

# PLANNING COMMISSION'S UDO REMAPPING WORK SESSION AGENDA

**March 17, 2015 – 7:00 p.m.**

## City Council Chambers– Municipal Building

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

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

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

These items, received during the Planning Commission review period prior to the February 6<sup>th</sup> deadline, will be discussed:

CAC	Agenda Item	Address	PIN	Map No.
Atlantic	248	4405 Falls of Neuse Rd	1716418365	240
	249	3900 Electronics Dr	1715781482	252
Five Points	250	2000 Progress Ct	1714196735	236
Hillsborough	251	115 Woodburn Rd	1704016261	263
Mordecai	252	800, 802, 804, 806, 808, & 820 N Blount St; 206 Delway St	1704820794, 1704821800, 1704821806, 1704821902, 1704821928, 1704831043; 1704822908	255
	253	805 N Person St	1704822777	256
North	254	5409 Capital Blvd	1726387164	243
N. Central	255	1013 New Bern Ave	1713197191	239
	256	527 & 529 New Bern Ave; 0 E Edenton St	1703994156, 1703995107, 1703994252	244
Northeast	257	4621 New Bern Ave	1734151909	242
South	258	3101 Integrity Dr	1721399091	278
S. Central	259	600 New Bern Ave & 17 S Swain St	1713084852, 1713081714	238
	260	107 Kirkman Ln	1713085510	246
	261	1530 MLK Jr Blvd; 0 S. Raleigh Blvd	1713452182, 1713442991	251
Southeast	262	3312 & 3600 New Bern Ave	1724447360, 1724449824	260

<b>CAC</b>	<b>Agenda Item</b>	<b>Address</b>	<b>PIN</b>	<b>Map No.</b>
<b>Southwest</b>	263	1526 Tryon Rd	0792937871	235
	264	600 Mercury St	1703224730	237
	265	3301 S Wilmington St	1702329656	241
	266	1628, 1632, 1639, & 1640 Green St; 0, 100, 120, 130, 150, & 201 Penmarc Dr; 0, 1701, 1717, 1727, 1731, 1801, 1809, 1811, & 1821 S. Saunders St	1703413254, 1703413159, 1703415274, 1703413123; 1703406591, 1703501032, 1703501517, 1703502802, 1703418217, 1703404666; 1703402342, 1703402735, 1703402838, 1703402539, 1703402443, 1703402054, 1703402242, 1703402145, 1702492952	245
<b>West</b>	267	4110 & 4200 Trinity Rd	0784569220, 0784565495	248
	268	5401 Trinity Rd	0774963627	279

**Outstanding items from March 17 9:00 am UDO Remapping Work Session will be discussed as time allows.**



**Planning Commission March 17, 2015, 7:00 PM  
 Z-27-14 Citywide UDO Remapping  
 Public Comments Delivered to Planning Commission  
 before February 6, 2015**

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 received during the Planning Commission review period prior to February 6<sup>th</sup>:**

248.	<i>Address:</i> 4405 Falls of Neuse Rd
	<i>PIN:</i> 1716418365
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 240 / PC-0076
	<i>Existing Zoning:</i> SC
	<i>Current Use:</i> Eating Establishment (with Drive-Thru)
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> Remove -PL
	<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 the 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 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.

249.	<i>Address:</i> 3900 Electronics Dr
	<i>PIN:</i> 1715781482
	<i>CAC:</i> Atlantic
	<i>Change Request/Comment ID:</i> 252 / PC-0095
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Manufacturing / Office Currently appears Vacant with Outdoor Storage
	<i>Proposed Zoning:</i> IH
	<i>Requested Zoning:</i> CX-5-PL
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Transit Oriented District Frontage on Urban Thoroughfares Within Half-Mile Transit Buffer

The property owner requests CX-5-PL instead of IH zoning. Staff considered IX, IH, or CX zoning for this site. IX or IH would be the closest comparative districts to the existing zoning. Given the most recent use of the site for manufacturing, staff recommended IH zoning to avoid the creation of any non-conformity. Staff agrees with the request for CX, as this zoning would advance implementation of the Future Land Use Map. However, there is no specific policy guidance that would suggest height greater than 3 stories.

**Recommendation:** Further discussion

250.	<i>Address:</i> 2000 Progress Ct
	<i>PIN:</i> 1714196735
	<i>CAC:</i> Five Points
	<i>Change Request/Comment ID:</i> 236 / PC-0070
	<i>Existing Zoning:</i> R-10 & IND-2
	<i>Current Use:</i> Parking, Outdoor Storage
	<i>Proposed Zoning:</i> R-10 & IX-3
	<i>Requested Zoning:</i> IX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests the entire parcel be rezoned to IX-3. The property is currently split zoned with the majority of the site zoned R-10. A smaller portion of the site to the east is zoned IND-2. Staff has proposed rezoning the IND-2 portion to IX-3 and keeping the R-10 as is. The Future Land Use Map identifies the property as Medium Density Residential.

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 disagrees with the request.

**Recommendation:** While inconsistent with the Future Land Use Map, it would be reasonable and in the public 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-10 and IX-3.

251.	<i>Address:</i> 115 Woodburn Rd
	<i>PIN:</i> 1704016261
	<i>CAC:</i> Hillsborough
	<i>Change Request/Comment ID:</i> 263 / PC-0118
	<i>Existing Zoning:</i> CUD R-15 w/SRPOD
	<i>Current Use:</i> Single-Unit Living
	<i>Proposed Zoning:</i> RX-3-CU w/SRPOD
	<i>Requested Zoning:</i> R-6 w/SRPOD
	<i>Future Land Use Designation:</i> Low Density Residential
	Cameron Park Neighborhood Plan
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> Within Half-Mile Transit Buffer

The property owner is requesting a downzoning to R-6 base district and removal of zoning conditions. SRPOD would remain. Staff initially proposed RX- zoning as the closest comparable district to the existing R-15 legacy district. When the property was zoned CUD R-15, a bed and breakfast use was contemplated. No bed and breakfast was ever established, and the current owners do not plan to do so. Staff believes that the conditions are specific enough to merit retention. Current conditions are included at the end of this report for reference.

**Recommendation:** The requested base district of R-6 is compatible with the R-6 zoning of nearby properties in single-unit residential use and consistent 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-CU w/SRPOD.

252.	<i>Address:</i> 800, 802, 804, 806, 808, & 820 N Blount St; 206 Delway St
	<i>PIN:</i> 1704820794, 1704821800, 1704821806, 1704821902, 1704821928, 1704831043; 1704822908
	<i>CAC:</i> Mordecai
	<i>Change Request/Comment ID:</i> 255 / PC-0100 thru -0106
	<i>Existing Zoning:</i> CUD SC
	<i>Current Use:</i> Vacant; Agriculture
	<i>Proposed Zoning:</i> CX-3-CU
	<i>Requested Zoning:</i> CX-3
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> Blount-Person Corridor Study
	<i>Urban Form Designation:</i> Within Half-Mile Transit Buffer

The property owner is requesting the removal of zoning conditions. Staff believes that the conditions are specific enough to merit retention. Current conditions are included at the end of this report for reference.

**Recommendation:** While inconsistent with the Future Land Use Map, it would be reasonable and in the public 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.

253.	<i>Address:</i> 805 N Person St
	<i>PIN:</i> 1704822777
	<i>CAC:</i> Mordecai
	<i>Change Request/Comment ID:</i> 256 / PC-0107
	<i>Existing Zoning:</i> CUD NB
	<i>Current Use:</i> Bar; Retail Sales
	<i>Proposed Zoning:</i> CX-3-SH-CU
	<i>Requested Zoning:</i> CX-3-SH
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> Blount-Person Corridor Study
	<i>Urban Form Designation:</i> Within Half-Mile Transit Buffer

The property owner is requesting the removal of zoning conditions. Staff believes that the conditions are specific enough to merit retention. Current conditions are included at the end of this report for reference.

**Recommendation:** While inconsistent with the Future Land Use Map, it would be reasonable and in the public 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-SH-CU.

254.	<i>Address:</i> 5409 Capital Blvd
	<i>PIN:</i> 1726387164
	<i>CAC:</i> North
	<i>Change Request/Comment ID:</i> 243 / PC-0079
	<i>Existing Zoning:</i> CUD BUS; IND-1; CM
	<i>Current Use:</i> Eating Establishment (with Drive-Thru)
	<i>Proposed Zoning:</i> CX-3-PL-CU; IX-3-PL; CM
	<i>Requested Zoning:</i> Remove -PL
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Transit Emphasis Corridor Part Within Half-Mile Transit Buffer

The property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that the 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 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-CU, IX-3-PL, and CM.

255.	<i>Address:</i>	1013 New Bern Ave
	<i>PIN:</i>	1713197191
	<i>CAC:</i>	North Central
	<i>Change Request/Comment ID:</i>	239 / PC-0075
	<i>Existing Zoning:</i>	SC; CUD SC w/NCOD
	<i>Current Use:</i>	Eating Establishment (with Drive-Thru)
	<i>Proposed Zoning:</i>	NX-3-UL; NX-3-UL-CU w/NCOD
	<i>Requested Zoning:</i>	Remove -UL
	<i>Future Land Use Designation:</i>	Neighborhood Mixed Use
	<i>Area Plan Guidance:</i>	New Bern Avenue Corridor Study
	<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridors

The property owner requests removal of the Urban Limited (UL) frontage due to concerns that the current development on the site does not satisfy UL development 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 UDO. Staff is proposing the requisite text change to clarify any issue of non-conformity associated with the application of a frontage.

The property is located at the intersection of two Transit Emphasis Corridors (E Edenton St and N Tarboro St) and is located within the New Bern Avenue Corridor Study area, which includes specific recommendations for frontage. UL frontage is recommended for this property. Staff disagrees with the request to remove the frontage.

**Recommendation:** It would be consistent with the Future Land Use Map, as well as reasonable and in the public 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-UL and NX-3-UL-CU w/NCOD.

256.	<i>Address:</i> 527 & 529 New Bern Ave; 0 E Edenton St
	<i>PIN:</i> 1703994156, 1703995107; 1703994252
	<i>CAC:</i> North Central
	<i>Change Request/Comment ID:</i> 244 / PC-0080 thru -0082
	<i>Existing Zoning:</i> BC w/NCOD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> NX-3-DE w/NCOD
	<i>Requested Zoning:</i> Remove -DE
	<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 removal of the DE frontage designation. Commentor is concerned that frontage designation would limit development potential. Staff recommended DE frontage to complement the requirements of the NCOD designation. Detached frontage allows for the townhouse building type that the owner is contemplating. Staff disagrees with the request.

**Recommendation:** It would be consistent with the Future Land Use Map, as well as reasonable and in the public 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-DE w/NCOD.

257.	<i>Address:</i> 4621 New Bern Ave
	<i>PIN:</i> 1734151909
	<i>CAC:</i> Northeast
	<i>Change Request/Comment ID:</i> 242 / PC-0078
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Eating Establishment (with Drive-Thru)
	<i>Proposed Zoning:</i> CX-3-PL
	<i>Requested Zoning:</i> Remove -PL
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Urban Thoroughfare

The property owner is concerned that current development on the site does not satisfy the development standards of the PL frontage and that the 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 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.

258.	<i>Address:</i> 3101 Integrity Dr
	<i>PIN:</i> 1721399091
	<i>CAC:</i> South
	<i>Change Request/Comment ID:</i> 278 / PC-0157
	<i>Existing Zoning:</i> CUD IND-1 w/SHOD-2
	<i>Current Use:</i> Eating Establishment (with Drive-Thru)
	<i>Proposed Zoning:</i> IH-CU w/SHOD-2
	<i>Requested Zoning:</i> IX-5-CU w/SHOD-2
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

A similar request was made at 3511 Integrity Drive for IX-5-CU w/SHOD-2 in order to maintain existing entitlements for a drive-thru eating establishment. This request was recommended for approval. Staff identified this parcel as having an existing drive-thru eating establishment which the current recommendation of IH-CU w/SHOD-2 would render non-conforming. The five story height limit is reflective of zoning conditions.

