarded to the Planning Commission for their review beginning October 14. Your comments will be presented to the Commission for their consideration. Closer to time, I should be able to provide details about when the Planning Commission will discuss these particular properties.

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

Sincerely,

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

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**From:** Rezoning  
**Sent:** Wednesday, August 06, 2014 2:38 PM  
**To:** Lindsey Calverley  
**Cc:** Walter, Bynum  
**Subject:** RE: Recommended zoning changes [GEN-0303 thru -0308]

Ms. Calverley—

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

The Planning and Development Department has established a review team to evaluate requests for changes in the initially proposed zoning districts. The team's next meeting is August 13. Bynum Walter will be the case manager for your request. She is out of the office this week, but will follow-up with you shortly after that discussion.

Regards,  
Dan

--

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

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**From:** Lindsey Calverley [<mailto:Lindsey.Calverley@Colliers.com>]  
**Sent:** Wednesday, August 06, 2014 12:29 PM  
**To:** Rezoning  
**Subject:** Recommended zoning changes

Hello,

Jim Anthony owns and manages several properties in the City of Raleigh. He has annotated some recommended zoning changes for the property. Please see attached spreadsheet with 'recommended zoning'. Please let me know what process I will need to go through to get these changes made.

Thank You,

**Lindsey Calverley**

Marketing Coordinator | Raleigh-Durham

**Direct +1 919 582 3145**

Main +1 919 832 1110 | Fax +1 919 834 4488

[lindsey.calverley@colliers.com](mailto:lindsey.calverley@colliers.com)

**Colliers International**

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

[www.colliers.com/rdu](http://www.colliers.com/rdu)

**From:** [Lindsey Calverley](#)  
**To:** [Rezoning](#)  
**Subject:** RE: Recommended zoning changes [GEN-0303 thru -0308]  
**Date:** Wednesday, August 06, 2014 2:40:25 PM

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Thank you!

**Lindsey Calverley**

Marketing Coordinator | Raleigh-Durham

**Direct +1 919 582 3145**

Main +1 919 832 1110 | Fax +1 919 834 4488

[lindsey.calverley@colliers.com](mailto:lindsey.calverley@colliers.com)

**Colliers International**

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Raleigh, NC 27605 | United States

[www.colliers.com/rdu](http://www.colliers.com/rdu)

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**From:** Rezoning [mailto:Rezoning@raleighnc.gov]  
**Sent:** Wednesday, August 06, 2014 2:38 PM  
**To:** Lindsey Calverley  
**Cc:** Walter, Bynum  
**Subject:** RE: Recommended zoning changes [GEN-0303 thru -0308]

Ms. Calverley—

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

The Planning and Development Department has established a review team to evaluate requests for changes in the initially proposed zoning districts. The team's next meeting is August 13. Bynum Walter will be the case manager for your request. She is out of the office this week, but will follow-up with you shortly after that discussion.

Regards,

Dan

--

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

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**From:** Lindsey Calverley [mailto:[Lindsey.Calverley@Colliers.com](mailto:Lindsey.Calverley@Colliers.com)]  
**Sent:** Wednesday, August 06, 2014 12:29 PM

**To:** Rezoning  
**Subject:** Recommended zoning changes

Hello,

Jim Anthony owns and manages several properties in the City of Raleigh. He has annotated some recommended zoning changes for the property. Please see attached spreadsheet with 'recommended zoning'. Please let me know what process I will need to go through to get these changes made.

Thank You,

**Lindsey Calverley**

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**From:** [Lindsey Calverley](#)  
**To:** [Rezoning](#)  
**Subject:** Recommended zoning changes  
**Date:** Wednesday, August 06, 2014 12:29:16 PM  
**Attachments:** [Zoning Changes Jim Anthony.xlsx](#)

---

Hello,

Jim Anthony owns and manages several properties in the City of Raleigh. He has annotated some recommended zoning changes for the property. Please see attached spreadsheet with 'recommended zoning'. Please let me know what process I will need to go through to get these changes made.

Thank You,

**Lindsey Calverley**

Marketing Coordinator | Raleigh-Durham

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[lindsey.calverley@colliers.com](mailto:lindsey.calverley@colliers.com)

**Colliers International**

702 Oberlin Road | Suite 400

Raleigh, NC 27605 | United States

[www.colliers.com/rdu](http://www.colliers.com/rdu)

**From:** [mmcguire002@nc.rr.com](mailto:mmcguire002@nc.rr.com)  
**To:** [Rezoning](#)  
**Cc:** [mmcguire002@nc.rr.com](mailto:mmcguire002@nc.rr.com)  
**Subject:** 11700 New Leesville Road  
**Date:** Monday, September 29, 2014 11:23:55 AM

---

Hello,

I wish to express a few concerns regarding the rezoning of the property which is currently the Circle K gas station, located at 11700 New Leesville Road.

#### LAND ELEVATION

What is the elevation of this property? Is it adequate enough to support the rezoning of the parcel, to support a three story structure?

#### DRAINAGE

There currently exists a minor flooding problem just before the intersection of Leesville Road into New Leesville Road which has existed for 20 years, since I moved into this neighborhood. Will that be addressed and fixed prior to rezoning? Our neighbors on Stannary Place have been living with damage to their homes and property since the land behind them was rezoned for multiple homes. The builder, along with the city has chosen to just ignore this problem. I recently installed a dry creek bed on my property to resolve a minor drainage problem that has only recently developed. I do not wish to have my minor drainage problem develop into a flooding problem such as the one my neighbors are currently dealing with today and also to be ignored by the city. The residents of Harrington Grove do not need another eyesore created via rezoning, which will devalue our homes.

#### TRAFFIC

What plans are in place for upgrading the traffic flow to accomdate the additional traffic generated by the new residents and retail customers? Hickory Grove Church Road is a single lane with a traffic light. This is currently a very busy intersection during morning travel. Exiting onto New Leesville Road will require all drivers to make a U-turn at the Radner/North Radner intersection increasing the morning congrestion at this intersection.

#### NOISE POLLUTION

There is more than enough noise today from the garbage trucks (sometimes at 4am), the oil tankers delivering oil, and the cars with music so loud that it vibrates the windows in my home. The orignal windows in the home were replaced within the last 7 years. The rezoning of ths property will only add to the noise pollution problem. I bought my home in Harrington Grove because it was a QUIET residential neighborhood.

Thank you for your time.

Sincerely,

Maureen McGuire  
11700 Stannary Place  
Raleigh, NC 27613  
(919) 846-8382  
Raleigh, NC 27613

**From:** [Cary Joshi](#)  
**To:** [Rezoning](#)  
**Subject:** UDO Comments  
**Date:** Tuesday, September 30, 2014 10:23:58 PM  
**Attachments:** [CAC presentation on remapping.pdf](#)

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Here are a couple comments on the UDO remapping for Hillsborough Street:

(1) Comment One - Proposed remapping conflicts with its own guidelines  
In February 2014, city staff made a presentation titled "Remapping Raleigh" (attached for your convenience). The presentation outlines the guiding principles on slide 9. The first two are:

- (a) "maintain or enhance the existing property value"
- (b) "avoid putting land uses in districts where they are not permitted"

The remapping of properties from NB (Neighborhood Business) to NX-4 conflicts with both statements since the property owners permitted uses under NX-4 are more restrictive than the existing NB. An example of such a use is that bars and nightclubs are permitted under NB, but not under NX.

(2) Comment Two - Uniformity.

Classifying all of the area between Dixie Trail and Oberlin along Hillsborough as NX, but distinguishing North Hall as RX, Aloft Hotel as CX, and a small strip center as CX conflicts with the last point from the above presentation found on slide 9; it creates issues with context, since the intensity and use can be jarring from adjacent properties.

It would appear that a uniform remapping to CX would be more appropriate, predictable, consistent, and create a better user experience.

(3) Comment Three: CX is better fit than NX.

- (a) All of the uses currently permitted under NB are permitted under CX.

(4) Comment Four: CX Designation for Hillsborough street is consistent with the 2030 Comprehensive Plan and its authors(everyone) intent. On page 33 and 34 of the Comprehensive Plan is the definition of mixed use categories. The definition of CX is as follows: "...CX is the primary corresponding zoning district for these areas. Appropriate urban form standards for frontage should be applied, recognizing that some of the designated areas are established neighborhood "main streets" and others are suburban auto-oriented shopping plazas or strip centers fronting on high-volume arterial roadways."

#### Main Streets

If you review the 2030 Comprehensive Plan revisions, the term "main streets" was specifically removed from the NX category definition and placed in the CX definition. This modification appears is a result of deliberate discussion and deliberate action on part of the staff and council.

If you review the legend in the Urban Form Map, you will notice the definition of the term "main street." The definition specifically calls out Hillsborough Street as the only existing "Main Street"

which appears to indicate that the authors

Lastly, if you read the definition of NX in the 2030 Comprehensive Plan on Page 33, it is clear that Hillsborough Street (between Oberlin and Dixie Trail) do not meet the definition. The definition of NX more aptly describes grocery anchored neighborhood shopping center dotted all across Raleigh.

(5) Comment Five. Land Use matches CX

The 2008 Bid Formation Report completed by Downtown Professional Network describes the uses and target market (or users/consumers) for Hillsborough Street. The commercial properties principally serve NC State faculty, staff, and students from all parts of Raleigh. This stretch of Hillsborough Street between Dixie Trail and Oberlin is more than a neighborhood center. This piece of roadway broadly appeals to the entire city of Raleigh, the State, and country as a front door to NC State.

(a) Almost every marathon highlights Hillsborough Street and NC State campus in their courses. Hillsborough Street is most often, the longest stretch of city roadway used by these races.

(b) Packapoolaza is now one of Raleigh's largest events.

**From:** [Alley, Elizabeth](#)  
**To:** [Cary Joshi \(caryjoshi@gmail.com\)](mailto:Cary.Joshi@gmail.com)  
**Cc:** [Rezoning](#)  
**Subject:** RE: UDO comment GEN-0531  
**Date:** Monday, October 06, 2014 3:02:13 PM

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Cary

I wanted to follow up with you regarding your UDO comments on Hillsborough Street. Staff met today and determined that they do not support the map changes that you have requested, as the proposed NX category is consistent with Future Land Use Map guidance and creates no nonconformities. Please note that the upcoming Hillsborough Street/Cameron Village area study will be examining appropriate height and use designations in this area in detail, and I hope that you will be an active participant in that initiative.

Thank you,  
Elizabeth

**Elizabeth Alley, AICP**  
Urban Designer + Planner  
Raleigh Urban Design Center  
*An Office of the Planning & Development Department*  
220 Fayetteville Street, Suite 200 Raleigh, NC 27601  
919.996.4639  
[Elizabeth.Alley@raleighnc.gov](mailto:Elizabeth.Alley@raleighnc.gov)  
[www.raleighnc.gov/urbandesign](http://www.raleighnc.gov/urbandesign)

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**From:** Alley, Elizabeth  
**Sent:** Thursday, October 02, 2014 5:45 PM  
**To:** Cary Joshi (caryjoshi@gmail.com)  
**Cc:** Rezoning  
**Subject:** UDO comment GEN-0531

Cary,

Thank you for your comments regarding proposed UDO remapping near the properties on Hillsborough Street. I will be taking the comments to our internal team meeting on Monday for discussion and will respond with additional information afterward.

More information on the remapping project as the Planning Commission begins its review is available at [www.RaleighUDO.us](http://www.RaleighUDO.us). Be sure to sign up for MyRaleigh Subscriptions and subscribe to the topic "UDO - Unified Development Ordinance." You will then receive email notice of each Planning Commission UDO review agenda as it is posted. The draft map with all comments will be forwarded to the Commission at its October 14 meeting, and review will begin in earnest on October 21.

Elizabeth

**Elizabeth Alley, AICP**

Urban Designer + Planner

Raleigh Urban Design Center

*An Office of the Planning & Development Department*

220 Fayetteville Street, Suite 200 Raleigh, NC 27601

919.996.4639

[Elizabeth.Alley@raleighnc.gov](mailto:Elizabeth.Alley@raleighnc.gov)

[www.raleighnc.gov/urbandesign](http://www.raleighnc.gov/urbandesign)

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

Conditions: 6/26/96

1. Petitioner's property to be divided into four (4) areas (A, B, C & D) as shown upon map entitled "Eastern Airline Property Conditional Use Plan" dated March 15, 1996, last revised May 20, 1996 (the "Conditional Use Plan") incorporated herein by reference with land use by area as specified upon **Exhibit C-1 attached** hereto and incorporated herein by reference.
2. Allowed Land Uses are as specified upon **Exhibit C-2 attached hereto** and incorporated herein by reference shall apply to the Petitioner's property.
3. General Conditions as specified in **Exhibit C-3 attached** hereto and incorporated herein by reference shall apply to the Petitioner's property.
4. The Conditional Use Plan notes set forth in **Exhibit C-4 attached** hereto and incorporated herein by reference shall apply to Petitioner's property.
5. The Conditional Use Plan as set forth in **Exhibit C-5 attached** hereto and incorporated herein by reference shall apply to Petitioner's property.
6. The Conceptual Roads and Utility Plan as set forth in **Exhibit C-6 attached** hereto and incorporated herein by reference shall apply to Petitioner's property.