**Recommendation:** It would be consistent with the Future Land Use Map, as well as reasonable and in the public 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-CU w/SHOD-2.

259.	<i>Address:</i> 600 New Bern Ave & 17 S Swain St
	<i>PIN:</i> 1713084852, 1713081714
	<i>CAC:</i> South Central
	<i>Change Request/Comment ID:</i> 238 / PC-0073; GEN-0425, -0521
	<i>Existing Zoning:</i> SC / O&I-2 w/NCOD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> NX/OX-3-GR, OX-3 (all w/NCOD)
	<i>Requested Zoning:</i> NX-3-GR w/NCOD (previous requests: CX-7-GR; CX-3-GR & NX-3-GR)
	<i>Future Land Use Designation:</i> Neighborhood Mixed Use
	<i>Area Plan Guidance:</i> New Bern Avenue Corridor Study Olde East Raleigh Small Area Plan
	<i>Urban Form Designation:</i> N/A

The property owner requests NX-3-GR w/ NCOD for both parcels. Staff initially proposed a combination of NX and OX as the closest comparative districts to existing zoning. Guidance of the New Bern Avenue Corridor Study, Olde East Raleigh Small Area Plan, and Future Land Use Map support NX zoning.

**Recommendation:** Further discussion.

260.	<i>Address:</i> 107 Kirkman Ln
	<i>PIN:</i> 1713085510
	<i>CAC:</i> South Central
	<i>Change Request/Comment ID:</i> 246 / PC-0085
	<i>Existing Zoning:</i> R-20
	<i>Current Use:</i> Two-Unit Living
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> RX-3
	<i>Future Land Use Designation:</i> Moderate Density Residential
	<i>Area Plan Guidance:</i> Olde East Raleigh Small Area Plan
	<i>Urban Form Designation:</i> N/A

Staff considered RX and R-10 zoning for these properties. R-10 was recommended in response to policy guidance in the Olde East Raleigh Area Plan that 1) prioritizes rehabilitation over redevelopment, 2) indicates that infill should reflect existing historic building types, and 3) designates this area a mixed income zone and calls for moderate density residential infill development. This zoning is also consistent with the Future Land Use Map for the area. While the properties may be rezoned in the future to allow for more intense use, that decision should be made as part of the public process of a privately initiated rezoning. Staff disagrees with the request.

**Recommendation:** No action. On January 6, 2015 Planning Commission considered an identical request from the property owner submitted during the public comment period May – September 2014 and voted to uphold the initial staff recommendation.

261.	<i>Address:</i> 1530 MLK Jr Blvd; 0 S. Raleigh Blvd
	<i>PIN:</i> 1713452182; 1713442991
	<i>CAC:</i> South Central
	<i>Change Request/Comment ID:</i> 251 / PC-0093 & -0094
	<i>Existing Zoning:</i> R-10
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> R-10
	<i>Requested Zoning:</i> NX- or CX-
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

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:** The property should not be rezoned.

262.	<i>Address:</i> 3312 & 3600 New Bern Ave
	<i>PIN:</i> 1724447360, 1724449824
	<i>CAC:</i> Southeast
	<i>Change Request/Comment ID:</i> 260 / PC-0115
	<i>Existing Zoning:</i> CUD TD w/SHOD-1
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> CX/RX-3-PK-CU w/SHOD-1
	<i>Requested Zoning:</i> CX-3-CU w/ SHOD-1
	<i>Future Land Use Designation:</i> Office & Residential Mixed Use
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> City Growth Center Frontage on Transit Emphasis Corridor Frontage on Parkway Corridor

The property owner requests CX-3-CU w/SHOD-1 instead of a split-zoning of CX-3-PK-CU w/ SHOD-1 and RX-3-PK-CU w/SHOD-1. Staff proposed the split zoning to reflect zoning conditions that prohibit commercial uses on a portion of the property. The frontage recommendation was made in response to parcel frontage on a Transit Emphasis Corridor.

**Recommendation:** While inconsistent with the Future Land Use Map it would be reasonable and in the public 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/RX-3-PK-CU w/SHOD-1.

263.	<i>Address:</i> 1526 Tryon Rd
	<i>PIN:</i> 0792937871
	<i>CAC:</i> Southwest
	<i>Change Request/Comment ID:</i> 235 / PC-0069
	<i>Existing Zoning:</i> O&I-1 w/SRPOD
	<i>Current Use:</i> Fraternity
	<i>Proposed Zoning:</i> RX-3 w/SRPOD
	<i>Requested Zoning:</i> OX-4 w/SRPOD
	<i>Future Land Use Designation:</i> Institutional
	<i>Area Plan Guidance:</i> N/A
	<i>Urban Form Designation:</i> N/A

The property owner requests OX-4 w/ SRPOD instead of RX-3 w/ SRPOD. In making its determination, Staff chose RX-3 since the RX district allows fraternity houses as a permitted use. As the current zoning is O&I-1, a rezoning to OX would also provide a comparative district in the UDO.

Though Staff agrees that OX is an acceptable base district, it does not feel 4 stories is an appropriate height designation. There is no policy guidance or existing context to suggest additional height for the property. In addition, the property is a Raleigh Historic Landmark, a designation which would limit redevelopment of the site.

**Recommendation:** Further discussion.

264.	<i>Address:</i> 600 Mercury St
	<i>PIN:</i> 1703224730
	<i>CAC:</i> Southwest
	<i>Change Request/Comment ID:</i> 237 / PC-0072
	<i>Existing Zoning:</i> R-6 & IND-2
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> IX-3
	<i>Requested Zoning:</i> R-6
	<i>Future Land Use Designation:</i> Low Density Residential
	<i>Area Plan Guidance:</i> Southern Gateway Corridor Study (Under Study)
	<i>Urban Form Designation:</i> N/A

The property is located on the north side of Mercury Street east of Lake Wheeler Road. In addition to Mercury Street the lot also has frontage on Daladams Street to the north. The property is split zoned, with the majority IND-2. A small portion of the site fronting on Daladams Street is zoned R-6. Staff proposed zoning the entire parcel to IX-3 to remedy the split zoning.

The property owner requests the property remain split zoned, retaining R-6 zoning for a portion fronting on Daladams Street, in order to develop this portion of the site in accordance with R-6 standards. The property owner proposes a split different than that of the existing zoning.

Staff feels that the request to retain some R-6 zoning along Daladams Street has merit, as the original subdivision lot lines indicate residential lots were intended for this part of the site. Staff has concerns though that the property owner's proposed split zoning line could create a non-conforming lot. Staff recommends deferring this item in order for Staff and the property owner's representative to further explore an optimal location for the split.

**Recommendation:** Defer the item to a future agenda.

265.	<i>Address:</i> 3301 S Wilmington St
	<i>PIN:</i> 1702329656
	<i>CAC:</i> Southwest
	<i>Change Request/Comment ID:</i> 241 / PC-0077
	<i>Existing Zoning:</i> IND-1
	<i>Current Use:</i> Eating Establishment (with Drive-Thru)
	<i>Proposed Zoning:</i> IX-3-PL
	<i>Requested Zoning:</i> Remove -PL
	<i>Future Land Use Designation:</i> Business & Commercial Services
	<i>Area Plan Guidance:</i> Southern Gateway Corridor Study (Under Study)
	<i>Urban Form Designation:</i> Mixed-Use Center Frontage on Urban Thoroughfare Frontage on Transit Emphasis Corridor

The property owner requests removal of the Parking Limited (PL) frontage due to concerns that the current development on the site does not satisfy PL development standards. The property is completely surrounded by rights-of-way.

With the existing constraints of the site and the expectation that specific policy guidance regarding frontage will be developed as part of the Southern Gateway Corridor Study (which is currently in progress), staff agrees with the request to remove the PL frontage.

**Recommendation:** It would be consistent with the Future Land Use Map as well as reasonable and in the public 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 IX-3.

266.	<i>Address:</i>	1628, 1632, 1639, & 1640 Green St; 0, 100, 120, 130, 150, & 201 Penmarc Dr; 0, 1701, 1717, 1727, 1731, 1801, 1809, 1811, & 1821 S. Saunders St
	<i>PIN:</i>	1703413254, 1703413159, 1703415274, 1703413123; 1703406591, 1703501032, 1703501517, 1703502802, 1703418217, 1703404666; 1703402342, 1703402735, 1703402838, 1703402539, 1703402443, 1703402054, 1703402242, 1703402145, 1702492952
	<i>CAC:</i>	Southwest
	<i>Change Request/Comment ID:</i>	245 / PC-0083
	<i>Existing Zoning:</i>	IND-1 / IND-2 / R-6
	<i>Current Use:</i>	Flex Warehouse; Billboards; Greenway; Vacant
	<i>Proposed Zoning:</i>	IX-3 / IX-3-PL / R-6
	<i>Requested Zoning:</i>	IX-7-PL
	<i>Future Land Use Designation:</i>	Regional Mixed Use
	<i>Area Plan Guidance:</i>	Southern Gateway Corridor Study (Under Study)
	<i>Urban Form Designation:</i>	Frontage on Transit Emphasis Corridor Frontage on Parkway Corridor

The properties are located on the east side of South Saunders Street north of Interstate 40. The property owner requests IX-7-PL for the properties, which are currently zoned Industrial-1, Industrial-2, and Residential-6 and used for a variety of purposes. Staff has proposed 3 stories for the IX districts as there is no specific policy guidance that would suggest greater height. The PL frontage is proposed for properties fronting South Saunders Street since it is identified as a Transit Emphasis Corridor.

Specific policy guidance regarding height and frontage is expected to be developed as part of the Southern Gateway Corridor Study, which is currently in progress. 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 disagrees with the request.

**Recommendation:** While inconsistent with the Future Land Use Map it would be reasonable and in the public 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, IX-3-PL, and R-6.

267.	<i>Address:</i> 4110 & 4200 Trinity Rd
	<i>PIN:</i> 0784569220, 0784565495
	<i>CAC:</i> West
	<i>Change Request/Comment ID:</i> 248 / PC-0087 & -0088
	<i>Existing Zoning:</i> CUD O&I-2 w/SHOD-1
	<i>Current Use:</i> Single-Unit Living, Vacant
	<i>Proposed Zoning:</i> OX-12-GR-CU w/SHOD-1
	<i>Requested Zoning:</i> CX-12-CU
	<i>Future Land Use Designation:</i> Community Mixed Use
	<i>Area Plan Guidance:</i> Cameron Village & Hillsborough Street Small Area Plan (Under Study)
	<i>Urban Form Designation:</i> City Growth Center Frontage on Urban Thoroughfare Part Within Half-Mile Transit Buffer

The property owner requests a change to CX-12-CU instead of OX-12-GR-CU w/SHOD-1. The property owner requests CX zoning to preserve the currently allowed, but as yet not established use of hotel. Hotel is a special use in the OX district. The frontage recommendation was made in response to parcel frontage on an Urban Thoroughfare. SHOD-1 designations are not proposed to change as part of the citywide remapping effort.

**Recommendation:** Further discussion.

268.	<i>Address:</i> 5401 Trinity Rd
	<i>PIN:</i> 0774963627
	<i>CAC:</i> West
	<i>Change Request/Comment ID:</i> 279 / PC-0158
	<i>Existing Zoning:</i> CUD O&I-2, TD
	<i>Current Use:</i> Vacant
	<i>Proposed Zoning:</i> OP-5-PL-CU, OP-3
	<i>Requested Zoning:</i> CX-5-PL-CU, CX-5
	<i>Future Land Use Designation:</i> Office/Research & Development
	<i>Area Plan Guidance:</i> Arena Small Area Plan
	<i>Urban Form Designation:</i> City Growth Center Frontage on Urban Thoroughfares

A request for CX- zoning was recommended for approval at 1100 Corporate Center Drive. Approval of this request creates a spot-zone of OP- at the corner of Trinity & Nowell Roads. Conditions on the property restrict use to a hotel of 4 stories, or 65 feet. 65 feet exceeds the 4 story maximum in the UDO, requiring a base height of 5 stories for the zoning district.