**(See attachments as indicated)**

**Z-65-96 Exhibits:**  
**See zoning file for Exhibits C-1, C-5 and C-6**

**Exhibit C-2**  
**ALLOWED USES BY LAND USE AREA**

**1. RESIDENTIAL**

All residential uses allowed in the Residential 30 District as indicated in Section 10-2071 of the City of Raleigh Zoning Code up to and including 30 units/acre; however, no more than 1500 dwelling units shall be allowed in Area "A", 3550 dwelling units in Area "B", 450 dwelling units in Area "C", and 1000 dwelling units in Area "D". Areas "C" and "D" may not contain single family detached residential dwelling units.

**2 OFFICE, INSTITUTIONAL, CIVIC & SERVICES**

All Office, Institutional, Civic and Services uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code also including without limitation hospitals, and multi-family (30 through 40 units per acre), and residential uses but excepting single family detached dwellings, which are excluded

**3. COMMERCIAL**

All Commercial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code. Also all recreation uses as indicated in Sec. 10-2071 of the City of Raleigh Zoning Code, save and except any recreation uses explicitly listed in Land Use Area 5 "Open Space/Buffers & Recreation Areas."

**4. INDUSTRIAL**

All industrial uses allowed in the thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code.

**5. OPEN SPACE/BUFFERS & RECREATION AREAS**

Open Space/Buffers & Recreation Areas will include, at the Petitioner's discretion, floodways; public and private park areas; public and private greenways; bike trails; lakes, ponds, streams, and other water features not included in floodways; golf courses and golf related facilities and outdoor tennis facilities.

NOTE A as to above Sections 1, 2, 3, 4 and 5: Allowable uses shall include "accessory uses" and "accessory structures" as permitted in the City of Raleigh Zoning Code. Where a use is allowed and is proposed for development by a mixed-use site plan the dominant use designated by the applicant on said site plan shall determine the Land Use Area to be allocated under Exhibit C-1, Table 1. In non-mixed-use site plan proposals, the applicant shall allocate the land use acreage to a particular Land Use Area as permitted herein. All principal buildings however, which indicate the primary use as being "retail" shall be allocated to the "Commercial" category.

NOTE B as to above Sections 1, 2, 3, 4 and 5: Correctional/Penal facilities and adult establishments are prohibited.

NOTE C as to above Section 5: Land Use Area acreages used for golf courses and golf related facilities will be counted toward the minimum Open Space required and not deducted from any of the other maximum land use by area acreages.

**Exhibit C-3**

## **GENERAL CONDITIONS**

1. Acreages and number of living units shown in Exhibit C-1, Table 1 are base densities and may, upon request by the Petitioner (i.e. Owner), be adjusted upward or downward by twenty-five (25%) percent by transfer to or from an adjacent Land Use Area, provided that no residential density other than Congregate Care and Congregate Living Facilities shall exceed forty (40) dwelling units or equivalent dwelling units per acre. The Land Use Areas to which and from which transfers may be made must be under the same ownership at the time of the transfers.
2. Site plans and/or subdivision plans shall be submitted for review in accordance with the requirements of the Raleigh City Code and shall show allocations of land use types by Exhibit C-1, dated March 15, 1996, last revised June 14, 1996, and Exhibit C-5 dated March 15, 1996, last revised May 20, 1996. A projection of traffic trip generation, based on guidelines described in the project's Transportation Analysis dated June 6, 1996, will be provided to the City Transportation Department at the time of site plan approval of individual parcels within the property unless waived by the City's Director of Transportation. See Note 2 of Table 1, Exhibit C-1 and Section 6 of the Transportation Report, both which are incorporated herein by reference.
3. Development of the subject property, or subdivided lots thereof, will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.
4. Any additional public road right-of-way needed from Parcels 0758.02-65-0728, 0758.04 93 5713 or 0758.04 82 4852 shall be reimbursed based upon their present zoning of R-4.
5. Recorded subdivision plats will contain reference to this zoning case as follows: "Z-65-96 Thoroughfare District CUD with Special Highway Overlay District-2 and Airport Overlay District."

## **EXHIBIT C-4** **CONDITIONAL USE NOTES**

### 1. GENERAL

A. The City Planning Director shall be permitted to administratively approve site plans which reflect modifications to Exhibit C-1, Table 1, entitled "Land Use By Area" dated March 15, 1996, last revised June 14, 1996, Exhibit C-5 dated March 15, 1996, last revised May 20, 1996, and Exhibit C-6, the Petitioner's Conceptual Road and Utility Plan, dated June 3, 1996.

Modifications include:

1. The transfer or expansion of acres and/or uses between land use Areas A, B, C & D as requested by the Petitioner and illustrated on Exhibit C-1, Table 1, and Exhibit C-5, provided no one land use or area is adjusted by more than 25% in any given Land Use Area. The Land Use Areas to which and from which transfers may be made must be under the same ownership at the time of the transfers.

2. Adjustments to the sizes and alignments of utility lines and roads requested by the Petitioner (i.e. Owner) and illustrated on Exhibit C-6, which maintain the same overall level of service.

2. ROADS & UTILITIES (See Exhibit C-6 for Conceptual Roads and Utility Plan)

A. Access to Highway US-70.

1. Access in Area A along US 70 between Alexander Drive and the Durham County line (approximately 4,900 feet) will have no more than one intersection with a Cross-Over on US 70 plus no more than two right-turn-in/right-turn-out access points exclusive of the out-parcels owned by others and located within or contiguous to the boundaries of the rezoned property as of the date of the approval of this Petition by the Raleigh City Council. Such access and/or driveways will be subject to NCDOT review and approval.

2. Access to US-70 between T. W. Alexander Drive and Northern Wake Expressway will be limited to no more than two intersections with Cross-Overs on US-70 and no more than one right-turn-in/right-turn-out access point exclusive of the out-parcels as of the date of the approval of this Petition by the Raleigh City Council, between T.W. Alexander Drive and Northern Wake Expressway. Such access and/or driveways will be subject to NCDOT review and approval.

a. A strip of land 20 feet wide shall be reserved along the US 70 Petitioner's frontage of the property between Alexander Drive and the Durham County line for eventual widening until such time as it is determined that the strip is not needed to accommodate the anticipated improvements. Any reservation by Petitioner of right-of-way in excess of existing right-of-way at the time of approval of this Zoning Petition can be used to meet City of Raleigh requirements for streetscape setbacks and/or buffers along US 70.

B. Access to T.W. Alexander Drive.

Access to T.W. Alexander Drive from Areas A & B will be in accordance with the agreement relating to the construction of Southern Parkway (now Alexander Drive) between NCDOT and Wachovia Bank & Trust, et al, dated December 18, 1986 and as amended June 15, 1987.

C. Brier Creek Parkway.

1. The Petitioner (i.e. Owner) will convey one hundred ten (110') feet of right of way to NCDOT for the construction of Brier Creek Parkway. An additional fifteen (15') feet of land on each side of the initial dedication will be reserved for temporary construction and drainage easements for a period of ten (10) years to accommodate widening unless and until such time as it is determined that the additional fifteen (15') feet on each side is not needed to accommodate the anticipated improvements. If the reservation is not purchased within the ten year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist. The dimensions of any setbacks, buffers and/or landscape yards required on properties adjacent to Brier Creek Parkway will be measured from the boundary of the original one hundred ten (110') foot right of way as conveyed by the Petitioner.

2. The one hundred ten (110') foot conveyed right-of-way for Brier Creek Parkway will qualify for reimbursement to the Petitioner by the City of Raleigh under existing City Road Right-of-Way Reimbursement Policy. Any of the additional reserved slope easements (referred to as construction and drainage easements in Paragraph C[1] above), will also qualify for reimbursement to the Petitioner by the City of Raleigh under existing City road right of way reimbursement policy.

#### D. Completion of Roads.

Site plans for no more than 50% of the total frontage of any one side of a section of a Collector or Thoroughfare street between two intersections as shown on Exhibit C-6, which provide access from two completely different directions will be approved until a commitment is made to the City of Raleigh pursuant to 10-3013(c)(2) of the Raleigh City Code guaranteeing completion of that section of the street to a cross-section width equal to or greater than the existing completed sections of the street unless otherwise agreed by the City of Raleigh. Open Space shall not be included in the total road frontage.

#### E. Cross Overs on Thoroughfares and Collectors.

Cross Overs shall be a sum of 660 feet apart on Collectors and on Thoroughfares. Cross Overs on Brier Creek Parkway will be located per the Construction Agreement between the Petitioner and the North Carolina Department of Transportation dated June 19, 1996.

#### F. Public access to outparcels.

If at the time of subdivision, tracts of land owned by others which adjoin Petitioner's property (sometimes referred to herein as "outparcels"), are affected by the relocation of a street, the subdivision must indicate "equivalent access" to the adjoining outparcels).

G. When US 70 is constructed as a freeway, direct access shall be limited to full service interchanges at Aviation Parkway, T.W. Alexander Drive, and Brier Creek Parkway. Prior to actual construction of such improvements to US 70, direct access to US 70 from the property will be allowed as stated in Exhibit C-4 (2)(A)(1) and Exhibit C-4(2)(A)(2) above.

H. The Petitioner will reserve land, owned by the Petitioner, for full service interchanges at the proposed intersection of Brier Creek Parkway and US 70, at the intersection of T.W. Alexander Drive and US 70, and at the proposed intersection of Aviation Parkway and US 70 for purchase by governmental authorities for up to ten (10) years from the date of final approval by the Raleigh City Council of this zoning petition.

The land reserved at Aviation Parkway and T.W. Alexander Drive will be of a size and location to accommodate the current functional interchange designs illustrated in the US 70 Corridor Study, prepared by BAKK and dated March 1992, or an alternate design mutually acceptable to the Petitioner and NCDOT. The land reserved for the Brier Creek Parkway interchange will be of a size and location to accommodate a functional design which will be developed with the design of Brier Creek Parkway.

If the reservation is not purchased within the ten-year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist.

### 3. OPEN SPACE

A. Active Recreation - A potential location(s) for park sites of no less than eight (8) acres in size for active recreation totaling no more than fifty acres which will be available for acquisition by the City of Raleigh will be located within the property. With regard to a site for active recreation uses:

1. A map designating the boundaries of the location for the park sites, as determined jointly by the Petitioner and the City Parks and Recreation Director shall be filed with City of Raleigh Parks and Recreation Department prior to approval of site plans for more than a total of 2,000 dwelling units and equivalent dwelling units in Land Use Area B.

2. The park sites shall be reserved for acquisition by the City for a period of two years from date of acceptance of the map by the Parks and Recreation Director. The Parks and Recreation Director shall have two months after the date of submission of the map to respond to the Petitioner as to the acceptability of the site. Failure of the Parks and Recreation Director to respond in writing within two months shall constitute acceptance of the site.

If the reservation is not purchased within this two-year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist.

3. The park sites shall not be designated as floodway, and shall be part of the Petitioner's area(s) for Open Space/Buffers & Recreation to be designated by the Petitioner.

B. Greenways - Up to fifty acres within the Petitioner's property will be reserved to the City of Raleigh for inclusion in the City's Greenway system. If so included, this greenway acreage shall be considered part of Petitioner's area(s) for Open Space/Buffers & Recreation.

At the earlier time of either site plan approval or subdivision of areas between points E & F, F & G, E & H, I & J and K & L as indicated on the Conditional Use Plan, Greenways will be reserved for purchase from the owner by the City of Raleigh, in accordance with the applicable provisions of the Raleigh City Code. Where not included in public rights of way, the greenways will be reserved to a width as indicated in the City of Raleigh Comprehensive Plan From time of reservation (at subdivision) the City will have two (2) years to purchase the reservation. If the reservation is not purchased within this time, the reservation may, in the sole discretion of Petitioner be abandoned and if so abandoned shall no longer exist.

C. The total acreage of Open Space/Buffers & Recreation Area(s) can be allocated to different areas of the respective land use areas A, B, C and D in Exhibit C-1, Table 1, but the sum total acreage of all Open Space/Buffers & Recreation in each land use area shall be provided. No more than 80% of the acreage within each land use area, as shown on Exhibit C-1, Table 1, dated March 15, 1996, and last revised May 20, 1996 shall be given site plan approval until all the minimum Open Space/Buffers & Recreation for each zoning area is delineated on either approved preliminary subdivisions or site plans.

D. For all Open Space/Buffers & Recreation Area(s) corridors which follow stream, or drainageway alignments, the distance from the boundary of the corridor to the centerline of the stream shall be a minimum of fifty feet.

(CORRECTED)  
Ordinance (2011) 940ZC662

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH**

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

**Z-9-11 Conditional Use – Creedmoor Road** - located on the east side, southeast of its intersection with Crabtree Valley, being Wake County PINs 0796302996, 0796308642, and 0796314150. Approximately 11.74 acres to be rezoned from Shopping Center (0.81 acre) and SC with (PDD) Planned Development District and (PBOD) Pedestrian Business Overlay District (10.93 acres) to SC CUD with PBOD (8.126 acres), and SC CUD (3.613 acres).

**Conditions Dated: 8/15/11**

**Narrative or conditions being requested:**

For the purposes of the following conditions, Property” shall refer to tax parcels (PINs) 0796-30-2996, 0796-30-8642, and 0796-31-4150.

(a) The following uses shall be prohibited upon the Property: automotive service and repair facility; utility service and substation; emergency shelter Type A or Type B; landfill; manufacturing-custom; manufacturing-specialized; adult establishment; kennel/cattery; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater or outdoor racetrack.

(b) With the exception of Hotel/Motel, an allowed use upon the Property, all uses developed upon the Property that are categorized as “Commercial” in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 200,000 square feet floor area gross.

(c) All uses developed upon the Property that are characterized as Institution/Civic/Services or Office in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 100,000 square feet floor area gross.

(d) Uses developed upon the Property that are characterized as Residential in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 575 dwelling units.

(e) Within fifteen (15) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable development upon the Property as provided in the foregoing conditions (b), (c), and (d) among all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it shall become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the owner(s) of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC. 27602.

(f) The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute of Transportation Engineers will generate no more than 12,947 daily vehicle trips with no more than 705 vehicle trips in the AM peak hour and no more than 934 vehicle trips in the PM peak hour.

(g) Upon development of Section 1 of the Property as shown on Exhibit B-1 of the Petition in this case, a means shall be provided for pedestrian connectivity from the then existing grade of Section 1 to the grade of Crabtree Valley Avenue as it is now located between the Property and Crabtree Valley Mall (PIN 0796-50-2569).

(h) The actual location of the “Crabtree Valley Mall Connector Road” shown on pages 4 and 16 of the Streetscape and Parking Plan in this case will be established at the time of site plan approval.

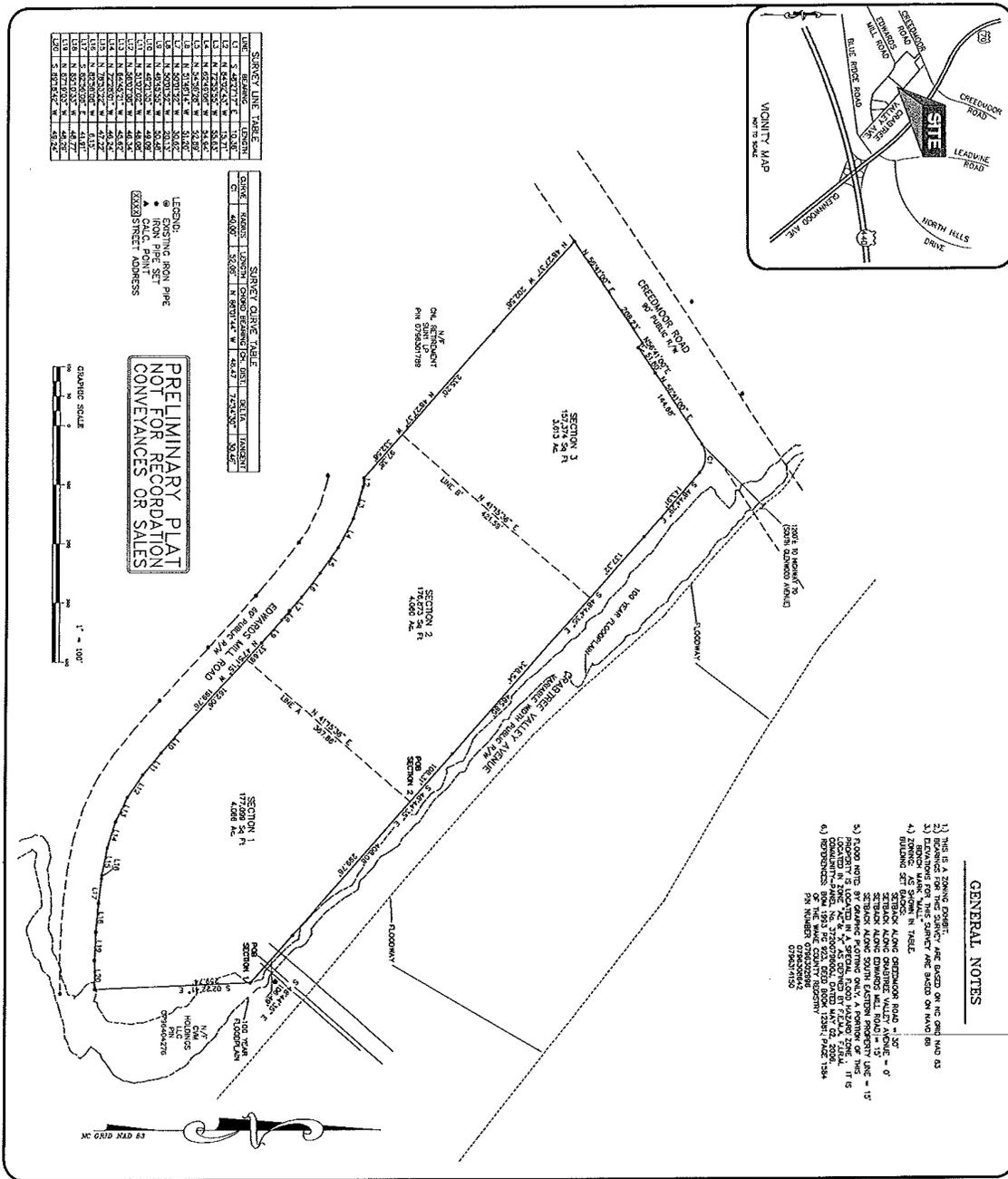
(i) Along the Creedmoor Road frontage of the Property, parking between the street right-of-way and the building(s) shall not exceed two rows of parking.

(j) Upon approval of a site plan or plans for the development of all or a portion of the Property, if requested by the City’s Transit Division, the owner shall dedicate a transit easement approved by the Raleigh City Attorney upon the respective site or sites of a size, nature and location acceptable to such Division and provide any improvements, such as a bench and/or shelter, specified by such Division that shall be in accordance with its standard policies. The owner shall dedicate up to three (3) transit easements upon the Property.

(k) Upon development of Section 3 of the Property as shown on Exhibit B-1 of the Petition in this case, pedestrian connectivity shall be provided between such Section and the adjoining Section 2. With regard to sidewalks along public rights of way, the design of sidewalk sections and curb and sidewalk details for Section 3 shall be coordinated with such design for Sections 1 and 2, although to the extent allowed by the City's Ordinances, sidewalk widths may be reduced for Section 3. Plants planted along public rights of way in Section 3 shall be consistent with those utilized for such purpose in Sections 1 and 2.

Exhibit B-1  
Legal Descriptions of Sections 1, 2 and 3 are attached.

2-9-11



<p><b>McAdams</b></p>	<p>PROJECT: WEST-08020</p> <p>DATE: 04 JANUARY 2011</p>	<p><b>ZONING EXHIBIT</b></p> <p><b>CRABTREE PLACE</b></p> <p>CITY OF RALEIGH, WAKE COUNTY, NORTH CAROLINA</p> <p>WEINGARTEN REALTY INVESTORS              8420 FORUM DRIVE              SUITE 101              RALEIGH, NORTH CAROLINA</p>	<p>REVISIONS:</p>	<p><b>THE JOHN R. McADAMS COMPANY, INC.</b></p> <p>ENGINEERS/PLANNERS/SURVEYORS</p> <p>RESEARCH TRIANGLE PARK, NC              P.O. BOX 14005 ZIP 27709-4005              (919) 361-6000</p>
	<p>PROJECT: WEST-08020</p> <p>DATE: 04 JANUARY 2011</p>	<p>PROJECT: WEST-08020</p> <p>DATE: 04 JANUARY 2011</p>	<p>PROJECT: WEST-08020</p> <p>DATE: 04 JANUARY 2011</p>	<p>PROJECT: WEST-08020</p> <p>DATE: 04 JANUARY 2011</p>

**Z-10-12 – Westgate Road, Conditional Use** - located on the northside, northwest of its intersection with Ebenezer Church Road being Wake County PIN(s), 0778536990 and 0778740512. Approximately 97.13 acre(s) is rezoned from Neighborhood Business Conditional Use District, Office and Institution-1 Conditional Use District, TD Conditional Use District, TD, Residential – 4 with AOD & SHOD-2 TO IND-1 Conditional Use District, with SHOD-2.

**Conditions Dated: 06/28/12**

**1) Conditional Use Zone Requested: Industrial-1 – CUD w/ SHOD-2**

**2) Narrative of conditions being requested:**

(a) Defined Terms. For purposes of the following conditions, (i) the two parcels proposed for rezoning by Martin Marietta Materials, Inc. in this case (PINs 0778-53-6990 and 0778-74-0512; Lots 1 and 2, respectively, Book of Maps 2011, Page 1208, Wake County Registry) are referred to as the “Property;” (ii) the term “overburden” shall refer only to the soil, earth, loose rock, and other natural material removed to reach marketable rock in the process of quarry excavation or that results from quarry processing; and (iii) all measurements of height made pursuant to these conditions shall be determined from existing grade of the midpoint of Ebenezer Church Road at its intersection with Wyngate Mill Lane.

(b) Realignment of Westgate Road. Before any mining and quarrying activity occurs upon the Property, except the removal, deposit, storage, and disposition of overburden as provided herein, the owner of the Property, in coordination with the NCDOT and the City of Raleigh, will pursue the realignment of Westgate Road to the north substantially as shown on Exhibit C-1 attached hereto. If such realignment is approved, the centerline of Westgate Road will be shifted to the north toward 1-540 no more than six hundred (600) feet from its current location and Martin Marietta will dedicate at no cost to the State or City the right-of-way for the realignment and will bear all costs associated with relocation of the road. It is provided, however, that during the pursuit of approvals to realign Westgate Road, the berm referenced in condition (d) along the boundary of the Property with tax parcel PIN 0778-74-4381 (Lot 3, Book of Maps 2011, Page 1208, Wake County Registry) may be constructed with soil and earth from the Property.

(c) Area South of Relocated Westgate Road. Any extraction of rock and/or other aggregates materials upon the Property shall occur only south of Westgate Road following its relocation as provided in the foregoing condition (b). Overburden may be removed from such area prior to the road relocation, but not from the area south of existing Westgate until the construction of the means of transporting overburden under relocated Westgate Road referenced in condition (h). The excavation of dirt or other materials south of relocated Westgate Road (except as provided in condition (i)) will occur no closer than fifty (50) feet to the right-of-way of relocated Westgate Road. At the time of or prior to the completion of such relocation of Westgate Road, a berm with a

minimum height of twenty-five (25) feet shall be constructed between the right-of-way of relocated Westgate Road and the area of extraction south of relocated Westgate Road. Such berm shall be constructed no closer than twenty-five (25) feet from the right-of-way of relocated Westgate Road and may have a diagonal opening or openings to accommodate the driveway referenced in condition (i) and vehicular access to the means of transporting overburden under relocated Westgate Road referenced in condition (h). On both the east and the west, such berm will tie into and join the berms currently existing on Petitioner's property along Ebenezer Church Road on the east and along Westgate Road on the west.

(d) Construction of Berm; Required Set Back Area and Fence. Before any mining or quarrying activity occurs upon the Property (other than the removal, deposit, storage, and disposition of overburden) there shall be constructed along the boundary of the Property with tax parcel PIN 0778-74-4381 (Lot 3, Book of Maps 2011, Page 1208, Wake County Registry) a berm a minimum of fifty (50) feet in height with a maximum slope of 2:1. Such berm shall be set back (that is, it will begin to rise in height) at least one hundred fifteen (115) feet from the boundary of the Property with PIN 0778-74-4381. The area of such set back ("the Set Back Area") will remain in a natural condition and will remain undisturbed by tree disturbing and land disturbing activities except as provided in this condition. The portion of the Set Back Area more than seventy-five (75) feet from the boundary of the Property with PIN 0778-74-4381 may contain a driveway no more than twenty (20) feet in width running parallel and adjacent to the berm, utilities, and stormwater infrastructure. Along the entire boundary of the Property with PIN 0778-74-4381, but set back approximately seventy-six (76) feet from such boundary, there shall be constructed and maintained a chain link fence at least five (5) feet in height. It is provided, however, that such fence shall not extend into the natural protective yard required in condition (o). An opening shall be provided in the berm a minimum of seventy (70) feet in width to accommodate the possible future extension of Ebenezer Church Road as provided in the City's Comprehensive Plan.

(e) Use of Area North of Relocated Westgate Road. The area of the Property north of Westgate Road, as relocated pursuant to the foregoing condition (b), shall be utilized only for (i) the deposit, storage, and disposition of overburden (and the preparation of areas for such deposit, storage and disposition) and (ii) the installation of driveways, berms, plants and trees, utilities, stormwater infrastructure, the means of transporting overburden under relocated Westgate Road referenced in condition (h) and for no other use except as set forth in condition (r). Other than during the placement of overburden, no quarry related equipment, mobile equipment, vehicles or other personal property will be stored on this portion of the Property. Attached as Exhibit C-2 is a map showing generally the areas upon the Property where overburden will be deposited and/or berms constructed in the event the relocation of Westgate Road as described in condition (b) is approved by the NCDOT and any permitting authority having jurisdiction. Exhibit C-3 attached hereto shows this information on a larger scale for a portion of the Property. No overburden berm shall be located closer than twenty-five (25) feet from the right-of-way of relocated Westgate Road.