**Recommendation:** While inconsistent with the Future Land Use Map it would be reasonable and in the public 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-5-PL-CU and CX-5.

**THOMAS C. WORTH, JR.**

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

January 29, 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: 1526 Tryon Road  
PIN# 0792937871

Dear Ms. Walter:

As counsel for RHO Chapter of Delta Sigma Phi Fraternity of North Carolina State University, I write to convey our concerns about the proposed zoning for this property.

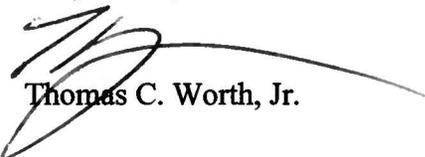
The subject property is proposed to be rezoned to RX-3 with SRPOD to which I object in behalf of my client.

This property is presently zoned O&I-1 (without Conditions) with SRPOD and comprises approximately 7.32 acres upon which is located a large house which is the home of the RHO Chapter of Delta Sigma Phi. In view of the size of this house and the size of the tract upon which it is located, it is my opinion that a more appropriate rezoning category is OX-4, which UDO Zoning Category more closely approximates the present O&I-1 Zoning in the context of the aforementioned physical aspects of the house and tract.

I will welcome the opportunity to meet with you or other Planning Staff members designated by you to discuss further this matter.

Thank you for your consideration.

Respectfully submitted,



Thomas C. Worth, Jr.

TCWjr/dsw

cc: Mr. Allen James  
Isabel Worthy Mattox

**ISABEL WORTHY MATTOX**

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

January 29, 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: 2000 Progress Court, PIN# 1714196735  
Client: Progress Court Park, LLC

Dear Bynum:

As counsel for Progress Court Park, LLC, owner of the above described property, I write to convey our concerns about the proposed zoning for this split zoned property.

The R-10 Zoning is not proposed to be changed under the remapping however the portion of the property that is zoned I-2 is proposed to be rezoned to IX. We disagree with this designation for several reasons. First, this property, as indicated, is split-zoned R-10 and I-2. Although the Future Land Use Map designates this property as Moderate Density Residential, the entire property has been used as a commercial parking lot for some years and is a likely candidate for grandfather status. Due to a petroleum spill years ago, the lot may be used only for industrial/commercial purposes per the attached Notice Of Residual Petroleum recorded in Book 11079, Pages 2749-2752, Wake County Registry, filed 10/29/2004.

In addition, a substantial portion of the property is adjacent to I-2 zoning which is proposed to be IX. We believe the subject property should be zoned in a similar fashion, particularly given the restrictive covenant on the property and therefore we request that you reconsider the proposed zoning of the entire property and revise it to IX-3.

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

Sincerely



Isabel Worthy Mattox

cc: Thomas C. Worth, Jr.

BK011079PG02749

WAKE COUNTY, NC 616  
LAURA N RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
10/29/2004 AT 13:28:36

BOOK:011079 PAGE:02749 - 02752

Excise Tax: <input checked="" type="checkbox"/>	Recording Time, Book and Page
Tax Lot No: 71860	Parcel Identifier No. 1714.05-19-6735-000
Verified by _____	County on the _____ day of _____, 20____.
By: _____	

Mail after recording to Everette Noland, ROD Box 146  
 This instrument was prepared by: Everette Noland  
 Brief description for the Index: 2020 Progress Court, Raleigh, NC 27608

**NOTICE OF RESIDUAL PETROLEUM**

2020 Progress Court, Wake County, North Carolina

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N. C. G. S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N. C. G. S. section 143-B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

**NOTICE**

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N. C. G. S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N. C. G. S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the

Wake County

Register of Deed's office Book \_\_\_\_\_, Page \_\_\_\_\_.

BK011079PG02750

Source Property

M. Craig West and Tommy H. West of Raleigh, North Carolina are the owners in fee simple of all of the Site, which is located in the County of Wake, State of North Carolina, and is known and legally described as:

BEING all of Lot B as shown on map entitled "Property of Verdie H. Tyner, and recorded in Book of Maps 1978, Page 904, Wake County Registry.

**PERPETUAL LAND USE RESTRICTIONS**

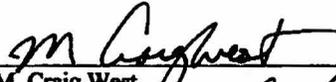
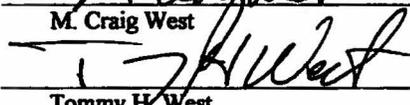
*Soil: The Site shall be used for industrial/commercial use only. Industrial/commercial use means a use where exposure to soil contamination is limited in time and does not involve exposure to children or other sensitive populations such as the elderly or sick. The real property shall not be developed or utilized for residential purposes including but not limited to: primary or secondary residences (permanent or temporary), schools, daycare centers, nursing homes, playgrounds, parks, recreation areas and/or picnic areas.*

*Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.*

**ENFORCEMENT**

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, M. Craig West and Tommy H. West have caused this Notice to be executed pursuant to N. C. G. S. Sections 143B-279.9 and 143B-279.11, this 16 day of Sept, 2004

  
\_\_\_\_\_  
M. Craig West  
  
\_\_\_\_\_  
Tommy H. West

BK011079PG02751

STATE OF NORTH CAROLINA  
WAKE COUNTY

I, Donna G. Taylor, a Notary Public of said County and State, do hereby certify that M. Craig West and Tommy H. West personally appeared before me this day and each of them acknowledged that each of them is an owner of a one-half undivided fee ownership of the Site and that by authority duly given, and as the act of each of them, the foregoing instrument was signed by each of them for such purposed expressed therein.



my hand and seal this the 16 day of September 2004.

Donna G. Taylor  
Notary Public

My Commission Expires: 6-7-05

Approved for the purposes of N. C. G. S. 143B-279.11

Robert K. Davies  
(signature of Regional Supervisor)

Robert K. Davies Regional Supervisor  
(printed name of Regional Supervisor)

Raleigh Regional Office  
(name of Region)

UST Section  
Division of Waste Management  
Department of Environment and Natural Resources

STATE OF NORTH CAROLINA  
Wake COUNTY

I, Karen N. Moore, a Notary Public of said County and State, do hereby certify that Robert K. Davies did personally appear and sign before me this the 4 day of Oct 2004.



Karen N. Moore  
Notary Public

Commission Expires: 2/16/08



BOOK:011079 PAGE:02749 - 02752

Yellow probate sheet is a vital part of your recorded document. Please retain with original document and submit for rerecording.



Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds

North Carolina - Wake County

The foregoing certificate S of KAREN M. MOORE  
Donna G. Taylor

Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds  
By: Frederick C. Simpson  
Assistant/Deputy Register of Deeds

This Customer Group  
1 # of Time Stamps Needed

This Document  
4 New Time Stamp  
4 # of Pages

**THOMAS C. WORTH, JR.**

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

February 2, 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

VIA ELECTRONIC  
AND  
US MAIL

Re: 600 Mercury Street  
PIN# 1703224730

Dear Ms. Walter:

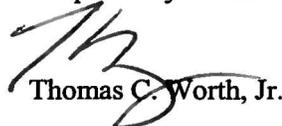
In connection with the above referenced property I write in behalf of our client JPB Holdings, LLC to inform you that the subject property is split zoned Industrial-2 (I-2) and Residential-6 (R-6) as confirmed by the attached letter of December 15, 2014 to Mr. Ed Sconfienza from the Department of City Planning and the attached "600 Mercury Street Zoning Map".

It appears from the UDO Zoning Remapping graphics attached dated 11/26/2014 that a portion of this property presently zoned I-2 is proposed to be rezoned to UDO Zoning Category IX-3 which is inappropriate not only due to severe topographic considerations but also due to the fact that this portion of the lot intrudes into and is incompatible with an R-6 zoned area adjacent to Daladams Street.

The client represented by me and also by Mr. Sconfienza desires to preserve its right to develop its property on Daladams Street in accordance with its current R-6 zoning and I therefore request that the portion of this property north of the dotted line shown upon the attached graphic for 600 Mercury Street not be rezoned to IX-3 as presently proposed. The IX-3 Zoning now proposed for the great majority of the area of this Lot is appropriate.

The favorable consideration of this request by the Planning Commission will be appreciated and I will welcome any questions or comments which you or your designee may have in this matter.

Respectfully submitted,

  
Thomas C. Worth, Jr.

cc: Mr. Toby Boyles  
Mr. Ed Sconfienza



*City of Raleigh*  
*North Carolina*

December 15, 2014

Ed Sconfienza  
1111 Oberlin Road  
Raleigh, NC 27605

**Re: 600 Mercury Street, PIN: 1703224730**

This letter is to verify that according to our records the referenced property is zoned:

Industrial - 2 (IND-2)  
Residential-6 (R-6)

With the following overlay districts (if any):

None

This is all the information that I am able to provide on this property. The City of Raleigh does not provide zoning compliance letters. If you have questions regarding zoning code violations, enforcement, special use permits, setbacks or variances, please contact the Development Services Center at (919) 996-2495.

If you have any additional questions, please feel free to call the Department of City Planning at (919) 996-2626.

Sincerely,  
Department of City Planning  
Planning and Development Services  
City of Raleigh

### UDO Zoning Remapping

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

Compare the current zoning with the proposed UDO zoning.

Search by address or PIN or click on the map

222 West Hargett Street

Selected Address: 800 MERCURY ST

Give Feedback

**Current Zoning**

**IND-2**

**Description**  
Industrial-2 (IND-2)

**Zoning**

**Proposed Zoning**

**IX-3**

**Description**  
Industrial Mixed Use (IX-) with Height up to 3 Stories

**Base Zoning**

file:///C:/Users/EDSCON-1/AppData/Local/Temp/Low/PERUT145.htm

11/26/2014

**IND-2 (Industrial-2):** This district is the same as Industrial-1 except that there are no minimum setback requirements. Consequently in the IND-2 district buildings can be constructed right up to property lines. This district was traditionally used only for industrial development close to downtown. Though other scenarios are possible, these areas will generally be rezoned to IH, or IX- under the UDO. [Learn More](http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.htm) (<http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/PermittedUses.htm>)

**IX- (Industrial Mixed Use):** This district is intended to provide for a variety of light industrial and manufacturing uses while allowing for retail, service and commercial activity and limited housing opportunities. To help ensure that land is reserved for manufacturing and employment, residential uses are limited to the upper stories of mixed use buildings. IX- is not intended to provide for areas exclusively dominated by light industrial or manufacturing but provide for developments that incorporate commercial uses with housing, retail and service-related activity. IX- can serve as a land use transition between heavy industrial areas and mixed use districts. [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/>)