**Effective: 7/3/12**

(f.) Height of Overburden. Overburden deposited upon the Property in accordance with these conditions shall be less than fifty (50) feet in height at all points within four hundred ten (410) feet of the following parcels: PIN 0778-72-8995 (Owner: Stacey Douglas Daniels; deed recorded at Book 10157, Page 1125, Wake County Registry), PIN 0778-73-8064 (Owner: Richard Keith Hale; deed recorded at Book 8107, Page 861, Wake County Registry), PIN 0778-73-8181 (Owner: Kandas B. and Jason W. Branson; deed recorded at Book 13084, Page 1557, Wake County Registry), PIN 0778-73-8197 (Owner: Donald A. and Lisa K. Templeton; deed recorded at Book 8299, Page 1167, Wake County Registry), PIN 0778-73-8294 (Owner: Ali Akbar and Parvin Salim Mahmoudi recorded at Book 8104, Page 932, Wake County Registry), PIN 0778-73-9300 (Owner: Coyett Wayne and Shelley A. Vanover; deed recorded at Book 8059, Page 2447, Wake County Registry), PIN 0778-73-9317 (Owner: Brant S. Ust and Jessica Ann Hoppe Ust, deed recorded at Book 14665, Page 1025, Wake County Registry), PIN 0778-73-9404 (Owner: Fred E. Hicks, Jr. and Maria K. Hicks; deed recorded at Book 7444, Page 664, Wake County Registry), PIN 0778-73-9505 (Owner: Candace B. and Richard G. Wilson; deed recorded at Book 13572, Page 1799, Wake County Registry); PIN 0778-73-9651 (Owner: Colin Alasdair Currie McKerrell and Ada Stewart McKerrell; deed recorded at Book 8254, Page 1087, Wake County Registry), PIN 0778-73- 8889 (Owner: Wyngate Homeowners Association Inc.; deed recorded at Book 8077, Page 1916, Wake County Registry), PIN 0778-74-9004 (Owner: David J. Debesis; deed recorded at Book 07-E-, page 1740, Wake County Registry), PIN 0778-74-8039 (Owner: George I. and Tanya B. Russ; deed recorded at Book 8091, Page 282, Wake County Registry), PIN 0778-74-7290 (Owner: Linda B. Peace; deed recorded at Book 08-E-, Page 2290, Wake County Registry), PIN 0778-74-7375 (Owner: Jung Sung and Amber Park; deed recorded at Deed Book 8451, Page 2331, Wake County Registry), PIN 0778-74-6378 (Owner: Michael B. and Deborah A. Miller; deed recorded at Book 8315, Page 2743, Wake County Registry), PIN 0778-74-6520 (Owner: Patricia B. Brandon; deed recorded at Book 8350, Page 1535, Wake County Registry), and PIN 0778-74-6588 (Owner: Gerald L. and Linda D. Ballard; deed recorded at Book 9170, Page 1519, Wake County Registry). Such parcels are referred to hereafter as the “Wyngate Parcels.” Overburden deposited upon the Property in accordance with these conditions shall be less than seventy (70) feet in height at all points greater than four hundred ten (410) feet and within four hundred eighty (480) feet of the Wyngate Parcels. Except as otherwise herein limited in height, the deposited overburden shall not exceed seventy (70) feet in height at any point upon the Property.

(g) Deposit of Overburden - Time Limitations. Overburden will be deposited, graded, or moved about upon the Property only in accordance with these conditions and only between 7:00 A.M. and 6:00 P.M. on Mondays through Fridays. There will be no deposit, grading, or movement of overburden on the Property on Saturdays and Sundays. No additional overburden will be deposited on the Property following the tenth anniversary of the date Westgate Road, as relocated pursuant to the foregoing condition (b), is opened to public traffic. In the event such relocation is not approved by NCDOT and any other permitting authority having jurisdiction, no additional overburden will be deposited upon the Property following the tenth anniversary of the later of (i) the final approval of this

rezoning case or (ii) if a legal action is filed challenging such approval, the entry of a final judicial decision affirming such approval.

(h) Transport of Overburden Under Westgate Road. No overburden will be transported at grade across existing Westgate Road in either a direct or indirect manner. Following the relocation of Westgate Road as provided in the foregoing condition (b), subject to the approval of the NCDOT and any other permitting authority having jurisdiction, overburden removed from any area south of relocated Westgate Road shall be transported to that portion of the Property north of relocated Westgate Road only through a tunnel, under a bridge, or by other means of conveyance under relocated Westgate Road.

(i) Areas Along Relocated Westgate Road. An area a minimum of fifty (50) feet in width shall be maintained upon the Property along each side of Westgate Road, as relocated in accordance with the foregoing condition (b). Such areas shall remain in a natural condition except as provided in this condition. Each such area may contain (i) a single driveway, subject to NCDOT and City of Raleigh approval, no wider than sixty (60) feet of disturbed area, which may diagonally cross such area, (ii) the excavation and structure for transporting overburden under relocated Westgate Road referenced in condition (h), and (iii) berms, plants and trees, utilities, stormwater infrastructure, the transit easements referenced in condition (q) hereafter, and such slope and construction easements as shall be appropriate for the relocation of Westgate Road referenced in condition (b).

(j) Planting of Grass and Pine Seedlings. Upon the completion of the construction of any berm or deposit of overburden upon the Property as provided in these conditions, the berm or deposit will be planted with grass or another groundcover and in areas on the exterior of such berm planted with pine seedlings in staggered rows at intervals of ten (10) feet. The seedlings shall be planted as soon as practicable based upon generally accepted silvicultural practices. If any vegetation planted on a berm or other deposit of overburden dies, it will be replaced as soon as practicable, but in no event should replacement be delayed more than 180 days following written notification by the City of Raleigh to the owner to replant.

(k) Control of Dust. At all times when overburden is being transported to or deposited, graded, or moved about upon the Property, a water truck or trucks will be utilized to control dust on the haul roads and other areas of the Property where overburden is being transported, deposited, graded, or moved about and such control of dust will be maintained until overburden berms and deposits are planted with grass or another groundcover as provided in condition (j).

(1) Areas Where Blasting Prohibited. No blasting shall occur upon the Property north of Westgate Road, as relocated pursuant to the foregoing paragraph (b), or upon that portion of the Property south of relocated Westgate Road that is within two hundred (200) feet of the right-of-way of such relocated road. There will be no blasting upon the Property at any point within eight hundred (800) feet of the Wyngate Parcels.

(m) Limitations on Blasting. With regard to blasting allowed upon the Property south of Westgate Road, relocated in accordance with condition (b), a seismograph reading will be made of each blast. Those readings shall be taken at a seismograph (the "Seismograph") which shall be maintained by the owner of the Property in the northwest quadrant of the intersection of Westgate and Ebenezer Church Roads. Records of such readings will be maintained by the owner of the Property and will include: date, time, pounds per delay, location of blast, location of seismograph, peak particle velocity readings, and decibel readings. Records will be kept for a minimum of five years at the office of the owner of the Property at 6028 Triangle Drive, Raleigh, NC 27617 and may be inspected on request by the City Manager or his/her designee or any representative of the Wyngate Homeowners Association. If such office is closed or relocated, within thirty (30) days the owner of the Property will provide another office, which must be in the City of Raleigh, where such records will be kept and may be inspected and will provide the Chief Zoning Enforcement Officer of the City of Raleigh and the Wyngate Homeowners Association written notice of the address of such office. The impacts of blasting upon the Property at the closest occupied structure (not owned by the owner of the Property) are limited by state law to 2"/second PPV, the level at which Federal Bureau of Mines studies show is a safe threshold at and below which no damage will occur, and with respect to overpressure, to 134 dbl. Within each calendar year, seventy-five percent (75%) of the blasts occurring upon the Property shall not exceed a reading taken at the Seismograph of .5"/second PPV, ninety percent (90%) of such blasts shall not exceed a reading taken at the Seismograph of .6"/second PPV, and ninety-nine percent (99%) of such blasts shall not exceed a reading taken at the Seismograph of 1.0"/second PPV. Also, within each calendar year, ninety-two percent (92%) of the blasts occurring upon the Property shall not exceed a reading taken at the Seismograph of 127 dbl and ninety-nine percent (99%) of such blasts shall not exceed a reading taken at the Seismograph of 130 dbl. In the records of blasting upon the Property maintained in accordance with this condition (m), the record of any blast that exceeds a reading of .5"/second PPV or 127 dbl will be entered in bold type font.

(n) Limitations on Time of Blasting. Blasting on the Property (as limited by these conditions) will only be allowed between the hours of 9 a.m. and 5 p.m., Mondays through Fridays, except in cases of emergency. Cases of emergency shall exist only when (i) a misfire or other mishap occurs during a blasting event otherwise authorized by these conditions or (ii) because of a storm or other natural disaster, the production of stone not already on hand is requested by the NCDOT or other governmental agency or authority. No blasting will be allowed on the traditional holidays of New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas Eve, and Christmas Day.

(o) Natural Protective Yard. Along the boundary of the Property with PIN 0778-85-1532 (owner: Wake County Board of Education; deed recorded at Book 12175, Page 1847, Wake County Registry) there will be maintained a natural protective yard a minimum of 50 feet in width. The natural protective yard shall not be designated as a primary tree conservation area.

(p) Control of Stormwater. Stormwater upon the Property shall be managed and controlled such that no stormwater from the Property shall flow to or upon any parcel included within the Wyngate Subdivision as such subdivision is shown on the plats recorded at Book of Maps 1996, Pages 1291, 1292, 1293, 1390, 1469, 1470, 1471, 1545, and 1546, Book of Maps 1997, Pages 1681, 1973, and 1974, Book of Maps 1998, Pages 272, 273, 645, and 2078, and Book of Maps 1999, Page 1531 of the Wake County Registry. This condition shall also be applicable to any recombination or further subdivision of such parcels.

(q) Transit Easements. Upon development there shall be dedicated on both the north and south sides of Westgate Road following its relocation as provided in condition (b), a transit easement fifteen (15) feet wide and twenty (20) feet in length at a location acceptable to the City. In the event such road relocation is not approved, a transit agreement having such dimensions shall be so provided on the north side of existing Westgate Road.

(r) Westgate Road Relocation Not Allowed. In the event that the relocation of Westgate Road as described in condition (b) is not approved by NCDOT and any other permitting authority having jurisdiction, the Property may be utilized only for (i) the deposit, storage, and disposition of overburden (and the preparation of areas for such deposit, storage, and disposition), (ii) the installation of driveways, berms, plants and trees, utilities, stormwater infrastructure, a means of transporting overburden under existing Westgate Road, and the transit easement referenced in condition (q), and/or (iii) a church or synagogue and/or daycare center. The height of any berm or deposit of overburden upon the Property shall be limited as provided in condition (f). In the event such relocation is not so approved, no blasting shall occur upon the Property. Other than during the placement of overburden, no quarry related equipment, mobile equipment, vehicles or other personal property will be stored on the Property. No overburden will be transported to the Property at grade across existing Westgate Road. Upon the use of the Property pursuant to this condition, the berm referenced in condition (d) shall be constructed as provided therein. In the event that the relocation of Westgate Road is not approved and does not occur as described in condition (b), (i) conditions which relate to or reference such road as relocated shall be of no effect and unenforced, (ii) conditions (j), (k), (o), and all other conditions which do not relate to or reference the relocation of Westgate Road as provided in condition (b) shall remain applicable, and (iii) an area a minimum of fifty (50) feet in width shall be maintained along the boundary of the Property with existing Westgate Road. Such area shall remain in a natural condition except as provided in this condition. Such area may contain (i) a single driveway, subject to NCDOT and City of Raleigh approval, no wider than sixty (60) feet of disturbed area, which may diagonally cross such area, (ii) a means of transporting overburden under existing Westgate Road, and (iii) berms, plants and trees, utilities, stormwater infrastructure, and the transit easement referenced in condition (q).

(s) Stormwater Drainage from Grading Areas. Stormwater drainage from grading areas (deposit and removal) on the Property will be directed to and through point source

**Ordinance: 85ZC673**

**Effective: 7/3/12**

**PC Agenda Item 185**

outfalls. The discharge from the outfalls shall not cause the turbidity of the receiving waters to exceed a Water Quality Standard of 50 NTU.

Exhibit C-1

2-10-12



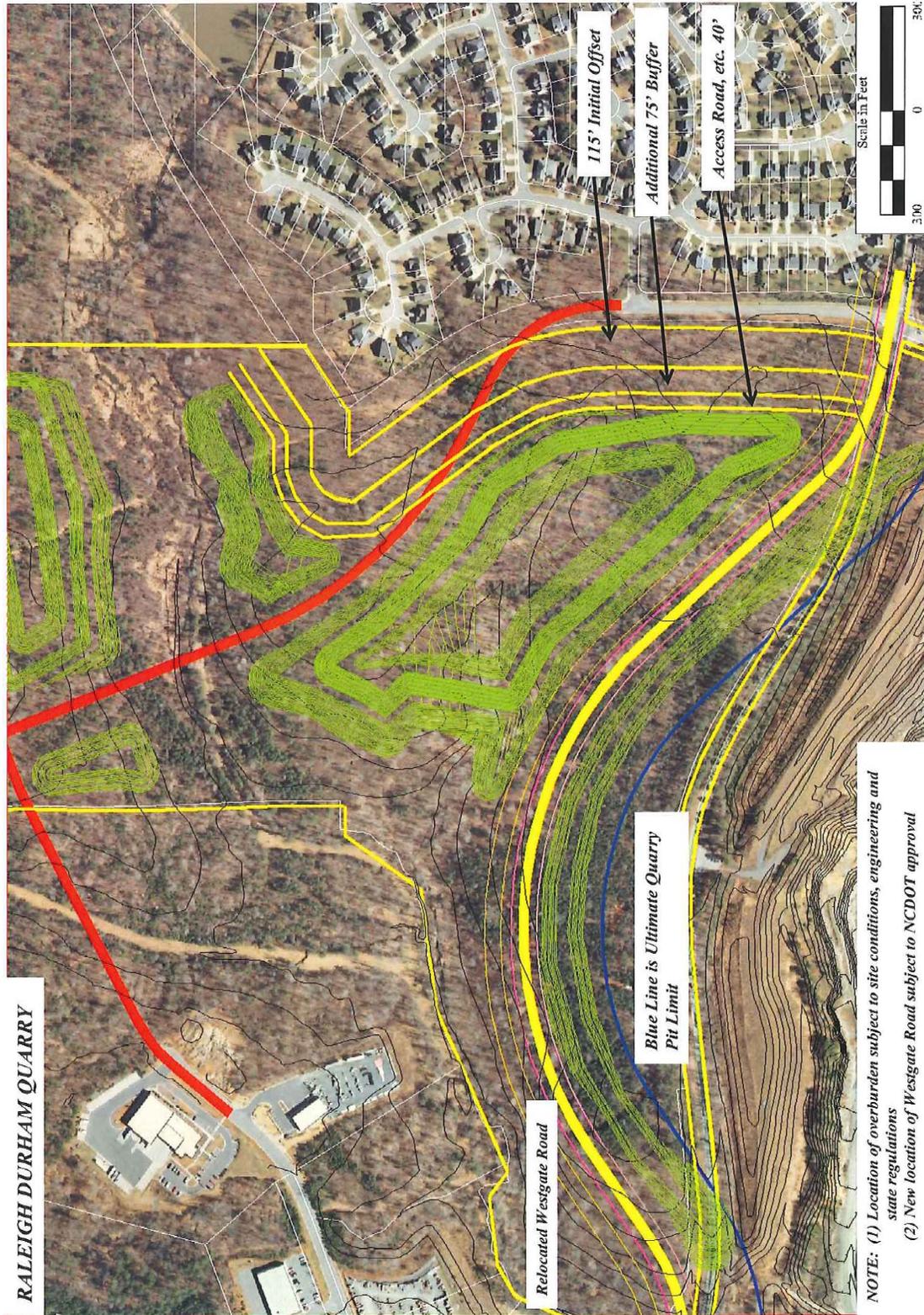
2-10-12

EXHIBIT C-2



EXHIBIT C-3

2-10-12



NOTE: (1) Location of overburden subject to site conditions, engineering and state regulations  
(2) New location of Westgate Road subject to NCDOT approval

**Z-91-95 Westgate Road**, north side, and south of the Proposed Northern Wake Expressway, being Map 0778.04, Block 83, Parcel 0975. Approximately 125 acres to Residential-6 Conditional Use and Residential-10 Conditional Use.

Conditions: (10/23/95)

- a. Additional rights of way needed for the extension of Strickland and Ebenezer Church Road shall be reimbursed at R-4 values. The Strickland Road extension shall not exceed a maximum width of one hundred ten (110) feet and the Ebenezer Church Road Extension shall not exceed a maximum width of eighty (80) feet.
- b. The development of this property shall comply with the provisions of C.R. 7107.
- c. The presently existing SHOD-1 affecting the northern portion of the property shall remain in effect.
- d. Additional right of way needed for Westgate Road in its existing alignment shall be reimbursed at R-4 values. This additional right of way upon Petitioner's property shall not exceed a maximum width of fifteen (15) feet.

**Z-85-98 Northern Wake Expressway**, south side, north of Westgate Road, being a portion of Wake County Tax Map Parcel 0778.02 65 9252 and a portion of 0778.04 73 3758. Approximately 38 acres to be rezoned to Thoroughfare District Conditional Use and Special Highway Overlay District-2.

Conditions: 01/06/99

a. Development of the property will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.

b. Reimbursement for right-of-way needed for the extension of Strickland Road into or through the property subject shall be at the prevailing rate for R-4.

c. The following land uses as set forth in Code Section 10-2071 Schedule of Permitted Land Uses In Zoning Districts shall be prohibited:

1. Recreation use restricted to membership - Commercial of all types;
2. Recreation use – Non-governmental (outdoor/stadium/theater/amphitheater/racetracks) all all types;
3. Recreation - Governmental (indoor, outdoor, and rifle ranges) of all types;
4. Commercial riding stable;
5. Recreation governmental indoor of all types (including arenas and coliseums);
6. Recreation governmental outdoor of all types (including stadiums, amphitheaters, and racetracks);
7. Government riding stable;
8. Rifle range;
9. Fraternity house;
10. Sorority house;
11. Transitional housing (including Emergency Shelter Type A, Emergency Shelter Type B, and Religious shelter unit);
12. Cemetery;
13. Civic/convention center;
14. Correctional/penal facility;
15. Funeral home;
16. Orphanages;
17. Schools (public and private);
18. Adult establishment;
19. Dance, recording, music studio;
20. Kennel/cattery;
21. Commercial Highway - (e.g. equipment sales/repair, vehicle sales/rental, automotive washing and cleaning facility, garage for repairs of engines or servicing of automotive vehicles, a shop for body work or painting);
22. Check cashing store (excluding financial institution i.e. bank, savings and loan, etc.);

23. Bail bond office;
24. Landfill debris from on-site;
25. Transportation - including air fields, landing strips, heliports, and taxicab stands;
26. Power plant utilities;
27. Utility substations - governmental;
28. Governmental Water or sanitary sewer treatment plant (i.e. facilities other than septic tanks, pumping stations, wells and package treatments designed to handle water and waste water generated by on site activities);
29. Outdoor movie theater;
30. Bars, nightclubs, taverns, lounges;
31. Pawnshop as defined in 91A of NCGS;
32. Parking facility - as a principal use;
33. Rest home;
34. Indoor reclamation;
35. Bottling plant;
36. Bulk storage of flammable and combustible liquids;
37. Incinerator;
38. Flea markets; and,
39. Hotel/Motel.

d. Within 150 feet of the common boundary of PIN# 0778.02 85 1532 (Macaroni) the following shall apply:

1. Building heights for office uses shall be limited to a maximum of 40 feet and heights for retail or buildings housing any combination of retail, office, and warehouse distribution space other than office shall be limited to a maximum of 30 feet.

2. Building(s) containing office uses with more than 2 occupied stories as determined by the City of Raleigh standards shall provide a 30 foot wide transitional protective yard along the cited Macaroni boundary; and,

3. Vehicular surface areas for retail or combination for office, retail, distribution, or research uses shall be setback a minimum of forty feet from the cited Macaroni property line.

e. Greenway along tributary A of Sycamore Creek, as required by the City of Raleigh Greenway Plan shall be dedicated prior to the issuance of a certificate of occupancy for the first developed building within the zoned area. Reimbursements, if applicable, for the greenway shall be at the prevailing rate based on the current R-4 zoning.

f. A traffic impact evaluation study shall be provided at the time of either subdivision or site plan approval for the zoned area. This study shall evaluate the proposed points of ingress/egress to the zoned area and the impacts to the abutting public streets for their frontage along the zoned area.

g. Site area lighting shall consist of pole mounted fixtures with a maximum height of 18 feet. Light fixtures shall create downlighting only and the light source shall not be visible when viewed from the side. Metal Halide light bulbs shall be prohibited.

h. Outdoor pay phones shall be prohibited within the zoned area.

i. The following uses shall not occur within the prescribed setback areas:

1. Within 150 feet of the right-of-way of Strickland Road:
  - (a) Fire station, police precinct, training facility and other emergency service facility;
2. South and east of Sycamore Creek:
  - (a) Mini warehouse storage facility;
  - (b) Machine shop;
  - (c) Manufacturing - general;
  - (d) Wholesale laundry, dyeing and dry cleaning;
  - (e) Telecommunication towers less than 150 ft. in height; and,
  - (f) Telecommunication tower - (all others).

j. Within 150 feet of the future right-of-way of Strickland Road neon lighting may not be used on any sign, building exterior or interior of a building where it can be viewed from outside the building through a window or door.

k. Non-residential buildings shall be setback a minimum of 100' from the future right-of-way of Strickland Road.

l. Within 150 feet of the future right-of-way of Strickland Road, buildings shall be limited to a maximum height of 36 feet and not more than two (2) occupied stories.

Ordinance (2001)932 ZC 493  
Effective: 2-6-01

PC Agenda Item 191

**Z-11-01 Globe Road**, east and west sides, north of Northern Wake Expressway intersection, being various Wake County PINs. Approximately 28.88 acres rezoned to Thoroughfare District Conditional Use.

Conditions Dated: (12/12/00)

The parcels which are the subject of this rezoning are hereinafter referred to as the "Property."

1. Development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. Reimbursement for future right-of-way dedication shall be based upon Residential-4 values.
3. The following uses shall be prohibited upon the Property: manufacturing, riding stable, transportation terminal facility, utility services and substation, wholesaling, Emergency Shelter Type A and B, landfill, or telecommunication tower.

**Z-106-85 U.S. 70 West**, south side, between Airport Road and the Durham County Line, being numerous parcels as defined on a map entitled "Perimeter Survey Map - Harlon Group/ Airport Assemblage", prepared December 1, 1984, by Murphy Yelle and Associates, approximately 1726.8 acres rezoned to City of Raleigh Thoroughfare Conditional Use District, per map on file in the City of Raleigh Planning Department which includes minor amendments to Exhibits I & J with the condition that a master land use plan be prepared, submitted to the Planning Director and approved by the City Council prior to submittal of any site plans required under the Thoroughfare District.

Z.49.07  
mp. 1.07  
11/8/07

PC Agenda Item 199

**MASTER PLAN**  
**BRIER CREEK TOWN CENTER**  
**PROPOSED PLANNED DEVELOPMENT DISTRICT**

**DEVELOPER:**  
**American Asset Corporation**

**CONSULTANTS:**

J Davis Architects, PLLC – Architects and Land Planners

John R. McAdams, Inc. – Civil Engineers

Kimley-Horn Associates, Inc. – Transportation

Submitted: August 17, 2007

Revised: October 10, 2007

Revised November 8, 2007

# **BRIER CREEK TOWN CENTER MASTER PLAN DOCUMENT**

Version date 11.08.2007

## **Summary Information**

(1) The name of the development, name of the owner and agent / contact person, address and telephone number:

**Project Name: Brier Creek Town Center PDD**

**Owner: Brier Creek Corporate Center Associates LP, c/o Joe Dye**

**Address: 8010 Arco Corporate Drive, Suite 114; Raleigh, North Carolina 27617**

**Consultant:** JDavis Architects; Attn: Ken Thompson  
510 Glenwood Avenue, Suite 201; Raleigh, North Carolina 27603  
Telephone: 919-835-1500 FAX: 919-835-1510  
E-Mail Address: kent@jdavisarchitects.com

## **Property Information**

(1) Property to be dedicated for public use, such as proposed or existing easements, rights-of-way; greenway, including acres, square feet, acreage and dimensions:

- Existing City of Raleigh Greenway Easement: 4.69Acre
- Existing City of Raleigh public Right-of-Way: 0.64Acre (Previously committed by S-82-05)
- Existing City of Raleigh Utility Easements 0.45Acre
- Exchange of City of Raleigh Utility Easements 0.55Acre
- Proposed Private Street and Transit Easements 1.20Acre

## **1. Land Use / intensity**

Description of uses proposed within each land use category specified. This plan should show a mixture of uses to provide convenient arrangements of complementary land uses.

- Lot 5: Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 6 Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 10 Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 12 Mixed-Use Office; Retail; Parking (375,000 SF of building maximum)
- Lot 11 Hotel/Retail/Restaurant; Parking (50,000 SF of building maximum)
- Lot 13 Hotel/Retail/Restaurant; Parking (50,000 SF of building maximum)
- Lot 14 Open Space (0 SF of building maximum)

**2. Transportation Information**

a. TIA ( as an attachment):

Part 1- Preliminary Trip Analysis that compares rates for existing and proposed zoning, preliminary analysis of surrounding street capacities, and if possible trip generation rates derived from applicable Small Area Plans. AM Peak, PM Peak, and Daily trip generation for existing zoning and proposed conditions under maximum build out / worst case. Existing peak hour and ADT conditions for surrounding streets and intersections should also be submitted at this point. Perhaps preliminary traffic analysis of existing conditions might also be a good idea, as it doesn't change through the process. This part could be called TIA, Part 1.

See attached Brier Creek Traffic Impact Analysis (TIA) prepared by Kimley-Horn, Revision Dated 8.16.07

Part 2- Distribution of the final site traffic and intersection analysis/ADT impacts based on that distribution.

See attached Brier Creek Traffic Impact Analysis (TIA) prepared by Kimley-Horn, Revision Dated 8.16.07

**3. Circulation Plan /Pedestrian/Bicycle Plan**

- a. Indication of how guidelines from the Urban Design Guidelines checklist will be met under the "2. Streets and Drives" and the "6. Transit" sections.

**Please review attached applicant response to the Urban Design Guidelines – we believe the proposal incorporates twenty-five criteria from the Urban Design Guidelines.**

- b. Showing circulation plan driveway and access point limitations, private street and driveway locations, existing streets within and adjoining the site, location of extended, new, and widened public streets rights of way that embrace the site. (This overlaps information noted above in Transportation).

**See response to 3.a and attached drawings; The project proposes wider street and ROW for Arco Corporate Drive and Macaw Street; Wider sidewalks along the Macaw Streetscape pedestrian promenade.**

- c. Any additional information on how the layout of land uses and facilities encourages transit and pedestrian access.