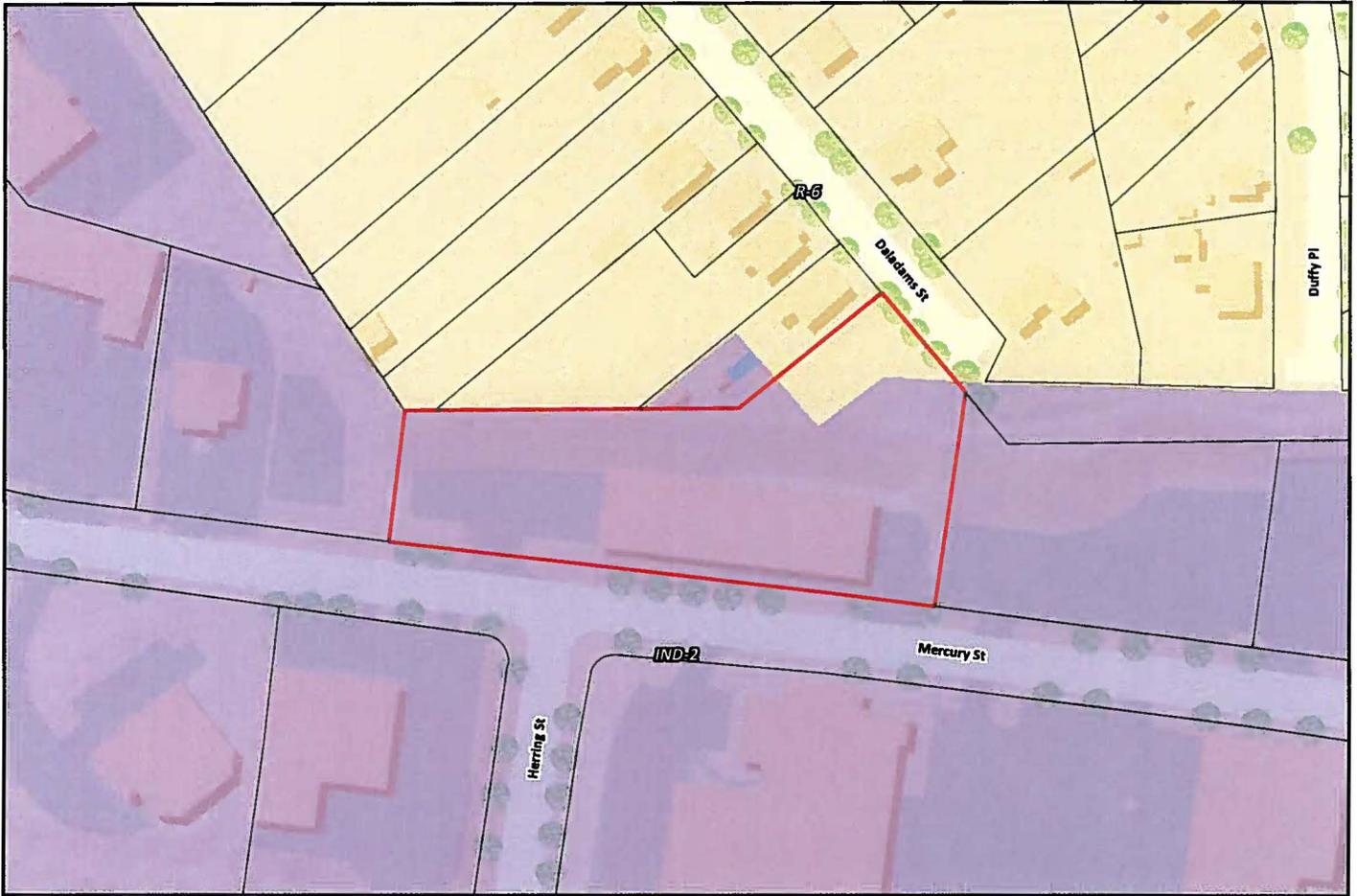
Application developed by the City of Raleigh Geographic Information Services (<http://www.raleighnc.gov/business/content/TechAdmin/Articles/GeographicInformationServices.html>) division.  
Application developed for the City of Raleigh Planning and Development (<http://www.raleighnc.gov/planning>) department.



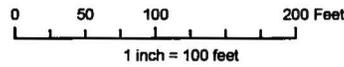
© 2014

file:///C:/Users/EDSCON-1/AppData/Local/Temp/Low/PERUT145.htm

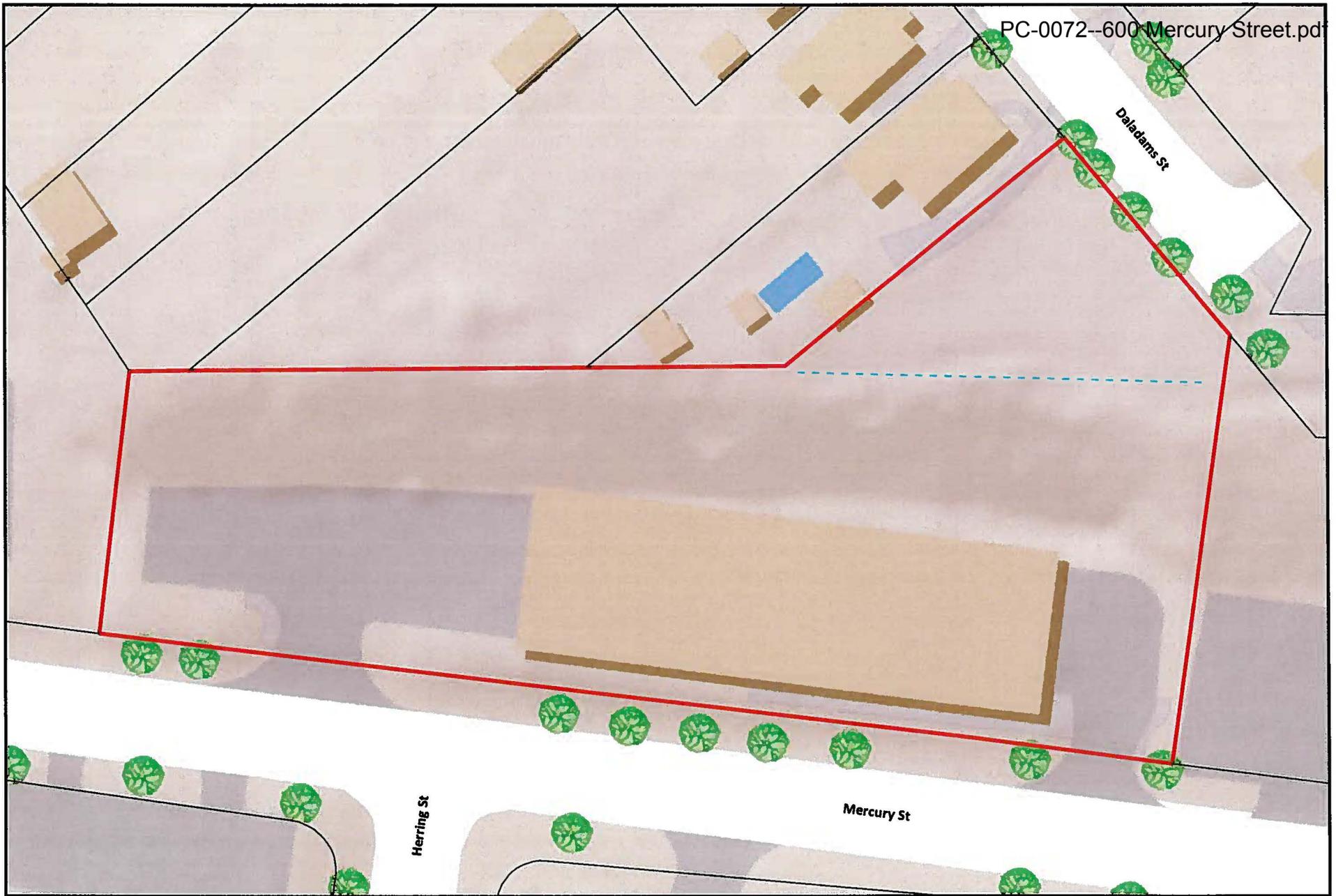
11/26/2014



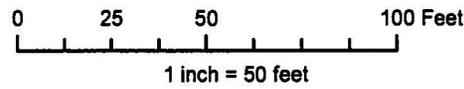
600 Mercury Street Zoning Map



**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.



600 Mercury Street



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

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

February 3, 2015

Mr. Steve Schuster, Chairman  
City of Raleigh Planning Commission  
Department of City Planning & Development  
One Exchange Plaza, Suite 304  
Raleigh, NC 27601

Re: 600 New Bern Ave. (1713-08-4852) and 17 S. Swain Street (1713-08-1714) (the  
"Properties")

Dear Mr. Schuster:

On behalf of the owner of the Properties, we are submitting this letter for reconsideration of the rezoning designation for the Properties.

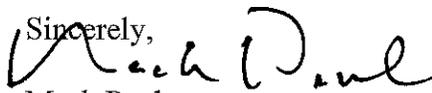
The Properties are currently zoned Shopping Center and Office & Institution-2 with a Neighborhood Conservation Overlay District (New Bern/Edenton). The City is proposing to rezone the Properties to NX-3-GR and OX-3-GR with the Neighborhood Conservation Overlay District.

We originally requested the Properties be rezoned CX-7-GR based on a number of factors. Carter Pettibone responded in the attached email that, due to the NCOD, staff could not support greater height. However, he did indicate support for an NX designation for the Properties. We preferred a CX designation for the parcel currently zoned SC so that the existing entitlements are carried forward. Staff did not agree.

In further discussion with staff, we understand the basis for the NX recommendation is an existing small area plan that recommends Neighborhood Mixed Use. Staff views the small area plan as carrying greater weight than the existing SC zoning on the parcel. Based on these further discussions with staff, we understand and support a NX-3-GR for the Properties.

We respectfully request that you direct this matter back to staff so that they can bring it forward to Planning Commission with consensus on the remapping.

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

Sincerely,  
  
Mack Paul

**From:** Mack Paul  
**Sent:** Monday, February 02, 2015 1:30 PM  
**To:** Mack Paul  
**Subject:** FW: UDO Remapping Comment #GEN-0521 - 600 New Bern Ave/17 S Swain St  
**Attachments:** ATT00001.txt; ATT00002.htm

---

**From:** Pettibone, Carter [mailto:Carter.Pettibone@raleighnc.gov]  
**Sent:** Monday, December 15, 2014 12:36 PM  
**To:** Mack Paul; Michael Birch  
**Cc:** Walter, Bynum; gordon smith  
**Subject:** RE: UDO Remapping Comment #GEN-0521 - 600 New Bern Ave/17 S Swain St

Mack,

I am out of the office the rest of the day today, but Bynum may be available to discuss prior to the PC meeting.

**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)

---

**From:** Mack Paul [mailto:mpaul@morningstarlawgroup.com]  
**Sent:** Friday, December 12, 2014 3:44 PM  
**To:** Pettibone, Carter; Michael Birch  
**Cc:** Walter, Bynum; gordon smith  
**Subject:** RE: UDO Remapping Comment #GEN-0521 - 600 New Bern Ave/17 S Swain St

Carter,

I wanted to circle back with you on your response to our remapping request related to 600 New Bern Ave.

We appreciate your feedback on this property, suggesting NX-3-GR with NCOD. The one additional request I would make relates to the portion of the property currently zoned SC. I understand in many instances staff has recommended CX for properties currently zoned SC (as the most similar UDO district). CX permits a hotel use but not NX.

Therefore, we would respectfully request that the portion of the property zoned SC convert to CX with the balance being remapped to NX.

I plan to attend the Planning Commission meeting on Tuesday. I left you a voicemail and would like to touch base in the meantime if possible.

Thanks very much,

Mack



**Mack Paul**

Morningstar Law Group  
630 Davis Drive, Suite 200  
Morrisville, NC 27560

p. 919.590.0377

[mpaul@morningstarlawgroup.com](mailto:mpaul@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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**Confidentiality Notice:** This e-mail is intended only for the addressee named above. It contains information that is privileged, confidential or otherwise protected from use and disclosure. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, or dissemination of this transmission, or taking of any action in reliance on its contents, or other use is strictly prohibited. If you have received this transmission in error, please reply to the sender listed above immediately and permanently delete this message from your inbox. Thank you for your cooperation.

---

**From:** Pettibone, Carter [<mailto:Carter.Pettibone@raleighnc.gov>]  
**Sent:** Friday, October 10, 2014 4:39 PM  
**To:** Mack Paul; Michael Birch  
**Cc:** Walter, Bynum; Rezoning  
**Subject:** UDO Remapping Comment #GEN-0521 - 600 New Bern Ave/17 S Swain St

Good afternoon,

I wanted to follow up with both of you since we have had communications with each of you regarding these properties.