**See response to 3.a and attached drawings; transit stops are incorporated into the PDD, along with extensive sidewalks and provision for a future COR Greenway.**

- d. Pedestrian, Bicycle Circulation Plan, Pedestrian access, sidewalk widths, public and private connections, bicycle parking, Transit provision

**See response to 3.a and attached drawings; transit stops are incorporated into the PDD, along with extensive sidewalks and provision for a future COR Greenway**

**4. Utility / Stormwater Information**

- a. Water and sewer plan for all uses proposed in the Master Plan, including location of existing and proposed sewer and water mains. Include estimate of average daily sewage flow demand for each phase.  
**See attached drawings for requested information.**

- b. Proposed stormwater management scheme, showing general methods of retaining or conveying stormwater throughout the site, and any adjoining off-site facilities, as well as proposed drainage easements in their general location.

**Existing stormwater management facilities were designed under the guidelines of the April 1999 version of the NCDENR Stormwater Best Management Practices design manual. Any proposed modifications to the existing ponds will be designed to meet the April 1999 guidelines. See attached drawings for requested information.**

- c. Regulatory flood prone area elevations, flood storage easements, watercourse bufferyards.

**See attached drawings for requested information.**

**5. Open Space Information / Greenway / Tree Preservation**

- a. Existing and proposed greenways, parks and open space, including designs for screening and buffering of conflicting land uses.  
**An existing COR Greenway Trail easement is incorporated into the PDD proposal; urban gathering areas (pedestrian promenade & plazas) are located adjacent to the office uses; the protected stream buffers function as buffers to adjoining properties.**
- b. Indication of how guidelines from the Urban Design Guidelines checklist will be met under the "Open Space" section.  
**An existing COR Greenway Trail easement is incorporated into the PDD proposal; urban gathering areas (pedestrian promenade & plazas) are located adjacent to the office uses; the protected stream buffers function as buffers to adjoining properties.**
- c. Required and provided open space.
  - 1. **Required open space 5.78 AC / 15.0%.**
  - 2. **Provided open space 7.32 AC / 18.9% (lot #14).**
- d. Tree Conservation areas, Areas for preservation of the existing landscape and trees; limitations on grading and tree removal.  
**An approved Tree Conservation Area Plan (S-82-05) and Permit have previously been issued for the Brier Creek Corporate Center; the Brier Creek Town Center PDD is located within the Brier Creek Corporate Center.**

**7. Buildings and Height 10-2057(f)(4)g.**

- a. Maximum scale, floor area ratio, building lot coverage, impervious surface limitations or other proposed limitations on area and bulk.  
**No alternates to the above are proposed.**
- b. Maximum heights of buildings in each tract or section by land use category and a schedule of minimum yard setbacks by land use area in the Master Plan. For final application, but can be submitted with preliminary application: Indication of how guidelines (if any) for building heights from the Urban Design Guidelines checklist will be met under the "1. Mixed-Use Key Elements" section.  
**Maximum Building Height:**  
**Lots 5,6,10,12: 195'**  
**Lots 11,13: 150'**  
**(In accord with RDU Airport Authority Maximum Ht of: 586.0 MSL)**
- c. Preliminary sketch showing profile of primary buildings with street and general massing study of primary buildings.  
**The PDD will comply with 10-2055 (e)(7) for Macaw Street but not Arco Corporate Drive and there will be no structured parking allowed on the ground floor of proposed buildings for all tracts with the exception of parking decks. See attached drawings.**

**8. Yard Setbacks 10-2057 10-2057(f)(4)g.**

- a. Schedule of minimum /maximum yard setbacks and/or reference to zoning district yard standards (Setbacks cannot reduce those required by North Carolina Building Code or applicable overlay zoning districts or conditional use districts.)

**Minimum Building Setbacks for all tracts and land uses:**

**LOCATION:**

**Macaw Street:** 10' min. for canopies, screen walls other features less than 35' in height;  
**(Private)** 20' min. for all portions of building greater than 35' in height  
(Measured from Public or Private Access Easement)

**Arco Corporate Drive:** 10' min. for canopies, screen walls, other features less than 35' in height;  
**(Public)** 20' min. for all portions of building greater than 35' in height.  
(Measured from Public Right of Way Line)

**External perimeter:** 20' (All other perimeter property lines not fronting a public right of way and/or public access)

**Internal:** 0' (All other common property lines within the PDD)

**9. Urban Design Guidelines : (Complete attached checklist)**

General description of how the PDD will comply with the Urban Design Guidelines, based on the Urban Design Guidelines checklist. Descriptions of compliance with specific guidelines or key elements will be made below. Include description of "Core" area of the mixed-use development, and the "Transition" area.

The PDD proposes to locate the taller, high-intensity buildings in the center of the proposed Brier Creek Town Center PDD, but also with regard to the overall Brier Creek Corporate Center Plan, of which the PDD is a component. The mixture of uses is achieved across the entire Brier Creek Corporate Center, not specifically within the PDD. Buildings will be oriented to the streets and street corners, incorporating direct and extensive pedestrian facilities.

**10. Alternative Designs as permitted by 10-2057 including specific findings or applicable standards why which the proposal is considered**

List of specific information to support any requested alternative design including parking reductions, lot sizes, signage, landscaping, tree preservation, street cross sections, signage or specific subdivision standards noted in 10-2056. Provide documentation to address the specific standards for each alternate.

Information to support any requested alternative design

- a. Parking reductions 10-2057(f)(4)h.

The Brier Creek Town Center PDD proposes a unique opportunity to integrate a large-scale office facility in close proximity to shopping and residential uses, with transit facilities integrated into the project; the following parking reductions are proposed:

1. 16% overall parking reduction for all uses on lots 5, 6, 10 and 12 within the proposed office buildings. The reduction request is based on standards set forth by the Urban Land Institute and NAIOP. The percent reduction was calculated based on the availability of public transit, internal capture from retail and the proximity to adjacent shopping and residential areas. See attached parking reduction study prepared by Kimley-Horn. Uses on outparcel lots 11 and 13 will comply with 10-2057 and will meet the minimum parking requirements on site and/or within the adjacent structured parking.

- b. Street cross sections 10-2057(f)(4)j.

The PDD does not propose any alternate street sections. See PDD plans for existing and proposed public and private street sections.

c. Signage 10-2083.1.b.(6)

The PDD does not propose any alternate sign criteria.

d. Landscaping 10-2082.4

The Brier Creek Town Center PDD proposes to provide majority of parking in deck structures, and to provide a pedestrian oriented site plan that incorporates transit facilities. TPY's are not appropriate between uses within a mixed use project. In lieu of TPY the site plan shall incorporate a 20' average wide streetscape with pedestrian promenade along Macaw Street (private street) and two (2) pedestrian plazas located between buildings 1 & 3; 2&4. The plazas shall be a minimum of 5,000 SF in overall area. See item #12 Special conditions below for additional information for the streetscape with pedestrian promenade and pedestrian plazas. Minimum dimensional standards for planting areas shall not apply to all tracts within the PDD.

- **Minimum Streetscape with Pedestrian Promenade:**  
Macaw Drive: 20' average; 10' minimum, 50' maximum range  
(No cap of impervious area within Streetscape to allow pedestrian promenade)  
(Minimum dimensions to be measured from cross-access easement)
- **Minimum Street Protective Yard:**  
Arco Corporate Drive: 20' average; 10' minimum, 50' maximum range  
(Minimum dimensions to be measured from right of way).
- **Street Trees (shade tree) for both public and private streets shall be 3.5" caliper/14' height (minimum) at time of installation; minimum installation size shall not apply to ornamental trees not utilized for landscape ordinance**
- **Upon approval of Encroachment Agreements by the City of Raleigh and/or NCDOT, street protective yard planting requirements may be provided within the public right of way. (Refer to cross sections- plan set)**

e. Tree Preservation 10-2082.14

No alternate to the Tree Conservation Ordinance is proposed. An approved Tree Conservation Area Plan (S-82-05) and Permit have previously been issued for the Brier Creek Corporate Center, the Brier Creek Town Center PDD is located within the Brier Creek Corporate Center.

f. Lot sizes 10-2057(f)(2).

No alternate to minimum lot size is proposed.

g. Retail over 10% of the land area 10-2057(f)(4)b.4. / 10-2011(b)(3)g.

The PDD does not propose retail to exceed 10% of the gross land area. The proposed development is a mix of out-parcel and vertical mixed use requesting a maximum of 165,000 square feet of retail or 9.8% (3.77 acres, F.A.R. 0.098) of the total land area be devoted to retail land uses.

## 11. Comprehensive Plan

General description of how the PDD complies with the City Comprehensive Plan. Included would be any small area plans, neighborhood plans, focus area or other designations noted in the plan.

Applicability of how guidelines (if any) from the Urban Design Guidelines checklist will be met. See attachment.

The proposed PDD request is in conformance with the approved master plan for Brier Creek and the City's Comprehensive Plan; important components to achieving consistency with the COR Comprehensive Plan are the incorporation of many of the Urban Design Guidelines, and the substantial restrictions placed upon the retail uses. The site is part of a "City Focus Area" within the "Triangle Regional Center", and is designated for Mixed Use Development under the City's Umstead Planning District's Urban Form Plan.

**12. Special Information**

As each proposed Planned Development District, additional information may be requested upon review in accordance with 10-2057.

**a. Macaw Streetscape with Pedestrian Promenade:**

From Arco Corporate Dr. to existing bridge on Macaw Street.

Benches: 1 bench/200 LF (minimum); spacing & location to be determined.

Sidewalk width: Ten Feet (10') min.

All street trees will be planted in a minimum 4'x4' well with tree grate.

**b. Pedestrian Plazas:**

Provide two (2) plazas (Between Buildings 1 and 3; 2 and 4)

Provide six (6) benches per Plaza

5,000 SF min. overall area

**13. Revisions to Master Plan Approval:**

Changes to Master Plan

**A. Changes resulting in an increase to building height, building square footage (retail area and/or office area) that are no greater than five percent (5%) from the original PDD standard may be approved administratively by the staff of the City of Raleigh. Changes greater than 5%, but less than 10% requires approval by the Planning Commission.**

**B. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to location and placement of greenway easements, transit easements as long as they are consistent with the intent of the master plan and Comprehensive Plan.**

**C. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to public and private street width, location and cross-section design as long as they are consistent with the intent of the master plan and Comprehensive Plan.**

**D. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to future changes and modifications to City of Raleigh Code and Comprehensive Plan allowing other uses than what is currently prescribed under the Airport Overlay District.**

# BRIER CREEK TOWN CENTER PDD

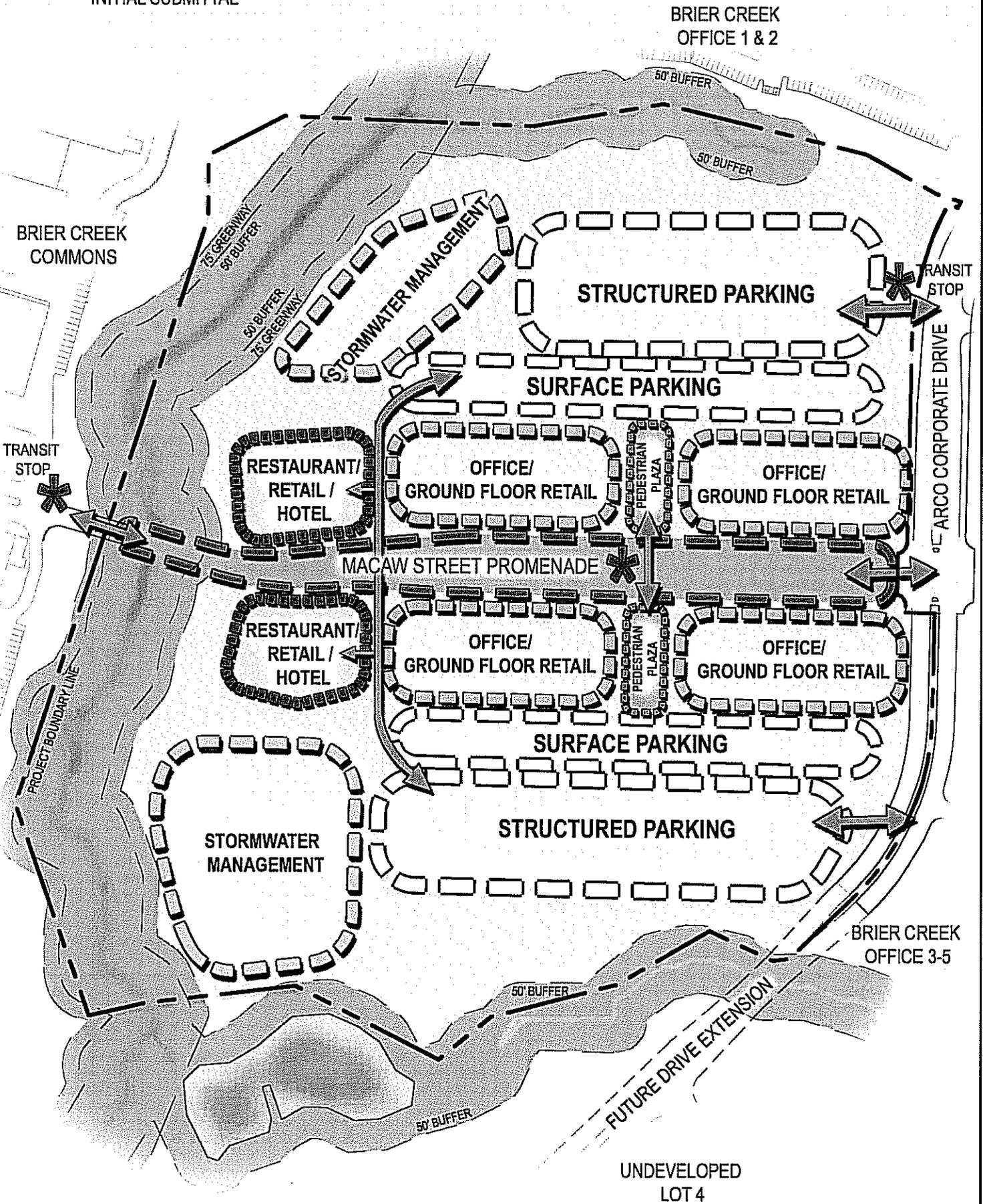
PC Agenda Item 199

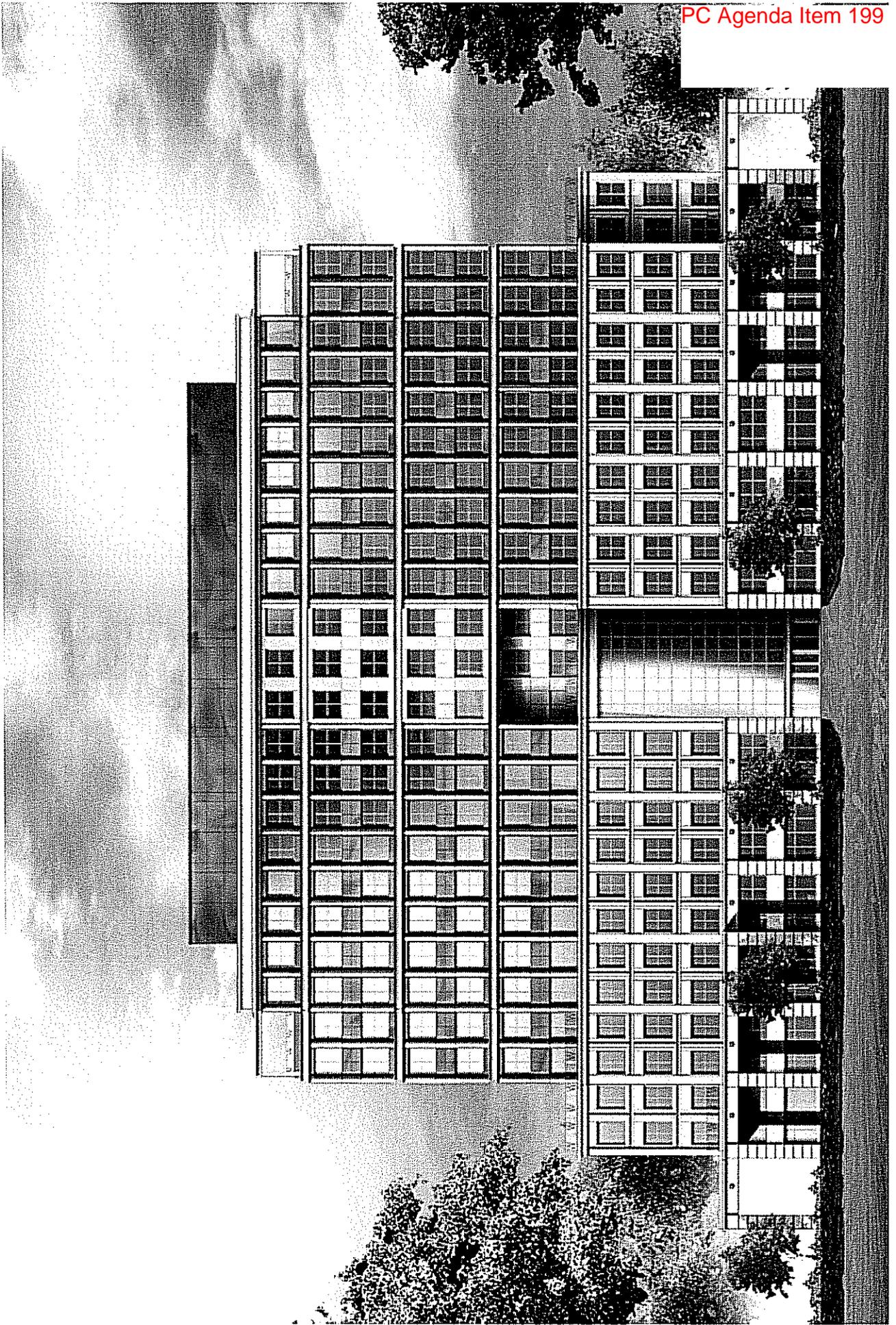
BUBBLE DIAGRAM

2007.10.11

SCALE: 1"=200'

INITIAL SUBMITTAL







Kimley-Horn  
and Associates, Inc.

November 8, 2007

■  
P.O. Box 53068  
Raleigh, North Carolina  
27638-3068

Mr. Stacy Barbour  
Senior Planner  
City of Raleigh Planning Department  
One Exchange Plaza  
219 Fayetteville Street Mall, 3<sup>rd</sup> Floor  
Raleigh, North Carolina 27601

Re: Brier Creek Town Center  
Parking Requirement Reduction  
Raleigh, North Carolina

Dear Mr. Barbour:

Kimley-Horn and Associates, Inc. has been retained to perform parking analysis for the proposed Brier Creek Town Center in Raleigh, North Carolina. Brier Creek Town Center consists of four general office buildings and two outparcels as shown on the attached Figure 1. Parking for each building will be phased to the construction of the buildings. Initially, at-grade parking will serve Buildings 1 and 2. Structured parking will be constructed as necessary as Buildings 3 and 4 are built-out. Upon build-out, parking will be provided primarily by two multi-story parking decks. A limited number of surface parking spaces will be provided surrounding the buildings. Parking for the outparcel lots will be provided within each lot and the parking decks. This letter summarizes our calculations and findings for the parking required to serve the office buildings.

The office portion of the development will consist of the following land uses:

- Building 1: 315,210 square feet of general office
- Building 2: 315,210 square feet of general office
- Building 3: 315,210 square feet of general office
- Building 4: 315,210 square feet of general office

Based on the Raleigh City Code requirement of one space for every 300 square feet of office space, it is estimated that 4,203 parking spaces are required per Code.

Alternate means of compliance are proposed based on recommended parking supply rates published in *Shared Parking* (Urban Land Institute, 2<sup>nd</sup> Edition, 2005). The parking supply rates supplied for general office land use are given based on a sliding scale for buildings under 500,000 square feet and are given as a flat rate for square footage over 500,000 square feet. The following table

■  
TEL 919 677 2000  
FAX 919 677 2050



Kimley-Horn  
and Associates, Inc.

depicts the cumulative parking space requirement with each additional building per rates obtained from *Shared Parking* for general office in a suburban setting:

Brier Creek Town Center  
Table 1: Parking Requirement  
Urban Land Institute

Office Building	Cumulative Intensity	Parking Supply Rate (spaces/1,000 s.f.)	Total Parking Requirement (spaces)
Building 1	315,210 s.f.	3.08	971
Building 2	630,420 s.f.	2.80	1,766
Building 3	945,630 s.f.	2.80	2,648
Building 4	1,260,840 s.f.	2.80	3,531

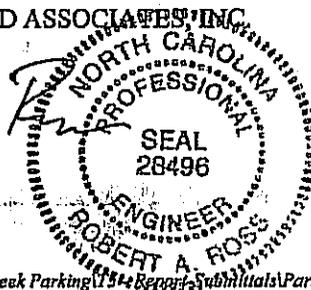
The total parking supply requirement of 3,531 spaces listed in Table 1 represents a reduction of approximately 16% from the parking required by Raleigh City Code and results in a rate of 2.80 spaces per 1,000 square feet.

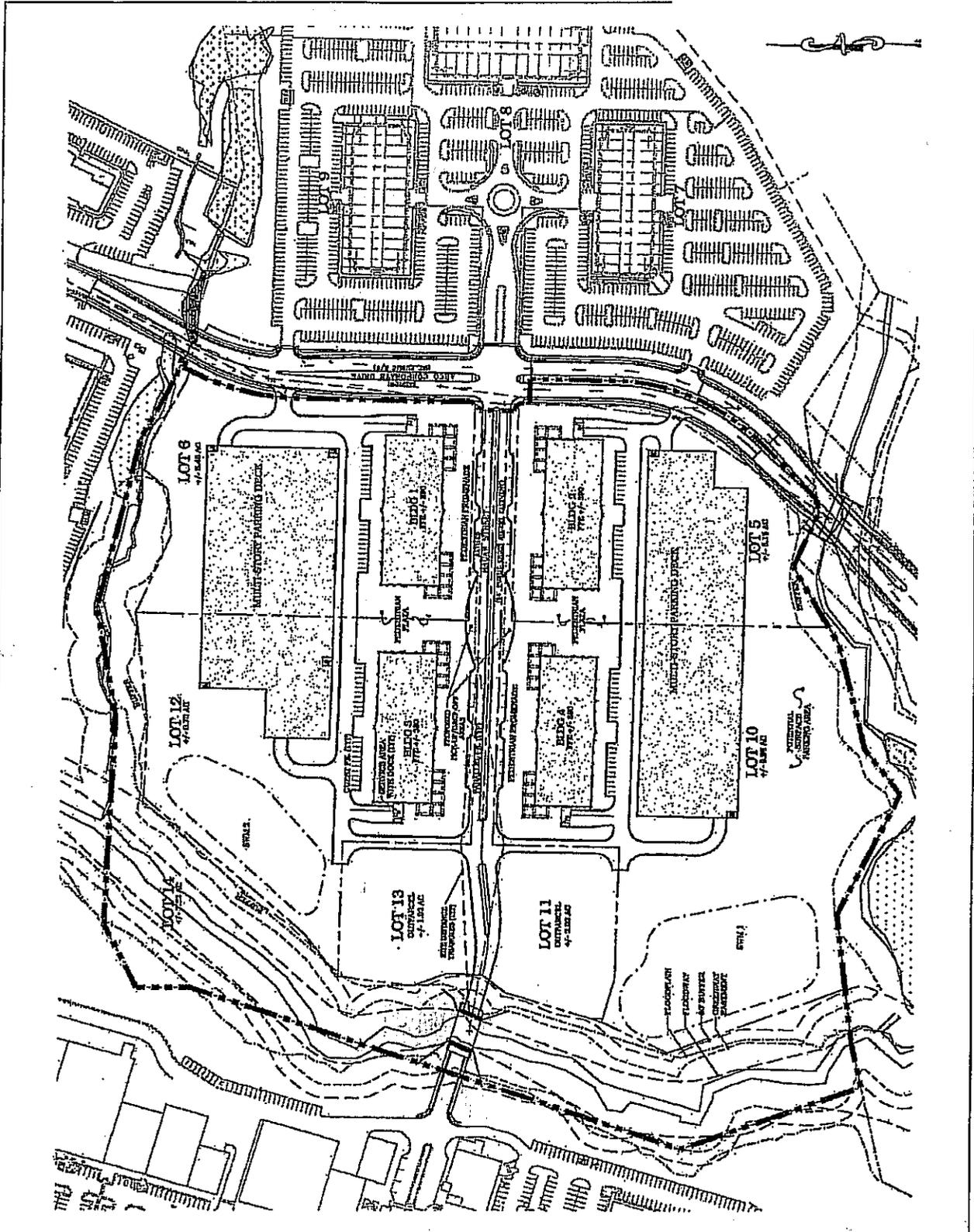
Please feel free to contact me with questions or comments.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

  
Robert A. Ross, P.E.  
Project Manager





Drawing name: K:\Users\j18262018\Briar Creek\Project\11 - Site Plan\mcdam\100000-0000-0000-0000-0000.dwg  
 User: j18262018  
 Date: 04/20/2017 10:52am  
 By: j18262018



**BRIAR CREEK TOWN CENTER**

**SITE PLAN**  
 (BY THE JOHN R. McADAMS  
 COMPANY, INC.)

**FIGURE**  
 1

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

**Z-51-04 – Creedmoor Road**, west side, being Wake County PIN 0796-31-5688. Approximately 3.38 acres to Shopping Center Conditional Use.

**Conditions: 11/23/04**

- A. Reimbursement for any future right-of-way dedication for Creedmoor Road (if applicable) and Crabtree Valley Boulevard (if applicable) shall be based upon the pre-existing zoning. O&I – 1 and O&I – 2.
- B. The following uses shall not be permitted on the Property: (1) agriculture general and restricted, (2) forestry, (3) rifle range, (4) fraternity house, (5) sorority house, (6) cemetery, (7) funeral home, (8) kennel, (9) custom and specialized manufacturing, (10) landfill, (11) electrical generating power plant, and (12) eating establishment with drive-thru or drive in service. Any other uses permitted in a Shopping Center zoning district shall be permitted on the subject property.
- C. One 20' (adjoining the right of way) x 15' (deep) easement along Creedmoor Road shall be made available to support a bus stop and shelter. Prior to site plan approval or building permit issuance, whichever shall occur first; the owner will submit the easement location for review and approval by the Transit Division and shall record a transit easement approved by the city attorney.
- D. Prior to building permit issuance or subdivision approval, whichever shall first occur, the property owner shall dedicate a greenway easement on the opposite side of the creek from the existing greenway trail. The width of the easement shall be to the edge of the existing development or 50' from the top of bank which ever is less. Reimbursement for any required greenway easement dedication shall be at the current O&I-2 value.
- E. Any retail development shall be limited to the following floor area gross square footages: 30,000 square feet for retail sales and for eating establishments combined.