Thank you for you and your client's comments regarding the UDO remapping for 600 New Bern Ave/17 S Swain St. We took the request for CX-7-GR to a recent Staff Review Team meeting for discussion. Staff does not agree with the proposed change from NX-3-GR/OX-3-GR (both with NCOD) to CX-7-GR.

Staff feels CX-7 zoning is not consistent with the guidance Staff used in the remapping process, specifically in terms of corresponding to the existing zoning, FLUM designation, and recommendations of the New Bern Avenue Corridor Plan, and complying with the New Bern Edenton Neighborhood Conservation Overlay District. Staff also feels that increasing the height to 7 stories and removing the NCOD overlay would not be appropriate as part of the UDO Remapping process. If the property owner wishes to pursue this zoning designation, Staff suggests a separate, owner-initiated zoning petition. A process that would allow for a larger public discussion on the increased height and removal of the NCOD.

Staff would be comfortable agreeing to amend the proposed zoning to NX-3-GR (w/ NCOD) for both parcels, if the owner so chooses.

Regardless of Staff's determination, we will be forwarding your comments to the Planning Commission for its review. More information on the remapping project as the Planning Commission begins its review is available at

[www.RaleighUDO.us](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 any questions.

**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)

Ronald R. Rogers  
 Direct Dial: 919.981.4053  
 rrogers@williamsmullen.com

February 4, 2016

**VIA FIRST CLASS MAIL &  
 EMAIL (REZONING@RALEIGHNC.GOV)**

Remapping Raleigh  
 PO Box 590  
 Raleigh, NC 27602

**RE: The City of Raleigh's remapping process to update the official zoning map to reflect the new zoning districts adopted in the Unified Development Ordinance ("UDO")**  
 Our File: 403985.0203

Dear Planning Director and Staff:

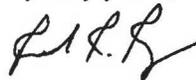
This firm represents Tri-Arc Food Systems, Inc. and related entities (collectively, "Tri-Arc"). Tri-Arc is the local Bojangles' franchisee. I am writing regarding the City's remapping process and specifically how it relates to Tri-Arc's property and its use as Bojangles' restaurants. The chart below contains certain properties of Tri-Arc (and related entities) which are negatively affected by the remapping process. Inclusive of this chart are our comments to the proposed zoning designations. The present use for all of the properties referenced below are Bojangles' restaurants.

	Address	PIN	Owner	Current Zoning	Proposed Zoning	Comments
-0075	1 1013 New Bern Ave.	1713197191	New Bern JJAM, LLC	SC	NX-3-UL	Delete UL frontage.
-0076	2 4405 Falls of Neuse	1716418365	Waters Investments, Inc.	SC	CX-3-PL	Delete PL frontage.
-0077	3 3301 S. Wilmington St.	1702329656	JZF Properties, LLC	IND-1	IX-3-PL	Delete PL frontage.
-0078	4 4621 New Bern Ave.	1734151909	Tri-Arc Food Systems, Inc.	CUD-BUS	CX-3-PL	Delete PL frontage.
-0079	5 5409 Capital Blvd.	1726387164	Tri-Arc Food Systems, Inc.	CUD-BUS	CX-3-PL-CU	Delete PL frontage.

The UDO's frontage designations are incongruous with the operation of a fast-food restaurant and related drive through window. As a result, we are requesting that all frontage designations be dropped from the above referenced properties.

We look forward to working with you to resolve these issues and please feel free to contact me directly with any questions or concerns you may have regarding this request.

Very truly yours,



Ronald R. Rogers

Received  
@ PC 2/3/2015

Stuart Cullinan  
310 Heck Street  
Raleigh, NC 27601

February 2, 2015

City of Raleigh Planning Commission  
Hand Delivered at Planning Meeting

RE: 0 E. Edenton Street, 527 and 529 New Bern Avenue, PIN #s: 1703-99-4252, 1703-99-4156,  
1703-99-5107

Dear Planning Commission Members,

I represent the owners of three properties located at 0 E. Edenton Street, and 527 and 529 New Bern Avenue, between the intersections of N. East Street and N. Swain St. I am writing to request the "DE" be removed from the proposed NX rezoning district as part of the UDO zoning remapping.

These three properties are current zoned BC. Under the new UDO zoning all three properties (11,750 SF) will be rezoned to NX-3-DE. The properties are currently used as a paved parking lot. The parcels adjacent to the east and west on New Bern are vacant land (also proposed for "DE"). The northern boundaries are shared with a duplex and small parking lot (also proposed for "DE"). The owners of 0 E. Edenton St., and 527 and 529 New Bern Avenue are interested in constructing a seven unit townhome building with the first unit adjacent to the New Bern Avenue ROW and the last unit adjacent to the north property line. The building would roughly measure 44' wide x 121' deep (*see attachment*).

My concern with the proposed "DE" designation is how this will limit the potential development of this site. The "DE" designation is described in Sec 3.4.4 Detached (DE) (*see attachment*). My concern lies with subsections: A. Description and E. Pedestrian Access:

*A. Description Intended for areas adjacent to roadways transitioning from residential to commercial. Accommodates neighborhood-scaled, low intensity commercial uses while maintaining the residential character of the street right-of-way.*

*E. Pedestrian Access*

*E1 Primary street-facing entrance required (min of 1 per building)*

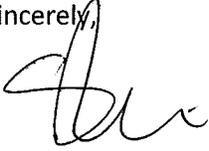
*E2 Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.*

I do not understand how to interpret from a site planning perspective this sentence in subsection A: *...Accommodates neighborhood-scaled, low intensity commercial uses while maintaining the residential character of the street right-of-way.* My assumption is that this phrase is textual only and that any specific requirements are described explicitly in Subsections B,C,D,E,F,G, and H.

We do not understand the application of subsection E. E1 and E2. I am interpreting this subsection to mean that one primary street-facing entrance is required to the per building / structure, NOT one per unit, AND that that entrance must connect to the public sidewalk. This will eliminate the option for a 2<sup>nd</sup> detached building NOT fronting on New Bern Avenue.

In conclusion, the parking lot at 0 E. Edenton Street and 527 and 529 New Bern Avenue measures 87' along New Bern Avenue and 144' deep. Depending upon the interpretation of the DE designation, it may severely restrict the development of this site and the adjacent vacant parcels. We request the designation be removed from the rezoning conditions.

Sincerely,

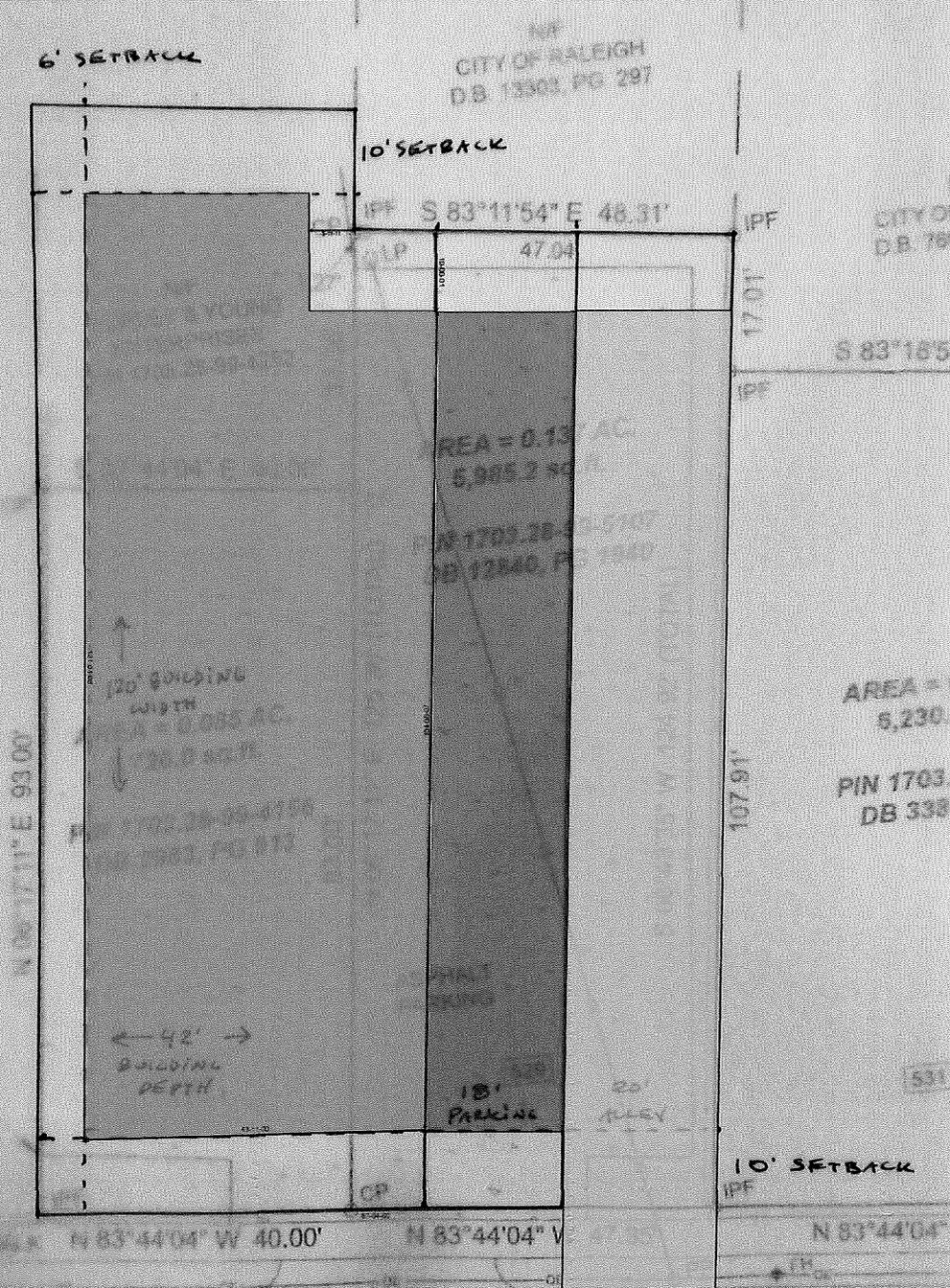
A handwritten signature in black ink, appearing to read "Stuart Cullinan". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Stuart Cullinan  
919-398-3927  
stuart@fivehorizonsdevelopment.com

# PRELIMINARY MAP

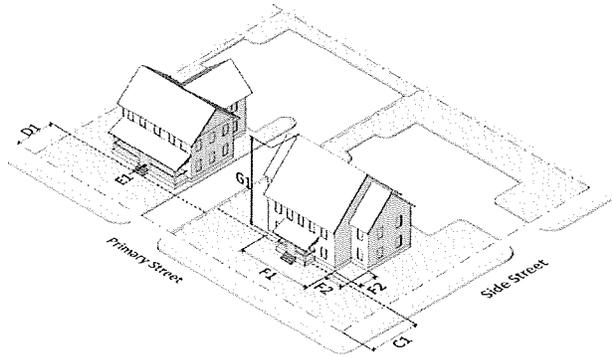
NOT FOR SALES, CONVEYANCES OR RECORDING

	Building Area	5,138.6 SQ FT	
	Additional Parking	1,870.5 SQ FT	
	Alley	2,503.2 SQ FT	



**NEW BERN AVENUE**  
PUBLIC R/W

**Sec. 3.4.4. Detached (-DE)**



**A. Description**

Intended for areas adjacent to roadways transitioning from residential to commercial. Accommodates neighborhood-scaled, low intensity commercial uses while maintaining the residential character of the street right-of-way.

**B. Building Types Allowed**

Detached house (see Sec. 3.2.1.) Apartment (see Sec. 3.2.4.)  
 Attached house (see Sec. 3.2.2.) Civic building (see Sec. 3.2.7.)  
 Townhouse (see Sec. 3.2.3.) Open lot (see Sec. 3.2.8.)

**C. Additional Buildings Setbacks**

C1 Average front setback applies (see Sec. 2.2.7.C.)

**D. Additional Parking Limitations**

D1 No on-site parking or vehicular surface area permitted between the building and the street

**E. Pedestrian Access**

E1 Primary street-facing entrance required (min of 1 per building)  
 E2 Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building

**F. Facade Articulation**

F1 Front wall length without offset (max) 40'  
 F2 Front wall offset length and depth (min) 10'

**G. Height Limitations**

G1 Height limit for frontage (max) 3 stories/50'

**H. Streetscape Requirement**

Residential see Sec. 8.5.2.D.

On behalf of:

Alice W. and Marion C. Penny  
Owners, Penmarc Properties – South Saunders Street



February 5<sup>th</sup>, 2015

**City of Raleigh Planning Commission & Staff**

Remapping Raleigh  
P.O. Box 590  
Raleigh, NC 27602

Re: Rezoning Comment for the Penmarc Properties (1701 S. Saunders Street)  
Change planned Rezoning from IX-3-PL to IX-7-PL

Chairman Schuster & Commissioners,

On behalf of the owners of the Penmarc Properties (19 parcels - See attached map), we are submitting this petition to modify the planned UDO rezoning from IX-3-PL to IX-7-PL. Making this change now, rather than waiting for a potentially lengthy rezoning process in the future will immediately encourage the smart growth and reinvestment in the Saunders Street Corridor desired by the Council and supported by the City sponsored study currently underway for the area.

The Penmarc property is the last major parcel of undeveloped land between the Beltline and the central business district capable of supporting a significant development that can be a catalyst for revitalization along this major thoroughfare into the heart of Downtown. Similar to North Hills, the nearly 40 acre Penmarc property can support a development that will both stimulate positive growth and buffer the neighborhoods surrounding it by concentrating development adjacent to thoroughfares in accordance with the UDO and Comprehensive Plan.

While the IX mixed use designation gives the flexibility needed to encourage this smart growth, the restriction to 3 stories prevents any development of meaningful scope from occurring. Indeed the existing hotel contiguous to this land would not be compliant as it already exceeds three stories and had to have a spot designation to allow it. Without an increase in the height, development of the scale that will benefit the City's growth will by necessity have to spread out and threaten the established neighborhood, rather than support and benefit the neighborhoods as a designation of IX-7-PL will allow.

In conclusion, by making this change from the proposed IX-3-PL designation to an IX-7-PL designation for the Penmarc Property, the Planning Commission will be fulfilling the goals of the Comprehensive Plan and the mandate of the new UDO by immediately encouraging smart growth and reinvestment along this important Downtown Corridor. We appreciate your consideration and look forward to celebrating its approval with you.

Very Best Regards,

Jonathon M. Keener, The Lundy Group

Penmarc Parcel Map



PC-0083--Penmarc Parcels - S. Saunders and surrounding.pdf

Parcel PIN #:

- 1703402838
- 1703402735
- 1703402539
- 1703402443
- 1703402342
- 1703402242
- 1703402145
- 1703402054
- 1702492952
- 1703404666
- 1703406591
- 1703413123
- 1703413159
- 1703413254
- 1703415274
- 1703418217
- 1703502802
- 1703501517
- 1703501032



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

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

February 6, 2015

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

Re: 107 Kirkman Lane (1713-08-5510)

Dear Bynum:

On behalf of the owner of the above-referenced property, we are submitting this letter in response to the City's proposed rezoning designation for the property. The property located at 107 Kirkman Lane is currently zoned Residential-20. The City is proposing to rezone this property to Residential-10. The property owner disagrees with this designation, and respectfully requests that the property be rezoned to RX-3.

As noted above, the property is currently zoned Residential-20. The closest comparable district in terms of permitted residential density and allowable building types is the Residential Mixed Use district. Additionally, the Future Land Use Map and Olde East Raleigh Area Plan designates the property as appropriate for moderate density residential, which recommends residential density in excess of ten units per acre. Therefore, the requested RX-3 district is consistent with this policy guidance and preserves the level of development permitted under the current Residential-20 zoning. Finally, the requested mixed use district is compatible with the property located immediately north that is zoned mixed-use, and it would be compatible with nearby properties zoned Residential-10 given the required neighborhood transition required by the UDO. Based on the foregoing, we respectfully request that the property be rezoned to RX-3.

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

Sincerely,

*Michael Birch*

Michael Birch

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

February 9, 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: 4200 Trinity Road PIN 0784565495, John W. Wardlaw, Jr. and Martha C.W. Stuhmer, Heirs of Martha Wardlaw  
4110 Trinity Road PIN 0784569220, John P. Medlin, Thomas F. Roberts and Frank B. Medlin

Dear Chairman Schuster:

As counsel for John W. Wardlaw, Jr., and Martha C. W. Stuhmer, Heirs of Martha Wardlaw and John P. Medlin, Thomas F. Roberts and Frank B. Medlin, owners of the above described properties, we write to convey our concerns about the proposed remapping for these properties. These properties are owned by members of the same family and will most likely be developed together.

The proposed zoning for both properties is OX-12-UG-CU. These properties were rezoned some years ago to O&I-2 to accommodate a hotel. The proposed hotel fell victim to the poor economy but under the proposed rezoning a hotel would not be permitted without a Special Use Permit. We also note that these properties are in a City Growth Center and are designated as Commercial Mixed Use under the Comprehensive Plan. For these reasons, we request that the remapping designate these properties for CX to honor the current entitlement for a hotel.

Of equal or greater importance is our concern about the UG frontage proposed for these properties. This frontage would require 70 percent of the building edge to be within 20 feet of the right-of-way. For properties with an aggregate frontage of approximately 900 feet, a building or buildings totaling 630 feet in width would be required to be placed within the 20 foot build-to area. That is an onerous requirement for a non-urban location with so much street frontage.

Therefore we request this property be rezoned to CX-12-CU without a frontage designation.

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

Sincerely,

*/s/ Isabel W. Mattox*

Isabel Worthy Mattox

cc: John W. Wardlaw, Jr.  
Martha W. Stuhmer  
John P. Medlin  
Thomas F. Roberts  
Frank B. Medlin  
Sid W. Aldridge

**ISABEL WORTHY MATTOX**  
Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

February 9, 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: 4200 Trinity Road PIN 0784565495, John W. Wardlaw, Jr. and Martha C.W.  
Stuhmer, Heirs of Martha Wardlaw  
4110 Trinity Road PIN 0784569220, John P. Medlin, Thomas F. Roberts and  
Frank B. Medlin

Dear Chairman Schuster:

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Of equal or greater importance is our concern about the UG frontage proposed for these properties. This frontage would require 70 percent of the building edge to be within 20 feet of the right-of-way. For properties with an aggregate frontage of approximately 900 feet, a building or buildings totaling 630 feet in width would be required to be placed within the 20 foot build-to area. That is an onerous requirement for a non-urban location with so much street frontage.

Therefore we request this property be rezoned to CX-12-CU without a frontage designation.

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

Sincerely,

*/s/ Isabel W. Mattox*

Isabel Worthy Mattox

cc: John W. Wardlaw, Jr.  
Martha W. Stuhmer  
John P. Medlin  
Thomas F. Roberts  
Frank B. Medlin  
Sid W. Aldridge

RALPH URBAN DEVELOPMENT INC -0094--MLK & Raleigh Blvd.pdf  
2714-A Clark Avenue  
Raleigh, NC 27607  
(919) 828-6171  
craigchip4@aol.com

February 5, 2015

Ms. Bynum Walter  
City of Raleigh Planning Department  
1 Exchange Place  
Raleigh, NC 27601



Hand Delivered

Dear Bynum,

In addition to all your duties on the Cameron Village area study, I didn't know you were also responsible for the UDO work. You are extremely busy I know.

I know tomorrow is the deadline for UDO changes and I wanted to get my request in to you before that deadline. I have several properties at the intersection of Martin Luther King, Jr. Boulevard and Raleigh Boulevard that are currently zoned R-10 but are not currently suitable for R-10 nor will they be in the future. I would ask for a NX or Commercial zoning applied to them.

I have attached a map of the properties showing each parcel. Lot #1-with the address of 1530 S. Raleigh Boulevard also has the real estate ID of 0220692 and the PIN # of 1713452182. I have shown this numbered on the attached map as #1. The second lot is 0 S. Raleigh Boulevard and has a real estate ID of 0220691 and the PIN #1713442991.

Please have the planning commission review this location so we can arrange to apply a different zoning to these properties than currently exist. I thank you in advance for your help and look forward to working with you and the Planning Commission on the changes.

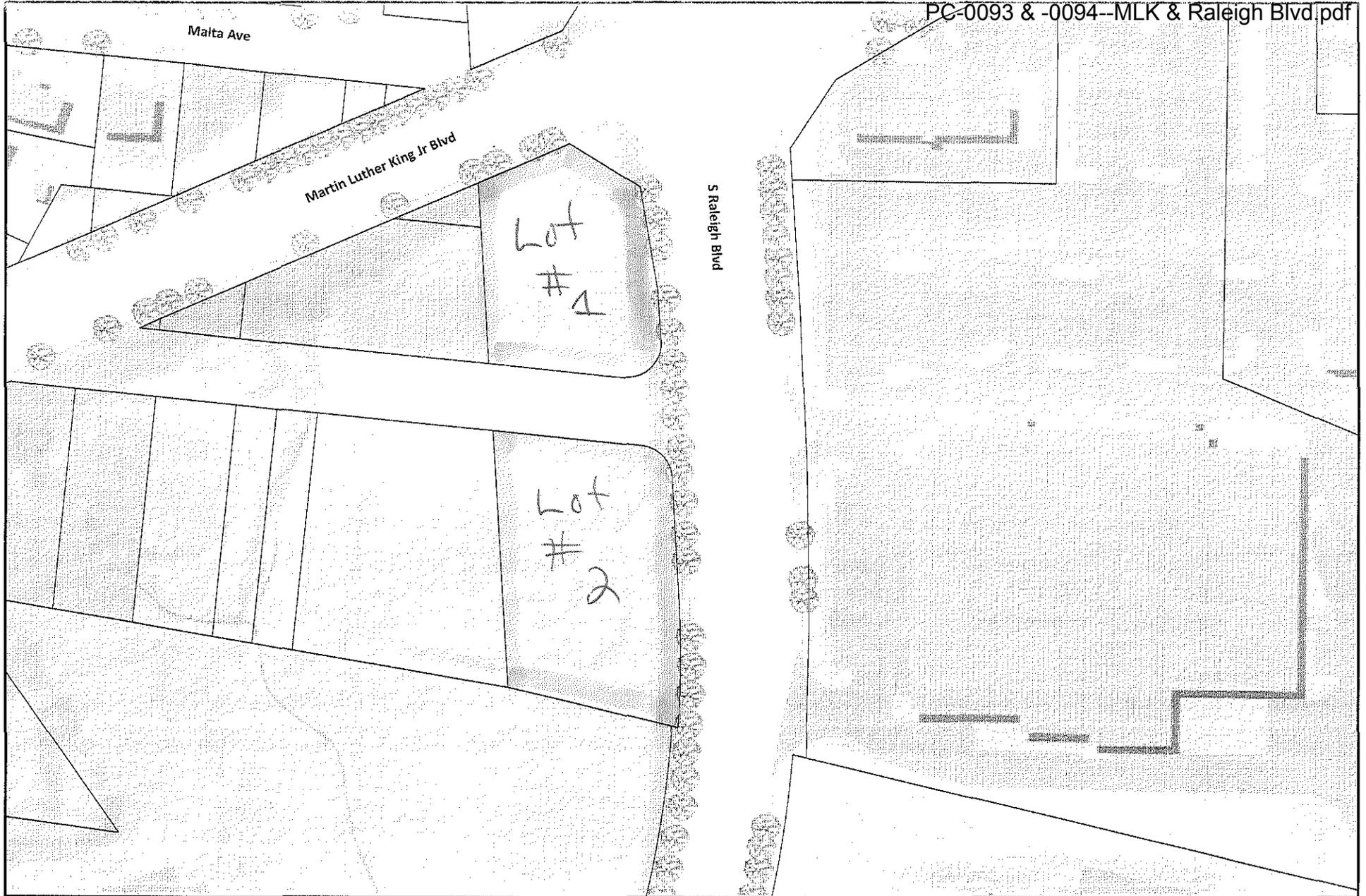
Very truly yours,

A handwritten signature in black ink that reads "Craig S. Ralph".