- F. The net trip generation of the proposed development, inclusive of the hotel, will not exceed approximately 2500 average daily type inbound and 2500 average daily trips outbound, nor will it exceed approximately 225 PM peak hour trips inbound and 225 PM peak hour trips outbound. In the event the proposed development at site plan exceeds these limits, the owner will perform a traffic impact analysis according to city requirements.
- G. Existing surface parking lots shall not be expanded in the direction of Crabtree Creek.
- H. The height of any new building shall be no greater than nine stories of 104 feet, whichever is less.
- I. Outdoor area and parking lot lighting fixtures shall be of full-cutoff (shielded) design.
- J. All ground-mounted signage shall be of low – profile design.
- K. Any required transitional protective yard width shall not be reduced by the construction of a closed fence or wall.
- L. In the event that access to Crabtree Valley Avenue is available from that portion of the property west of Crabtree Creek, the owner shall provide such access, subject to City Public Works Department approval.

**Z-51-02 Ridge Road**, west side, being a portion of Wake County PIN 0794.10-27-5314. Approximately 0.116 acre rezoned to Office and Institution-1 Conditional Use District.

Conditions dated: (9/23/02)

1. The area subject to the rezoning (.116 acres) may only be used for off street parking for the building or use located on the balance of the subject property.
2. A minimum 20-foot transitional protective yard shall be provided at the rear of the lot adjacent to PIN # 0794 27 2393. In no circumstances may this protective yard be reduced.
3. Outdoor lighting on the site, if any, shall be directed in an easterly direction towards the apartment building, except as otherwise required by code section 10-2089(d)(2) & (3).

**Z-54-08 - Glenwood Avenue**, south side, southeast of its intersection with Aviation Parkway Extension, approximately 33.5 acres being Wake County PIN's 0759-81-6591, 0759-81-3420, 0759-91-0693, 0759-80-9897, rezoned from Residential-4 & Thoroughfare District Conditional Use District to Thoroughfare District Conditional Use District.

Conditions Dated: November 21, 2008

- (a) The following uses shall be prohibited upon the Property:
  - landfill
  - adult establishment
  - airfield, landing strip, or heliport
  - commercial uses of all types
  - office
- (b) Reimbursement for any required right-of-way dedication for the Property shall be at the current Residential-4 rate.
- (c) Residential development on the property will be limited to a maximum of 416 dwelling units and/or equivalent dwelling units.
- (d) The Developer of the property will dedicate 110 feet of right-of-way for the future Aviation Parkway Extension to the City of Raleigh/NCDOT at the time of Site Plan approval or subdivision of the property, which ever event first occurs. The exact location of this right-of-way to be determined at the time of Site Plan approval or subdivision of the property, which ever event first occurs.
- (e) Irrigation water will be provided by wells and/or water reuse methods. The public water supply will not be used for irrigation.
- (f) Offers of cross-access will be provided to the adjacent properties along Glenwood Avenue at time of Site Plan approval or subdivision of the property, which ever event first occurs.
- (g) Prior to lot relocation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry. A bench and bus shelter will be constructed in association with transit easement, if requested by the City at the time of Site Plan review.

- (h) Future development shall be limited to a maximum of three (3) driveway access points external to the zoning boundary.
- (i) Prior to future development, Preliminary Site Plan approval shall be required by the City of Raleigh Planning Commission.

**Z-87-97 Ebenezer Church Road**, west side, extending through to U.S. 70 West, being various blocks and parcels, Tax Maps 0777.01 and 02. Approximately 27 acres rezoned to Neighborhood Business Conditional Use.

Conditions: (10/23/97)

1. Development of the Neighborhood Business CUD Zoned Area will comply with the provisions of C.R. 7107 of the Raleigh Planning Commission.
2. Reimbursement values for additional right-of-way on Ebenezer Church Road shall be at the prevailing rate based upon the present R-4 and Thoroughfare District.
3. The following land uses shall be prohibited within the NB CUD zoned area:
  - Non-governmental commercial recreational use-indoor.
  - Non-governmental commercial outdoor stadium/theater/amphitheater/racetrack.
  - Governmental outdoor stadium/theater/amphitheater/racetrack.
  - Riding stable.
  - Rifle range-indoor.
  - Fraternity House.
  - Sorority House
  - Transitional Housing-except supportive housing residence.
  - Civic Club.
  - Civic/convention center and assembly hall.
  - Correctional/penal facility.
  - Orphanage.
  - Schools.
  - Adult Establishments
  - Bar, nightclub, tavern, lounge.
  - Kennel/cattery.
  - Landfill debris from on-site.
  - Transportation uses allowed in section 10-2071.
  - Flea market.
  - Pawn Shop as defined in Chapter 91A of the NC General Statutes.
  - Check cashing store (excluding banks, credit unions, savings & loans.
  - Bail bond office.
  - Vehicle sales and rentals.

**Z-35-04 – Shady Grove Road**, east side, being Durham County PIN 0779-03-00-6178 and 0779-03-00-7759. Approximately 36.132 acres rezoned to Office and Institution-1 Conditional Use (24.632 acres) and Office and Institution -1 Conditional Use with Airport Overlay District (11.5 acres).

Conditions dated: (8/24/04)

- A. Reimbursement for any public right-of-way dedication will be based on Rural Residential zoning.
- B. Any office development shall be limited to a maximum floor area gross of 200,000 square feet.
- C. Outside dumpsters shall have plastic lids and shall only be emptied between the hours of 7:00 a.m. and 7:00 p.m.
- D. Any recorded subdivision or recombination map of the subject property shall include a notation that the property lies within the Raleigh Durham International Airport "composite 65 DNL noise exposure contour" projected in the RDU Airport's long range facility plans.
- E. Any new residential dwelling[s] on the subject property shall be constructed with material and in a manner sufficient to assure a 25 dB reduction of A-weighted aircraft sound levels reaching the interior of the dwelling resulting in interior sound levels not exceeding 42 dB. A written certification for the Director of the Inspections Department of the City of Raleigh by an architectural acoustician accredited by the Acoustical Society of America, or state Licensed Engineer or Architect shall be deemed to satisfy this condition.
- F. Any site plan or subdivision submitted on this property shall provide for a deed of transit easement to the City of Raleigh for a future bus stop (20' adjoining right-of-way, by 15' deep) along Mt. Herman Road right-of-way, the location of which is subject to the Transit Division.
- G. All hardwood trees within the grove located along Mr. Herman Road measuring five (5) inches or greater d.b.h. as shown on attachment A, shall be preserved and protected.
- H. A natural protective yard, a minimum of thirty-five (35) feet in width shall be provided along the collector street, Mt. Herman Road.
- I. A protective yard a minimum of one hundred (100) feet in width shall be provided above either bank of Sycamore Creek on the property. The seventy-five (75) feet closest to the bank shall be a natural protective yard. The remaining twenty-five feet may be disturbed and replanted; however, no structures of any kind shall be permitted.

- J. Within forty-five (45) days following the adoption of this zoning ordinance a survey of all trees measuring greater than fifteen (15) inches d.b.h. shall be given to the Zoning Inspection Supervisor, and at minimum fifty (50) percent of all trees measuring fifteen (15) inches or greater d.b.h. shall be subject to active tree preservation and protected.
- K. Before grading commences, the tree preservation plan for the site shall be reviewed by the Landscape and Design Committee of the Appearance Commission.
- L. All outdoor area and parking lot lighting fixtures located within two hundred (200) feet of residentially-zoned properties shall be of full cut-off (shielded) design.
- M. At the time of subdivision or site plan approval whichever first occurs, the owner shall dedicate as much of a 75-foot wide greenway easement on each side of Sycamore Creek as is on the property. Reimbursement shall be limited to Rural Residential values.
- N. Any residential development of this property shall be limited to 200 dwelling units.
- O. Vehicular and pedestrian cross-access shall be provided between the office and residential uses for the rezoned property. The pedestrian cross-access may include the proposed greenway along Sycamore Creek.

**Z-53-95 New Leesville Boulevard**, north side between Hickory Grove Church Road and Radner Way, being Parcel 0894, Block 60, Tax Map 0779.04 to be rezoned to Shopping Center Conditional Use (approx. 3.1 acres) and Residential-10 Conditional Use (approx. 12.7 acres).

Conditions: (1/26/96)

1. In the event that North Radner Way is required to be built to greater than a collector street standard and additional right-of-way is acquired by the City, the acquired right-of-way will be valued as if zoned R-6.
2. Any development of the Property will comply with the provisions of Certified Recommendation 7107 of the City of Raleigh Planning Commission.
3. With respect to that portion of the Property proposed to be zoned Residential-10 District (the "Residential Parcel"), there will be no individual driveway access from dwelling units to New Leesville Boulevard or North Radner Way.
4. The Residential Parcel shall be developed only for single family detached residences. No such residence shall consist of more than two (2) occupied stories and an attic; nor shall any such residence be greater than forty (40) feet in height.
5. The Residential Parcel shall be developed to a density of no more than seven and one-tenth (7.1) units per acre.
6. A landscaped area ten (10) feet in width shall be maintained along the boundary of the Residential Parcel with the right-of-way of North Radner Way. An open wood fence shall be constructed along such boundary and within such area.
7. A landscaped area ten (10) feet in width shall be maintained along the boundary of the Residential Parcel with Tax Parcels 0779.04 61 1402; 0779.04 61 1356; 0779.04 61 2322; 0779.04 61 2289; 0779.04 61 3246; 0779.04 61 4203; 0779.04 61 4159; and 0779.04 61 5106. Such area may contain a drainage ditch and/or other facilities to provide for the drainage of stormwater. Either within or immediately adjacent to such area and parallel to such boundary, there will be planted a single row of evergreen shrubs having a minimum height of twenty-four (24) inches and spaced no greater than five (5) feet on centers.
8. A landscaped area forty (40) feet in width shall be maintained along the boundary of the Residential Parcel with the right-of-way of New Leesville Boulevard. Ninety percent (90%) of the existing plants within such area shall be maintained. The existing grade of such landscaped area shall not be altered within thirty (30) feet of the right-of-way of New Leesville Boulevard.

9. With respect to that portion of the Property proposed to be zoned Shopping Center District (the "Residential Retail Area"), there will be no more than one full access curb cut and one additional right in, right out curb cut allowed on New Leesville Boulevard. With respect to that portion of the Property, no more than two full access curb cuts will be permitted on Hickory Grove Church Road. No point of access shall be within two hundred (200) feet from the intersection of Hickory Grove Church Road and New Leesville Boulevard measured from centerline of intersection to centerline of intersection.

10. A landscaped area thirty (30) feet in width shall be maintained along the boundary of the Residential Retail Area with the right-of-way of New Leesville Boulevard. A landscaped area fifteen (15) feet in width shall be maintained along the boundary of the Residential Retail Area with the right-of-way of Hickory Grove Church Road. A landscaped area of varying width, substantially as shown on the map submitted with these conditions, shall be maintained at the intersection of New Leesville Boulevard and Hickory Grove Church Road. Existing landscaping improvements and neighborhood identification signage within such areas shall be maintained. The existing grades of the landscaped areas provided in this paragraph (10) shall not be altered except where necessary to accommodate curb cuts otherwise authorized by these conditions and slopes associated with those curb cuts.

11. No freestanding sign within the Residential Retail Area shall be greater than fifteen (15) feet in height.

12. No building within the Residential Retail Area shall be greater than fifteen (25) feet in height nor more than one story in height.

13. Utilities, lighting, driveways (as otherwise permitted in these conditions), drainage facilities, and signage may be allowed within the landscaped areas provided in these conditions.

14. In the event that a site plan is submitted to the City of Raleigh for the construction of any improvement within the Residential Retail Area, prior to such submittal a copy of such site plan shall be mailed via first class certified mail, return receipt requested, to the Harrington Grove Homeowners Association.

15. If this petition for rezoning is approved by the Raleigh City Council, prior to any development of the Residential Retail Area, the owner of the Property will request in writing that the North Carolina Department of Transportation install traffic signal at the intersection of New Leesville Boulevard and Hickory Grove Church Road.

16. The following uses shall not be allowed in the Residential Retail Area: (a) adult establishments and (2) businesses that sell tires, batteries, and automobile accessories and provide automotive repairs. The sale of gasoline and petroleum products shall be allowed upon the Property.

17. To supplement the minimum street protective yards otherwise required by the Raleigh City Code with respect to the Residential Retail Area and the landscaped areas otherwise required herein with respect thereto, where there is a vehicular use area between the right-of-way and a permanent building, the streetscape shall provide a semi-opaque screen or barrier between the right-of-way and the vehicular use area. The screen or barrier may consist of plants, earthen berms, fences, walls, or any combination thereof which meets the following requirements:

- a. The screen shall occupy at least 75% of the length of the vehicular use area except for sidewalks and driveways which cut through the screen to connect the vehicular use area to streets and other properties. Plant material shall be at least two feet tall above the ground at the time of installation.
- b. Berms may be used or installed in lieu of or in addition to plantings. If the berms do not meet the performance standards of this paragraph then plant materials shall be installed which meet these performance standards. The installation of additional plant materials will be encouraged so as to enhance the visual and aesthetic qualities of the streetscape.

18. No business establishment within the Residential Retail Area shall operate within the hours of 1:00 a.m. and 5:00 a.m.

19. No building constructed within the Residential Retail Area shall have a floor elevation greater than 524 feet above sea level.