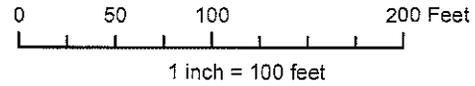
Craig S. Ralph, CSM

CSR:csr

Attachements



MLK outlots



**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.



*Tony M. Tate Landscape Architecture, P.A.*

PC-0095--3900 Electronics Dr.pdf

February 6, 2015

Mr. Steve Schuster, Chair  
Remapping Raleigh  
Raleigh Planning Commission  
PO Box 590  
Raleigh, NC 27602

Dear Mr. Schuster,

I am writing to you at the request of the contract purchaser of the property listed below in accordance with the requirements for the City of Raleigh UDO Remapping process. We are requesting that the proposed zoning district for the parcel be CX-5-PL.

The site was formerly an industrial facility and the continuation of industrial uses is what is proposed by the City at this time. We do not feel that the continuation of heavy industrial use on this property is appropriate. The 2030 Comprehensive Plan designates this site as Community Mixed Use. The Urban Form Designation lists this site as a potential Fixed Guideway Transit Stop and all within the ½ mile Transit Stop Buffer.

With the previous accolades in mind, we feel that this 32 acre site has enormous potential for a mixed use project with high density residential, office, retail and a great transit stop location with the adjacent railroad all along the western side of the property.

Thank you for your consideration.

Sincerely,

Tony M. Tate, RLA, ASLA

Current Owner:	AVX Corporation
PIN:	1715-78-1482
Address:	3900 Electronics Drive, Raleigh
Current Zoning:	IND-1
Raleigh Proposed Zoning	IH Heavy Industrial
Requested Zoning	CX-5-PL
Area:	32.55 Acres

5011 Southpark Dr., Suite 200 • Durham, North Carolina 27713  
Telephone: (919) 484-8880 • Fax: (919) 484-8881 • Email:

[tony@tmtla.com](mailto:tony@tmtla.com)

Received 2/6/15

PC-0100 thru 0114--Hobby Properties.pdf



**HOBBY**  
properties

February 6, 2015

HAND DELIVERY

Raleigh Planning Commission  
One Exchange Plaza  
1 Exchange Plaza – 3<sup>rd</sup> Floor  
Raleigh, NC 27601

Re: UDO Zoning Remapping

Who Whom It May Concern:

4312 Lead Mine Road  
Raleigh, NC 27612

(919) 783 6141  
(919) 782 3321

hobbyproperties.com  
info@hobbyproperties.com

As the representative for the owner of the properties listed below, I am requesting the following revisions to the proposed rezoning map:

**Request CX-3 designation:**

206 Delway Street  
800, 802, 804, 806, 808, 820 N Blount Street

**Request CX-3-SH designation:**

805 N Person Street

**Request DX-7-SH designation:**

211 W Martin Street

**Request OX-7 designation:**

1800, 1900, 2020, 2021, 2100 Century Drive

**Request DX-7 designation:**

612 W Johnson Street

Thank you for your consideration.

Sincerely,

John F. Holmes, Jr.  
President



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

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

February 6, 2015

Mr. Steve Schuster, Chairman  
City of Raleigh Planning Commission  
Department of City Planning & Development  
One Exchange Plaza, Suite 304  
Raleigh, NC 27601



Re: 3312 New Bern Avenue (1724-44-7360) (the "Property")

Dear Mr. Schuster:

On behalf of the owner of the Property, we are submitting this letter for reconsideration of the remapping designation for the Property. The Property is currently zoned Thoroughfare District CUD with SHOD-1. The City is proposing to rezone the Property to a combination of CX-3-PK-CU and RX-3-PK-CU. We respectfully request the City remap the entire property to CX-3-CU without a frontage designation for the following reasons:

- The property currently has one base zoning district and is not split-zoned. Applying two zoning districts to it could impair its development. One of the goals of the remapping is to eliminate split-zoned properties.
- The conditions do include a limitation on commercial uses on a portion of the property. However, the conditions allow office and other uses not permitted in the RX district. Therefore, if the RX district is placed on the Property, it would eliminate certain uses currently allowed. The CX district would allow all of the uses currently allowed on the Property.
- The Parkway frontage designation is not being recommended for surrounding properties. Further, the Parkway designation would require a pedestrian connection to the primary public right of way, which would be very difficult on this Property. Finally, the SHOD 1 will remain in place on the property so that visual protection remains intact.

We respectfully request that you direct this matter to staff so that they can bring it forward to Planning Commission on the remapping.

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

Sincerely,  
A handwritten signature in black ink that reads "Mack Paul".  
Mack Paul

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

RE: New zoning for the property at 115 Woodburn Road

To Whom it May Concern:

We (the undersigned) are the property owners of 115 Woodburn Road in Cameron Park. The current zoning of our property is CUD R-15, and the proposed zoning is RX-3-CU. The "conditional use" for this property is that of a Bed and Breakfast, requested for by the previous owner of the property.

This property has never been run as a Bed and Breakfast, there is no business at this address licensed for a Bed and Breakfast, nor do we have plans to run a Bed and Breakfast.

After reviewing the documents available online and talking to staff, we think that a zoning of R-6 is more appropriate for our property. The reasons include:

- 1) Consistency with the rest of the neighborhood
- 2) Accurate reflection of our intended use of the property
- 3) Rights afforded to us with R- zoning that are not present with RX-, including neighborhood transition definitions of OX- properties

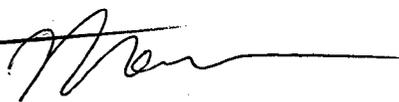
We, therefore, ask that change the proposed zoning of our property from RX-3-CU to R-6.

Thank you for your consideration.

Chris Grossmann



Catherine Marice Cheves Grossmann



115 Woodburn Rd  
Raleigh, NC 27605  
919-821-2250  
grossmann@gmail.com

**Z-81-01** on the west side of **Woodburn Road**, approximately 160 feet north of its intersection of Hillsborough Street. Approximately 0.2 acre to be rezoned from Residential-6 to Residential-15 Conditional Use.

Conditions: 01/09/02

1. The two existing oak trees, each 92" and 95" in circumference, and situated in the backyard on the single parcel shall be protected and preserved as long as they remain healthy and do not pose a hazard to neighboring structures. There shall be no disturbance on the re-zoned property made within 16 feet of the trunks of the trees. (One of the trees is adjacent to the existing carriage house so the 16 foot restriction does not apply to that part of that tree.) During any construction or renovation on the property, the provision of Raleigh City Code section 10-2082.5(f)(2) shall be imposed and neither of these trees shall be removed unless it is unhealthy or unsafe as determined by the City Urban Forester.
2. In the event the primary residence and existing carriage house are destroyed, new structures will be built that are compatible with the neighborhood. The new structures will not exceed the square footage and dimensions of the existing structure and will be residential in character. They will be constructed of similar materials (wood siding and wood trim) to the existing structures with a minimum 4/12 pitched roof and no less than 15% or greater than 60% devoted to window openings. The existing primary residence is 3,818 square feet and the carriage house is 840 square feet. The dimensions of the primary residence are 42 x 38.5 and the carriage house dimensions are 24 x 35.2. This information is recorded in Deed Book 476, page 325.
3. Any new development of the property will result in a rate of storm water runoff not exceeding that expected from an R-4 development (CR-7107).
4. The use of the principal building will be limited to one single family dwelling unit or bed and breakfast inn.
5. All parking for bed and breakfast inn shall be on the premises and located in the rear yard area. No parking will be permitted between the principal structure and Woodburn Road.

**Ordinance: 940 ZC 662**

**Effective: 9-6-11**

**Z-11-11 Franklin Street** – is located on the north side of Franklin Street, east of its intersection with North Blount Street, being Wake County PINs, 1704-82-0794, 1704-82-1800, 1704-82-1806, 1704-82-1902, 1704-83-1928, 1704-83-1043, and 1704-82-2908. Approximately 1.34 acres are to rezone property from Shopping Center Conditional Use to Shopping Center Conditional Use with amended conditions.

**Conditions Dated: 8/1/11**

**Narrative of conditions being requested:**

**A. The following uses shall be prohibited:**

- Forestry
- Wildlife Sanctuary
- Commercial Indoor Recreation Use
- Riding Stable
- Outdoor Stadium, Theater, Amphitheater, or Racetrack
- Residential Institutions
- Guest House
- Rest Home
- Emergency Shelters
- Cemetery
- Correctional or Penal Facility
- Crematory
- Funeral Home
- Government Building
- Hospital
- Monastery or Convent
- Orphanage
- Veterinary Hospital
- Adult Establishment
- Bank
- Bar, Nightclub, Tavern, Lounge
- Beauty, Nail and Manicure, Cosmetic Art, Barber Shop
- Radio and Television Studio
- Dish Antenna (except antennas one meter (39.37 inches) or less in diameter)
- Telecommunications Tower
- Telegraph Office
- Dance, Recording, Music Studio
- Eating Establishments — All Kinds
- Exterminating Service
- Retail Food Store
- Hotel and Motel
- Kennel and Cattery
- Movie Theater

Post Office  
Retail Sales — All Kinds  
Shopping Area and Shopping Center  
Manufacturing — All Kinds  
Mini Warehouse Storage Facility  
Reservoir and Water Control Structures  
Landfill  
Airfield, Landing Strip, and Heliport  
Transit Station (except bus stops)  
Taxicab Stand and Dispatch Stand  
Power Plant  
Utility Services (except roads, sidewalks, meters, pipes, hydrants, traffic control, cablevision, and telephone and their appurtenances as well as any existing railroad tracks, transmission lines, transformers, and distribution lines)  
Automotive Service and Repair Facilities  
Car Washes

**B. The following conditions shall be applicable to all permitted uses and development, except for (i) General Agriculture, (ii) Restricted Agriculture, (iii) Fish Hatchery and Fish Farm, (iv) Research Farm, (v) Camp, (vi) Christmas Tree, Greens, Ornamental Outdoor Display Area Sales, and (vii) Plant Nursery, Fruit and Vegetable Stand:**

1. Prior to final site plan approval or recording of a subdivision plat, whichever occurs first, a Unity of Development Plan approved by the City of Raleigh will be submitted to assure complementary signage, architectural style, and construction materials.
2. Number of Dwelling Units shall not exceed 26.
3. Buildings will be limited to a maximum height of 50 feet.
4. Free Standing Exterior light fixtures shall be uniform and not exceed 18 feet. Any new street or area lighting shall have uniform poles and fixtures.
5. Buildings shall be located within twenty-five (25) feet of the back-of-curb.
6. All surface parking and loading for the site shall be located to the side or rear of the buildings.
7. Street level structured parking shall be screened by a combination of planters, plantings, decorative features and building elements. Minimum height of combined screening elements shall be 4 feet.

**Ordinance (2011) 940ZC662**

**September 6, 2011**

8. Development shall include a publicly accessible plaza of at least 300 square feet.
9. Public Plaza shall include a minimum of one bike rack, one bench (minimum length of sixty (60) inches), one trash receptacle, and two 2.5-inch caliper trees.
10. Public Plaza shall be located within 10 feet of buildings and connected to adjacent sidewalks.
11. Public Plazas shall be wrapped on at least 2 sides by a building facade.
12. A minimum of 2 points of pedestrian access and a minimum 5 foot wide sidewalk shall be provided along both Blount St. and Franklin St. prior to issuance of Certificate of Occupancy. Pedestrian accesses shall be constructed with a material comparable to either the sidewalk or Public Plaza.
13. Cross-access will be provided to the 7 parcels in this petition in the event that they are recombined into a single parcel prior to site plan approval or subdivisions, or lot recordation, or issuance of building permit, which ever shall incur first.

Effective 6/15/04

**Z-27-04 – East Franklin Street and North Person Street**, northwest quadrant, being Wake County PIN 1704822777. Approximately 1.14 acres rezoned to Neighborhood Business Conditional Use with PBOD to remain.

Conditions dated: (6/8/04)

- A. Exterior light shall be aimed downward and shielded so as to prevent direct view of the light source from the adjacent properties.
- B. Prior to final site plan approval or recording of a subdivision plat, which ever occurs first, a unity-of-development plan approved by the City of Raleigh will be formulated assuring complementary signage, architectural style, construction materials.
- C. No single retail establishment shall exceed a building floor area gross of 6,000 square feet.
- D. No Automotive service or repair facilities, including carwashes, be permitted on the site.
- E. No dive-through eating establishments are permitted on the site.
- F. All future development of the site shall require preliminary site plan approval from the Planning Commission and/or City Council in accordance with City Code section 10-2132.2.
- G. Driveways along Franklin and Person Street will be limited to a maximum of one onto Franklin Street and one onto Person Street.
- H. That all building faces be at a minimum fifty (50) percent brick, exclusive of all fenestration.

**Z-36-91 Capital Boulevard**, west side, at its intersection with Oak Forest Road (south side), being Parcel 60, Tax Map 382, rezoned to Business District Conditional Use District with Conservation Buffer District 40' along the western boundary.

CONDITIONS:

- a. Upon development, the rate of stormwater runoff shall comply with C.R. 7107.
- b. Adult establishments defined by Raleigh City Code Section 10-2002 shall be prohibited.
- c. A cross access opportunity will be extended to the adjacent property to the south in conjunction with any site plan approval on the subject property.
- d. Provisions will be made at the time of site plan approval for a streetyard along US 1 as required by either the City Council adopted Capital Boulevard Corridor Plan or the Landscaping Ordinance whichever is more restrictive.
- e. Access to US 1 (Capital Boulevard) shall be restricted to one driveway from this property. This shall not prohibit additional access to this property through a joint driveway with an adjacent parcel.
- f. Any development will conform to the Industrial-1 setback requirements.

**Z-71-96 State Street**, east side, between E. Edenton Street and New Bern Avenue, being Map 1713.05 19 5078, 5188 and a portion of 7191. Approximately 1 acre rezoned to Shopping Center Conditional Use.

Conditions: 8/14/96

1. The following uses will not be permitted:
  - Pawn Shops as defined by Chapter 91 'A' of NC General Statutes
  - Adult Establishments
  - Taverns, night clubs, bars
  - Auto service and repair facilities
  
2. The property owner and/or tenants will protect the following trees, through the construction process and will install tree protection fencing:
  - Adjacent to New Bern @+ middle of lot - (1) 14" Water Oak
  - Adjacent to Edenton @ 3 locations - (3) 20" Willow Oak
  - Adjacent to N. State Street - (1) 18" Winged Elm and (1) 3 1/2 Dogwood
  - Adjacent to Bojangles Parking Lot - (1) 28" Willow Oak and (1) 36" Water Oak

For a total of (7) Large Shade Trees and (1) Flowering Tree (Save 8 Trees Total)

Tree protection fencing will be located a minimum of 8 feet from the shade trees and 5 feet from the dogwood tree.  
(See attached tree location diagram)

3. Right-of-way reimbursement values will be based on O&I values.

Any single retail business of less than 4,000 square feet floor area shall be limited to only those uses specifically noted in:

- Retail sales - convenience..... and
  - Retail sales - personal services
- The Raleigh City Code Section 10-2002

\*Note beer and wine sales are not listed as allowed uses in either of those categories.

Ordinance (2000) 809 ZC 481  
Effective 6/6/00

**Z-44-00 Jones Sausage Road**, and I-440, northeast intersection, both sides of Integrity Drive, being several Wake County Tax maps (on file in the Planning Department). Approximately 21.44 acres rezoned to Industrial-1 Conditional Use and Special Highway Overlay District-2.

Conditions: (03/29/00)

1. Application will not be made to the Board of Adjustment in accordance with Section 10-2046 (b)(1) for a storage yard for unlicensed, uninspected, wrecked, dismantled or partially dismantled vehicles.
2. The storm drainage systems should be designed such that the post-development discharge is released at a rate (cfs) equal to or less than the rate expected if the site were zoned Residential-4 (1/2 acre lots). This guideline should be met for two and ten year frequency storms.
3. The maximum building height will be 5 stories.
4. The 50' SHOD yard and all the landscaping requirements will stay the same as in SHOD-1.
5. The reimbursement value of the additional right-of-way for the future widening of Jones Sausage Road shall remain at values prior to rezoning from R-4.

**Z-19-10 Conditional Use – New Bern Avenue** - located east of the intersection of New Bern Avenue with I-440 being Wake County PINs 1724-44-7360 and 1724-44-9824. Approximately 18.71 acres rezoned from Industrial-1 and Neighborhood Business with Special Highway Overlay District-1 to Thoroughfare District Conditional Use with Special Highway Overlay District-1.

**Conditions Dated: 11/3/10**

**Narrative or conditions being requested:**

As used herein, the ‘Property’ refers to those certain tracts or parcels of land containing approximately 18.71 acres located in the southeast quadrant of the intersection of Interstate 440 and New Bern Avenue in Raleigh, North Carolina, having Wake County PIN 1724-44-7360 (described in deed recorded at Deed Book 11830, Page 1286) and 1724-44-9824 (described in deed recorded at Deed Book 12133, Page 2356).

(a) The following uses shall be prohibited upon the Property:

- adult establishment
- airfield or landing strip
- bar, nightclub, tavern or lounge
- correctional/penal facility
- riding stable
- pawn shop
- rifle range--indoor
- landfill
- movie theater-indoor and outdoor

(b) Prior to map recordation or issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a offer of cross-access establishing vehicular and pedestrian access over the Property in favor of the owner(s) of all or any portion of the property abutting the eastern boundary of the Property with Wake County Parcel Identification Number 1724-44-9959 and is described by deed recorded at Deed Book 8475, Page 607 of the Wake County Registry.

(c) For the purposes of calculating the amount of residential density allowed on the Property, no more than two hundred and fifty (250) dwelling units, equivalent dwelling units or combination thereof shall be constructed on the Property.

- (d) The maximum amount of floor area gross dedicated to commercial land uses, as listed in the Schedule of Permitted Land Uses in Zoning Districts, shall not exceed 50,000 square feet.
- (e) Any commercial use, as listed in the Schedule of Permitted Land Uses in Zoning Districts, shall be located no further than 800 feet from the New Bern Avenue public right-of-way.
- (f) Within 10 business days following the approval of this rezoning ordinance, the Property owner will cause to be filed a Comprehensive Plan Amendment petition for the area described as “Area A” on the attached “Exhibit 1.”
- (g) The owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential dwelling units and commercial square footage upon the subject property to all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within 30 days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his designee prior to recordation. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.
- (h) For any site plan (or that site plan, when considered with other site plans approved for other portions of the Property) that proposes development that would generate more than 2000 daily vehicle trips according to the most recent edition of the Institute of Transportation Engineers’ Trip Generation manual, such site plan shall require approval by the Planning Commission, which shall ensure: (1) that the site plan complies with Raleigh City Code section 10-2132.2(d), and (2) the adequacy of the then-existing street network.



**Z-24-09 - Conditional Use Trinity Road** - located on the north side of Trinity Road, northwest of its intersection with Blue Ridge Road, being Wake County PIN(s) 0784569220 and 0784585495. Approximately 18.4 acres rezoned to Office & Institution-2 Conditional Use District.

**Conditions Dated: 05/22/09**

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

**A. ALL BUILDINGS SHALL BE A MAXIMUM HEIGHT OF 140 FEET.**

**B. THE FOLLOWING USES SHALL BE PROHIBITED;**

- 1. CEMETERY**
- 2. FUNERAL HOME**
- 3. EMERGENCY SHELTER TYPE B**
- 4. SINGLE FAMILY DETACHED DWELLING**
- 5. CORRECTIONAL/PENAL FACILITY OF ALL TYPES**

**C. SITE PLAN APPROVAL SHALL BE BY CITY COUNCIL.**

**D. THE SITE SHALL CONTROL THE RATE OF STORMWATER RUNOFF TO THE PREDEVELOPED LEVELS FOR THE 2,10,25,50, AND 100 YEARS STORM EVENTS.**

**E. THERE SHALL BE NO MORE THAN 2 ACCESS POINTS ONTO TRINITY RD. AND ONE ONTO WESTCHASE RD.**

**F. DEVELOPMENT SHALL MEET ALL SHOD-I REQUIREMENTS EXCEPT FOR THE HEIGHT LIMIT.**

**G. ALL HOTEL ROOMS SHALL HAVE INTERIOR ACCESS ONLY.**

**H. REIMBURSEMENT FOR ALL RIGHT OF WAY DEDICATION SHALL BE AT THE EXISTING RATE OF 0& I-1.**

**I. ALL PARKING DECKS SHALL HAVE THE SAME ARCHITECTURAL CHARACTER AND MATERIALS AS THAT OF THE BUILDING IT SERVES.**

**J. THE OWNERS SHALL APPLY FOR A FOUR STAR OR FOUR DIAMOND QUALITY RATING FOR ANY HOTEL USE WITHIN 90 DAYS OF RECEIVING A CERTIFICATE OF OCCUPANCY.**

**K. RESIDENTIAL DENSITY SHALL NOT EXCEED THAT ALLOWED  
IN O&I-1.**

**L. SHOD-1 LANDSCAPING AND YARD SETBACKS SHALL APPLY TO  
TRINITY ROAD ONLY.**

**Z-52-08 - Nowell Drive, west side**, southwest of Trinity Drive intersection, approximately 3.42 acres, rezoned a portion of the property to Office & Institution-2 Conditional Use District.

**Conditions dated:** October 29, 2008

- 1) The use on the property to be rezoned shall be limited to a Hotel with rooms that comply with all criteria of a “lodging unit” or “dwelling unit” as defined in Section 10-2072 of the Zoning Ordinance, provided that the number of “dwelling units” in excess of 600 square feet in area shall not exceed ten (10) such dwelling units;
- 2) Parking shall be provided as follows:
  - Rooms smaller than 600 square feet with no more than 1 bedroom (lodging unit) – 1 parking space; and
  - Rooms larger than 600 square feet with no more than 2 bedrooms (dwelling unit) – 2 parking spaces;
- 3) The Hotel structure to be built on the property to be rezoned shall be limited to no more than four occupied stories or sixty-five feet in height as measured in accordance with the City of Raleigh Zoning Ordinance;
- 4) Rooms within the Hotel shall only be accessible from interior corridors (no exterior guest room entrances);
- 4) Building materials for the Hotel structure to be built on the property to be rezoned shall be limited to a combination of Exterior Insulation and Finish Systems (“EIFS”), brick and metal (excluding doors and windows); and
- 5) Prior to recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City one (1) 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, and which shall include a bench and bus shelter to be constructed in the association with said transit easement if required by the City at the time of site plan review. 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.